



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 3, 2006  
(Part A)**

—  
**Speaker: The Honourable Peter Milliken**

## **CONTENTS**

(Table of Contents appears at back of this issue.)

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# HOUSE OF COMMONS

Tuesday, October 3, 2006

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1005)

[*English*]

### COMMITTEES OF THE HOUSE

#### PUBLIC ACCOUNTS

**Hon. Shawn Murphy (Charlottetown, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Public Accounts on chapter seven, “Acquisition of Leased Office Space”, of the May 2006 report of the Auditor General of Canada.

In addition, pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to the report.

#### GOVERNMENT OPERATIONS AND ESTIMATES

**Hon. Diane Marleau (Sudbury, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Government Operations and Estimates on main estimates for the fiscal year ending March 31, 2007.

**Hon. Rob Nicholson:** Mr. Speaker, I seek the unanimous consent of the House that, in relation to the second reading stage of Bill C-24, and notwithstanding any Standing Order or usual practices of the House, Bill C-24 shall not be subject to any further amendments or subamendments; and on any day Bill C-24 is under consideration at second reading, the House shall sit beyond the ordinary hour of daily adjournment and shall not be adjourned before such proceedings have been completed except pursuant to a motion to adjourn proposed by a minister of the Crown.

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

**Some hon. members:** No

### SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE ACT, 2006

**Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, pursuant to Standing Order 56.1, I move:

That, in relation to the second reading stage of Bill C-24, and notwithstanding any Standing Order or usual practices of the House, Bill C-24 shall not be subject to any further amendments or subamendments; and

on any day Bill C-24 is under consideration at second reading, the House shall sit beyond the ordinary hour of daily adjournment and shall not be adjourned before such proceedings have been completed except pursuant to a motion to adjourn proposed by a minister of the Crown.

**The Speaker:** Will those members who object to the motion, please rise in their places.

*And fewer than 25 members having risen:*

**The Speaker:** Fewer than 25 members having risen, I declare the motion carried.

(Motion agreed to)

[*Translation*]

**The Speaker:** The hon. member for Saint-Jean on a point of order.

**Mr. Claude Bachand:** Mr. Speaker, I saw you count us one by one and I heard you say there were 25 members present in the House. I would like to know the breakdown, please.

**The Speaker:** There were only 21 members. I said 25, because that is the required number. That is why I mentioned that number. However, I counted only 21 members.

\* \* \*

[*English*]

### PETITIONS

#### TRENT-SEVERN WATERWAY

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Mr. Speaker, on behalf of the member for Simcoe North, I would like to table a petition today with over 900 signatures supporting an evaluation by the government of the Trent-Severn Waterway as proposed in Private Member's Motion No. 161, which is currently before the House.

*Privilege*

The petitioners are asking the government to consider the advisability of evaluating the future of the historic Trent-Severn Waterway and its potential to become a premier recreational asset; a world class destination for recreational boaters; a greater source of clean, renewable electric power; a facilitator of economic renewal to the communities along its 386 kilometre length; and a model of environmental sustainability.

• (1010)

## AGE OF CONSENT

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to rise in the House today to present a petition from members of the public in Vancouver who wish to draw to the attention of the House their concern about the need for protection of children from sexual predators.

The petitioners ask that this be a top priority for the federal government. The petitioners are very concerned about young people who are vulnerable to sexual exploitation, and have signed a petition to that effect calling on the House to protect these vulnerable members of our society from harm. I am pleased to present this petition today.

## JUSTICE

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, I rise today to table four petitions. The first two relate to crime and punishment in our society, and are signed by residents of Windsor West, Windsor—Tecumseh, and Essex County. The petitioners call for sentences to be fully abided by with respect to serious crimes.

## TRADE

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, the next two petitions are very important. They are signed by members of the CAW who are opposed to the Canadian negotiations that are going on with South Korea with respect to free trade.

This is historic because the first two sets of petitions are part of 47,000 signatures that will be tabled in the House of Commons. I have invited members of all parties to table these petitions to reject the current actions of the Minister of International Trade who is moving ahead with a trade deal which is very much against the interests of Canadian manufacturers across this country.

I am pleased to table this historic petition to stop the madness and make sure that our auto jobs, our shipbuilding jobs, and other manufacturing jobs are protected against the harmful practices of the South Korea free trade deal.

## AGE OF CONSENT

**Mr. Lee Richardson (Calgary Centre, CPC):** Mr. Speaker, I have the honour to rise today and present a petition on behalf of constituents from Calgary and area regarding the protection of our children from sexual predators. The petitioners ask that this become a top priority of the government.

The petitioners request that the government assembled take all necessary measures to immediately raise the age of consent from 14 to 16 years of age.

## 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.

**The Speaker:** The Chair has notice of a question of privilege from the hon. member for Windsor—Tecumseh and I am now prepared to hear the hon. member's submissions. I call upon the hon. member for Windsor—Tecumseh.

\* \* \*

## PRIVILEGE

## LAW COMMISSION OF CANADA

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I rise today on this question of privilege because I believe it is a very grave matter with regard to democracy in this country. It is a grave matter with regard to the issue of respect by the government of the day to the House of Commons and the elected members of the House of Commons.

I rise with regard to the announcement last week by the government that it was terminating all funding to the Law Commission.

The Law Commission was established by legislation in 1996. It has functioned since that time with staff preparing reports, et cetera. The legislation that empowers the establishment of that commission was passed by Parliament through all stages. Nothing has been done with regard to that legislation to alter it in this period of time of 10 years.

What is happening is another attempt by the government to thwart the intent of Parliament to the expressed wish and desire of Parliament in the form of that legislation. What the government is doing, if I can put this in street language, is trying to do through the back door what it should be doing, if it is serious about this, through proper mechanisms through the front door.

The government is simply saying by stroke of the pen through, and I am not entirely sure where it thinks it gets the authority, either the chair of the Treasury Board or through some officer in the Prime Minister's Office that it simply is eliminating all the funding for the Law Commission.

It was quite clear when the commission was set up under the legislation that it had certain duties. One duty in section 6 of the legislation is to report to this House. It requires the Law Commission to establish a president and a set of commissioners. Those commissioners shall be paid by the government of the day by direction of this legislation. In addition to that, the commission would have full time staff and operate an office to do research and report on issues of the day in the legal community. As an aside, the Law Commission has done an excellent job in that regard.

*Privilege*

This is not the first time that we have been confronted with this type of an issue and by this government. It is not as though the government could claim “sorry we slipped”. We went through this earlier this year with regard to the Firearms Act. We had speculation coming from various members of the government side that it was simply going to gut the provisions of the gun registry under the Firearms Act unilaterally by way of regulatory decree. This would have come from the PCO and/or the cabinet.

The government knows it cannot do that. The government received legal opinions that it cannot do that. There is no difference in that situation than in the situation with the Law Commission. The Law Commission is bound to be established by that legislation of now some 10 years. It has been established. The Law Commission had been complying with the legislation up until a week ago.

The Law Commission has been directed to cease operations completely by the end of the year. The government is cutting out the entire budget and have in effect directed the Law Commission to cease operations before the end of the year.

The government knows it cannot do it under the Firearms Act. It cannot do it under this legislation either for exactly the same reasons. In addition to that, and I think this goes to almost the contempt that the government has for the House of Commons, the previous Conservative government did the same thing to the Law Reform Commission back in 1992-93. At least that government followed the law and that was a majority government, which maybe is the difference that we have here.

This government knows that in a minority government, this particular minority government, with regard to this issue that it could not get a piece of legislation destroying the Law Commission through the House. The government knows that all three of the opposition parties would be opposed to that occurring. We believe in the institution of the Law Commission and so we would vote that legislation down.

●(1015)

If I again may go back to 1992-93, the previous Conservative government did in fact destroy the Law Reform Commission, the predecessor of the Law Commission, but it did so by legislation. The Conservatives had a majority government and they shoved that through the House at that time.

We have two solid authorities to say that the government cannot do what it last week proposed to do. The Conservatives cannot cut that funding and thereby destroy the Law Commission. They know they cannot do it because of the opinion they got on the Firearms Act. They know they cannot do it because there is a precedent specifically on the Law Commission, named the Law Reform Commission at the time, when a previous government did the same thing but did it by way of legislation through the front door, not by the back or side door.

In terms of the impact this has, it is not just a privilege to me as an individual member of Parliament, quite frankly, it is for every single member, including the members on the government side. If we are not going to abide by our own laws that we pass here, what could be more undermining of the authority of this House? I cannot think of anything.

This is a direct attack on our privilege as members. The laws we pass have to be abided by and have to be carried out. If they are not going to be, that is, if the government of the day wants to change this, then the government has to change the law. The Conservatives cannot do it by fiat. They cannot do it in the backroom. They have to do it publicly. They have to bring it to a vote in the House.

Mr. Speaker, I am asking you to find that in fact our collective privilege has been damaged and has been interfered with and that you provide us with that ruling. If you do, Sir, I would then ask that the issue be referred to the justice committee. Upon your ruling, I am prepared to submit a motion with regard to this.

●(1020)

**Hon. Sue Barnes (London West, Lib.):** Mr. Speaker, I rise to support this privilege motion today.

The minority Conservative government has made drastic cuts and has given notice to the Law Commission of Canada which will, for all practical purposes, eliminate the working of this independent federal law reform agency.

The Law Commission of Canada was established on July 1, 1997, under an act of the Parliament of Canada entitled the Law Commission of Canada Act, which was assented to on the May 29, 1996. This act provides that the commission is an independent departmental corporation that is accountable to the Parliament of Canada through the Minister of Justice. This is explicitly set out in sections 2 and 6 of the act.

Under section 7, the act further requires the appointment of a president and four other commissioners. Subsections 11(1) and 11(2) provide that the president and the commissioners shall be remunerated. That requires funds.

Under subsection 15(1) we see that an “executive director of the Commission, and such other officers and employees as are necessary for the proper conduct of the work of the Commission, shall be appointed in accordance with the Public Service Employment Act”.

Subsection 18(1) established a council consisting of not less than 12 and not more than 24 members, called the Law Commission of Canada Advisory Council.

Section 19 went further and stated that the council “shall advise the Commission on the Commission’s strategic directions and long-term program of studies”.

The duties are stated in subsection 5(1):

The Commission shall

(a) consult with the Minister of Justice with respect to the annual program of studies that it proposes to undertake; ...and

(c) submit to the Minister any report that it has initiated itself or on the request of the Minister.

Therefore, both options are available to this group.

Section 23 requires that “the President shall submit to the Minister of Justice an annual report of the activities of the Commission in that year”.

Section 24 requires that the “Minister of Justice shall cause a copy of any report of the Commission to be tabled in each House of Parliament”.

*Privilege*

Finally, section 25 requires that the “Minister of Justice shall cause a copy of the Minister’s response to any report of the Commission to be tabled in each House of Parliament”.

Mr. Speaker, the words of the statute are mandatory words, as you would know, stating “shall”, not “may”.

When the previous Progressive Conservative government, under Prime Minister Mulroney, ended the work of the predecessor Law Reform Commission, which was also constructed by a similar act of Parliament, the Law Reform Commission Act, it had to repeal the act and did so in 1993. The work of the Law Reform Commission was mandated by Parliament. Thus, we do have the precedent of having to end the work of the current Law Commission in the same manner.

This minority government cannot unilaterally decide that it will ignore statutes put in place by Parliament. These decisions serve parliamentarians. It is particularly appalling that the Minister of Justice is choosing to ignore the instruction of a law of this chamber which addresses the members of Parliament in both Houses.

Under section 3, we see that:

The purpose of the Commission is to study and keep under systematic review, in a manner that reflects the concepts and institutions of the common law and civil law systems, the law of Canada and its effects with a view to providing independent advice on improvements, modernization and reform that will ensure a just legal system that meets the changing needs of Canadian society...

Is this another case where the government, as in the case of the firearms registry, is trying to slash critical funding instead of coming back to this Parliament and these parliamentarians to debate and decide the future of the statutorily instituted Law Commission of Canada?

The Law Commission of Canada Act created Canada's internationally respected Law Commission. What the funding cuts to this commission that were announced last week accomplish is the virtual elimination of the commission. It has been advised that it is to cease operation within the next couple of months. Under what authority can the government do this?

This, I believe, is a contempt of this Parliament, of the members of this Parliament and, through us, of the public of Canada. We have a statute on the books that if Parliament is to be served by this commission, it has to have funds to operate. It cannot be a shell.

• (1025)

We cannot have a Minister of Justice in this country who sits and chooses to watch this happen. He is part of the cabinet that makes these decisions on funding cuts. He knows that this is a statute. Do other Canadians then follow the example and choose what statutes they should look to and which ones to ignore?

Mr. Speaker, I believe and I heartily hope that you will find there is a *prima facie* case of privilege. I believe this is even a contempt of this Parliament.

**Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I am quite sure you will not find that anyone's privileges have been violated in this case. It is just the opposite.

The hon. member of the New Democratic Party indicated something about this being a threat to democracy.

It seems to me it is a threat to democracy when governments do not follow through on exactly what they have promised the people of this country.

Mr. Speaker, you would know that during the last general election my political party came forward and very clearly told Canadians they were overtaxed and that we intended to do something about it. We saw this in the budget that was tabled in the spring. There were definite tax cuts.

At the same time, we indicated to Canadians that we would not spend money when we believed it was not absolutely necessary and that we wanted to be careful with the tax dollars of ordinary Canadians. That is exactly what was done by the President of the Treasury Board.

Mr. Speaker, you have heard this before from individuals in positions similar to that of the President of the Treasury Board. There is no law that compels us to spend every single cent we can. We heard the argument when there was a more than \$13 billion surplus that somehow we had an obligation to find places to spend it. That is ridiculous.

When you have a look at this argument, Mr. Speaker, I think you will come to the conclusion that the President of the Treasury Board and the Government of Canada are not obligated to continue to spend money in areas that the government has decided it does not want to spend in, in trying to protect the interests of the taxpayers.

Mr. Speaker, I think you will be able to make a very quick decision on this, but whenever you make that decision of course it will be respected. It will be well considered, I am sure, but I believe you will conclude that the government has acted quite properly and is being very careful with the money of the taxpayers of this country.

**The Speaker:** I thank the hon. member for Windsor—Tecumseh, the hon. member for London West and the hon. Leader of the Government in the House of Commons for their submissions on this matter. I will take it under advisement.

The hon. member for Vancouver East is rising on the same question of privilege. I hope it will be a new point, because I feel I have heard both sides of the argument at this stage. If there is something new I will hear it, but in fairness I think we have heard a fair bit on this already.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I rise to support the member for Windsor—Tecumseh because I think this is a very important matter for all members. We are the guardians of Parliament. If we do not act, speak out and protect the measures and processes we have in place, then they will fall by the wayside.

I would like to draw to the Chair's attention page 51 of Marleau and Montpetit, which makes this clear. It states:

The House has the authority to invoke privilege where its ability has been obstructed in the execution of its functions or where Members have been obstructed in the performance of their duties. It is only within this context that privilege can be considered an exemption from the general law.

This is the point I want to stress. It states:

Members are not outside or above the law which governs all citizens of Canada. The privileges of the Commons are designed to safeguard the rights of each and every elector.

*Government Orders*

This is precisely the point we want to make today. Members before us came to this place to debate that legislation back in 1990, with the due process that was given then, on behalf of the electors of Canada. It was duly passed. For it now to be thrown asunder and just written out with a stroke of a pen I think violates every sense of democracy and decency we have and really does affect our privileges.

I hope you will consider the arguments put before you today, Mr. Speaker, and consider that the government has created a wrong. It needs to be addressed by the Speaker. The due processes and traditions of this place need to be upheld.

• (1030)

**The Speaker:** I thank the hon. member for Vancouver East for her submissions on this point. I will take the matter under advisement and come back to the House in due course with a ruling in respect of these submissions.

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## GOVERNMENT ORDERS

[English]

### SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE ACT, 2006

The House resumed from September 29 consideration of the motion that Bill C-24, An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence, be read the second time and referred to a committee, of the amendment and of the amendment to the amendment.

**The Speaker:** When this matter was last before the House, the hon. member for Mississauga South had the floor. There were five minutes remaining in the time for questions and comments following the hon. member's remarks.

I therefore call for questions or comments. The hon. member for Windsor West.

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, it is a privilege to ask my colleague a question in starting the debate this morning.

One of the things that is important to remember about Bill C-24 and the subamendment from our colleague, the member for Burnaby—New Westminster, is that this affects a whole series of trade agreements with ourselves and the United States.

Does the hon. member believe that this sets a precedent? What we have here is basically the hijacking of a trade agreement that we have with the United States where a set of rules have been put in place and those rules are now being altered unilaterally by one side and now, with complicity, the government.

Does the hon. member feel that it will affect future trading relations under this current agreement?

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I tend to agree with the member that what has happened on the softwood deal, where we have a minister in the previous government being the

same minister in the current government on one side he was fighting to the finish utilizing the NAFTA and WTO rulings as well as relying on the dispute resolution mechanism to help us to deal with these.

Now he has abandoned it totally and he has abandoned the industry. What is worse, now we have a situation where not only has he threatened those who have not signed on to the deal, he has also said that the government will make their lives uncomfortable. We have also found out that if others choose to pursue their legal rights, this may jeopardize the current deal.

Therefore, I would think that this whole softwood sell-out has been a boondoggle right from the beginning. The government should be ashamed of itself for not standing with the softwood industry rather than threatening it.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I appreciate having had the opportunity to listen to the debate over the last number of days on Bill C-24, the softwood lumber agreement. A number of members have spoken about the impact on their own communities of job losses and the impact on their local economies. This is something that needs to be brought to the forefront.

One of the concerns we have about the bill is that it is not based on any kind of coherent industrial strategy. We have an agreement that basically violates all the procedures and processes that we have in place under our trade agreements and it puts people's backs to the wall in terms of signing it, but it is not part of any coherent strategy that is based on sustainability, on value added jobs and on ensuring the strength of local economies.

I would like the hon. member to comment on that in terms of how this is an isolated agreement that is not connected to a broader industrial strategy that is needed in this country.

**Mr. Paul Szabo:** Mr. Speaker, I also have some grave concerns about the impact on other trade arrangements. This has obviously not worked because the government has not supported the process.

However, I think it is even worse than that. We all know that the deal was not supported by the industry some time ago and all of a sudden there is a mysterious flip-flop to taking a cash settlement which left a billion dollars on the table to the benefit of the U.S. industry and to the U.S. government.

Could it be that the change of position has to do with the government's preponderance of decisions it is taking, which seem to be following an American policy rather than a Canadian policy, the republicanization of Canadian policy? Whether it be foreign or economic policy, there is a litany of examples. I think it is time the Conservative government was exposed to its beholdenness to George Bush.

• (1035)

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, it is a privilege to speak to Bill C-24, the softwood lumber sellout deal, as it is known across the country. We have heard a lot of discussion in this chamber about the bill. I would like to first thank my colleague, the member for Burnaby—New Westminster, who has done an incredible job and put a lot of hard work into this file as well as other trade files that are important for Canadian jobs, which is what this is about.

*Government Orders*

This is Canadian jobs, cultures and communities that will be grievously affected by unfair trading practices. This is a trade crime that is being perpetrated on this country and facilitated by the current government.

I will begin by reading a quote from the *House of Commons Debates* that we had about this issue over a number of years in this chamber:

Most recently, the NAFTA extraordinary challenges panel ruled that there was no basis for these duties, but the United States has so far refused to accept the outcome and has asked Canada to negotiate a further settlement. Let me repeat what I have said before, and let me be as clear as I can. This is not a time for negotiation. It is a time for compliance.

The right hon. Prime Minister made those comments and then he flip-flopped on his position. It is an unconscionable dodging of accountability. We have a Prime Minister who gave his word to Canadians that he would live up to ensuring that Canada and its trade agreements would be effectively moved forward through the negotiation settlement that we had under NAFTA and free trade and he has abandoned that.

It is also important to note, not only for members in the chamber but for experts and panel members abroad, that those who have been affected by this issue have come in and made comments. I would like to read a comment made by Frank Dottori, co-chair of the Canadian Free Trade Lumber Council, an advocacy group representing Canadian lumber companies. He says:

We expect our government to help us fight U.S. protectionist forces, and get our industry a long-term solution.

I have another comment by BMO Nesbitt Burns analyst, Stephen Atkinson:

Why would you give 22 per cent to your competition? This money belongs to the companies and their shareholders, and the Canadian government is giving it away.

It is a broad range of people in Canadian society, whether it be the workers who are affected, whether it be industry analysts or whether it be advocacy groups that are rejecting this deal.

It is important in the context of our greater trade relations with the United States.

When I first came to this chamber in 2002, I remember participating in a softwood lumber lobby. We went to Washington to talk with a number of different analysts, advocacy groups and organizations, as well as different members of Congress and of the Senate about the harmful practice this was having on the Canadian industry and how unfair it was.

People need to understand, going back to that time then and to this date now, that many groups and organizations support the Canadian position. The Canadian position that should be from the House of Commons is that of a fair trading relationship with the United States and we have an injurious affection. However, it has been the high-powered ranking lobbyists, a select few from Congress and the Senate, who have driven the White House in this direction. We have many American friends who understand this is hurting both of our nations.

I do not care if the current Minister of International Trade is a Liberal or a Conservative and whether his position flip-flops just like he does on parties. What we need is a cessation of this legislation,

the introduction of supports and the continuation of a fair settlement. This is not just about what we gave up in the past, which I will discuss later, but also where we go in the future with our trading relations and how it affects Canadian jobs.

I come from an area of the country that has flourished in many respects but which has struggled in relation to the auto industry. In 1965, Canada negotiated an auto pact with the United States that was based upon fair trade between our countries. It was one that benefited both countries and one that had a lot of strengths that developed, not only the automotive industry in Canada, across Ontario and other parts of our country, but even in American counterpart jurisdictions like Michigan and a whole series of other states. It also led to other industries, for example, the tool and die industry, the mould making industry, all of those technical innovation industries that are responsible for Canadian economic development. It was a fair trade deal that was set up with rules and those rules were respected.

● (1040)

What ends up happening? We enter into NAFTA, and the free trade agreement later on, and we lose a ruling that kills our auto pact. Since that time we have struggled. We have diminished market share. We have had a whole bunch of obstructions put in place that are difficult to compete against. We have lost a very good trade agreement that was a great success for Canada. It paid millions into our coffers on an annual basis through taxation, it provided good jobs for families and it provided innovation in our schools and universities. We gave that up because we played by the rules.

What do we have now? We have an agreement where the Americans have decided unilaterally that they will not accept panel after panel rulings in favour of Canada. We have continued to have success through this difficult process, a process that has required Canadian politicians and governing bodies to support the industry during these harmful times, but one with the goal at the end of the day of having a fair trade agreement and a settlement that makes sense of the trade agreement we have signed.

What the government is saying right now is that the Americans do not have to play by the rules because if they are tough enough and their lobbyists are powerful enough, Canada will capitulate, not just in terms of a settlement that has a series of clauses that are harmful for communities and industries across this country, but also in cold, hard cash. Canada is giving away over a billion dollars.

Some of that money will be given directly to American lumber associations so they can compete against Canadian companies. Other money will go into a discretionary fund at the White House that does not even have to go back to Congress for it to decide how it will be spent. It is unconscionable. The money should go back to the people who paid it out, and those are our companies in the industry that have been harmfully hurt during this practice.

The government's response to those who have been critical of this has been unacceptable. Basically, it has used strong arm tactics and it has made sure that those who are speaking out will be injuriously affected. It will not provide loan guarantees and it will not assist companies to move their rights through the court process, which they are entitled to do under this agreement. It is unacceptable.



*Government Orders*

I am greatly concerned as to where the minister is going in terms of other international agreements and trade policies.

I know the trade committee met this summer because we were concerned about what the minister was doing on the fair trade with Korea file. There is nothing fair about that file. We have been objecting to it since day one. We are hoping other members join us in that fight.

However, back in June, the member for Burnaby—New Westminster tabled a report in committee showing that if we were to go ahead with this particular agreement we would lose more auto jobs. It is not just the fact that the minister has a bad deal set up for Bill C-24, it is also his competency and his motivation in where he is moving. It gets to a broader picture of this.

Why are we actually doing these things? The study, which the committee was asked to table, did not come out until three months later. It was not until the CAW published its own studies on Korea free trade and how it would affect the industry that the government finally released the report that shows there will be major injurious effects from both files. This file right here shows it is not healthy and that it is not a good trade agreement for the Canadian government.

What is the motivation? I think the motivation is simply politics. It is politics to appease the American side so that the government can claim that it is close to the United States and actually get results, despite what it sells off to them, but also on the Korea trade file, it is politics when it is showing that the government will get a trade agreement with Korea at the expense of Canadians.

I know I am out of time but I do want to impress upon Canadians that this is a precedent setting thing. It is not just about softwood. Even if some communities do not have a softwood industry, they will be affected in the future because this gives a green light for the minister to sell out other industries. Whether it is auto, steel or farming communities, it allows the rules to be taken out of the equation, not just by those who are perpetrating against us but by our government that is supposed to be protecting us.

●(1045)

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, yesterday I read in one of the papers that the EDC was asking the recipients of the duties that were held to have them signed over to the EDC as part of this deal. What does he make of this? Does he not feel, as do other Canadians, that there is something suspicious about this? The EDC wants the lumber people to sign over their receivables so that it can continue this process. Is there a hidden message there somewhere?

**Mr. Brian Masse:** Mr. Speaker, the government has asked the companies to put a gun to their head. Now it is asking them to load it. It is unacceptable.

The EDC does not support what should happen, and that is the facilitation of our trade. It is just another good example of the fact that there is no support for the industry. The strong-arm tactics of the government have been reprehensible. We are talking about a government that is supposed to be business friendly. To use these tactics is deplorable. It is not acceptable and it sends a bad message for other industries.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I thank the member for Windsor West for his historical comments. It is worth remembering what happened around the auto pact. Canada played by the rules and lost the auto pact as a result of that, and we saw the impact.

There are a lot of ironies in the softwood lumber agreement. Originally, the NDP did not support NAFTA, but we believe, since it is in place, that we should play by the rules. We would like to see that change, but those mechanisms exist for dispute resolution. Yet we have a softwood lumber agreement that is completely negating those rules.

Could the member for Windsor West elaborate on the impact on the loss of jobs? I know he is experiencing that with the auto sector in his community. Now we have a whole new chapter, the lumber industry, which is about to stamped on. Thousands more workers stand to lose their jobs as a result of a very bad agreement and the fact that Canada capitulated and allowed the agreement to go ahead.

**Mr. Brian Masse:** Mr. Speaker, the member for Vancouver East brings up a very important point. At the end of the day, this is about jobs and communities. These jobs and communities are often very much dependent upon each other for success. We have seen this all over the country, where we witness towns and communities in crisis.

It is important to note that the government still has yet to come forward with a sectorial strategy on anything. The previous administration talked about it for the auto, aerospace and textiles industries, but never did anything. Now the current government, with this deal, is saying that if the U.S. does not want to play by the rules, Canada is going to agree. It is not going to play by the rules. By not doing so, there will be injurious effects to the industry and the communities. There is no sectorial strategy. Why is there no strategy for the communities that will be affected? Why is there no plan to help?

The very least the government could do is set a sectorial strategy for the industry to help those who will be punished by its bad decision. Instead, the government is saying that this is the deal, live with it and it will move on. It may be good for the government, but it is bad for others. That is not acceptable.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, there is some fine print with regard to the deal, particularly with regard to those softwood lumber producers who still wish to pursue their legal right, their recourse through the courts. It appears there is a possibility that they may in fact scuttle the deal. This is a question that has not been answered directly by the government.

Why do we proceed to debate the ways and means motion, which may not be relevant if the reports are true? Maybe the government should be called upon to explain what the delay is in the payments and whether there is any basis to the allegations that producers, who wish to pursue their legal rights, may kill the deal.

*Government Orders*

•(1050)

**Mr. Brian Masse:** Mr. Speaker, the hon. member has it exactly right. It is a significant problem and it perplexes me as to why the government would want to pursue it in such a hostile fashion.

I think it is part of a larger agenda to get some political points, whether it this one, or dismantling the Wheat Board, or attacking the auto and shipbuilding industries by coming forward with a creative free trade deal. All those things are thrown up in the air to confuse the public and to move forward for the government's own political agenda. At the same time, it is not dealing with the outright facts. It is not even answering a simple question. Is this all for not because the courts are going to decide?

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to rise in the House today to speak, as one of the NDP members, in opposition to Bill C-24.

NDP members have been very active in this debate. A little earlier the government brought forward a motion to cut off debate on an amendment and the main bill. This is a further indication that it has complete contempt for this place. It is a important bill and an important agreement, which will affect every region of our country. It will affect individual workers, business interests and the economy of local communities. One would think that a bill of this magnitude would have a full and democratic debate in the House, yet the government House leader pulled a tactic today to basically censored and cut off further debate on the bill.

I will about public hearings a bit later, but I feel ashamed that the government pulled this tactic today to prevent members of the House from speaking their minds, from communicating the real concerns of their constituents about this bill. As long as the debate on Bill C-24 lasts, we will use every minute to continue debate. We feel deeply and strongly that the bill, which embodies the softwood lumber agreement, is a bad deal for Canadians and the industry.

I want to thank the hon. member for Burnaby—New Westminster, who is our trade critic and who has lead our debate on this, for his incredibly tireless work in committee, in the House and out in the community over the summer. Our trade critic was successful in getting the committee to meet over the summer to take up this important matter when the House was recessed. We want to thank him for his attention to the details in this massive agreement. He has brought forward to the public what this deal is all about, what is wrong with it and why it should be voted down. I will briefly go through some of those reasons.

First is the falsehood that the softwood lumber agreement is based on the idea that Canadian softwood lumber industries are subsidized. The Americans have peddled this idea far and wide through every legal case they could and through every political means they had. It is even at the point where Canadians are beginning to believe that the Americans have a legitimate point.

The falsehood of Canadian softwood lumber industries being subsidized has been exposed and rejected in every NAFTA and U.S. commercial court ruling. The courts have clearly sided with the Canadian industry. The myth about the subsidy has been used by the U.S. as a political weapon against Canada and to whip up its own industrialists south of the border. This myth is based on a completely false premise. Despite the unequivocal dispute settlement decisions

and trade court rulings, the U.S. clearly does not want to play by the rules. What is really dismaying to us is that the Conservative government is allowing the U.S. to abandon the rules at the end of the game.

Canada won those major legal battles under the North American Free Trade Agreement in U.S. commercial courts. In fact, by using the legitimate mechanisms available, Canada was just a few months away from winning the two final legal cases, which would have voided the dispute and refunded every cent of the \$5.3 billion that had been collected in illegal levies. What did our government do? It wanted to make a deal, apparently at any cost. Now we are rushing the bill through the House.

•(1055)

Second, the deal gives away \$500 million in funds owned by the Canadian softwood industry to subsidize the U.S. Coalition for Fair Trade Lumber Imports. It is unbelievable that, as part of the agreement, we would give money, which legitimately belongs to Canadian companies, back to a U.S. coalition, a coalition that will continue in developing its arguments, its campaign and its interest against the Canadian industry.

Third, it will also provide \$450 million in funds to the Bush administration, which it will use at its discretion, apparently without Congress approval or any accountability.

Fourth, what is of concern to us is that we are being told this is a great deal, it is the best that can be done and it will provide peace in the woods, et cetera. The fact is this deal can be cancelled unilaterally at any time. It does not provide the stability and the predictability for which I think the Canadian softwood industry was looking. Those are obviously very key elements. We have had this ongoing dispute. It is important to have stability and predictability. While we are being told that it is contained in the agreement, when we read the fine print and the details, we can see that it is not the case.

Further, the agreement constrains trade unreasonably by applying punitive tariffs and quotas that hinder the flexibility of a Canadian softwood agreement. This makes it difficult for the industry to plan its business and predict cash flow, for example.

Many of the industry leaders across Canada expressed, at the trade committee hearings this summer, their concern that the softwood lumber agreement would destroy their industry and communities. This is coming from the industry itself. We should be very concerned about that.

*Government Orders*

As we heard from the member for Windsor West, the agreement sets a very bad precedent, not only for softwood lumber, but for other industrial sectors in Canada. It opens the door for the U.S. to attack other Canadian interests and industries that it wants to target with illegal tariffs. Why? Because the U.S. knows it can get away with it. It knows it will not only get away with it, but it will be rewarded for it.

The NDP sees this as the slippery slope, as a very bad precedent. So much has been vested politically in this agreement that it will now be harder and harder to fight against other campaigns that develop politically and are targeted at Canadian interests.

We have heard quite a lot in the House about how it can trigger significant job losses. I have been asking questions of other members about this. One of the concerns I have is that the agreement is not based on any kind of industrial strategy, a strategy that we can look at and say, yes, that we understand it is about building productivity and the Canadian economy, that it is about creating good jobs, decent labour standards and sustainability. However, it is not based on any of those things. In fact, we seem to be wiggling away our strategy sector by sector.

I remember the member for Western Arctic stood up last week and spoke about this. He used the example of the oil and gas sector, where again we have no industrial strategy. Nor do we have an industrial strategy in the manufacturing sector.

The member for Windsor West talked a bit earlier about the auto industry. He said that there was no pan-Canadian auto industrial strategy.

When all of that is put together and we add on this agreement, it leaves a really bad taste. It leaves a sense that the government is not interested in developing in producing that kind of comprehensive look. For that matter nor was the previous government because there is no industrial strategy.

It is appalling that in the summer the trade committee, by a majority, agreed to hearings on this agreement in three communities, in Thunder Bay, Vancouver and the Saguenay.

● (1100)

Recently the committee completely flip-flopped on that. Unfortunately the Liberal members allowed the review of a motion to hold those hearings and then voted against having them. We were set to have hearings in those very seriously affected communities and all of a sudden, the hearings have been undone. I really wonder where the Liberal members are on this, because it seems to me that having hearings outside of Ottawa in communities that are affected is a very important aspect of this debate.

I am in opposition to this agreement, as are other members of our caucus. We will debate it as long as we can to try to prevent it from going through.

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, I enjoyed very much listening to the comments from the member for Vancouver East. She was very eloquent in presenting the facts.

Throughout the exchanges and agreements and potential signings, people keep sticking to the figure of \$5 billion. We have been talking about this for eight or nine months. If an individual had \$5 billion in

the bank, would there not be interest accruing? It seems that the figure is stuck at \$5 billion. As I understand it, it is \$5 billion of Canadian money that is supposedly being held somewhere in trust. I do not think it is being held in a closet or in a drawer. It is somewhere accruing interest. Does the member have any knowledge on that?

Next, it is my understanding that the companies in Canada that choose not to sign onto this deal will be penalized by the government with a levy of 19%. I would like her to comment on that.

In closing, it is a bit unfair in terms of her comment about the Liberal side. I think the nation out there knows as people follow this debate that we have been fighting this deal vigorously because we believe it is unfair for Canadian industry, for Canadian products and for Canada as a country.

**Ms. Libby Davies:** Mr. Speaker, it is disappointing that the Liberals changed their minds in committee, especially after what has happened today in terms of the debate being cut off. I would hope that the Liberal members might reconsider their position about how important it is to have hearings in those three centres across the country. There are lots of people who need to be heard and want to be heard.

In terms of his questions, the issue of the \$5 billion has been raised time and time again. In any other business accounting practice, interest would be a part of the financial reconciliation at the end of the day, but somehow this has gotten lost in the shuffle. It is not just a question of \$5 billion and the fact that \$1 billion is being left in the U.S. It is also a matter of the interest not being calculated.

In terms of the 19% levy, which is in effect a double taxation, a punitive taxation on those companies that do not sign on, this just seems to be the most alarming precedent, that the government produces an agreement and then basically aims a shotgun at companies and tells them that if they do not sign on they are going to face an extra levy. That is fundamentally undemocratic by any perspective and it is one more reason that we should not allow this deal to go ahead.

● (1105)

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, the situation has changed quite remarkably with this deal over the last few days, in that the government has now postponed it again for 30 days.

To my mind the postponement would give the government, which claims it has all kinds of support for this deal, a great opportunity to go out across the land and conduct public hearings in three locations to actually hear what Canadians think about it. We could hold off on this vote until the government went out there to prove its case and show the public across the country that the government has support for this deal, that the supporters are willing to stand up in public hearings and express their support and give parliamentarians direction.

Does my hon. colleague feel that this would be a great opportunity for the government to prove its case?

*Government Orders*

**Ms. Libby Davies:** Mr. Speaker, the member is entirely right. It really begs the question of why the government is so intent on rushing this deal through by what it did today and in not allowing hearings. I think the Conservatives are in a bit of a spin. They are no doubt worried that the momentum they thought they had is not moving forward and is actually falling apart. Now we see a delay until, I believe it is November 1 and there may be further delays beyond that.

It would be very good for the government to stand the test and hear from Canadians. What is it afraid of? Why is it not willing to hear from people in some of the key affected communities? If the government thinks this agreement is so good, it should listen to what people have to say. There is nothing that says time would not allow that to be done.

We ask the government and other parties to reconsider this idea and support the need to have hearings in those affected communities.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, the Conservative government has sold out the Canadian softwood industry with this deal. We are voting down the deal because it is a bad deal.

From the start we said that free trade agreements would not work. I remember the long discussions in the mid-1980s. We said that NAFTA would be problematic. At that time we were told to have faith, the trade agreement would work and that Canadian companies would definitely benefit from the deal.

What has happened subsequently is that in my area of Trinity—Spadina, a great number of garment factories have closed their doors. A large number of immigrant women lost their jobs and their livelihoods because of the free trade agreement. In the mid-1980s there was a lot of discussion. We put forward many arguments about what would happen to some of the industries. We were told that there would be some losers and some winners and that we would see the results.

In Trinity—Spadina thousands and thousands of jobs were gone and a lot of factories and entire areas were emptied out. Fortunately, we were able to bring in other industries, software and many others, to help rebuild that whole area. Definitely, the garment industry in downtown Toronto has been almost entirely eliminated. I think the same is true in parts of Montreal. On top of that, right now in the garment industry there are home workers, people who take work into their homes and get very, very low pay. All of this is because of free trade.

At that time we also said that the free trade agreement would not necessarily work because of chapter 11 as big companies could sue different levels of government.

A few years ago the small town of Hudson, Quebec decided to ban pesticides. Some companies said that was not fair, and under the free trade agreement and under chapter 11, the town of Hudson was sued, but thanks to the Federation of Canadian Municipalities and many others, the town won at the end of the day. As a result, different municipalities are now able to ban pesticides if they wish to do so.

We were told that the industry would benefit, but look at what is happening. In the softwood deal the whole dispute settlement

mechanism will be thrown out. We were told to rely on the courts, that the courts would protect us. Actually they will not any more. This agreement is destroying the NAFTA dispute settlement mechanism by agreeing to give hundreds of millions of dollars to the Bush administration and the U.S. Coalition for Fair Lumber Imports. The message is clear. We will pay the Americans to bully us. The Coalition for Fair Lumber Imports is the main opponent of the Canadian softwood lumber industry. We are rewarding the coalition with hard-earned Canadian cash for harassing Canada, for harassing Canadian companies, for harassing Canadian workers.

I want to quote what is being said about it. One of the columnists in the *Toronto Star* said that thanks to this deal, we can stop pretending we have a free trade agreement with the U.S. and move on. That is what this deal is all about.

●(1110)

In the *Thunder Bay Chronicle Journal*, which by the way is in an area where a large number of jobs are going to be gone or are gone already, it said:

How much longer is Canada going to let itself be kicked around by a handful of powerful U.S. senators doing the bidding of their lumber baron constituents to ignore NAFTA's repeated rulings against them? How much longer is George W. Bush going to condone this betrayal of America's best friend? And how much longer is Stephen Harper going to stand for it?

We found that the Prime Minister said not that long ago in 2005, I know I should not have read out his name. I apologize.

**Hon. Michael Chong:** Mr. Speaker, I rise on a point of order. Reference was made to a member in the House, specifically the Prime Minister by his name. I believe that the rules state that members of the House should be referred to by either their title as ministers in the cabinet or by their riding names.

**The Deputy Speaker:** I would ask the member for Trinity—Spadina to not refer to the Prime Minister by name in future.

**Ms. Olivia Chow:** Mr. Speaker. Yes, I admit it. I read that quote and I realize that was the case. I extend my apology. It will not happen again.

Let me read another quote of the Prime Minister from 2005. At that time we were told:

If the U.S. industry is able to pressure the government not to return duties when it has lost its last NAFTA appeal, it will not matter if most other trade is dispute free. If the rules are simply ignored, then the very basis of a rules-based system is threatened and the future of all Canada-U.S. trading relations could be profoundly affected.

We know that because of this deal, if it passes in the House, Canada's future U.S. trading relations will be affected negatively. We are looking at probably steel and wheat. All kinds of deals and trading relationships are going to be negatively impacted because of this deal.

It is also a clear example of how the current government is foregoing the interests of Canadians to appease our big neighbour to the south. All Canadians and all Canadian companies want their interests to be championed by the Canadian government, a government that was elected to look out for the best interests of the people.

*Government Orders*

Unfortunately, the softwood lumber industry has been given the short end of the stick by the government. The softwood lumber industry is not being subsidized by the Canadian government nor is it being protected from the onslaught of American companies in coalitions.

We know this deal is going to be bad for jobs. In many ways it is going to be terrible. We at the time said to thousands of workers who lost their livelihoods over the past five years that there would be a light at the end of the tunnel because we kept winning these various disputes. At the end of the day, when we win all of the various court cases and there is one last one, the \$5 billion will be returned to the companies. The companies will then be able to invest in their industry. Then the Canadian workers would be able to benefit. We said to them, "Let's just keep going".

Unfortunately, this agreement is very unfair to individuals and their families who still work in the softwood lumber industry because there will be continuing instability and unpredictability within the Canadian softwood lumber industry. There will be less money to reinvest in the companies to upgrade and there is no money to streamline and no incentive to do so.

It will probably also mean more sellouts to raw log exports and the industry will be harmed because of it. We will be noticing that there will be restructuring of the softwood lumber industry because there will be a lack of a competitive edge with American competitors and that is why there will be a problem of jobs lost. With limited flexibility in the softwood lumber industry through quotas and taxes, it will make it difficult for the industry to plan its business and be competitive.

It is also going to be a problem for big cities because we will end up, especially Americans, having higher prices in terms of building homes.

That is why we are going to be voting against this very bad deal. It is bad for workers and bad for the industry.

• (1115)

**Hon. Michael Chong (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport, CPC):** Mr. Speaker, my question for the member for Trinity—Spadina is, why can she and her party not support this agreement?

This is an agreement that has the support of all major softwood lumber producing provinces. The province of British Columbia is lending its support to this agreement. The province of Ontario is lending its support to this agreement. The province of Quebec is lending its support to this agreement. In addition, this agreement has the support of a vast majority of companies in the industry. An overwhelming majority of companies in the industry support this agreement.

How can she not support this agreement when the three major lumber producing provinces and the vast majority of companies in the industry support it? How on earth can she stand in her place in the House and not support an agreement that has the support, both from the provinces and the companies in the industry?

**Ms. Olivia Chow:** Mr. Speaker, the answer is very simple. It is called \$1 billion. It is called Canadian cash. It is Canadian

sovereignty. If we were to support this deal, it would mean handing over Canadian cash of \$1 billion to the U.S. The only people who are happy with this deal are the Americans who know they are walking away with this money after they have bullied us for many years. They will use this money to continue their attack on our industry.

Since this agreement was first announced, 112 Canadian companies have filed lawsuits against the Canadian and U.S. governments in reference to preserving the integrity of chapter 19 and securing the refund of 100% of the duties illegally collected by the U.S. treasury. The fact that there are that many Canadian companies filing lawsuits tells me that many Canadian companies are not happy with this deal.

The \$1 billion being left behind is, in my mind, the result of trade crime and every penny of it should be returned to hard-working Canadian taxpayers.

• (1120)

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, I listened very carefully to what the member for Trinity—Spadina said. She talked about a lot of things aside from the lumber trade deal but she also said that trade deals will not work. She generalized it and I think it was a bit of an unfair statement to make as we would not have had the prosperity we have enjoyed in the last 10 or 12 years, the longest uninterrupted economic growth in the history of our country.

Is she suggesting that we do nothing? Today our trade surpluses have grown and, as a result, created over three million jobs. She talked about lost jobs in the last five years. Canada has been growing in terms of jobs.

She talked about the garment and textile industry. As the former chair of the international trade committee, I remember people coming before the committee who knew that this industry was going through changes, for example, in supporting the LDCs that I know the member is not aware of. They learned to adapt and we learned to be more competitive and change our methods.

I will close with this question. Is she simply saying that we should not have international trade agreements, that we become an esoteric country and not deal with anybody? What is she really saying?

**Ms. Olivia Chow:** Mr. Speaker, what I am saying precisely is that the dispute settlement mechanism is gone. Under the agreement we have this mechanism and we keep winning it. We win it in the courts and yet this deal is going to set a precedent.

Yes, we do need trade, but it has to be fair trade. It is not just about free trade. There is nothing free about this when we lose \$1 billion. There is nothing free about it when Canadian companies are being harassed by American coalitions. What is so free about it when we have no rights left?

The fact is that trade with the U.S. is not the only route. We should start focusing and spending a lot more energy and effort in looking at trade with China and India, which we are doing somewhat, but nowhere near enough in terms of encouraging small businesses, for example, to connect and find ways to trade with other countries.

*Government Orders*

I was talking about the dispute settlement mechanism and the fact that we keep winning in the courts. Yet, we are signing a deal that will end up leaving \$1 billion on the table.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I rise on a point of order and draw to the attention of the Chair that earlier this day the government used Standing Order 56.1 to basically cut off the debate on amendments and subamendments on Bill C-24 which we are currently debating.

I believe that the use of this Standing Order by the government was actually incorrect. I would draw to your attention debate that took place and a ruling from the Speaker in September 2001. In fact, the member for Winnipeg—Transcona was a part of that debate concerning the inappropriate use of Standing Order 56.1.

In the comments made by the Speaker at the time in 2001, he advised hon. members to be very cautious in their reading of earlier rulings and drew a parallel between Standing Order 56.1, which requires a prior attempt to gain unanimous consent which we know did happen, and Standing Order 78, the time allocation rule which requires notice of prior consultation. The Speaker said:

It seems doubtful to me, having read the ruling in its entirety, that Speaker Fraser really meant to suggest that Standing Order 56.1 was to be understood as another procedurally acceptable mechanism for limiting debate.

He went on to say:

The expanded use of Standing Order 56.1 since 1997 causes the Chair serious concern. The government is provided with a range of options under Standing Orders 57 and 78 for the purpose of limiting debate. Standing Order 56.1 should be used for motions of a routine nature, such as arranging the business of the House. It was not intended to be used for the disposition of a bill at various stages, certainly not for bills that fall outside the range of those already contemplated in the Standing Order when “urgent or extraordinary occasions” arise.

Therefore, Mr. Speaker, I would ask you to consider this and to make a ruling that it was inappropriate for the government to use Standing Order 56.1. It is normally used for routine business in terms of whether the House will sit longer in the summer or whether it will adjourn earlier. The Conservatives have used it incorrectly to cut off debate on this bill when they had other opportunities using other Standing Orders that do require consultation with other parties to do that if they want to.

Again, Conservatives are trying to use the back door to accomplish their own agenda. I believe it is incorrect and I would ask the Chair to consider this and to make a ruling.

• (1125)

**The Deputy Speaker:** Are there any other members who wish to be heard on this same point of order? The hon. member for Abbotsford.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I would remind the House and the member that the motion has already been adopted, so she is trying to deal with something after the fact. She is not in a position to do so. I would refer her to Standing Order 56.1(b) which essentially says it should be used for the management of the House's business and the arrangements of its proceedings

Those arguments were made in the House already and it is unfortunate that the member is bringing it up at this time. I would remind her that we have not cut off debate in any sense of the word. In fact, the member and each member of her party is entitled to continue to debate the full time that is allocated to them. So the

suggestion that somehow we have cut off debate on this very important subject is not correct.

**The Deputy Speaker:** Any further interventions on this same point of order?

Hearing none, I would like to advise the House and particularly the hon. member for Vancouver East that the Chair will take this point of order under advisement. The Chair is already aware of previous controversies which have existed about the use of this particular procedure and at some point the Speaker will get back to the House on this point of order.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I appreciate the opportunity to have a few moments to put my thoughts on the record on this important piece of business before the House.

I represent a constituency in northern Ontario that is very dependent on forestry for its economy. It is important that all of us who represent ridings from this important part of our wonderful country speak clearly, concisely and passionately about subjects that have impacts on us. In northern Ontario, we have an economy that is very exposed and fragile. Government decisions such as this one throw an element of instability into a market that is already unstable because of the vagaries of that market to begin with.

We in northern Ontario—and I use the word “we” in light of the fact that I have met on a number of occasions with representatives of the forestry coalition in northern Ontario and with members of municipal governments across northern Ontario—will feel the impacts of this agreement. These representatives speak to me and to our caucus and members of the Liberal and Conservative caucuses very clearly about the impact of this agreement on them. They speak about the reality as it exists right now in northern Ontario where forestry is concerned. It is “the perfect storm”, as they say, of which this agreement is an important part.

In northern Ontario, we need government to be in partnership with us. As has been done over the years, we need government to work with communities in the north to bring some stability to that part of the country. Without that stability, without those communities and without those partnerships, a very important element of the Canadian economy, the resource sector, the forest industry, will be damaged. In my estimation, that damage will be irrevocable. That is what I have heard very eloquently from concerned community leaders and the industry itself in northern Ontario.

*Government Orders*

They have said that we had come to terms with the free trade agreement. We were not crazy about it when it was first introduced and passed in the House, but in looking at it, and being as we are in that part of country, resilient people who come up against challenges every day because of the geography, the weather and sometimes the isolation that we experience, we came to terms with the agreement. We brought to the table the best minds we could find and were able to take advantage of it to develop a sector of the economy that was, for the most part, robust and exciting. It provided jobs and supported communities. It contributed to the overall good times that we have had over the last 10 to 15 years as far as the economy is concerned in this country.

However, we have gone to court time and time again with the Americans because they kept fighting back and trying to take advantage of loopholes. They brought grievances to the table that were really non-existent according to the framework of the free trade agreement. The industry and communities and others spent hard-earned scarce dollars to carry out those legal proceedings. In each instance, Canada won the battles.

Yet here we are now with the Conservative government of the day willing to roll over, play dead and be a patsy for the Americans. In a very real and important way, this will have negative implications for the forestry industry in northern Ontario. It sends the wrong message.

• (1130)

As members know, Canada relates with the American economy in some very direct and immediate ways on a daily basis. In almost every sector of our economy, the U.S. is our major trading partner. What if we find ourselves now and in the future having to roll over when any sector in American industry stands up and feels that it is being harmed in some way by our good work, our ingenuity and ability to create product, ship it across the border and sell it at a competitive rate to communities and individuals in that jurisdiction? What if the industry that we are competing with down there can simply stand up, take us to court and play us out over time so that we spend all our money trying to defend ourselves?

Then, when the government of the day, the Canadian government elected by the people of Canada, in partnership with the American government and that industry, simply says it is wrong and it will fix it with a new agreement that does not reflect or respect the legality or even the spirit of the free trade agreement that was in place, or the vehicles that were in the agreement to resolve disputes, what trust do we have or can we have in any agreement that we will enter into with that country down the road?

I can imagine all kinds of scenarios where that in fact will be the reality. More than anything else, we need stability in the economy of northern Ontario. We need to know what the rules are. We need to know, when we invest our money, work hard and do those things required of us to be competitive in the world we are moving into and the global economy in which we now operate, that we will be successful, that we will be able to provide jobs, sell our product and keep our communities not only viable but vital in the world that is ahead of us.

The agreement that we are debating today and have debated over the last couple of weeks, this agreement that the government has

capitulated on, that the Liberals have said that they will vote against but really did nothing with when they were in government for 13 years, will have a devastating effect in northern Ontario for that industry sector.

Over the years government has understood that it needed to be at the table, that it needed to be a partner and that it needed to come with some real tools into areas like northern Ontario if we were going to stabilize our resource based economy.

Mr. Speaker, you know, coming from Manitoba, and I know, coming from northern Ontario and having been a member at Queen's Park for 13 years, that the resource sector has been almost totally ignored for about 10 or 15 years. The capital barons of the world, particularly the U.S. capitalists with all the money, have been turning to the very new-fashioned and attractive high tech industry. They forgot about the backbone, the bread and butter, the meat and potatoes of the Canadian economy, which has been there since the beginning of time and will continue to be there and be our staple. They forgot about that and allowed the powers and the winds of the market to batter us to and fro to the point where now we are in difficulty and in some instances in desperate shape.

Governments of different stripes over the years have known and understood that. In Ontario, we have had Conservatives, Liberals and New Democrats. Manitoba has had New Democrats. Here in this place we have had Liberals and Conservatives. They knew they needed to be there in a more meaningful way, not just capitulating and turning over whenever the Americans got upset with us. They knew they needed to have vehicles like FedNor and the provincial ministry of northern development and mines. They knew they needed to be present in those communities and working with us.

The bill we have before us today is a slap in the face. It turns its back on and walks away from that very important resource sector economy, the forestry sector, which is reeling in northern Ontario today. I dare say that if we go forward with this, we will, all of us, in one way or another, reap the negative consequence.

• (1135)

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I have listened to the last two New Democratic Party speakers on this issue. Their failure to be informed on the issue is quite astounding.

The member who just spoke talked about the deal as though it is something that is not supported by the industry. That is false. In fact, it is supported by the industry wholeheartedly. It is a good deal for Canada. It is a good deal for the forestry industry. It is something that has been lacking in this country for a long time now. Instead of standing up and speaking against the deal, the NDP should be congratulating this government for arriving at a deal.

*Government Orders*

The NDP members talked about a billion dollars going to the Americans to be used by their industry to fight the Canadian industry. I would like to correct them on that. The meritorious initiative is \$450 million, almost half of that billion dollars, and that fund is being controlled by a non-profit organization to carry out acts that are going to help. When we look at who is involved in that organization, we see that in fact it will give opportunities to the Canadian lumber industry to sell lumber. There will be opportunity for Canadians to be involved in those initiatives in many ways. It is not money going to the American government at all. That has been mis-portrayed.

In terms of the dispute settlement mechanism, which was mentioned by one of the previous members—

● (1140)

**The Deputy Speaker:** Order, please. There are only five minutes for questions and comments. There were a number of people rising. The member has used up almost two minutes, so I am going to have to recognize the hon. member for Sault Ste. Marie.

**Mr. Tony Martin:** Mr. Speaker, I was hoping there might actually be a question in that diatribe we just heard.

This is an important sector in northern Ontario. This is an important piece of business by this government that is going to very directly affect every last community in northern Ontario. For the member to stand up and simply make personal attacks on my ability to speak on behalf of those communities leaves me feeling somewhat disappointed about the seriousness with which this government takes this very important issue.

There is one issue, though, that the member raised and that I would like to briefly respond to. The softwood industry was bullied into supporting the deal. The Canadian industry witnesses appearing at parliamentary hearings have confirmed that the Conservative government coerced the softwood industry into accepting a flawed deal. This bullying forced the cash-strapped softwood industry to capitulate just a few months away from winning the final legal battle against the American tariffs.

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Speaker, I will be brief. During the last election, the leader of the NDP said to the nation, "Look what we got you. Lend us your votes".

As for the member who spoke so passionately about his riding of Sault Ste. Marie and northern Ontario, where the sector really has an impact, I want to ask this member something, because the member for Vancouver East said, "We were that close. We were that close". If we were that close, I ask that member and the entire New Democratic Party, why did they then prematurely defeat the government of the day when we were that close to making a deal?

Today I think that party has betrayed the nation as much as the government has.

**Mr. Tony Martin:** Mr. Speaker, yes, we were that close in a legal process that actually should not have involved politics and this government. If the government had left the industry alone to work out its concerns through the legal process that was available to them through NAFTA, yes, we would have had a different deal.

Obviously, it sounds as though the Liberals still have not learned a lesson from that election. That election was about corruption and a

culture of entitlement that the Liberal government seemed to have no difficulty with, and obviously it still has not backed away and turned its back on that.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I am very proud to be rising today on this bill because it speaks to the economic part of my region of northern Ontario. I will be glad to speak to the subamendment to a bill which in essence, and we need to really put this in context, is probably one of the most venal and pusillanimous pieces of legislation ever brought before the House of Commons because of what is at stake here. We are being asked in Parliament to put a gun to the head of our own industry to support this government's desire to act in a predatory fashion against not just the forestry industry which is a leading industry in this country, but against the communities of our area.

I have spent much of the past few years meeting with the laid off forestry workers in Kapuskasing, Smooth Rock Falls, Opasatika, Béarn, Timiskaming, people who have seen their livelihoods go down the drain because of an ongoing punitive disagreement with our number one trading partner.

Throughout that period when the former Liberal government was in power, we were asking for a commitment that the federal government would be there alongside our industry. We were asking for loan guarantees. We were asking to see them through the final periods of legal decisions that were being brought down because we were in the final stages of those legal decisions. We did not get that support from the former Liberal government.

In fact the message that was delivered was very clear to communities like Smooth Rock Falls, Red Rock and Ignace. The message was, "Your communities are being cut adrift from the social economy of this country. You are on your own. When it comes to standing up for the interests of the resource dependent communities of the north, you are on your own."

That message was amplified a thousand times when our friend the floor crosser brought with him a quick and dirty deal on softwood. Let us be really clear what is behind the push to get this deal signed now.

We are looking at a government that is interested in a short shelf life so that it can return to the voters with a couple of photo ops and a few boxes ticked off on its list of deliverables. One of those deliverables will be the sellout of our forestry industry.

During a radio debate I had with the health minister, he said, "We managed to get this deal signed in seven months. That is unprecedented". Certainly, if they roll over and play dead they can sign anything in a short period of time. That is what has happened.

Let us just talk about the overall deal before we get into some of the more disturbing aspects of it.

We have \$1 billion of our producers' money that is going to the United States. Of that, nearly half is going to our direct competitors to be used against us and to retool their communities, whereas our communities are being left with nothing. Our present government will give \$1.5 billion a year in oil and gas subsidies to the tar sands in Alberta. It has given nothing to our forestry communities and yet we have \$500 million being sent to our competitors.



*Government Orders*

Ask the Canadian companies that are reinvesting where they are reinvesting. They are reinvesting south of the border. We are seeing that with companies from my own riding that were formed in northern Ontario, that received most of their support year after year from northern Ontario are now reinvesting south of the border because that is where the investments will be made.

Parliament is being asked to deliver money to our competitors. What do we get from that? Do we get a seven year deal? No. Do we get a five year deal? No. Do we get a three year deal? No. We get a bare 18 months. And our competitors in the U.S. can take this money and come back after us at any point. They have already declared that they are going to do that. This past week the U.S. lumber lobby said that they are coming after us with all guns blazing. They made that clear.

**An hon. member:** Without the deal.

**Mr. Charlie Angus:** With the deal or without the deal.

Instead, do we have a free trade agreement? No. Do we have a fair trade agreement? No. We have a very limited market in which we are now expected to compete. If the market in the U.S. drops to any degree, and with the present housing starts it looks like the market is going down, we will be facing even higher tariffs.

What did we give up for that? We are being asked to give up the legal victories that we built up over the years. The present Prime Minister is not being honest with the Canadian public if he expects us to believe that we would have had seven more years of legal wrangling, that we had to get a deal in place in order to get some peace. The fact is we were within our final two appeals. Once we were at that point, there was no turning back.

• (1145)

Why has the forestry industry not capitulated at this point? The government has had a gun to their heads, yet some of them are still holding out because they know that if they give up on these legal rights that they won in court, then they have nothing.

These are the overall facts of the case, but it is important now to really speak about the new level the government has gone to in terms of its puzzling attitude toward our forestry industry. It is not enough that the Conservatives sat down and signed over everything that we had on our side to get a quick deal. With Conservatives I guess we expect them to do that. We have a long history of Conservatives selling out the national interests, so that would not be a surprise. What is surprising here is that they are acting in a predatory fashion against our own companies. This is unprecedented. Let us look at some of the clauses.

Instead of the 10% softwood duty, we are now being asked as Parliament to impose a 15% duty on our own companies. That is supposed to be a deal. On top of that, we are now looking at a government that is adding an extra punitive charge against companies that are still standing up for their own interests. We are being asked as parliamentarians to go after financially the companies that are not buckling under to the government's deal.

That is an unprecedented situation. I do not think we could see in history any other example of a government coming before Parliament and saying that it wanted to punish, to financially attack,

our own industry, and this is after a period of major economic crisis. That we are being asked as parliamentarians to target our own industry is a puzzling betrayal.

Clause 10 imposes the 15% export duty as soon as the deal is signed. That is a double taxation above and beyond the existing anti-dumping countervailing duties.

Clause 18 imposes a special punitive tax that is designed to go after the companies that are standing up. If this special tax is in place, companies will be paying 37%. That is not the U.S. fair lumber lobby wanting to bring this in, it is our own Conservative government to force compliance.

Again we have to put this in perspective. We know of the financial drain that has been put on our industries because of the softwood crisis. What the government is saying is that if those companies stand up to the government, they will be facing financial ruin. Because of the limited margins that are left within our Canadian bank accounts for forestry, we are going to have our own government going after them.

On top of that, clause 48 would require a six year burden of record keeping on these companies.

Clause 77 states that the government does not even need a warrant to enter softwood businesses to ensure that our own companies are complying. We have our own government acting against the interests of our industry.

Clause 89 gives the government the right to demand a blank cheque from any of these companies to pay up immediately. A Canadian forestry company that is trying to stand up for its best interests and has not knuckled under to the government's deal, what kind of success is it going to have when it is renegotiating its loans at the bank, when the banks know that their own Government of Canada can come in, check the books and go after them?

The Conservatives pushed this deal. I can understand that. Some of the Liberal members from northern Ontario are supporting this deal. I cannot understand that, in particular in regions where our industry is facing such a severe crisis. What astounds me is that members of the Bloc Québécois are supporting this deal. That is the party that stood in this House and denied motions to get pesticide bans across Canada because it might interfere with Quebec. That is the party that has undermined child care plans for the rest of Canada because it somehow might interfere with the jurisdiction in Quebec. Yet when we look at a bill that would allow the United States government to set forestry policy within Quebec, that is okay. When we look at a bill that allows the federal government to target Quebec companies and go into their businesses and check on their compliance and charge them if they are not going along, that is perfectly fine for the Bloc.

• (1150)

This world seems as if it is turned upside down. We are being asked in Parliament to turn against our own industries and our own communities. This is an unacceptable situation. We need to have it on the record that this deal is one of the most venal and pusillanimous arrangements ever brought before Parliament. On behalf of the forestry, softwood, pulp workers in northern Ontario, I will never support a deal as craven as this one.

*Government Orders*

[Translation]

**Mr. Robert Vincent (Shefford, BQ):** Mr. Speaker, I heard the NDP member say that the Bloc Québécois is really in favour of this bill. I would like to say to the member opposite that he, himself, often whines and complains about pretty much anything, but when it comes time to vote, he votes in favour. So why does he say one thing and then do the opposite? I think that what someone says is one thing and what I understand is another.

Quebeckers support the softwood lumber deal. Obviously, backs to the wall and a gun to their heads, they have no choice but to accept the agreement. And people wonder if we support it. They are asking us to vote to get them out of this mess, to give them some air so they can survive.

That is what the Bloc Québécois is doing. If the members opposite fail to understand this, that is their problem, but they had better not expect us to go along on their bandwagon to places we do not want to go.

I have a question for the member opposite. The president of the FTQ, Mr. Massé, is concerned that in the wake of this agreement, the Americans will take control of all forestry companies in Quebec and elsewhere.

Does the member believe that acceptance of this agreement may lead the American forest industry to buy us out?

• (1155)

[English]

**Mr. Charlie Angus:** Mr. Speaker, I live in the Timiskaming region on the Ontario side and I see the effects of forestry cutbacks, the same as I see in Abitibi-Témiscamingue. What I hear from our producers is that this is a bad deal. This is a deal that has been forced on us by government. If we allow this precedent to go ahead, our forestry industry will be in a much poorer situation two years, three years, five years down the road.

The principle that our provincial forestry policies can be challenged by the United States government is an unacceptable intrusion into the sovereignty of our provinces. We as New Democrats will continue to stand against that.

**Ms. Helena Guergis (Parliamentary Secretary to the Minister of International Trade, CPC):** Mr. Speaker, I have listened to the member's comments and have found a lot of misinformation in what he has had to say.

I would like to ask why he has chosen to recognize that this dispute really has gone on for the past 24 years. He has also chosen to ignore the testimony that has been placed in front of the committee throughout the summer. The committee sat all summer and heard from witnesses on softwood lumber. We were told clearly from the very beginning with respect to NAFTA that the United States did not want to include softwood lumber within NAFTA. In fact there was a memorandum of understanding where it was carved out. That is the reason we see the United States not accepting the results and why we are not able to reach a settlement.

I will agree with him that the industry is in a really bad state of affairs. It is as a result of the neglect of the previous Liberal

government. For 13 years it was not only unable to get a deal on the table, but it actually did nothing for the industry.

My question for the hon. NDP member is, if he is so concerned about softwood lumber, when his party was negotiating the Liberal-NDP budget, why did it not say a word about softwood lumber then? The NDP could have asked for anything it wanted at that point and it never asked for anything for the softwood lumber industry.

**Mr. Charlie Angus:** Mr. Speaker, I was waiting for a big wind-up and I am somewhat underwhelmed by the response.

The question, I find, is absurd. We need to be focusing on the fact that the government came in with the express position of getting a quick and dirty deal that could be signed. When industry saw this deal, and I talked to people in the industry across this country, they said that this is a bad deal. The government said to them, "Well, too bad. We are not going to negotiate anything better". That is unprecedented.

If I were the assistant to the secretary, I would leave the room in shame as well. It is a shameful deal the Conservatives have pulled on us. It has to be articulated in the House that the Conservatives went back to our own industries and told them, "We will not stand up for you. We will not fight for you. Take this deal or leave it". When industries still refused, they came back with the 19% tax on our own companies. That is predatory.

**The Deputy Speaker:** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the subamendment will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the yeas have it.

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

• (1200)

**Hon. Karen Redman:** Mr. Speaker, I would ask that the vote be deferred until the end of government orders tomorrow.

**The Deputy Speaker:** The opposition whip has asked that the division be postponed until the end of government orders tomorrow and, accordingly, this is what will happen.

### CRIMINAL CODE

The House resumed from October 2 consideration of the motion that Bill C-19, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act, be read the second time and referred to a committee.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, yesterday there was very good debate on the bill. It is a bill that seeks to create five new offences under the legislation with regard to street racing.

If members perhaps did not have an opportunity to follow much of the debate because of other responsibilities, I commend to them a speech by the member for London West who did an extraordinary amount of work to highlight for the information of all hon. members some of the areas in which there are some concerns and in which more consideration should be given. I really thought those comments were very helpful.

There is no question that the matter of street racing is an extremely serious issue. It is an issue which is important to Canadians and it is an issue which the House should give some careful consideration.

In the Criminal Code right now there are four offences dealing with the dangerous operation of a motor vehicle. They include dangerous operation causing bodily harm, dangerous operation causing death, criminal negligence causing bodily harm and criminal negligence causing death.

This bill would add another dimension to the consideration of a charge being laid, and that is whether or not there is the additional consideration and that is that the particular offence under the Criminal Code also was exacerbated by the incidence of street racing.

If members have followed the debate they will know that even with regard to the definition of street racing it is not entirely black and white. It is basically any two cars. As was pointed out by the member for Scarborough—Rouge River and by the member for London West, even rally racing may inadvertently be covered under the definition. There are a couple of other examples. For instance, let us take two people at a traffic light who do not know each other and have nothing planned, but if they happen to look at each other through their windows and all of a sudden start pumping their gas pedal a bit, we have to wonder, when the light turns green and they take off, whether they are street racing or just getting up to speed. There is some discretion I suppose.

The point is that a number of members raised concerns about whether or not the definition was clear enough and comprehensive enough to ensure legitimate sporting events, for instance, were excluded or exempted from the provisions of the proposed act.

The member for Scarborough—Rouge River also raised the issue of whether or not there was a time trial type of situation where there were not two cars involved simultaneously but perhaps consecutively and they were trying to get from destination *a* to *b* within the shortest period of time. Effectively, it is a timed issue. In a sense, it is a race against the clock and I suppose there are some interesting possibilities. Therefore, the definition has to be clear.

### Government Orders

Probably one of the most salient points that was raised in the debate by the member for London West had to do with the fact that the courts now have a number of aspects to consider in terms of determining the penalties exigible to a particular circumstance. If we were to now add the circumstance of street racing, the problem would no longer be two dimensional but it could be three dimensional. We need to look at the experience of the courts as to whether or not, under the existing laws, there already is some strain on the courts and perhaps the latitude of the judges to be able to apply sentences.

• (1205)

The bill would increase sentences and, in some cases, increase maximums and progressive penalties with regard to incarceration and to the prohibition for driving. However, by adding these five new offences, it appears that the bill may add another element that may impact the latitude of the judiciary to determine appropriate proportional sentences.

When I looked back at some of the debate on this, I noticed an interesting quote in the speech by the Minister of Justice. He said:

The criminal law can be, and in this case should be, a tool for shifting public perception.

I am not sure whether we should simply take that out of the context of everything else that the criminal law should be. By simply saying that we have street racing and that we have done the job because we now have harsher sentences in there, brings us to the same question about whether harsher and more convoluted sentences with some other things, such as the issue of deterrence, it is really a question that the House has wrestled with in many cases.

Is dealing with criminal activity solely a matter of deterrence? In at least half a dozen speeches yesterday people made some very extraordinary pleas for looking at a more comprehensive approach to the problem of street racing. I understand that in the first six months of 2006 there were 10 deaths attributed to street racing incidents. There is no question that one death is too much, especially when such an irresponsible activity as street racing is going on, but demographic studies have shown who is involved.

This is interesting and it comes from the Library of Parliament in the legislative summary. With regard to the demographics, it indicates that the participants can be classified, as a general rule, into one of three distinctive categories: first, young people aged 18-24 who usually live at home and, in most cases, have low incomes. I am not sure if it is the parents or the 18-24 year olds who have low incomes, but I would suspect we are probably talking about the individuals who have committed the offence.

The second category are individuals aged 25-40 who generally modify and use muscle cars such as Cameros, Corvettes and Mustangs. The third category are individuals of varying ages who drive imported vehicles such as late model Acuras, Hondas, Mitsubishi or Nissans.

*Government Orders*

I might add an additional item here. The study also shows that some participants use stolen vehicles, which is a whole other problem in terms of criminal activity within our society. However, there is a demographic, a prevalence in certain circumstances. In terms of amendments to the Criminal Code and in terms of doing as parliamentarians what we ask for in our prayer every morning, that we make good laws and wise decisions, is it a good law if it just simply says that we should keep ratcheting up sentences and keep throwing people into jail and that will take care of it?

The question then becomes the deterrence issue. We have had the debate in the House many times before about whether or not stiffer sentences will be a deterrent to those who do it. I am not so sure that an 18-24 year old will be too concerned. I think the hormones are jumping, the friends are there and, in some cases, alcohol is probably involved. This is something that is done simply because it is cool.

• (1210)

Then there are others in the 25 to 40 range who probably have a little money to throw away and who probably can afford to buy some of these cars, soup them up, such as installing special nitrous oxide burners. Again, this is almost like a yuppie type of thing where people want to do certain things.

A car cannot be modified without getting some very specialized equipment. We have to wonder whether there is any way in which we can communicate with those who are in the business of producing, marketing, retailing and modifying these parts to potential street racers. This has to do with a comprehensive and maybe a balanced approach toward the problem of street racing. I have often thought that, for every social problem we address in this place, public education is a big part of the solution. Prevention is a big part of the solution.

When I became a member of Parliament in 1993, the very first meeting I was ever at was a health committee meeting. The officials told us at the time that 75% of the dollars were being spent on remedial care; that is after there is the problem the health care system, we will try to address the problem, and only 25% was spent on prevention. The conclusion was that the model of 75% on fixing problems and only 25% on prevention was unsustainable.

Over the last decade, we have discovered very clearly that we cannot ignore the value of prevention. In fact, in the health model, it turned out that for every one dollar spent on prevention, we would save in the long term hundreds of dollars. It makes a great deal of sense. However, we do not apply those kinds of principles to the judiciary.

If we provide very specific conditions, whether it be mandatory minimums or increased maximums, and work them into the Criminal Code, we tend to build up a system which has absolutely no flexibility nor latitude.

I am aware of some work that has been done with regard to mitigating circumstances. This has to do with fetal alcohol syndrome or now called fetal alcohol spectrum disorders. Manitoba, Saskatchewan and Alberta have done some studies. About a couple of years ago, those provinces announced that half the people in provincial jails suffered from alcohol related birth defects. If those people get into situations where they have broken the law, where do the courts

have the latitude to consider the penalties in that specific circumstance? Do we have sufficient breadth of factors, which should be properly taken into account, when sentencing is considered? Should people who have mental health problems be incarcerated in prisons that are dedicated toward rehabilitation when rehabilitation is not applicable to them? Those are some interesting questions.

I wonder whether people with FAS, who for some odd reason finds themselves charged with street racing, may receive the same penalty as someone who had a cognizance or a criminal mind? I am sure the Minister of Justice would agree that in some cases they do not have criminal minds. Where do courts have latitude in this? I have some concern about that. I am sure there are a number of other cases.

I am concerned about maybe tying the hands of the courts and the judicial system even further. As well, I wonder whether it is a dangerous route to go down to suggest that maybe the judges are not doing the job. It is a terrible thing when not only is there no respect for the laws by some people, but when the legislators lose respect of the court system as well. I wonder how much of the problem we have with the courts, whether it be that they are not handing out harsh enough sentences or putting enough people in jail, has to do with the fact that the Government of Canada is making changes to the Criminal Code and saying that these are the things that must happen, but it is the other jurisdictions, the provinces and the territories who have to enforce them. They need to have their jails. Where do they get the resources? If we do not have enough courts, if the courts are jammed up—

• (1215)

**Hon. Vic Toews:** What are you talking about? This is Bill C-19.

**Mr. Paul Szabo:** I understand that. This is kind of an interesting dialogue with the Minister of Justice. I thank him for being here and paying attention to the debate. It is important and I know it is important to the minister as well.

As we start dealing with the Criminal Code, adding more elements, eliminating or maybe handcuffing the judiciary even further to the point where it has no choice but to incarcerate more and more people, it means having to build more jails. I do not know who will pay for that, when it is not in the federal jurisdiction.

How do we deal with it when the courts are clogged up? Even at the federal level, a very large number of judicial appointments have not been made. The court system is suffering because there are no judges. I do not know why the government is dragging its feet. These are all part of this.

What is the scheme of things? Are we saying that the judiciary does not really matter, that we are going to ram them through? Is it simply a matter of this is the charge, we have to dispose of this case quickly and the judges have no choice? If so, then all of a sudden we are not dealing with a comprehensive approach to the problem of street racing.

*Government Orders*

Where is the money for public education? Why is it not part of the bill? Where is the money for other preventive measures, such as resources to the policing authorities at any level of jurisdiction so they can integrate more fully into the communities to assist legislators in communicating to those who are of the demographic? It is not all around the country. There are some interesting studies that show where some of the problems are.

I have asked similar questions with regard to other bills. It seems that the government's solution to all the problems is to build more jails and throw more people into jail. I guess the housing program for Canada is we will create more jails.

There should be appropriate and proportionate penalties for people who commit serious crime. However, when we create five different offences and we have graduated or progressive penalties, all of a sudden it becomes very difficult to deal with the question of proportionality. I do not know how the judges will be able to deal with it.

One of the Conservative members has raised the issue that the CPIC system does not keep track of information with regard to whether a particular incident involved street racing. It would simply record the Criminal Code offence. I had to think about that.

I am not sure, but it would seem to me that if someone came up on a charge of breaking an existing law and the evidence was that it was part of an event qualifying as street racing, that information should be on the table with regard to the charge currently before the court. If this person had a record for speeding or negligence causing harm or death, or something like that, the question could also be posed about what the circumstances were, and the court records would show that. Therefore, even the CPIC issue probably is not a compelling enough matter to say that this is a deficiency and that is why we have to do this. I do not think it is a good enough reason.

I have a lot of questions. The member for London West has raised some very important issues. Should the bill pass second reading and go to committee, which I think it should, many of these questions should be seriously considered by the committee before the bill would pass further.

• (1220)

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I thank the member for another thoughtful contribution to debate in this place. Could he comment on the influence our popular culture of speed has on the whole issue of street racing? Folks in debate over the last couple of days have raised issues of the movie culture, the car chases in movies, video games, extreme sports, which encourage risk-taking.

**Mr. Paul Szabo:** Mr. Speaker, the member is quite right. I heard that debate and those examples. I must admit it made me think about a car commercial for the Acura, I believe. The commercial states that it has great steering control on sharp turns and other things. It shows a car, the rocker panel folds out, it fires some kind of spike into a concrete pillar and the wire helps the car get around the corner. We tend to glamorize speed. Many of the automobile companies are guilty of this, but it does not help us promote the responsible use of an automobile. It really gets down to that.

I agree with the member. This tends to support my representation that dealing with street racing is not just about how serious the penalty will be. What is the rest of the story? How do we deal with the influence of pop culture? How do we deal with other influences that particularly affect young people and allow them to get into situations that are harmful to all of us?

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I appreciate the fact that my colleague supports the bill going to committee for further discussion.

I was intrigued by his comments about tying the hands of the judiciary. As the member knows, the bill does not provide for mandatory minimum sentences. It provides for mandatory driving prohibitions and for higher maximum sentences. In my mind, higher maximum sentences provide more discretion for judges to sentence.

I would encourage the member to look at this not as tying the judiciary's hands, but to providing more direction to the judiciary. I understand some members of the judiciary would desire the House of Commons, which is reflective of the mood of the country, to provide more direction so they could sentence properly. Those who deserved to be in jail would spend time in jail, but those who could serve time in the community, would do so.

I invite the member's comments on whether he thinks the bill is more directed at providing direction to our judiciary.

• (1225)

**Mr. Paul Szabo:** Mr. Speaker, I would commend the speech made by the member for London West to the member on this point.

The judiciary already has the discretion to look at aggravating circumstances such as street racing. It is not necessary to put street racing in there. If we do, in terms of sentencing, we are making it more complicated and difficult to get convictions. The problem I see is the courts may have a greater difficulty getting convictions to prove that there was a criminal mind on all the elements necessary for conviction. I am not sure if the member understood that.

I ask the member to have a look at it. It is not simply a matter of tying the hands of the judiciary by setting mandatory minimums or imposing absolute sentences. The proportionality of sentencing is being affected by the bill, and that may be a problem. People will say that there is an argument for conditional sentencing or whatever. Maybe more people will not go to jail simply because there is disproportionality within the sentencing.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am glad to have this opportunity to speak to Bill C-19, an act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act.

We are discussing very important legislation. It is an issue that is of importance in many communities across the country. It is important to many people in my riding of Burnaby—Douglas who have had direct experience with street racing, and in some cases have had family members and relatives die in incidents involving street racing.

*Government Orders*

There have been deaths in my riding on Barnett Highway and Hastings Street. They were directly linked to street racing. As I travel around my constituency I have all too often seen the roadside memorials that spring up after that kind of event. They remain on those two thoroughfares in my riding. These are reminders of the tragedies, losses and deaths of people who were loved in the community. The deaths have affected families, friends and co-workers.

There have also been many serious injuries that have resulted from these incidents. Sometimes the folks involved have been innocent bystanders, drivers and passengers in other vehicles. It is a terrible circle of tragedy that stems from this irresponsible activity of street racing.

There is no place for street racing in our communities. It endangers the participants in the activity and the public. We need to address it in all its forms. It is an important issue to address in order to make our communities safer and to help broaden the understanding of public responsibility, and the commitments and relationships that we have with each other that make our communities successful and safe places to live. Street racing is one of the violations of our agreements with each other about how we live in our communities.

We need to address the question of street racing in all its forms. That is one area where this bill has received some criticism in the last day or two in the House during debate. There is some question about whether it deals with the breadth of activities that are known in street racing. I will read the definition that appears in Bill C-19. The definition of "street racing" as it appears in the bill states:

"street racing" means operating a motor vehicle in a race with at least one other motor vehicle on a street, road, highway or other public place;

There have been questions raised about what that actually includes. Does it have to be a side by side race of two or more vehicles? What about the other kinds of street racing that take place in our communities? I wish I had the appropriate popular expressions to describe them because I am sure there are more common ways of describing these other activities.

There are situations where people have timed races to see how long it takes to get to a certain location. There are other situations where people text message or email that they all converge to a certain place and the first to arrive is declared the winner. There are other variations as well. It is not just what we would all assume to be the side by side race of two or more vehicles.

Does the definition that is included in this legislation cover all the other circumstances, which are equally as dangerous and cause just as many problems in our communities as the more traditional race? How broad is this bill? Would it complicate things, for instance, for people who organize car rallies? Does it penalize people who might engage in a jackrabbit start at a stop sign with someone who drives up alongside?

Just what is the extent of the definition and how will it effect our understanding of this criminal activity? There are some problems with the definition that need to be addressed, worked on, and clarified before this is legislation that I could fully support.

It is not just youth who engage in street racing. In the last day and a half while we have been discussing this we have been quick to perhaps accuse youth of being the main problem.

• (1230)

As the previous speaker mentioned, the demographics include a broad range of people who engage in various forms of street racing and who may participate in this dangerous activity. It is people who may alter their cars to increase the power beyond what was originally contemplated for the weight of the vehicle that they have. There are people who soup-up vehicles, who develop muscle cars and hot rods, and those kinds of things.

There are people who drive very high powered vehicles for social status. We know that is often the case where some very expensive and high powered vehicles are seen as an indication that one is doing well in the community. Speed is sometimes associated with that status as well.

I think it is not just young people. Clearly, young people are not out buying the most expensive and fastest vehicles on the market. Often they are the ones who cannot afford to do that, so it is not just a youth problem. It is a problem of all sectors in society.

Sadly, it is not just a male problem either as some of the most recent incidents have shown. We need to be careful that we do not dismiss it as just the raging hormones of young men as we have often heard in this debate. It is a problem that crosses groups and demographics in our society.

I also want to address the idea that perhaps street racing is not already covered in our Criminal Code. I think it is very clearly covered there. In fact, the minister in his speech yesterday, when he spoke at the beginning of the debate on the legislation, made that very clear, that the Criminal Code does have options for dealing with street racing behaviour, and that they are available now and they include very stiff penalties.

I will list the charges the minister mentioned in his speech. The charges that are available in the Criminal Code now include criminal negligence causing death, which as the minister pointed out carries a maximum penalty of life imprisonment. That is no small charge. It is a very serious charge. It is a serious crime with a very serious possible penalty.

There is also the charge of dangerous operation of a motor vehicle causing death, which currently carries a maximum penalty of 14 years imprisonment. It is no small charge and no small penalty for someone convicted of that crime. There is also criminal negligence causing bodily harm. It has a very serious penalty of a maximum of 10 years imprisonment. There is also dangerous operation of a motor vehicle causing bodily harm with, again, a maximum penalty of 10 years imprisonment. Finally, there is dangerous operation of a motor vehicle which has a 5 year maximum imprisonment on indictment and which can be applied to cases where no one was injured or killed.

These are all very serious options which contemplate a very serious crime. They are there already to be used in our Criminal Code. If there is a problem with enforcement, then we need to get the reasons as to why these options are not being fully utilized in our communities. Why do the police not use these charges?

*Government Orders*

If they are using these charges and convictions are not happening, why is that the case? However, I do not think that there is any evidence that that is going on. Certainly, there is no evidence that I am aware of that these charges have not led to convictions in the very serious cases.

There is also all of the sets of driving prohibitions in the current Criminal Code which are a part of the options that are available to the courts. Under the current Criminal Code, if one is convicted of any of the five offences I mentioned above, the court can order a period of driving prohibition of up to 3 years in the case of a dangerous operation of a motor vehicle, up to 10 years in the case of a dangerous operation of a motor vehicle causing bodily harm or death and criminal negligence causing bodily harm. In the case of criminal negligence causing death, the court may order up to a lifetime driving prohibition. That is what the Minister of Justice said in his speech yesterday on the current provisions of the Criminal Code.

Even in the case of driving prohibitions, the court has very serious options available to it when it comes to driving prohibitions. A 3 year prohibition, 10 year prohibition, and lifetime prohibition are no small penalties for people who have been found guilty on any of the five charges.

I do not think that there is a problem currently with the Criminal Code. Clearly, the Criminal Code contemplates the dangerous operation of a vehicle and the dangerous operation of a vehicle that leads to death or injury as a very serious matter and worthy of a very serious punishment. I think that right now we have in the law good possibilities on that.

• (1235)

This brings me to wonder why we are considering these changes to the act. I think it is part of the Conservative Party's interest in mandatory minimum sentences and trying to tie the hands of the courts in very specific ways around very specific crimes. I know that mandatory minimum sentences do not work. They do not deter people from committing crime. They do not prevent crime in that sense. People often do not consider the consequences of criminal activity before they do it. It is just not in the works when that sort of thing is happening.

All that it might do is add greater numbers of people who are being held in prisons in Canada. I am concerned about the government's plans in that area. We have already seen that the government plans to expand the number of places available in prisons in Canada. I do not know that this would serve our society well in the long run.

We know that often putting people in prison does not in the long run solve the problems of crime faced by our society. It does not help them become rehabilitated and learn to take their place in a positive way in our communities. I am not sure that is a solution and that this bill is the solution in proposing tougher sentences around this crime.

I should mention that tonight at St. Paul's University members of the religious community in Ottawa and others are gathering to talk about conditional and mandatory sentencing. That is at seven o'clock tonight at St. Paul's. I wish I could be there. I am going to be here for the debate on Darfur. I think they raise very important issues that

need to be part of the debate we are having here on this legislation as well.

I also have to say that I do not believe that judges do not take the crimes of dangerous driving and street racing seriously. I believe they take them very seriously. I do not think that there is a judge in this country who acts leniently when it comes to this kind of crime, especially in the case where it has led to injury or death. I just do not think that is the case.

Sure judges make mistakes and sure the system is not perfect. I think to characterize the system as broken and to say that people are being dealt with leniently is completely wrong. I think the judges in Canada do an excellent job considering what they are up against and what they have to work with.

I think we have to consider all the facts of the case. We have to consider circumstances and the penalties imposed have to be appropriate and proportional. Judges must have the ability to make those kinds of decisions and act in their best judgment in light of all the circumstances that have come to light during a trial. I do believe that judges do that.

I do not want to do anything that would undermine the authority of judges in our system. They have a tough job and I believe they do it well. I think that right now judges do have the resources to do the job that we ask of them.

There are other issues around how we actually prevent the crime of street racing. There are preventive measures that we should be taking. I think we heard yesterday and today about some of those measures.

We have heard that police forces need more resources and more officers. They need more equipment to be able to put the effort that they want to put into dealing with this particular crime. We have certainly heard how the RCMP in the city of Richmond found a way of diverting resources into dealing with the issue of street crime which had been a particular issue in that community. The police had found a way to deal with crime. It was not without cost. It meant that the police had to make difficult decisions about where to divert other resources from, but they did find a way.

We have to make that kind of decision making easier for our police forces and ensure they have the resources. Unfortunately, Bill C-19 does not address that issue.

There are other examples from other jurisdictions as well. The state of Victoria in Australia has instituted a number of measures which address the whole question of the high death rate on its highways. It has reduced it by almost a third in the last 15 to 20 years, which is a significant reduction in the death rate on Australian highways in the state of Victoria.

*Government Orders*

One of its measures is a three kilometres an hour guideline when it comes to the issuing of speeding tickets. Here in Canada we all assume that somehow the guideline we can get away with is about 10 kilometres over the speed limit before we are in danger of getting a ticket. In the state of Victoria in Australia the well-known edict is that it is three kilometres an hour. My experience there is that it has had an effect on the speed that people drive on the highways in the state of Victoria in Australia. That is another kind of measure that might be the kind of thing that we should be looking at and our provinces should be looking at.

• (1240)

On the whole question of photo radar, my experience in British Columbia was that when we were using photo radar in British Columbia people did slow down on highways. I often have the occasion to drive the Sea to Sky Highway in B.C., which is known as one of Canada's most dangerous highways. When photo radar was in operation, people did not drive as fast on that highway, plain and simple. When it was gone, they started speeding again. I think photo radar makes a significant contribution and I think it is one of the measures that we should be considering.

Education of our drivers is another measure. Compulsory driver education may be something that we should be looking at in all of our jurisdictions so that drivers are apprised of issues like street racing as part of their basic education.

I also think that we need to place some limits on vehicles that are altered for racing. We need to make sure they are not driven on roads and highways in our communities when they have been altered as vehicles for any kind of racing activity.

Generally I think we need to address that whole issue of the culture of speed in our society. I think some of these ideas are ways of getting serious about speeding on our highways, in which we all can play a part.

However, I think there are other issues that also need to be addressed in addressing the whole culture of speed. We have heard a number of times about advertisers and car manufacturers who sell cars by appealing to the fact that they go fast.

We all know of one particular commercial in which a young boy says "zoom, zoom, zoom" as a car speeds by on a highway. That is an example of how we are characterizing the impression that vehicles are made to be driven fast and should be driven fast and also of how we are appealing to young people in that context. I think that is a very dangerous thing. Advertisers should have pressure put on them about that kind of advertising appeal.

We have also seen advertisers' own concerns about legal liability when cars are driven very quickly in TV commercials. Flashed on the screen is the message that it is a closed circuit and there is liability. I think they have identified liability issues in that case. They are trying to say that this is something one can only do in a closed circuit, when we know that the general impression is something else.

Too, I think we have to put pressure on our vehicle and auto manufacturers. Why are cars capable of travelling at speeds of 180 to 200 kilometres an hour or more? Do any of us ever have occasion to drive that fast? Perhaps there is a need for emergency vehicles to travel at those kinds of speeds, but generally those of us who use

vehicles to go shopping, take kids to school or go to an appointment have absolutely no need of a vehicle that is capable of doing that kind of speed. If we altered the kinds of vehicles we drive, and I think manufacturers should be perfectly capable of that, maybe could make a contribution on this whole issue.

There is also the question of popular culture. Car chases are a constant feature of movies. As well, video games show some very disturbing kinds of car chasing and street racing, where the whole object is to roll somebody off the road and put them in the ditch, for instance, or worse. I also think there is a whole culture of extreme sports now, which glorifies taking serious risks.

We need to address a lot of things that are part of that culture.

There is some thought that this might be a bill that helps educate the public, but I also think it does some other things that are less positive. I also think it is not my job to pretend that legislation will address this situation when I believe at some level that it will not. Since I think this is a very limited piece of legislation, I have a hard time seeing how it is really going to affect and prevent street racing in Canada.

I think that should be our goal: to prevent street racing before it happens. I believe that we already have in place serious penalties for people who are convicted of the kinds of dangerous driving of which street racing is a part. The Criminal Code provisions are there. I am very skeptical of the educative possibilities of this legislation. As well, I think we are missing the boat completely when it comes to prevention.

I am interested in this debate. I am glad to be able to participate in it. I have listened carefully to the submissions of others and look forward to continuing my participation as we continue our consideration of this legislation.

• (1245)

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Speaker, I have two quick comments and then a question.

First of all, it seems to me that the hon. member whose speech I enjoyed listening to is showing the same confusion about ownership of an object versus behaviour, much as people do with firearms. Simple ownership of a firearm does not make a person guilty. Simple ownership of an automobile of any kind does not make a person guilty. It is the behaviour that does. That is what we are trying to regulate.

I also would suggest that we are not limiting the courts' ability to act at the lower end of the punishment scale, but we are expanding their options at the upper end, which I do not think is a bad thing.

My question is on prevention. It goes back to what my hon. colleague mentioned in his remarks and in a question he had for a previous speaker. It is about the impact of culture and advertising and so on. I agree with him that it has a negative impact.

What are his suggestions are in terms of regulation of culture, movies, advertising and the automobile manufacturers' ability to manufacture vehicles that they can sell, and does that extend to regulation or does it go beyond that to some form of censorship?



*Government Orders*

**Mr. Bill Siksay:** Mr. Speaker, I am not a great advocate of censorship, but I do think there are many ways in which the public can bring pressure on advertisers, for instance, and on the people who produce movies and television and those kinds of things.

I do not believe we should institute laws that say they cannot show a speeding car, for instance, but I think there have been instances where public campaigns have been held to draw advertisers' attention to the fact that the way they are portraying a certain product or a certain activity is not the way a society believes they should be, and I believe they can have a real effect. I think that kind of pressure is most important.

I think we should be putting pressure on vehicle manufacturers to stop stressing speed when it comes to the advertising of vehicles. There are other reasons why we want to buy cars. Maybe we need to ask those questions when we go out to purchase a vehicle, questions about how it performs in terms of safety and so on. We should make those questions more of a priority.

In terms of requiring manufacturers to make sure vehicles are not capable of those speeds, I actually would be interested in considering that. I think it is one that we might want to look into. Certainly the amount of research and development work that goes into speed on the part of the automotive industry is significant. We see it all over the place in high performance racing.

Probably not enough goes into the other end of things, which are the kinds of vehicles most of use every single day. I would think that there might be some interesting possibilities for research about perfecting vehicles that do not need those speeds, research about how they can be manufactured and sold to the public in a way that makes them popular and also perhaps helpful to our environment. I do think these are possibilities that are worth considering.

• (1250)

**The Acting Speaker (Mr. Andrew Scheer):** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Acting Speaker (Mr. Andrew Scheer):** Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

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

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#### AN ACT TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION

**Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC)** moved that Bill C-18, An Act to amend certain Acts in relation to DNA identification, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise today to speak on Bill C-18, An Act to amend certain Acts in relation to DNA identification, and to recommend to the House that this bill be given second reading and referred to committee.

This bill is highly technical. It is necessary, however, to make these technical changes so that we can proclaim former Bill C-13, which was passed in the last Parliament with all party support.

Many members are familiar with the background of this bill because they were here when Bill C-13 was passed, but I will provide a brief background for the benefit of new members.

The National DNA Data Bank, which is operated by the Royal Canadian Mounted Police, began operating on June 30, 2000. Basically, it compares DNA profiles of convicted offenders with DNA profiles found at crime scenes. It now contains almost 100,000 profiles from convicted offenders and about 30,000 profiles from crime scenes. The data bank has assisted almost 6,500 police investigations.

In 2001, federal and provincial prosecutors and officials identified a number of deficiencies in the legislation. The Uniform Law Conference, which includes representatives of the defence bar, passed resolutions calling for high priority to be given to remedying seven problems.

The government launched public consultations in the fall of 2002. It was only in May 2004 that former Bill C-35 was introduced to correct the problems that had been identified. The bill died on the order paper when the election was called and was reintroduced as former Bill C-13 in October 2004.

I believe it would be fair to say that while all parties supported the DNA data bank and the changes proposed in the former Bill C-13, many members wanted to make more extensive changes.

There were negotiations among the parties to develop a package of changes that could secure unanimous support for the bill. In May 2005, three key amendments to the bill were adopted.

First was extending the retroactive scheme to cover persons convicted of one murder, manslaughter or sexual assault. I recall that our party, in opposition, was particularly keen in bringing that issue forward.

Second was creating a category of very violent offences where the court would have no discretion to refuse to make the DNA order. Again, this was another initiative of the party that I am in, which made that recommendation in the last Parliament.

Third was extending the definition of secondary designated offences to cover all offences under the Criminal Code or the Controlled Drugs and Substances Act that are punishable on indictment by five years or more.

The bill then moved with lightning speed and with all party support through the House and the Senate because of an impending confidence vote on the budget.

*Government Orders*

The provisions of former Bill C-13 that came into force upon receiving royal assent were those dealing with the expansion of the retroactive scheme, which makes about 4,400 more offenders eligible to be sampled, the procedure for dealing with DNA orders that appear on their face to have been improperly made, and the procedures for dealing with moderate DNA matches.

The major amendments that have not yet been brought into force are the following.

First is allowing courts to make DNA data bank orders against a person who has been found “not criminally responsible on account of mental disorder”.

Second is adding Internet luring of a child, uttering threats, criminal harassment, and “criminal organization” offences to the list of designated offences.

Third is moving “robbery” and “break and enter into a dwelling house” and child pornography related offences from the list of secondary designated offences to the list of primary designated offences.

Fourth is creating a new sub-category of the primary designated offence list of 16 extremely violent offences for which the courts will have no discretion whatsoever and must make the order.

Fifth is expanding the definition of secondary designated offences to include all offences that are punishable by imprisonment for five years or more.

Most members will agree that these are significant changes that will enhance the ability of the police to use the data bank and to protect Canadians from criminals.

•(1255)

Why, then, are they not yet in force? Federal, provincial and territorial officials, who were preparing for the proclamation of the remaining provisions of Bill C-13, identified a number of serious technical problems that should be corrected prior to proclamation and certain procedures that should be modified to increase efficiency and reduce costs. The former government, therefore, introduced Bill C-72 in November 2005 to make the necessary changes. However, that bill died when the election was called.

Officials have continued their work and they have identified more changes that would clarify Parliament's intent in passing former Bill C-13 and the procedures that should be modified to make the DNA legislation more effective.

As a former provincial crown prosecutor, I know how important it is to have clear procedures set out in the Criminal Code if legislation is to be effective. I am pleased that my department took the initiative of holding a two day meeting with prosecutors, police, forensic scientists and correctional personnel to go over Bill C-13 with a fine tooth comb.

Bill C-18, the present bill, proposes about a dozen changes that were not in the former Bill C-72, and those changes flowed directly from that meeting. Bill C-18 proposes no changes in the underlying policies or procedures already adopted by Parliament. It contains mainly drafting changes, such as the creation of 10 new forms. These changes are not dramatic and they will not grab the headlines, but

they will be welcomed by the people in the field who need to make what Parliament passes work.

Bill C-18 also contains some substantive changes that I believe will be supported by all members of the House. In particular, it would add attempted murder and conspiracy to commit murder to the offences covered by the retroactive provisions. These are very serious offences that indicate an elevated risk of reoffending and are punishable by life imprisonment, a higher punishment than for the sexual offences that are already included in the retroactive scheme.

It would also permit the Crown to apply for retroactive DNA data bank order where the offender was convicted prior to June 30, 2000 of one of the listed offences and is still under sentence for that offence, rather than requiring that the person be serving a sentence of two years or more.

There are a few cases of persons who, prior to June 30, 2000, received multiple consecutive sentences for various offences, including some of the offences that make an offender eligible for retroactive sampling and who are still under sentence. Although the court clearly considered them to be serious offenders, it did not impose a sentence of two years or more for any one of the relevant offences. It would also allow a DNA order to be made within 90 days after the sentence is pronounced.

It is believed that the main reason orders are not being made in many cases where they are already authorized is that prosecutors are extremely busy and are forgetting to remind the court to consider the issue. This would give both the prosecutor and the judge the time to review the files and, if the matter was simply missed, to have a hearing where the prosecution and the offender can present their arguments to the judge, who will decide whether to make the order.

It would also make it an offence to fail to appear for DNA sampling. It is expected that having a specific offence will better emphasize to the offender the necessity of appearing for sampling and so increase compliance with DNA data bank orders. It would authorize any police force that arrests the person for failing to appear for a DNA sample to take the sample.

It would be very expensive if offenders arrested in one province had to be sent back to the province where the order was made to have the sample taken. It would permit a police agency that has been authorized to take a DNA sample to authorize another police agency to take the sample if that would be less expensive. The police have been hampered in their efforts to execute the orders where the offender has been incarcerated outside its jurisdiction or been conditionally released but resides outside its jurisdiction.

The procedure to have the order transferred to a court having jurisdiction and obtaining another order are time consuming and use up resources unnecessarily.

*Government Orders*

There are also some changes being made to ensure that the National DNA Data Bank can communicate with the forensic laboratories and with its international partners more effectively.

● (1300)

Parliament certainly wanted to encourage these exchanges, but the amendment, as passed in Bill C-13, is not as clear as it should be. As well, the National Defence Act is being amended so that the DNA regime applicable to the military continues to mirror the civilian regime.

There are many other technical changes of this nature in the bill and I am sure that when the bill gets to committee for detailed consideration, officials will explain them all. I trust this is sufficient, however, for members to realize that the changes proposed by this bill will be very helpful to law enforcement, prosecutors and judges who have to use the legislation on a daily basis.

Passage of this bill will allow for the proclamation of the rest of former Bill C-13 and should ensure that it is implemented smoothly.

It is, of course, not the end of the changes to the DNA legislation. As members are aware, the five year parliamentary review of the DNA legislation should have begun by June 30, 2005. Officials of my department, the Department of Public Safety, the RCMP and the National DNA Data Bank are ready to assist the committee as soon as it is mandated to commence the review.

The delay in beginning the review is not entirely unfortunate. The committee will be able to consider such issues as making the taking of a DNA sample automatic upon conviction, or even more variations in light of the strong endorsement of the existing legislation by the Supreme Court in *R. v. Rogers*, which was decided in April of this year.

*Rogers* was primarily a case involving the ex parte nature of retroactive hearings, but *Rogers* also challenged the constitutionality of the scheme.

It is useful to consider the Supreme Court's detailed reasons upholding the constitutionality of the legislation. I want to quote from this because it is important for our discussions. The Supreme Court stated:

There is no question that DNA evidence has revolutionized the way many crimes are investigated and prosecuted. The use of this new technology has not only led to the successful identification and prosecution of many dangerous criminals, it has served to exonerate many persons who were wrongfully suspected or convicted. The importance of this forensic development to the administration of justice can hardly be overstated. At the same time, the profound implications of government seizure and use of DNA samples on the privacy and security of the person cannot be ignored. A proper balance between these competing interests must be achieved within our constitutional framework.

The court continues to state:

For reasons that follow, I have concluded that the collection of DNA samples for data bank purposes from designated classes of convicted offenders is reasonable within the meaning of s. 8 of the Charter.

That is the section of the charter dealing with the protection against unreasonable search and seizure.

The court continues to state:

Society's interest in using this powerful new technology to assist law enforcement agencies in the identification of offenders is beyond dispute. The resulting impact on the physical integrity of the targeted offenders is minimal. The

potential invasive impact on the right to privacy has carefully been circumscribed by legislative safeguards that restrict the use of the DNA data bank as an identification tool only.

The Supreme Court continues to state:

Unlike the warrant provisions, the DNA data bank provisions do not target suspected offenders in respect of particular offences. Rather, they target offenders who have been convicted of different categories of offences. They do not provide for the gathering of evidence for use in a specific prosecution. Rather, they provide for the collection of samples solely for the purpose of creating DNA profiles for inclusion in the data bank. In any future investigation, a comparison between DNA evidence obtained at a crime scene and the data bank DNA profile will either serve to exonerate or identify a suspect. However, if a crime scene DNA profile matches an existing profile in the data bank, the sample is not released. Usual investigative methods, including DNA warrants, must be resorted to in order to gather evidence in pursuit of the investigation.

● (1305)

The court continues to state:

In my view, in considering the purpose of the DNA data bank provisions, the appropriate analogy is to fingerprinting and other identification measures taken for law enforcement purposes. The purpose of the legislative scheme is expressly set out in s. 3 of the DNA Identification Act, "...to help law enforcement agencies identify persons alleged to have committed designated offences, including those committed before the coming into force of this Act."

The court continues to state:

The DNA data bank provisions contained in the DNA Identification Act and the Criminal Code are intended to put modern DNA technology to use in the identification of potential and known offenders. The DNA Identification Act is a modern supplement to the Identification of Criminals Act.

I am sure the committee will undertake a full review of the DNA legislation and it will want to consider carefully the implications of this judgment. I hope all parties on the committee will be able to come to an agreement as to the best way to proceed so as to protect Canadians while continuing to respect their charter and privacy rights.

However, we do not know when the committee will be struck, start its hearings or make its recommendations. I am speaking of the committee that will do the entire review that Parliament mandated a committee to do. We should not wait for this longer and broader process to implement changes that are generally acknowledged to be needed right now.

Therefore, I am pleased to recommend that Bill C-18 be given a second reading and sent to the standing committee for its review.

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, I would like to thank the minister for his speech. I can assure him that we will be very diligent when reviewing this bill. We are quite aware that this is an important tool for the police. The Bloc Québécois—and I am sure all members—has always been concerned with maintaining the balance between protecting privacy in certain circumstances and carrying out investigations with due diligence.

*Government Orders*

I would like the minister to provide a bit more information about one aspect of this bill, that is the RCMP's prerogative to release information about criminal investigations in general. I thought it was possible for the RCMP to release information about offences subject to collection orders, thus the list of the 16 most serious offences, those we refer to as primary offences.

To whom would this information be provided? Who would be the recipients? Should the bill not contain an additional guideline in this matter? Should we not be concerned about releasing this extremely intrusive, confidential and private DNA information too widely? To what extent is the scope of this section being broadened?

• (1310)

[English]

**Hon. Vic Toews:** Mr. Speaker, I think we are getting into some of the more technical areas on which I am not qualified to answer appropriately. I can indicate that, as with the fingerprinting regime where individuals are required to provide fingerprints upon being charged with an indictable offence, the DNA situation is much more restrictive. It only applies to individuals who have been convicted.

The Canadian scheme differs radically from the British scheme where individuals are required to give DNA sampling upon being charged. That has resulted in serious cold crimes being solved. In Great Britain, for example, suspects in so-called property offences, break and enters, are required to provide a DNA sample upon being charged. Many other so-called violent crimes have also been solved.

The potential for DNA is immense. I note that the Canadian bill is very restrictive, not only in respect of the offences, but it only occurs in respect of conviction upon those offences and there is discretion on the part of the judges in some of these cases to even at that point refuse to order DNA. I also note that there are restrictions on how police can provide this information, but I think that is an idea that needs to be explored further in committee. I would suggest that the member take that to the officials at committee.

**Hon. Sue Barnes (London West, Lib.):** Mr. Speaker, the minister would know that a lot of people in this country who have family members who are missing are very concerned about the identification of these persons. I know there are some challenges with respect to using the DNA identification process. In fact, there are current private members' bills that raise the situation. I would think that most of us are very empathetic to people whose relatives are missing.

Would the Minister of Justice take this opportunity to go over some of the issues and challenges that would be addressed with a missing persons matching situation?

**Hon. Vic Toews:** Mr. Speaker, the member is right that it is a challenging issue.

I know that the prior government identified certain concerns with respect to that type of a data bank of missing persons. There were some issues about whether or not that was properly within the constitutional jurisdiction of the federal government and the federal Parliament. I take the position that it is within the federal constitutional jurisdiction of Parliament. I am looking forward to having that discussion in the context of another bill.

I know there are challenges. I can tell the member that I am quite sympathetic to that issue. Whether it is a private member's bill

emanating from the opposition benches or government benches, my department is certainly prepared to look very seriously at that and assist in accommodating such a bill.

In the context of this particular bill however, it would only complicate the issue and delay passage of what are essential amendments to the bill that was passed by Parliament prior to the last election. The government did not want to raise that particular issue that the member for London West has raised in the context of this bill. Whether it is raised in the context of a separate private member's bill or in the overall review, that is something Parliament should look at very seriously.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I will apologize in advance if the minister addressed this point in his opening comments, but I came in a few minutes late.

Bill C-18 makes provision for retroactive gathering of DNA samples from individuals who have been accused and convicted and are currently serving sentences. They would be quite lengthy sentences because the individuals would still be in custody. For people who have been convicted of those offences the bill would allow for a sample to be taken from them now, when it would not have allowed it under the existing law.

Does the minister know how many convicted individuals are still incarcerated who would be subject to the changes that he is proposing? Is it the intent of the government that samples would be taken from every single one of those individuals?

• (1315)

**Hon. Vic Toews:** Mr. Speaker, that is a very important point and a good point.

We know that the bill back in May 2005 did extend the retroactive scheme to cover persons convicted of one murder, one manslaughter, or one sexual assault, which prior to that was not included. Those were included in that.

I stand to be corrected here but it is my understanding that the only substantive amendment in respect of retroactive changes to allow the authorities to take DNA samples deals with attempted murder and conspiracy to commit murder. They are very serious offences.

I am not certain of the number of persons presently incarcerated. I do not anticipate it being a very large number given, generally speaking, the murder rates in Canada.

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, I want to take this opportunity to thank the minister for participating in a round table in Oshawa in the summer. One of the comments I got back from the community leaders was about how well he listened and also his commitment to improving victims' rights.

I wonder if he could expand on the bill and how it relates to victims' rights.

*Government Orders*

**Hon. Vic Toews:** Mr. Speaker, technically it does not address the issue of victims' rights, but indirectly every time a wrongdoer, an offender is prosecuted and has been brought to justice because of DNA, I think that supports victims' rights and it is important from that point of view.

However, as was mentioned earlier by one of the opposition members, the whole issue of missing persons, for example, is an important element that we need to address. Also important is DNA being able to exonerate individuals who in fact are innocent. DNA assists in that exoneration process. If we can speak for a moment of people who are victims of a proceeding in that sense, who have been wrongfully convicted or wrongfully accused, DNA is one of the most effective ways of proving that the individual is not implicated in a particular crime.

I appreciate the opportunity that I had to be in Oshawa to participate with my colleague's constituents in a very informative discussion.

Generally speaking, I view the expansion of these DNA sampling authorizations to be important simply as one more tool by which the police can apprehend suspects and convict them. I believe though, at the same time, the bill is carefully balanced to ensure there is not a transgression of anyone's individual charter rights. Whether the bill goes far enough in that respect, again I would point the member to the Rodgers case that sets out certain guiding principles. I think I would also point to the experiences of other countries, primarily Great Britain, which has a much broader right to take DNA and at the same time has certain safeguards in place. It obviously does involve some balancing that needs to take place.

I believe that these are very good initial steps, but I do not think that we should stop at this point.

**Hon. Sue Barnes (London West, Lib.):** Mr. Speaker, I rise today on Bill C-18, An Act to amend certain Acts in relation to DNA identification. Bill C-18 impacts the Criminal Code, the DNA Identification Act and the National Defence Act.

I, along with many in this chamber, was a member of the House when the DNA Identification Act was created in 1998. The act came into force on June 30, 2000.

Section 13 specifically provides that within five years of the coming into force of the act a review of the provisions and operations should be undertaken by a committee of the House, the Senate, or by both. This review has not yet taken place and the current Minister of Justice by letter earlier this year states that the review "should begin as soon as possible after this bill receives royal assent".

I believe for many reasons that the review should happen as soon as possible. I would like to know from the minister if his assurance for the mandated review really means only after more of his so-called law and order bills come before the House or if the review can take place within the next year in a reasonable amount of time. Where exactly is the review on the list of priorities of the minority government?

In a letter which I believe was sent to all members of the justice committee, the minister identified various issues he wished to be discussed and they are important areas for discussion. Among them

are: having only one list of designated offences; the scope of judicial discretion with respect to making an order; taking DNA under the Identification of Criminals Act; international sharing; the one I just mentioned moments ago, kinship analysis; volunteer samples; victim samples; and exoneration.

The current Minister of Justice whom we have just heard from has urged that the amendments in Bill C-18 are needed to give the benefits of changes made under the former government's Bill C-13 passed recently. Former Bill C-13 was adopted on May 19, 2005 and only some parts of Bill C-13 are currently in force.

For people who may have not been part of that legislative process, it may be useful to set out the purpose of the DNA Identification Act. Section 3 states:

The purpose of this Act is to establish a national DNA data bank to help law enforcement agencies identify persons alleged to have committed designated offences, including those committed before the coming into force of this Act.

The principles of the act are contained in section 4 and include:

- (a) the protection of society and the administration of justice are well served by the early detection, arrest and conviction of offenders, which can be facilitated by the use of DNA profiles;
- (b) the DNA profiles, as well as samples of bodily substances from which the profiles are derived, may be used only for law enforcement purposes in accordance with this Act, and not for any unauthorized purpose; and
- (c) to protect the privacy of individuals with respect to personal information about themselves, safeguards must be placed on
  - (i) the use and communication of, and access to, DNA profiles and other information contained in the national DNA data bank, and
  - (ii) the use of, and access to, bodily substances that are transmitted to the Commissioner for the purposes of this Act.

The use of DNA analysis in solving crime has emerged as one of the most powerful tools that is currently available to law enforcement agencies for the administration of justice in our land. This has taken place in just over a decade. Actually it is remarkable. Its impact is akin to the introduction of fingerprint evidence in court over 100 years ago.

In the science of police investigation, DNA evidence is a major enhancement for the safety of Canadians. What is the value of DNA to public investigations? We should know that biological samples collected from a crime scene can either link a suspect to the scene or rule the suspect out as a donor of the DNA. Evidence from different crime scenes can be compared to link the same perpetrator to multiple offences, whether they occurred next door, across the country, or halfway around the world. It can also identify a victim through DNA from close relatives.

*Government Orders*

● (1320)

DNA is referred to often as the blueprint of life. It is a fundamental building block of a person's complete and entire genetic makeup. DNA is found in virtually every tissue in the human body. Experts tell us that the DNA in a person's blood is the same in the skin cells, the saliva, the hair and other bodily parts. Highly discriminating other than with respect to identical twins, it is a powerful tool for identification. Every person's DNA is unique to them, again with the exception of identical twins.

The DNA molecule itself can last significant environmental challenges. It is very stable. This enables the forensic experts to obtain new information from very old biological evidence, or establish important data from very badly degraded samples, which can occur when say a body is found or a crime scene is unearthed long after the fact of incidence.

The stability of the molecule and the fact we have very discriminating features of individual DNA and the accuracy of the analysis techniques that the current DNA people use make this a very efficient and strong human identification technology. It is a most vital component of most of our police investigations today of a very serious nature.

I should state that the national data bank respects the considerations, as it should, of the genetic privacy of individuals and follows strict guidelines as specified in the DNA Identification Act. The biological samples that are collected from convicted offenders and the resulting DNA profiles can only be used for law enforcement purposes. Thus, the National DNA Data Bank assists the law enforcement communities in solving crimes by linking crimes together where there are no suspects, by helping to identify suspects or conversely by eliminating suspects where there is no match between the crime scene DNA and the DNA profile in the national data bank. Further, it assists in determining whether a serial offender is involved.

By statute, the national data bank, which is located here in Ottawa, is responsible for two principal indices. The first is a convicted offenders index, which is an electronic index that has been developed from DNA profiles, collected from offenders convicted by designated primary and secondary offences identified in section 487.04 of the Criminal Code. I believe, as of mid-May 2006, the convicted offender index had nearly 100,000 entries.

The second is the crime scene index, which is a separate electronic index composed of DNA profiles obtained from crime scene investigations of the same designated offences addressed under the act. Thus we have several thousands, as the minister said, of the DNA samples from convicted offenders, which are included in the National DNA Data Bank along with the samples from various crime scenes across the country.

Large numbers of police officers from every province and territory jurisdiction in Canada have been the recipients of specific and proper training on how to collect and forward the DNA samples, which are then sent to the data bank in Ottawa for the proper analysis.

We know that the National DNA Data Bank has recorded over 5,200 crime scene to offender matches and more than 750 crime scene to crime scene matches. As everyone should appreciate, this

developing science has to be managed very appropriately and properly to safeguard people's constitutional rights.

We have had, though, over the last number of years continuous consultations with provinces and territories and the public at large. They all have been instrumental in developing the amending legislation over the last couple of bills. Again, under the former Liberal government in Bill C-13, changes were made to improve the public safety and the approach of the bill continued to respect the constitutionally protected rights of individuals and their privacy interests. This is the problematic challenge area of concern for many.

● (1325)

When the bill was before committee the last time, the Privacy Commissioner was there expressing some concerns. It is right that these types of debates happen. That is why it is totally necessary we have the overall review and, hopefully, that will not be delayed.

Under the act, we currently have both primary and secondary designated offences. The primary designated offences are considered the most serious criminal offences. They are, for example, sexual offences, murder and manslaughter. The significant but relatively less serious offences would come under the threshold of secondary designated offences in the act. Two examples that have been shown would be assault and arson.

For people to understand the practical difference, a judge who convicts a person of a primary designated offence is required to make an order for the collection of the DNA sample from the offender, unless the offender can convince the court otherwise, under a specific section, subsection 487.051(2) of the Criminal Code. It is usually mandatory unless there are strict criteria.

With a secondary designated offence, and this is the difference, a DNA sample collection order may be granted if the court, upon application of the Crown, is satisfied that it is in the best interests of justice to do so. It should be noted that if a person was convicted or discharged of any designated offence after June 30 of the year 2000, but the act was committed before that date, then the same criteria for granting an order under the secondary designated offence would apply.

Bill C-13 moved a number of previously listed secondary designated offences and the new offence of Internet luring of a child to the primary list. Also Bill C-13 proposed additions to the list of secondary designated offences. Examples of certain offences that moved to the primary list included child pornography and robbery.

*Government Orders*

Bill C-13 also made changes to the National Defence Act to ensure that the military justice system would remain consistent with the civilian justice system.

The former Liberal government also introduced Bill C-72 in November 2005, less than a year ago. That bill had a series of amendments to help implement the DNA data bank references that were endorsed by Parliament under Bill C-13, which I have just discussed. These technical amendments were to clarify definitions and procedures for obtaining a DNA data bank order and for sharing information. There was a provision to help DNA data bank orders to be carried out, even when, for logistical reasons, it may not have been possible to take the sample at the precise time as set out in the original order.

Bill C-72, which also died when the government fell last year, would have also simplified the procedure to destroy samples taken from those convicted of an offence not intended to be included in the DNA data bank. This is a whole specialized area. There is a lot of concern about whether samples ever really get destroyed or whether we just do not do the matching any more and we lose the ability to match properly.

Among other issues, Bill C-72 was to allow for hearings by video to reduce costs and security associated with two party and greater numbers of offenders eligible for a retroactive sampling as a result of Bill C-13. Therefore, Bill C-72 essentially picked up on some of the issues identified by the stakeholders during the consultations on the implementation of Bill C-13 and also from the committee debate. It was intended to have the technical amendment made under Bill C-72 come into force before the coming into force of the unproclaimed provision of Bill C-13 in order to increase the efficiency of the data bank system and reduce costs.

This has been a somewhat dry and truncated history of the legislation, but it puts us where we are today with the sections.

Bill C-18, introduced by the government based on the work of the former government, is supposed to represent a reincarnation of Bill C-72. Upon looking at the bill, amended forms, which were not ready for Bill C-72, have now been included in Bill C-18. As mentioned previously, we are now further behind the overall review of the legislation. We are again being asked by the Minister of Justice to do the technical amendments before the broader policy and review.

● (1330)

Bill C-18 has some substantive provisions also. I am not going to go through all of them today, that is what we have committee for, but I will give an example. It will make it an offence to fail to appear for DNA sampling. This is similar to the situation in the code where we have an offence for failing to show up for fingerprinting. This seems entirely logical to me. It also proposes to add attempted murder and conspiracy to commit murder to the offences covered by the retroactive provisions.

Also, there are simple, or not so simple, procedural changes in Bill C-18. Examples of these amendments include allowing a DNA order to be made within 90 days after the sentence is pronounced and allowing the law enforcement agency authorized to take a DNA sample to authorize another law enforcement agency to do it on its

behalf when the offender has moved or been incarcerated outside of the jurisdiction. This would save time and money. As opposed to moving the offender back and forth, we would do the sampling in another jurisdiction, as long as all the orders had been properly made.

These are practical amendments that would assist in an efficient process and rectify some of the on the ground problems that are being experienced by people who have to deal with the various systems, from the justice system courthouse, all the way to the analysis here at the data bank.

For the most part, Bill C-18 is an enhanced version of previous government bills. Since we have last had the occasion to discuss DNA legislation, the Supreme Court of Canada, in *R. v. Rogers*, has held, among other things, that the collection of DNA samples for data bank purposes from designated class of offenders is reasonable, reasonable as an infringement in our constitutional sense of the word.

In conclusion, I believe it is very appropriate to send the bill to committee for careful consideration. I will restate that I also think it is very appropriate that the House, our Parliament and some of the committees consider a full review so we can have a proper discussion about further emerging areas that need to be addressed, not only those outlined in the Minister of Justice's letters, but maybe some of the concerns of some of the other stakeholders. I think that would be a useful thing to do.

● (1335)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, as the former chair of the justice committee, I know the hon. member is very well versed in these issues, certainly more so than I.

Seeing she has a lengthy background with the issue of the sensitive subject of collection of DNA, why does she think that nowhere in Bill C-18 does it raise the thorny issue of what we call Lindsey's law? I note the summary is long and comprehensive. It is one full page when usually summaries are one paragraph.

I know many people throughout the recent years, from both sides of the House, have tried, through private members' business, to get the concept of Lindsey's law to the House for debate and, hopefully, for implementation. It seems like such an eminently reasonable thing to a layperson. If people lose a loved one or a child is abducted, if parents want to voluntarily have their DNA listed and filed and it would be a great aid to the law enforcement offices that may need to compare DNA for identification for that lost loved one, why should there be obstacles?

In a bill as comprehensive as this, that touches on virtually every aspect of the privacy associated with the collection of DNA, could she expand perhaps as to why the government was reluctant to include such a reasonable thing as Lindsey's law?

*Government Orders*

**Hon. Sue Barnes:** Mr. Speaker, although I spent a few years as the vice-chair of the justice committee in 1993 and only chaired the committee in the absence of the existing chair at that time, I did so many times. Unfortunately, we were not dealing with DNA legislation, so I actually look forward as a member of the current committee that we will have a look at this and do the visits that some former members of the committee did at the DNA databank.

When visiting the databank, what is very dry and more difficult to understand about the technical way in which this series of bills operates is that when hearing from the experts and those administering the system, they apparently will show all the technical reasons for privacy that surround the operation of the databank.

This exact question is the one which I posed to the Minister of Justice a couple of minutes ago as the first question on this bill. I can tell the House that in his response he was not giving a lot of information out other than saying his department is currently looking at this.

I know there is a private member's bill which was originally put forward by the member for Saanich—Gulf Islands, who is now a minister of the current government, known as Lindsey's law. We hope that the current government will look at all of the concerns that will be raised around the technical reasons surrounding what the challenges are and whether these can be dealt with through protocols.

I hope I am being clear enough for the member. For instance, if somebody gives a voluntary sample and it matches up with an existing crime scene, there is an incriminating situation that never was intended as it was supposed to be for a match for someone who was missing. There are privacy situations and protocol situations around this.

I do not think any member of the House would be trying to block what is called Lindsey's law because we know the sorrow and non-closure of an issue when a child is missing. The current minister may find out through his technical discussions with the experts who have to deal with it that there may in fact be some challenges to be overcome. I personally hope that these challenges can be overcome because there needs to be some efforts made to assist people with their very real anguish in that situation.

I know it is one of the listed items in the review. It is very important we have this review, but in the meantime the Minister of Justice should work inside his cabinet to push all of the appropriate departments in getting this done so people can have closure.

• (1340)

**Mr. Pat Martin:** Mr. Speaker, further on this subject of DNA, I am wondering if my colleague is aware that one of the most frequent times the subject of DNA comes up for most members of Parliament is in immigration case work. More and more frequently, the Minister of Citizenship and Immigration is requiring families to produce DNA evidence to allow families to sponsor, for instance, a child from overseas.

In my own experience, I have found this to be an almost insurmountable barrier for the reunification of families associated with immigration cases, in that the fee is about \$900 for DNA testing. Most of the recent immigrants to my riding in the inner city

of Winnipeg are from East African countries where the average family income is \$200 or \$300 per year. Even if the applicant family is in Canada, wants to bring over a child, and has to prove with DNA evidence that it is in fact that family's child, the newcomers in Canada have a heck of a time coming up with this fee.

In the context of talking about the DNA registry and Canada coming to terms with DNA as the single most important identifier that we can point to, is the member aware of this burgeoning problem associated with DNA identification, and is she finding in her own riding that more and more Canadians are being stymied and frustrated with reuniting families by virtue of this near impossible test?

• (1345)

**Hon. Sue Barnes:** Mr. Speaker, I have encountered over a number of years situations where DNA testing has actually helped my constituents, people who have come often as refugees fleeing from other countries. I know east Africa was mentioned. I am thinking of one case where a family had a number of children, but because of the refugee situation and civilian strife in their country of origin, they left without any documentation that most people would have to identify their children such as passports and birth certificates.

Some people leave under military situations where they are running away from guns and crossing borders with barely anything other than the clothes on their backs. DNA has been utilized successfully in cases in which I have been involved. Parents were able to identify children who somehow got separated from their families while fleeing. It was one way in which the former government did find a way of reuniting families.

I do understand the point that it is expensive, but it does give certainty and actually helps solve the situation. It is a solution for those families. It brings them together and in a way has helped develop the family reunification objectives of our Immigration Act.

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, the Bloc Québécois will support this bill in principle, that is, we want police forces to have the tools they need to solve investigations quickly. During investigations, the police may need to collect DNA samples. We also understand the need to have a DNA data bank managed by the RCMP. We will therefore vote in favour of sending this bill to committee after second reading, and we will raise a number of questions.

We feel it is our duty to do so, especially since, in the very recent past—just now, actually—the RCMP's actions were not beyond reproach regarding the collection and sharing of information. In our opinion, there must be extremely firm guarantees that the appropriate recipients of such information will be correctly identified.



*Government Orders*

Since 1998, the Bloc Québécois has supported these measures. In 1998, we began voting on the first measures concerning the collection of DNA samples. Furthermore, we supported Bill C-13. This is really a question of judges having the ability to impose an order that will be mandatory in some cases, but optional in other cases. This will allow something extremely intrusive in terms of human rights, that is, collecting DNA samples.

We understand fully—and the minister was right to point it out—that when an individual is imprisoned and convicted of an offence under the Criminal Code, it is not unreasonable to ask for a DNA sample.

I will close by sharing our questions on this matter. Bill C-13 deals with the primary designated offences that involve the most violence and relate to sexual assault, and I will name them. There are 16 cases where the courts must issue mandatory orders to take DNA samples. The DNA information is kept in a data bank that is managed by the largest police force, the RCMP. Sampling is mandatory in the following cases: prostitution, living on the avails of prostitution, murder, manslaughter, aggravated assault, sexual assault, kidnapping, robbery, extortion, etc. This list of primary designated offences also includes offences such as breaking and entering a dwelling house and participation in the activities of a criminal organization.

Section 467 of the Criminal Code was created in response to the conflicts between outlaw motorcycle gangs in major urban centres. A new offence was added to the Criminal Code: gangsterism, which consists in committing an offence for a criminal organization. Now, in cases of luring children using the Internet or procuring, the Crown must prove that the mandatory sampling order will better serve the interests of justice. In the case of secondary designated offences—all crimes punishable by more than five years in prison—the prosecution must request an order and demonstrate that it is in the interests of justice.

The Bloc Québécois was in favour of all these provisions that would give the police additional resources, because we voted in favour of Bill C-13.

One aspect of Bill C-18 that might warrant further discussion is the fact that, in addition to the existing provisions, the government wants everyone who has been convicted since 2000 of conspiracy and attempted murder to be included in the national DNA data bank.

● (1350)

Obviously there is some grey area. Conspiracy corresponds to a fairly broad provision in criminal law. There are situations where conspiracy leads to the commission of criminal acts, but conspiracy in and of itself is closer to plotting than actually committing the criminal act.

I asked the minister a question earlier, but unfortunately he was unable to provide an answer. Our question is on a provision in the bill that will allow the RCMP—the entity in charge of administering this data bank—to use the information, and thus the DNA.

This data bank has two major indices. The first index includes DNA samples of people who have indeed been convicted of one of the 16 designated offences I mentioned earlier. As far as the second index is concerned, it has to do with scenes of crimes, including unresolved crimes. I will give you an example. A murder occurs on a

property and the guilty party is not identified, but there are traces of blood, bodily fluid and other substances. The RCMP collects samples and they become part of the crime scene index. Even when no suspect is identified, there is still anonymous information left by DNA, bodily fluids and blood.

This information is found in two major indices. I was somewhat surprised to see that Bill C-18, if passed in its current form, would allow the Commissioner of the RCMP, Mr. Zaccardelli, to use DNA information for all criminal investigations and offences.

I hope the Minister of Transport, Infrastructure and Communities shares my opinion, but, at the risk of repeating myself, I maintain that we must be extremely careful when it comes to distributing personal information. The RCMP is not above reproach. That is why we will leave the parliamentary committee to do its work.

I have read the O'Connor report on the Arar case and it is clear that the RCMP was given a lot of power. It can even respond to requests from other countries and both parties may want to share information.

In investigating an offence that is not necessarily on the list of 16 designated offences that I was talking about, if there is information to do with the DNA of bodily fluids and blood, in other words a genetic profile, the RCMP could distribute this genetic information, affecting potential suspects, to different police bodies and to independent investigators. Obviously we are concerned.

Once again, I recognize the importance of Bill C-18. In 1998, the Bloc Québécois agreed to the creation of a data bank. We even collaborated on Bill C-13, which was passed unanimously, but we have always expressed reservations concerning the extent to which the information may be shared. This is very important for genetic profile information, and it makes a significant contribution to resolving criminal investigations.

In the absence of a perfect match, Bill C-18 would also enable the RCMP commissioner to communicate similar genetic profiles to foreign authorities.

● (1355)

This is extremely important. Since Bill C-13 was passed, the international communication of profiles has been limited to the validation of DNA samples found at crime scenes outside of Canada. In such cases, the information in the profile is communicated to police authorities in countries that request it. If there is no match—if the DNA sample is not validated—all the RCMP is authorized to say, according to Bill C-13, is that the DNA profile requested for validation does not correspond to any information in the current data bank.

*Statements by Members*

Bill C-18 takes this a little farther. It would permit identification by DNA profile in the communication of possible matches. This may seem very technical, but it is not just technical. This is about the concerns and the balance we have to have. We accept that convicted individuals who have harmed a person or property and been imprisoned may be subject to an RCMP investigation. However, we are not prepared to say that all foreign police forces can have access to the information in the data bank, even if a suspect has not yet been identified.

These are the issues the committee will discuss. I will take a break for member statements under Standing Order 31, and I will continue my speech after oral question period.

**The Acting Speaker (Mr. Andrew Scheer):** The hon. member for Hochelaga will have eight minutes after oral question period to conclude his speech.

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## STATEMENTS BY MEMBERS

[English]

### CONSERVATIVE PARTY OF CANADA

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, democracy is alive and well in the Vegreville—Wainwright constituency and in the Conservative Party of Canada.

Despite the fact that the last election was only eight months behind us, I was challenged for the nomination. No member of Parliament really likes a nomination challenge, but I fully support the right of party members to do just that.

This commitment to the democratic process is something we simply do not see in the Liberal Party, where Liberal MPs are being protected from nomination challenges.

I thank all 2,100 members who got involved in the process for caring enough to come out and vote. I also thank the members of the board of directors of our EDA, who worked hard to make the process work.

Finally, I commend all Canadians who buy a membership in any political party and get involved in democracy at the grassroots level. To them I say that they are the true protectors of democracy in this country and I thank them for that.

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● (1400)

### WORLD SIGHT DAY

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** Mr. Speaker, I am pleased to host World Sight Day 2006 on Parliament Hill. World Sight Day is on October 12. We will mark the occasion tomorrow afternoon.

My office has been working closely with Christian Blind Mission International, CBMI, whose office is located in my riding. It was after having spoken with its leadership that I decided to include Braille on my business cards.

Vision 2020: the Right to Sight is a global initiative of the World Health Organization, along with national governments and organiza-

tions. This initiative aims to eliminate unnecessary blindness to give all people, including those in developing countries, the gift of sight.

My office has issued the invitations. I hope that everyone will take the time to learn more about World Sight Day with CBMI, CNIB, Operation Eyesight, the World Blind Union and other members of the Canadian coalition.

\* \* \*

[Translation]

### CULTURE

**Mr. Maka Kotto (Saint-Lambert, BQ):** Mr. Speaker, culture is what enables humankind to create a framework for itself and for its development. It helps us to think for ourselves. Culture is key to having a sense of belonging to a community. It represents the essential fibre of Quebecers, influencing our thoughts, words, actions and daily life, and enabling the development of individual members of the community.

Given its ideology intended to smother and stifle our museums, theatre, cinema, and creators, the Conservative government is undermining Quebec's hopes for the survival of its culture, here and around the world.

I would like to remind the House of a simple fact. Because it is culture that embodies the history and pulse of a society, soon, in a sovereign Quebec, culture will become both a major challenge and a collective priority.

\* \* \*

[English]

### VOLUNTEERISM

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, Canadians value the importance of the non-profit and voluntary sector in providing social, cultural and recreational benefits. The size of its contribution to Canada's economy and job market is enormous at 6.8% of the nation's GDP, more than the mining, oil and gas sectors combined.

In Sault Ste. Marie, the non-profit sector is valued at \$78 million and employs more than 1,400 people, but the Conservative government does not get it. It says volunteers are a "non-core priority", with \$200 million in cuts, including the national volunteer initiative serving 161,000 non-profit agencies.

The Muttart Foundation from Alberta says that the cuts hurt the vulnerable and create social deficits that will cost more than \$1 billion to repair.

If the Conservatives keep this up, it will not be long before the Conservative government is deemed "non-core" by the people of Canada.

*Statements by Members***THE ENVIRONMENT**

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Mr. Speaker, our new Conservative government agrees with the environment commissioner's recent recommendations pertaining to the need for a coordinated and measurable approach to climate change. Our new Conservative government also looks favourably on her recommendations for accountability.

The new Government of Canada will develop a comprehensive and inclusive approach that involves all sectors of industry. It will also work closely with the provinces and the territories as well as key stakeholders.

Canada's new government has already taken a number of actions: a systematic categorization of chemical substances; a tax credit for public transit riders on the cost of their monthly passes; \$1.3 billion in investments in public transit infrastructure; and a commitment to 5% average renewable content in Canadian motor fuels

Our environmental agenda will include achievable, affordable and practical measures to clean up the environment and protect the health and well-being of all Canadians.

\* \* \*

• (1405)

**HUNGARIAN CANADIANS**

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, October 2006 marks the 50th anniversary of the Hungarian revolution, after which upwards of 40,000 people fled to Canada for freedom and opportunity.

Tomorrow the National Arts Centre will open a photo exhibit celebrating the contribution of 50 Canadians of Hungarian origin.

Photographer V. Tony Hauser has captured the essence of these exemplary Canadians and their contribution to the arts, business, media, sports and politics, including two of our colleagues, the member for Scarborough Southwest and the member for Kitchener—Waterloo. I would be remiss not to mention my much better half, Catherine, who is also included in the group.

Also, tomorrow morning, with the help of the National Capital Commission, the Canadian Hungarian community will unveil a monument in honour of those who lost their lives for freedom and in gratitude to Canada and to the Canadian people.

\* \* \*

**CANADIAN FORCES**

**Mr. Fabian Manning (Avalon, CPC):** Mr. Speaker, on Saturday evening, September 30, Corporal Keith Mooney of St. Mary's, Newfoundland, received a hero's welcome in his hometown on his triumphant return from Afghanistan. A large motorcade, followed by a packed community hall, welcomed Corporal Mooney back to his roots in St. Mary's Bay.

Recovering from severe shrapnel wounds, Corporal Mooney spoke to the people about his experience and about his comrades who had died in an effort to bring peace and democracy to that faraway land. He told us about the success of our Canadian soldiers

and the all important difference they are making in that wartorn country, especially in the lives of the children.

While he was delighted to be home again, Corporal Mooney said that if a request came for him to return to Afghanistan tomorrow, he would do so in a heartbeat.

They are winning the fight and our continued support is needed.

When given the opportunity to speak, I thanked Corporal Mooney and his comrades and assured him that the military has the government's 100% support for this mission.

Corporal Keith Mooney's family and community are proud of him. His country and his government is proud of him. God bless him and we welcome him home.

\* \* \*

[Translation]

**QUEBEC INTERCULTURAL WEEK**

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, I rise today to highlight the fourth edition of the Semaine québécoise des rencontres interculturelles, which takes place from October 1-8, 2006, with the theme "A thousand faces, our future".

This week provides an opportunity to seriously reflect on our citizenship values, particularly in the context of Quebec, and on the invaluable contribution of immigration to Quebec society.

This is also an opportunity for us to take a closer look at the situation of our fellow citizens who contribute to the vitality of our communities. We must acknowledge the difficulties associated with their full integration. We must applaud their success and recognize that we could make better use of their education, experience and their desire to succeed with us.

We would like to work together on initiatives to make immigrants feel more welcome. I hope these intercultural meetings will be used to support and encourage activities in our communities that promote their development.

\* \* \*

[English]

**PETER NAGLIK**

**Mr. Jason Kenney (Calgary Southeast, CPC):** Mr. Speaker, we all know that moments of sudden tragedy can arrive that seem to stop the world for a moment and which remind us starkly of what really matters in life: the eternal things like faith and friendship.

Such a moment arrived for many members of this House last Friday when we learned that a dear friend and colleague, Peter Naglik, was tragically taken from us in a car accident.

Peter was well-known to many of us through his lifetime of service to his province and country through the democratic process. He was a stalwart advisor and speech writer in both the Ontario provincial parliament and this House where he served many MPPs and MPs, including former Premier Harris and the current Minister of Public Safety.

*Statements by Members*

He brought his gentle spirit and special élan to dozens of campaigns as one of the leading conservative activists of his generation.

There are members of this place whose election would have been impossible without Peter's dedication and professionalism.

As all who knew him can attest, Peter was a man of deep conviction and enormous kindness. We are consoled only by the knowledge that he lived and died with a strong Catholic faith.

We mourn his passing with his family, his beloved Rossana and her daughters, Rebecca and Leah.

*Requiescat in pace aeternam, Peter.*

\* \* \*

#### INTERNATIONAL DAY OF OLDER PERSONS

**Hon. Raymond Chan (Richmond, Lib.):** Mr. Speaker, on October 1, the world celebrated International Day of Older Persons. This day is set aside to celebrate the wisdom and accomplishments of senior citizens around the world.

Shamefully, the Conservative government commemorated this day by announcing \$1 billion in cuts to social programs, key programs that directly touch the lives of Canada's seniors, such as affordable housing through the CMHC, the Canadian volunteerism initiative, Status of Women Canada and the literacy skills program.

The seniors in my riding of Richmond are very concerned with these program cuts. Sadly, I was reminded just how the government is not standing up for Canadians.

\* \* \*

● (1410)

[*Translation*]

#### ABDOU DIOUF

**Mrs. Sylvie Boucher (Beauport—Limoilou, CPC):** Mr. Speaker, it is with pleasure that I congratulate, on behalf of the Government of Canada, His Excellency Abdou Diouf upon his re-election as Secretary General of the Organisation internationale de la Francophonie. He was re-elected handily last week during the 11th summit of la Francophonie.

Mr. Diouf is the former President of Senegal and has provided expert leadership to the international Francophonie these past few years.

We are convinced that he will continue to do so over the next four years of his mandate.

Once again, congratulations Mr. Diouf.

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[*English*]

#### JACK STAGG

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, on August 9, Canada lost one of her greatest public servants.

Mr. Jack Stagg's last posting was deputy minister of Veterans Affairs. Throughout his career he had many accomplishments which made Canada a better place to live: the political accord for the establishment of Nunavut, the settling of the Marshall decision and the creation of the Year of the Veteran, just to name a few.

I had the good fortune to travel on several overseas veterans missions with Jack and his wife, Bonnie, where their love and respect for our veterans and their families created memories I will always cherish.

Jack showed us all what dedication to family, service and duty to country was all about and he displayed tremendous courage with his battle with cancer.

On behalf of my colleagues in the House of Commons, I extend my condolences to Jack's family and to the employees of Veterans Affairs on Jack's recent passing.

I want to thank Bonnie, Amary and Wallis for sharing Jack with all of us.

In the words of the solemn act of remembrance we say, "We will remember Jack Stagg".

\* \* \*

[*Translation*]

#### VETERANS

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, on June 11 I had the privilege of attending the unveiling of the veterans' wall of remembrance, at the Rideau Memorial Gardens in Dollard-des-Ormeaux, on which are inscribed the names of 1,299 men and women who served our country.

I wish to thank everyone who made this ceremony possible and to express my sincere gratitude to our veterans for the inspiration they provide to our present and future generations.

This wall reminds us of the sacrifices made by our military in order for all of us to live in freedom and dignity. We should always remember that democracy and freedom cannot be taken for granted and that, on the contrary, they require the vigilance and commitment of each and every one of us.

I would like to take this opportunity to thank all members of our military who are presently on duty around the world. We are proud of you.

\* \* \*

#### ABORIGINAL AFFAIRS

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, Canada must vote in favour of the Declaration on the Rights of Indigenous Peoples during the current session of the United Nations general assembly. The declaration offers a promising vision of a new relationship between countries and indigenous peoples, based on collaboration and respect for individual rights.

To date, no universal instrument has protected the rights of indigenous peoples better than this declaration. Indigenous peoples continue to be among the poorest and most marginalized on the planet.

Adopting the Declaration on the Rights of Indigenous Peoples is consistent with international peacekeeping. These rights do not represent a threat to peace. They are an essential foundation for indigenous peoples.

The Bloc Québécois has always supported the adoption of this declaration in order to recognize the fundamental rights of indigenous peoples. That is why we are asking once again that Canada vote in favour of this declaration.

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[English]

#### AGRICULTURE

**Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.):** Mr. Speaker, Saskatchewan has long been known as the breadbasket of the world, with hard-working farm families contributing greatly to the province's wealth.

However, the farm income crisis has hurt many Saskatchewan farms and the collapse of the WTO talks has led to global uncertainty. A new road map is needed to plan a way forward to help and empower farmers.

I applaud the member for Malpeque for making that road map, a new Liberal plan that puts priority on farm families. He consulted with many farmers and organizations across Canada, including co-hosting a meeting with me in Meadow Lake this summer.

The new Liberal plan calls for: deep reforms to CAIS, not just a rubber stamp name change; a disaster relief plan that responds to major crop loss, avian flu, BSE and high foreign subsidies; a biofuels plan that puts the priority on producers; a strategy to seek and secure new markets and challenge unfair practices; and, most important, consulting with producers to respond to their needs, not simply serving ideology or bureaucracy.

The new Liberal road map for agriculture points to a real commitment and partnership with Saskatchewan's farmers.

\* \* \*

● (1415)

#### LIBERAL PARTY OF CANADA

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** Mr. Speaker, the Liberal culture of entitlement continues, only now it is about frugal Conservative cabinet ministers being admonished by the member for Wascana for not spending at the level of the former Liberal cabinet.

I have seen opposition parties react to policy differences and I have seen oppositions upset over the spending priorities of the government, but a new first has happened. We have an opposition whining about government ministers who are not spending enough.

I would like to tell the member for Wascana again that it is not his money. It comes from the taxpayer and, whenever possible, it goes back to the taxpayer.

A new government is here now and, regardless of what the Liberals want, we cannot and we will not spend like they did. The days of entitlement are over for them and we will not do it.

#### Oral Questions

[Translation]

#### INTERNATIONAL DAY OF OLDER PERSONS

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, the Conseil des aînés in Quebec invited the public to celebrate the International Day of Older Persons on October 1, setting as this year's theme "The generational rainbow...shining for all the world."

This theme underlines the importance of intergenerational ties. Seniors are a priceless resource. They share their knowledge, their life experience and their values with younger people. The colours of the rainbow represent seven important values: trust, love, comfort, listening, knowledge, solidarity and hope.

These values truly characterize seniors. Think of all the volunteer work they do: providing child care, lending support in hospitals, helping with homework and mentoring. These activities are worth \$60 billion annually.

We can only hope that the Conservative government will give justice to many of the seniors who helped build Quebec and Canada by finally paying them the \$3.2 billion in retroactive guaranteed income supplements.

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#### ORAL QUESTIONS

[English]

#### GOVERNMENT APPOINTMENTS

**Hon. Bill Graham (Leader of the Opposition, Lib.):** Mr. Speaker, we learn of more Conservative appointments. The rights of minorities in Canada are fundamental to our common citizenship, yet the Prime Minister has named Darrel Reid as a key political operator in his administration.

Mr. Reid, one of his Conservative candidates, said that it was about high time that Muslims showed the world that theirs was a religion of peace, rather than a religion based on threat, intimidation and terrorism.

Canadian Muslims totally reject that categorization. Canadian Muslims are people of peace.

Does the Prime Minister choose our Canadian Muslim voices or does he support his recent political appointment? That is a choice he has to make.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I would have to see the context of the remarks. I think all in this House agree that all religions in the world are full of people of good faith and goodwill who want to see a better world. That is why we are working with the Islamic Republic of Afghanistan to help clear that country of terrorist elements.

*Oral Questions*

**Hon. Bill Graham (Leader of the Opposition, Lib.):** Mr. Speaker, colleagues in the House might be interested to see the context of the remarks when the same person, Darrel Reid, compared members of this House, who voted in favour to protect Canadian citizens who happened to be gay or lesbian against hate crimes, as being similar to Adolf Hitler and his bunch.

Colleagues, look around this House. Are there members in this House who are like colleagues of Adolf Hitler, who are Nazis? This is the type of person the Prime Minister is bringing to his high political office and into his house.

This is an affront to our democracy. It is an affront to the House of Commons of Canada.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, as I have said and this party has said in the past, we defend the equality rights of gay and lesbian Canadians. At the same time, we also defend the right of people of religious faith to practise their religion and to express their religious views.

• (1420)

[Translation]

**Hon. Bill Graham (Leader of the Opposition, Lib.):** Mr. Speaker, it does not stop there, it is not about gays and lesbians; it is about Quebec society. I quote, “The rest of Canada, it appears, could be following Quebec’s lead. When it comes to marriage, sexual mores and abortion, that’s not reassuring”. We on this side of the House are completely reassured by Quebec’s opinion.

How can the Prime Minister name Darrel Reid as senior political adviser knowing that he made such comments? Perhaps it is only natural. His Minister of the Environment was quoted this morning as saying that Quebec was not really a concern to her.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the Minister of the Environment simply said that the policies of this government will be federal and national policies and not provincial policies.

The Leader of the Opposition has just raised moral issues and we know that Quebecers—like other Canadians—are divided on these issues.

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**MINISTER OF THE ENVIRONMENT**

**Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.):** Mr. Speaker, appointing Darrel Reid as chief of staff is like the Minister of the Environment hiring a pyromaniac to be fire chief.

For six years Mr. Reid was the president of an organization that ridicules the science behind climate change.

How can the Prime Minister tolerate that the chief advisor to the Minister of the Environment does not recognize the most significant environmental problem of our planet?

[English]

**Hon. Rona Ambrose (Minister of the Environment, CPC):** Mr. Speaker, I know the Liberals would like to distract us from their record. Let us talk about that record on climate change and their priorities.

The Liberals gave \$2 million to the State Power Corporation of China to buy foreign credits. Last week I told the House about the \$4.5 million the Liberals gave to Kazakhstan. Yesterday I told the House about the \$5 million to the Asian Development Bank. Today I am telling the House about the \$2 million to the State Power Corporation of China, all to buy foreign credits.

That could have paid for anti-pollution technology and sewage treatment to protect the health of Canadians. That money should stay here at home.

[Translation]

**Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.):** Mr. Speaker, we know that most Canadians want their government to respect the Kyoto protocol. That is true in Quebec and in the rest of the country.

However, the minister working on replacing the Kyoto protocol with a so-called national plan said, after her meeting with energy sector leaders:

[English]

“Quebec is not really a concern to me”.

[Translation]

How dare the minister say that Quebec is not a concern to her?

Why is the Prime Minister not denouncing these comments?

**Hon. Rona Ambrose (Minister of the Environment, CPC):** Mr. Speaker, I am sorry that my comments were misinterpreted.

I know that Quebecers care about their environment and that is why they have to be part of our plan. We need a national plan that does not favour one province over another. Again, they have to wait until the plan is unveiled.

\* \* \*

**SOFTWOOD LUMBER**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the softwood lumber industry is on its last gasp and the government is dragging its feet on implementing the agreement signed with the United States. The softwood industry in Quebec is waiting impatiently for reimbursement of the money that the agreement says will be paid. The agreement says that it is the government that must remit the money to the softwood lumber industry and then seek reimbursement from the United States.

The agreement allows the government to reimburse the softwood industry immediately and then claim payment of the money owing from the United States, so why does it not do that?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this government is working to have the softwood lumber agreement adopted as quickly as possible.

There is a process in the agreement. The Export Development Corporation has the job of encouraging payment of the funds to the companies, as soon as possible.

*Oral Questions*

I ask the Bloc Québécois to work with the government to have this agreement adopted as soon as possible, so that the companies can receive their funds.

• (1425)

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, there is, strictly speaking, nothing to prevent the government from paying the money to the companies. The companies need it. It can do this right now and get reimbursed later.

I do not understand the government of this Prime Minister, who, when he was in opposition, was calling for loan guarantees. Now that the agreement in principle has been signed, he is in a position to pay the money. The companies need it now. It was urgent in July; it is urgent now. What is he waiting for?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, it is urgent, but it took six months for the leader of the Bloc Québécois to take a position on this agreement.

It is essential to have this agreement adopted as quickly as possible. I ask the Bloc Québécois to work with us to pass Bill C-24, so that the companies can receive the funds provided by this government.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, he has a very active imagination.

In April, an agreement was supposedly signed. In June, it was not working. In July, it was rejected. It was signed around August 28. We responded within a few days, it did not take months. It had been urgent for a long time. Rather than rewriting history and trying to make people believe whatever he says, he should get some backbone. Jobs are at stake right now. Rather than engaging in blackmail, let him give the companies the money and get reimbursed later.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, history is clear. This government and this Prime Minister took a position in April. It was September when the leader of the Bloc Québécois finally made a decision. This agreement has to be implemented as quickly as possible. I ask the Bloc Québécois to work with us so that this can finally happen.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the April agreement was rejected by the companies. The Prime Minister should know that. On August 21, the agreement was accepted. When the Prime Minister was in opposition, he was calling for loan guarantees. His agreement was signed on August 21. It has been delayed, mainly because of British Columbia. Now, in Quebec, the money is needed. This Prime Minister has the power, but he does not have the will.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the Quebec industry voted in favour of this agreement in April, when it was signed by this government.

We are working as quickly as possible to get the funds to the companies, but we need this House and the support of the Bloc Québécois to do that.

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**AFGHANISTAN**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, with regard to softwood lumber, it was a bad agreement in April, a

bad agreement in September when the Bloc Québécois supported it, and it remains a bad agreement.

[*English*]

More and more people are raising concerns and their voices about the war in Afghanistan because the strategy is not working. The most recent is a Republican senator, Mr. Bill Frist. He said that the Afghan war can never be won militarily and urged support to bring diplomacy to the forefront.

Why will the Prime Minister not admit, as are Republicans admitting and even his own defence minister not too many weeks ago, that this war cannot be won militarily?

[*Translation*]

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, first of all I told the leader of the Bloc Québécois that we had his support for the softwood lumber agreement.

• (1430)

[*English*]

On the question of Afghanistan, the leader of the NDP knows well that the government has said that we will not win this simply militarily. Security and stability in Afghanistan are obviously part of a multi-faceted effort that the United Nations is engaged in.

We are proud of the work that all of our public servants, but particularly our soldiers in uniform, are doing in Afghanistan. We support them and we are behind them.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, this is the first time the Prime Minister has risen in the House and said that we need a multi-faceted and more balanced strategy in Afghanistan, and it is about time.

[*Translation*]

The reality is that the current war strategy is not working. This is not only the NDP's position. Another Republican, Senator Martinez, also stated, "—a political solution is the way to settle all this". That is what we said.

Why is the Prime Minister so set on burying Canada in a mission that is not working?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, it is the mission of all the members of the United Nations. I do not understand why the leader of the NDP is now quoting Republicans.

[*English*]

But I can say this, and this is important. The government has been absolutely consistent. We are behind our troops in Afghanistan. They are doing great work. They are the good guys and all members of the House should be behind them.

*Oral Questions*

[Translation]

**QUEBEC**

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Mr. Speaker, we thought we had heard it all from this far-right government, but it seems we have not. Now we know what the Minister of the Environment's chief of staff thinks of Quebec and Quebecers. He criticized the Quiet Revolution and said he was afraid the rest of Canada might follow Quebec's bad example on marriage, sexual morality and abortion. Quebec has no reason to be ashamed of the society it has become.

Does the Prime Minister endorse these defamatory and intolerant statements?

[English]

**Hon. Rona Ambrose (Minister of the Environment, CPC):** Again, Mr. Speaker, this is just another distraction to ensure that Quebecers do not see the record the Liberals actually had on the environment. I look forward to answering many more of these questions because I have enough of this material to keep me going for months.

Last week I told the House about \$4.5 million going to Kazakhstan, yesterday I mentioned the \$5 million going to the Asian Development Bank and today I am telling members about \$2 million going to the State Power Corporation of China, all to buy foreign credits. That was their priority on a Liberal file.

[Translation]

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Mr. Speaker, recently, the Minister of the Environment said that she was not really that concerned about Quebec. In other words, she could care less. This is plain-spoken but it does not make up for her incompetence and intolerance with respect to Quebec. Furthermore, her chief of staff expressed fear that those evil Quebecers might have a bad influence on the rest of the country. What a team—more Quebec bashing.

The Prime Minister has only one option: stand up and apologize to all Quebecers.

**Hon. Rona Ambrose (Minister of the Environment, CPC):** Mr. Speaker, that is not true. Once again, I am sorry that my comments were misinterpreted.

I know Quebecers love their environment. That is why they should be part of our plan, but we do need a national plan for all Quebecers and Canadians.

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[English]

**GOVERNMENT APPOINTMENTS**

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, after promising Canadians they would be squeaky clean, the government has been anything but. Provincial Conservative operatives seem free to belly up to the patronage trough. The regional minister's office is rife with party insiders. However, the Prime Minister's partisan fingerprints are all over the appointment of the lieutenant governor, the wife of an influential party insider. The post represents the Queen, not a reward for political services.

How can the Prime Minister explain this growing list of partisan political appointments?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, Her Excellency Barbara Hagerman is a respected member of the Prince Edward Island arts and culture community and I am sure she will make an excellent choice as lieutenant governor of the province.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, let us talk about the rest of the story. The husband of the new lieutenant governor admits he has close ties to the Conservatives and especially the Prime Minister. He worked on the Prime Minister's campaign for leader and was part of the first executive of the new party. In fact, they are so close that the Prime Minister spent last year's Canada Day on Mr. Hagerman's boat.

Is this appointment a political reward? Will the Prime Minister curb his appetite for patronage pork? What about ethics? What about accountability?

• (1435)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the lieutenant governor of Prince Edward Island is a prominent and excellently qualified lieutenant governor. This disgraceful attack on her by the member for Malpeque is nothing but cheap partisan politics.

\* \* \*

[Translation]

**GUN CONTROL**

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, a report released yesterday by a coalition of 600 NGOs brings to light major deficiencies in legislation on controlling arms shipments to countries that are under embargo or are responsible for massacres or human rights abuses. The report reveals that Canadian companies are circumventing the law by selling military equipment in its component parts.

Is the Canadian government going to continue to close its eyes and stand by while parts sold to China are used to build weapons that are then resold to Sudan, or is it going to take steps to put an end to this trafficking?

[English]

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, Canada has an effective export control regime and is working in cooperation particularly with other states to see that non-proliferation regimes do not have arms going into these restricted areas like Sudan, and yet while we support in principle a comprehensive and legally binding conventional arms treaty that will prevent the illicit flow of arms into places like Sudan.



*Oral Questions**[Translation]*

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, the minister is well aware that arms traffickers are getting around existing treaties by selling parts that are ultimately used to build weapons and military equipment.

Does the government intend to cooperate on putting in place a treaty that covers such a use of parts?

*[English]*

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, I have just said that we would support efforts to control the sale of illicit arms into restricted areas. Of course we want to see how that particular treaty would be drafted. We are certainly concerned that Sudan in particular would be a destination point for illegal arms. We know that in the past there have been arms used against the people of Sudan. To that extent, I am pleased to work with the member and all members to see that this does not happen in the future.

\* \* \*

*[Translation]***MAHER ARAR**

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Speaker, despite the statements by the Minister of Public Safety, the letter he sent to the United States asking them to take Maher Arar's name off their list of suspects is in no way a letter of complaint. The recommendation in the O'Connor report demands more.

Does the Minister of Foreign Affairs really think he can convince us that his colleague's letter is a formal complaint?

*[English]*

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, as my colleague the Minister of Public Safety has said as well, we are certainly going to look at all the recommendations of the report of Mr. Justice O'Connor. Those recommendations include, of course, speaking with the other two countries involved here, the United States as well as Syria. We intend to have those conversations. In fact, we do believe as well that those reports should also be in the hands of the two countries that participated in this travesty.

*[Translation]*

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Speaker, it seems clear to me that a letter is not a conversation, much less a formal complaint.

Is the Minister of Public Safety claiming that in sending the letter, he formally complained to the United States, whereas he did not complain to Syria?

Since the claims by the Minister of Public Safety do not hold up, I ask the Minister of Foreign Affairs what he is waiting for to immediately lodge a formal complaint with the United States and Syria, as the O'Connor report recommends?

*[English]*

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, we are not waiting for anything. We are taking comprehensive action. We are not going to take a piecemeal approach to these recommendations. We are going to act responsibly. We are going to digest the full report and make sure that we make proper advances as far as the protection in the future of individuals like Mr. Arar who are treated so badly.

I say to the hon. member, be patient. These things will certainly happen in the future. Canada will take proper steps to ensure that this does not happen again. Both the Minister of Public Safety and the Prime Minister have taken decisive action on this file already.

\* \* \*

● (1440)

**ABORIGINAL AFFAIRS**

**Ms. Tina Keeper (Churchill, Lib.):** Mr. Speaker, yesterday when I asked the Minister of Indian Affairs and Northern Development why former Conservative cabinet minister Harvie Andre was awarded a sole source contract worth up to half a million dollars, he insulted the previous negotiator, a former Ontario premier, who actually has land claims experience.

Will the minister explain why the government sidelined a person with experience in land claims, most recently in Caledonia, in favour of one of its cronies who has no land claims experience?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, the Liberal ship sails under false colours on this one.

I did confirm yesterday that when I became the minister I did dismiss Mr. Peterson as the northern devolution negotiator. Following a publicly advertised search, I hired a qualified person, a respected parliamentarian, business leader, community leader and academic. Not only is Mr. Andre more qualified and more able, his contract is for a mere \$50,000 per year. The contract which I terminated paid \$3.1 million over three years, a very Liberal contract.

**Some hon. members:** Oh, oh!

**The Speaker:** Order, order. The hon. member for Churchill now has the floor for her supplementary question.

**Ms. Tina Keeper (Churchill, Lib.):** Mr. Speaker, the minister has walked away from the Kelowna accord. He has reneged on the commitment to Kashechewan and abandoned the aboriginal procurement strategy. His government had a \$13 billion surplus, and the minister could not even stand up for the first nations and Inuit tobacco control strategy, but somehow he could find up to half a million dollars for his Conservative buddy.

Why is the minister awarding his friends and ignoring the needs of aboriginal people in Canada?

*Oral Questions*

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, false colours is what the Liberal ship sails under, as I said.

How could the member possibly stand in this House? She should be embarrassed to get on her feet and call into question a contract that the Liberals awarded to a former Liberal premier, \$3.1 million over three years, compared to a prudent contract with Mr. Andre, a respected Canadian, for \$50,000. Accountability is what this government and this Prime Minister is about, not what we have seen from the Liberals.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, there are more details about this contract, which actually ranged between \$250,000 and \$500,000, details the minister has not been offering to this House.

Let us be clear. This sole source contract is not just another case of Mulroney-esque pork. This goes beyond the normal hypocrisy of the government and flagrant abuse of its own sanctimonious preaching.

Through you, Mr. Speaker, to the minister, is it not true that the daughter and son-in-law of Mr. Andre, the beneficiary of this patronage pork, are none other than the president and director of the minister's own riding association?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, if we are going to deal with the sort of malignant slander that comes from that side of the House, let us deal with the contract on the record, a \$50,000 contract, not \$500,000 as stated by the opposition. That compares to the \$3.1 million contract, \$1 million per year, for a Liberal, which is not accountable to the taxpayers of Canada. Moreover, the contract was such that we had to start from scratch with the table blank.

•(1445)

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, the party opposite promised to end patronage. It not only broke that promise, it became the king.

Mr. Andre's son-in-law was not only the riding president, but he was also the co-chair of the minister's election campaign, and his daughter a director of the riding association. There is a direct conflict here involving the minister, riding officials and an abuse of taxpayers' dollars and trust.

When is the Prime Minister going to end this embarrassment, finally demonstrate some accountability and tell his pork-barrelling apprentice, "You're fired"?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, despite the slander that the Liberals may wish to throw, Mr. Andre is qualified. He is a respected Canadian. He is a respected parliamentarian. He is a former privy councillor. He is a respected business leader and community leader.

The contract is defensible and it is a fraction of the cost of the contract that was awarded to the former Liberal premier of Ontario.

**GOVERNMENT ACCOUNTABILITY**

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, in yet another Liberal scandal, the Public Service Commission today revealed that in the dying days of the corrupt Liberal regime, two senior ministerial staffers knowingly broke every rule in the book by trying to get gravy train appointments to the public service. These phantom positions were only created to defraud the Canadian taxpayer.

What is Canada's new Conservative government doing to replace the Liberal culture of corruption with a culture of accountability?

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. The hon. President of the Treasury Board is rising to answer the question. Everyone is going to want to hear his answer.

The President of the Treasury Board has the floor.

**Hon. John Baird (President of the Treasury Board, CPC):** Mr. Speaker, we know that the Liberal culture of corruption did not end when Alfonso Gagliano left. It did not end when David Dingwall left. It did not end when André Ouellet left. It did not end with the Gomery report or the Auditor General's report. In the dying hours of the Liberal regime, instead of packing their bags, we learned in this report released today that the Liberals were once again breaking every rule in the book trying to get favoured Liberal patronage jobs for their friends. It is an absolute disgrace.

The federal accountability act would put an end to this queue jumping by Liberal staffers and would clean up the Liberal—

**The Speaker:** The hon. member for Trinity—Spadina.

\* \* \*

**IMMIGRATION AND REFUGEE BOARD**

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, speaking about patronage, as an immigrant woman, I was outraged by reports of sexual harassment by a member of the Immigration and Refugee Board. This is not just about one Liberal crony, but is an indication of the breakdown of a sick system.

Five years ago this House approved the refugee appeal division, but neither the Liberals nor the Conservatives have acted. Will the minister finally take action and protect the most vulnerable from being abused?

**Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC):** Mr. Speaker, I think we are all troubled by the allegations. This issue is under review by the RCMP, which is investigating. It is under review internally. If changes are necessary, we will work in concert with the IRB to make those changes. Our first priority is protecting the vulnerable.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, no firm action is being announced. If there was ever a day to announce the reform of the immigration system process, today is it. This is about not just a personal scandal but a national disgrace. This will not be solved by replacing a Liberal crony with a Conservative crony. That will not work.

*Oral Questions*

Will the minister fix the system immediately and take away the absolute authority of these judges?

**Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC):** Mr. Speaker, I want to assure my friend that we take this matter very seriously. This is a tragedy for the people involved. Thankfully, the RCMP is investigating.

I want to point out, though, that simply having another level of appeal does not resolve this situation. When bad people decide to do these things, it does not matter how many levels of appeal there are. It means that these people have tremendous power and we have to be very careful about whom we select to sit on these boards. We are going to take every step to make sure that people who sit on these boards are qualified and ethical.

\* \* \*

•(1450)

**GOVERNMENT ACCOUNTABILITY**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, the minority Conservative government is straining its credibility. It failed to report Conservative convention money. It violated the access to information rules. The Prime Minister's parliamentary secretary had to admit a deliberate disinformation campaign. Conservative insiders are using their privileged connections as stepping stones to private lobbying. Partisan patronage is exposed in virtually every ministry.

Canadians are concerned by all these contradictions and double standards. When will the government walk its own talk?

**Hon. John Baird (President of the Treasury Board, CPC):** Mr. Speaker, that question is coming from a man who sat around the cabinet table with the likes of André Ouellet, David Dingwall and Alfonso Gagliano and said nothing during all those years of scandal.

While he is on his feet in his supplementary, maybe he could tell Canadians how the income trust scandal investigation is going.

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, Canadians will not be fooled by the minister's bluster. They recognize the Mike Harris style, the meanspirited right wing that left Ontario with massive legal problems like Ipperwash, with massive environmental problems like Walkerton, with massive economic problems like a \$5 billion hidden public debt, and that minister with massive ethical problems like millions for partisan advertising and personal image consultants.

Will the minister at least promise that he will not do to Canada what he did to Ontario?

**Hon. John Baird (President of the Treasury Board, CPC):** Mr. Speaker, what we on this side of the House and people in Ontario genuinely hope is that Bob Rae does not do to Canada what he did to Ontario.

When the member for Wascana talks about thousands of dollars for an image makeover for this member, it never happened. If it had, I would be the first one to ask for a value for money audit.

[*Translation*]

**OFFICIAL LANGUAGES**

**Hon. Robert Thibault (West Nova, Lib.):** Mr. Speaker, the court challenges program allowed francophone and anglophone communities to assume their proper place, which is rightfully theirs, within Canada.

How does the Prime Minister plan to implement Bill S-3, which obliges the federal government and its agencies to comply with the Official Languages Act and allow minority communities to bring legal action against the government when violations occur, to ensure that their rights are protected?

**Hon. John Baird (President of the Treasury Board, CPC):** Mr. Speaker, I would like to tell my colleague from Nova Scotia that, if the Liberals believe that any provincial or federal legislation fails to respect the Constitution, they should explicitly say so.

[*English*]

Human rights are very important. Perhaps the member from Nova Scotia could stand in his place and explain the outrageous allegations levelled by the member for Eglinton—Lawrence, who has charged that he has faced bigotry and discrimination because he is not Canadian enough. Maybe the member opposite could explain those comments.

**Hon. Robert Thibault (West Nova, Lib.):** Mr. Speaker, the outgoing Commissioner of Official Languages, Dyane Adam, denounced the cuts to this fund. The chairman of the board of the fund indicated that more often than not the challenges were to provincial laws rather than federal laws. Such was the case that got us French language instruction in Nova Scotia. Such was the case that got us French language health services in Ontario.

Perhaps this is retribution for Harper versus Canada, where the Prime Minister was embarrassed. Perhaps it is retribution for the Montcalm, where he and other provincial ministers were embarrassed. The minister still talks about federal laws. Will he apologize for misleading Canadians?

•(1455)

**Hon. John Baird (President of the Treasury Board, CPC):** Mr. Speaker, all of us in the House want to ensure that human rights are respected. We want to ensure that the Constitution and the charter are respected. That is the job of Canada's government to defend.

The previous government wanted a program to fund Liberal lawyers to challenge its own government. We on this side of the House accept our constitutional responsibilities.

*Oral Questions*

[Translation]

**EMPLOYMENT INSURANCE**

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, on September 21, 2006, my colleague from Compton—Stanstead asked the Minister of Human Resources and Social Development if she will extend the transitional measures intended to alleviate the adverse effects of the reorganization of the economic boundaries for EI in eastern Quebec. The minister dodged the question at the time and responded with her usual mantra, that is, that she would make informed decisions at the appropriate time regarding the boundaries. October 7 is not far off; the time has come.

Can the minister tell us what decisions she has made regarding the reorganization and the extension of transitional measures? October 7 is only four days away.

[English]

**Hon. Diane Finley (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, we are very aware of the deadlines of the transitional measures. That is why we have been working very hard to try to make sure that we have a program in place within the deadlines. We are still working toward that deadline.

[Translation]

**Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Mr. Speaker, we are running out of time. The deadline is October 7, which is in four days. The minister must act now.

Does the government realize that the workers in those areas affected by the softwood lumber crisis are the same workers who are seriously penalized by the delays related to the economic boundaries reorganization and the delay in extending transitional measures?

[English]

**Hon. Diane Finley (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, we are very aware of how important the transitional measures are. They have been extended several times over the last several years. We are also aware that over the long term we must have a complete review of all of the EI boundaries. This would be a first step in that process.

\* \* \*

**MAHER ARAR INQUIRY**

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Mr. Speaker, last week the RCMP commissioner testified to the public safety committee that the RCMP had only 24 hours to produce its report on Maher Arar for the government, inferring the short deadline led to inaccuracies and omissions.

We know that Justice O'Connor states that the RCMP in fact had nine full days. Is the Minister of Public Safety concerned that the RCMP commissioner has either misled the committee or has no idea what he is talking about when it comes to the damaging and inaccurate report about Mr. Arar to the Government of Canada?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, this entire affair, which took place under the former administration of the Liberal government, is of concern to us. That is why, right from the start, we have embraced all 23 recommendations

of Justice O'Connor. We have also said, and we agree with Justice O'Connor, that inaccuracies have to be dealt with, and they will continue to be dealt with.

\* \* \*

**ABORIGINAL AFFAIRS**

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, in a speech given on May 4, 2006, B.C. Premier Gordon Campbell said, "I believe that the Prime Minister and his government are committed to closing the gaps identified in health, education, housing and economic opportunity".

My question is for the Minister of Indian Affairs. What is Canada's new government doing to address the education needs of our first nations?

**Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, it is a pleasure to have the opportunity to address a question of substance. This government has been working very closely with the Government of British Columbia, with FNESS and with a first nation-driven education authority. We are exceeding educational outcomes, which will be commensurate with those of other Canadians.

Education is key to eliminating the cycle of poverty that afflicts so many aboriginal Canadians. Premier Campbell has taken leadership on this.

In budget 2006, the government put forward a total of \$450 million, part of which will be put forward for educational outcomes. I encourage the members opposite to work at committee to see this project through.

\* \* \*

**THE ENVIRONMENT**

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, over the last number of months of watching the environment minister bungle the job like the last environment minister, one is reminded that the more things change, the more they stay the same.

There is no green auto strategy while thousands of Canadian auto workers have lost their jobs. How many more jobs have to go out the door before the minister even bothers to walk over and pinch the Minister of Industry awake so that he actually gets on the file? We have lost so many jobs while the minister refuses to pronounce on any kind of green auto strategy for this country.

● (1500)

**Hon. Rona Ambrose (Minister of the Environment, CPC):** In fact, Mr. Speaker, the Minister of Industry, the Minister of Finance, the Minister of Transport and I are meeting with the auto manufacturers this evening to discuss our environment policy.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, Canadians can be forgiven for a certain amount of déjà vu, because not only just 18 months ago did the current environment minister, along with the former environment minister, vote against an NDP motion to cut greenhouse gas emissions, she still cannot get tough on the issues. She still will not show up and do her job.

When is she going to deliver a climate change plan? When is she going to get out of her binder and actually bring something worthwhile to this Parliament?

**Hon. Rona Ambrose (Minister of the Environment, CPC):** Mr. Speaker, let us talk about action on the environment instead of rhetoric, because that is what Canadians want to see.

While the NDP was sending out press releases, it took only a few short months for our government to become the first country in the world to ban the use of PFCAs, a toxic chemical that causes cancer in Canadians. What did we get for that? Our action led to an endorsement by the Canadian Cancer Society, which said “we welcome this action”.

This is the kind of action that Canadians want on the environment file and this is the kind of action that our government will continue to deliver.

\* \* \*

#### MAHER ARAR INQUIRY

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Mr. Speaker, let us go back to that question and the non-answer by the minister. Either the RCMP Commissioner has misled the committee or has not bothered, even to this day, to get to the bottom of what the RCMP did to cover up this shoddy investigation.

The hon. member for Leeds—Grenville, the hon. member's colleague, said in committee that the RCMP's report was “riddled with inaccuracies and omissions” and is to him “the product of incompetence, negligence, or deliberate deception”.

Very simply, does the hon. minister agree with the wisdom of his Conservative member?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, it was Justice O'Connor who pointed out very clearly that there were many inaccuracies involved in this whole situation while it was under the auspices of the former federal Liberal government. Those inaccuracies are one of the reasons that the whole inquiry was put in place.

We are even going to continue that. We are following one of the recommendations, which is that further inquiries should go into investigative processes, especially around the three other individuals who were named in that report. We are continuing this pursuit.

\* \* \*

#### CANADA-U.S. BORDER

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, the former Liberal government failed to address Canadians' concerns on the United States-led western hemisphere travel initiative.

Could the Minister of Public Safety comment on the decision of the U.S. Congress to delay implementation of new identification measures at the Canada-U.S. land border until 2009?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, my colleague is quite right. This move by the U.S. to require a passport for everybody going into the United States was in play for almost two years. While the former Liberal administration was in government, it did nothing.

#### Supply

Our Prime Minister made this a priority. So did the Minister of Foreign Affairs. So did MPs and elected people on both sides of the borders and so did business groups. What has been accomplished is something that the opposition said could not be done. An implementation date has been put back almost a year and a half.

The issue is not over. We still have a way to go, but there is a great accomplishment so far because of the Prime Minister, this government and a lot of other people.

\* \* \*

#### PRESENCE IN GALLERY

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of His Excellency Victor Alcides Bogado Gonzalez, President of the Chamber of Deputies of Paraguay.

**Some hon. members:** Hear, hear!

### GOVERNMENT ORDERS

[English]

#### BUSINESS OF SUPPLY

##### OPPOSITION MOTION—STATUS OF WOMEN

The House resumed from September 28 consideration of the motion.

**The Speaker:** It being 3:04 p.m., pursuant to order made on Thursday, September 28, the House will now proceed to the taking of the deferred recorded division on the motion of the member for Beaches—East York relating to the business of supply.

Call in the members.

● (1515)

[Translation]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 36)

#### YEAS

##### Members

Alghabra  
Angus  
Atamanenko  
Bagnell  
Barbot  
Beaumier  
Bell (Vancouver Island North)  
Bellavance  
Bevington  
Black  
Bonin  
Boshcoff  
Brisson  
Brunelle  
Cannis  
Carrier  
Charlton  
Christopherson  
Comartin  
Crête  
Cullen (Skeena—Bulkley Valley)  
Cuzner

André  
Asselin  
Bachand  
Bains  
Barnes  
Bélangier  
Bell (North Vancouver)  
Bennett  
Bigras  
Blais  
Bonsant  
Bourgeois  
Brown (Oakville)  
Byrne  
Cardin  
Chan  
Chow  
Coderre  
Cotler  
Crowder  
Cullen (Etobicoke North)  
Davies

*Points of Order*

DeBellefeuille	Demers	Hill	Hinton
Deschamps	Dewar	Jaffer	Jean
Dhaliwal	Dhalla	Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Dosanjh	Duceppe	Kenney (Calgary Southeast)	Komarnicki
Easter	Eyking	Kramp (Prince Edward—Hastings)	Lake
Faille	Gagnon	Laizon	Lemieux
Gaudet	Gauthier	Lukiwski	Lunn
Godfrey	Godin	Lunney	MacKay (Central Nova)
Goodale	Graham	MacKenzie	Manning
Guay	Guimond	Mark	Mayes
Holland	Jennings	Menzies	Merrifield
Julian	Kadis	Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Karetak-Lindell	Keeper	Moore (Fundy Royal)	Nicholson
Kotto	Laforest	Norlock	Obhrai
Laframboise	Lapierre	Oda	Paradis
Lavallée	Layton	Petit	Poillievre
Lee	Lemay	Prentice	Preston
Lessard	Lévesque	Rajotte	Reid
Loubier	Lussier	Richardson	Ritz
MacAulay	Malhi	Scheer	Schellenberger
Malo	Maloney	Shiely	Skelton
Marleau	Marston	Smith	Solberg
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)	Sorenson	Stanton
Masse	Mathysen	Storseth	Strahl
Matthews	McDonough	Sweet	Thompson (New Brunswick Southwest)
McGuinty	McTeague	Thompson (Wild Rose)	Toews
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)	Trost	Turner
Merasty	Minna	Tweed	Van Kesteren
Mourani	Murphy (Moncton—Riverview—Dieppe)	Van Loan	Vellacott
Murphy (Charlottetown)	Nadeau	Verner	Warawa
Nash	Ouellet	Warkentin	Watson
Owen	Paquette	Williams	Yelich — 118
Patry	Perron		
Peterson	Picard		
Plamondon	Priddy		
Proulx	Ratansi		
Redman	Regan		
Robillard	Rodriguez		
Rota	Roy		
Russell	Savoie		
Scarpaleggia	Sgro		
Siksay	Silva		
Simard	St-Hilaire		
St. Amand	St. Denis		
Steckle	Stoffer		
Stronach	Szabo		
Telegdi	Temelkovski		
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)			
Thibault (West Nova)			
Tonks	Valley		
Vincent	Wilson		
Wrzesniewski — 145			

**NAYS**

## Members

Abbott	Albrecht
Allen	Allison
Ambrose	Anders
Anderson	Arthur
Baird	Batters
Benoit	Bernier
Bezan	Blackburn
Blaney	Boucher
Breitkreuz	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casey	Casson
Chong	Clement
Cummins	Davidson
Day	Devolin
Doyle	Emerson
Epp	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Galipeau	Gallant
Goldring	Goodyear
Gourde	Grewal
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert

Hill	Hinton
Jaffer	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Laizon	Lemieux
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Manning
Mark	Mayes
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	Obhrai
Oda	Paradis
Petit	Poillievre
Prentice	Preston
Rajotte	Reid
Richardson	Ritz
Scheer	Schellenberger
Shiely	Skelton
Smith	Solberg
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Toews
Trost	Turner
Tweed	Van Kesteren
Van Loan	Vellacott
Verner	Warawa
Warkentin	Watson
Williams	Yelich — 118

**PAIRED**

## Members

Bouchard	Freeman
Lalonde	O'Connor
St-Cyr	Tilson
Van Loan	Wallace — 8

**The Speaker:** I declare the motion carried.

[*English*]

Order, please. I wish to inform the House that because of the deferred recorded division, government orders will be extended by 12 minutes.

\* \* \*

**POINTS OF ORDER**

## ORAL QUESTIONS

**Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC):** Mr. Speaker, I rise on a brief point of order arising from question period.

During question period, the House leader of the official opposition, the member for Wascana, said that I had apologized for having deliberately misled the House, or words to that effect.

I would like to put on the record that I said no such thing. I believe it is still unparliamentary to accuse a member of having deliberately misled the House. I did not do so and, therefore, did not apologize.

*Government Orders***GOVERNMENT ORDERS***[English]***AN ACT TO AMEND CERTAIN ACTS IN RELATION TO  
DNA IDENTIFICATION**

The House resumed consideration of the motion that Bill C-18, An Act to amend certain Acts in relation to DNA identification, be read the second time and referred to a committee.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I stand to speak to Bill C-18, which is a bit of an omnibus bill but a small omnibus bill, with regard to the use of DNA technology in our criminal justice system.

As we heard earlier today from the minister, the bill is specifically designed to address a number of points that were missed when we initially set up the system back in 2000 and then again in the 2004-05 Parliament when we had some rather significant amendments to the bill that passed and became law. Even since then it has become clear that additional amendments need to be made.

I must admit that I approach this bill with some trepidation in terms of expressing support for it. I believe the government is once again, when it comes to bills that are related to crime in this country, to the Criminal Code, to a criminal justice system, taking a piecemeal approach that is not justified by the reality of what we are confronted with in this House and, in particular, with what we are confronted with in the justice committee and the huge agenda because of the large number of individual bills that are coming from the government. Unfortunately, this bill is another example of this happening.

It is particularly compounded in this case because we were mandated, under the legislation that was passed to set up the DNA registry, to do a parliamentary review of that at the five year mark. The five year mark expired in 2005. The previous Liberal government did not get to this review and the present government still has not announced when we are supposed to be doing that.

Bill C-18 should be part of that overall review that we will be doing. We will end up duplicating significantly the amount of time that we spend on the issue of a DNA registry because of this.

This is also a flagrant example of some hypocrisy on the part of the government, which, when in opposition, had a number of private members' bill, one of which was sponsored by a member of the current cabinet and would have set up additions to the registry. The bill was entitled Lindsey's Law and it would have set up a separate registry for samples of DNA found at crime scenes that had the potential to be samples of deceased individuals.

We have the tragedy of family members, loved ones and close friends disappearing but we have no way of using the DNA technology that we have, which would be very useful in tracing these people.

The concept of setting up this separate registry has all party support and yet the government did not see its way clear to include that provision in this bill so we could consider it at committee at this time. The government did not do the overall review. It is being done piecemeal again just on these limited number of sections and it

ignores what has been a long-standing policy on its part to create this new registry. It completely ignores it.

When we asked the minister about it earlier today, his response was "we'll get to that some other time". That is simply not acceptable. It almost begs the question of where the government is going with regard to the criminal justice system. How is it dealing effectively with crime problems in this country? As I say, it begs the question, but the answer is fairly obvious. The government does not know where it is going and it is not doing it at all effectively or efficiently.

● (1520)

I will now speak specifically to the provisions of the bill. As I have said, we have no problem approving the bill in principle and then having it go over to the justice committee. The bill would fill in some problems with the existing infrastructure of the DNA system but we do have some concerns and we will be raising them in committee.

The amendments we passed, which became law in 2005, had some retroactive provisions. The concern at committee at that time was that those retroactive provisions may contravene the charter. We do not know, and I am not sure the government knows, whether there have been any challenges to that section. However, if there have been it brings into question the retroactive provisions that are now in this bill that will cover a relatively small number of charges but where we will be getting samples from people who have already been convicted and are currently incarcerated. This is one of the issues we will need to raise.

Several other provisions raise issues of privacy and our rights under the charter. With regard to one of the issues, which is only an example because there are several others, there are provisions within the bill that would allow the DNA data bank to release information where the sample that is being examined is not a match that needs the top standard. We have various standards in this regard. We obviously have provisions where there is no match at all. We have provisions where it is a match almost to a full 100% and then we have gradations in-between.

What the bill proposes is that the data bank be allowed to communicate information on a sample where it has only been a moderate match. As that may raise a charter issue it will need to be explored at committee to see whether we can tighten up the language or perhaps not provide for it at all.

The other provision I have spoken to in the House is the provision that would allow for facilitating of court orders that direct the destruction of DNA samples because they were taken improperly. Usually that occurs where the sample was taken relative to a crime that was not within the regime of the existing legislation. The difficulty we have is that when we took evidence in the 2004-05 Parliament, it was clear from the people at the data bank that it posed a significant problem, because in the destruction of certain samples others may be destroyed. We will need to explore that matter.

*Government Orders*

However, if that does go through, there is an additional problem in that the bill would allow the prosecutor, the crown, to apply for the destruction of the sample taken improperly but it would not require the government to provide any notice to the individual whose sample was taken and whose sample is now being proposed to be destroyed. Out of fairness, if the sample was taken improperly, the individual should be notified that it will no longer be on the record. I think that is an issue around privacy and, quite frankly, just fairness that they be given that notice.

One of the big issues that we will be debating when we get to the review of the existing legislation from 2000 will be the issue of whether we will be expanding the number of crimes for which people have been convicted for which samples can be taken. The system works right now on a two tiered basis but all of the crimes that are under the regime now are quite serious crimes: murder, attempted murder, serious sexual assault, serious physical assault and crimes of that nature.

• (1525)

We have seen other regimes, notably the U.K. but also a number of the states in the U.S., that have extensively expanded the use of taking samples for DNA. The committee was a bit shocked when we heard that in England the authorities can demand and obtain samples of DNA from an individual who has been charged with not a crime but a quasi-crime, which is a driving offence under the highway traffic act.

We will get into debate on how far, if at all, we will be extending the list of crimes where samples can be ordered and taken.

We are doing that, though, in the bill. It says to me that we should be doing the review at this time rather than waiting to do it some indefinite time in the future, because we are expanding the list of crimes. We are adding at least two more and potentially one or two that are subcrimes under that.

It is a situation where the process we are going through is very inefficient. I believe it does not allow the House, the committee and, ultimately, the country the opportunity to do that review of the 2000 legislation, of the regime that we have now. I recognize, quite clearly, that a number of the reservations we had back in 2000 were constitutional and charter issues.

We have had the decision in *R. v. Rogers* earlier in the spring this year when I believe we had a clear signal from the Supreme Court of Canada, where that decision ended up, that some of the reservations we had earlier are no longer applicable, but it is not a blank cheque. As opposed to what I heard from the minister this morning, I believe the Supreme Court still has some reservations about the use of DNA in certain charges, such as the lower end charges, around the issue of privacy and civil liberties.

We should not be dealing with the bill in the absence of a full review because we need to strike a balance. I am concerned that we are going ahead with these amendments at this time without fully considering where we properly strike that balance. The Supreme Court has made it very clear, as it did in *Rogers* and other decisions, that there is a fundamental issue here of invasion of the person's privacy, particularly when we take blood samples to be used for

DNA purposes, but even when we take a swab of saliva or other bodily substances.

As we took evidence from other parts of the world, notably the U.K. and the United States, it was interesting to see how effective this can be as a tool for our police officers and our police agencies, both in terms of obtaining convictions and in terms of establishing innocence at early stages.

In some of the wrongful conviction cases we have had in Canada, the primary ability that we had to overturn those wrongful convictions came from the use of the DNA data bank that we had at that time and the use of that technology. In Canada we know particularly well that it can be used not just for convictions, but for assisting in clearing people, oftentimes, at a very early stage.

There is no question that we want to proceed with this. The real issue is the message that we need to send to the government that it has to stop doing the legislative process this way, that when we are looking at a problem that involves crime or the criminal justice system, we badly need to look at it in its full context. We need to use omnibus bills of legislation in this area much more often.

Every time I get on my feet to speak to a new bill I have repeatedly said that we badly need to have a complete revamping of our Criminal Code and other bills, such as our drug legislation. We have needed that for probably 20 years. Some sections in the Criminal Code are completely contradictory and are, in a large number of cases, confusing. It is much too long and there is a great of duplication.

• (1530)

I cannot help but point out that one of the groups that could have assisted us with that was the Law Commission. It was one of the duties we could have assigned it in preparing what would have been a draft policy paper on how the code needed to be revamped.

This allows me to get in a pitch for the need to have the government overturn that decision and reinstate the Law Commission so it can take this responsibility on. It is clear that the government does not have the ability or even the inclination to do it. Therefore, we can assign it to somebody else and the job, hopefully, will get done in a reasonable period of time.

In summation, we, as a party, are supporting, in principle, the bill going to committee. I have certain reservations, both around the retroactivity and privacy and charter issues. I believe those can be resolved relatively easily at the committee. Hopefully, we can look forward to a time when the government gets its head wrapped around the reality of the need for omnibus legislation in our criminal justice system.



*Government Orders***POINTS OF ORDER**

## SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE ACT, 2006—SPEAKER'S RULING

**The Speaker:** Before I call for questions and comments on the hon. member's speech, I would like to deal with a point of order raised this morning by the hon. member for Vancouver East, relating to the motion adopted by the House under the provisions of Standing Order 56.1. The hon. member contended that the motion was inadmissible and that it was not being used as a routine business motion aimed at fixing the sitting or adjournment times of the House, or arranging its proceedings, but that it was tantamount to a motion for time allocation or closure. I believe the words she used were that the motion was designed to "cut off the debate". In her argument, she quoted from a ruling I delivered in 2001, in which I expressed concern that Standing Order 56.1 was being used for purposes that had not been envisaged when the Standing Order was adopted.

The *House of Commons Procedure and Practice*, at page 571, describes Standing Order 56.1 as follows:

[*Translation*]

If, at any time during a sitting of the House, unanimous consent is denied for the presentation of a "routine motion", a minister may request during Routine Proceedings that the Speaker put the motion. For that purpose, a "routine motion" refers to motions which may be required for the observance of the proprieties of the House, the maintenance of its authority, the management of its business, the arrangement of its proceedings, the establishment of the powers of its committees, the correctness of its records or the fixing of its sitting days or the times of its meeting or adjournment. The motion, which is neither debatable nor amendable, is immediately put to the House by the Speaker. If 25 members or more oppose the motion, it is deemed withdrawn; otherwise, it is adopted.

[*English*]

In the case before the House, a motion has been adopted that the House "shall not be adjourned before such proceedings have been completed". This is meant to apply to a motion for second reading of a bill, a motion, I might add, to which an amendment and a subamendment have been moved. As was seen earlier today, debate has ended on the subamendment and a vote is scheduled tomorrow at the conclusion of government orders. So the House is left with an amendment and the main motion. In fact, the effect of the motion is not unlike the effect of adopting a motion under Standing Order 26, which provides for the continuation of debate on a matter before the House, which is to say that it provides for an open-ended extension of the sitting for purposes of continuing debate on a particular matter. This, it can be argued, can be seen as the House managing its business and arranging its proceedings.

As I read the motion moved by the hon. the government House leader and adopted by the House, every member wishing to speak to the amendment and the main motion, who has not already done so, will be able to participate. The motion does not set a deadline for completion of the proceedings, as would be the case under time allocation or closure. Instead it simply extends the sitting of the motion then before the House. That is a significant difference. The precedents available to me, including my own previous rulings, are therefore insufficient in my view for me to rule the motion out of order on this occasion.

This does not, however, take away from the concerns raised by the member for Vancouver East about the nature of the motions moved pursuant to Standing Order 56.1. My predecessor and I have both

encouraged the Standing Committee on Procedure and House Affairs to examine the appropriate use of the Standing Order. To date I am not aware of any report by that committee on this question.

I thank the hon. member for Vancouver East for bringing this matter to the attention of the House, but I believe the motion, as adopted, is in order.

\* \* \*

●(1535)

**AN ACT TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION**

The House resumed consideration of the motion that Bill C-18, An Act to amend certain Acts in relation to DNA identification, be read the second time and referred to a committee.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, as the member pointed out in his comments, we have seen many justice bills, and I would like to thank him for his participation in them.

This bill is a reintroduction of a bill from the last Parliament, Bill C-72, technical amendments to the DNA database. The member may want to refresh our memory about the general mood of the House with regard to the importance of the DNA database as a tool to assist authorities in the resolution of matters of a criminal or judicial nature.

I would conclude that if they are technical amendments, the member has raised some interesting points and there may be a good basis for having the bill go to committee to complete the work that was started in the last Parliament.

The member raised one question, and I ask him for some clarification. He shared some concern about the number of justice bills raised and whether there was some ulterior motive or some concern about the volume in that it was affecting the ability of Parliament to function.

**Mr. Joe Comartin:** Mr. Speaker, in my speech yesterday I raised the point about the ulterior motives of the government.

My colleague made the point that this bill was in draft form in the last Parliament. Therefore, it is not part of what I see as a clear intention on the part of the government to piecemeal hot button crime issues into the House one bill at a time, with no expectation that we will get through them before the next federal general election, which we all know will be upon us sooner rather than later. Matters already before the justice committee have been prioritized. They are so extensive that anything coming out now, including probably this bill, is not going to get back to the House before there is another federal election.

*Government Orders*

• (1540)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, the member for Windsor—Tecumseh raised a couple of points in his speech about the retroactive provisions, about the very real need for a review of the Criminal Code and about some of the constitutional and privacy issues. Toward the end of his speech he eluded specifically to the usefulness of the Law Commission and how it could have been used in these circumstances. Under the cuts announced by the Conservative government last week, the Law Commission is on the chopping block.

Could the member talk about the specific role the Law Commission could have played in this issue as well as perhaps in the whole review of the Criminal Code?

**Mr. Joe Comartin:** Mr. Speaker, a day or two after the Treasury Board announcement of these cuts, and specifically the killing of the Law Commission, one of the witnesses before the justice committee was from the National Chiefs of Police Association. He made the same point I just made with regard to the need for an omnibus review of the Criminal Code. The piecemeal approach being taken by the government is disliked by the police association because it is confusing for the association, its officers and the general administration of justice.

I asked him if he knew of anybody in the country, other than the Law Commission, that would have the ability to prepare a model criminal code, a policy paper in effect, on how we would restructure the Criminal Code. He did not know of any other group that would be capable of doing that, and this is a very accurate answer.

I am not aware of any other group, other than the Law Commission, that would have the ability to bring together the resources in our country to prepare an omnibus review, which we so badly need, of our criminal justice system and specifically of the Criminal Code.

[*Translation*]

**Mr. Guy André (Berthier—Maskinongé, BQ):** Mr. Speaker, we support this bill. However, I find it a bit worrisome to be expanding the powers of the RCMP with regard to managing the transmittal of genetic information in view of the O'Connor report tabled in this House

This report revealed that serious errors were committed by the RCMP. Justice O'Connor discovered, in his inquiry, that false information about Maher Arar had been forwarded by the RCMP to the American authorities, leading to the deportation of Mr. Arar to Syria. As a result of this false information sent by the Canadian government to the American government, Mr. Arar was tortured.

It is becoming extremely urgent for the RCMP to assume its responsibilities in this matter. This is not happening as no one has been accused. Thus, I am concerned because by supporting this bill we will also be sanctioning the transmittal of genetic information from Canada to other countries.

How can we control the dissemination of this genetic information? My question is for the NDP member. How can we prevent other mistakes, such as those involving Maher Arar and others that have occurred in the past, from being made? How can we amend this bill to avoid these pitfalls?

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I thank my colleague from the Bloc Québécois for his question.

There is no system that can ensure that the RCMP or other police force operates without making mistakes. However, we can establish rules to control them.

My colleague has raised a good point as one of the suggested amendments to this bill would allow police officers and the DNA bank to provide genetic information to foreign police. This would be a first and could give rise to a potential problem that we will be studying in committee.

Once again, there is no system that is absolutely perfect. Yet, we will continue to try.

• (1545)

[*English*]

**Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I have the great pleasure today of speaking in favour of Bill C-18 and in favour of sending Bill C-18 to the committee for further study.

The National DNA Data Bank is a great Canadian success story. It has assisted the police in their investigations of thousands of serious crimes. It is making an invaluable contribution to the safety of all Canadians. This bill can only increase that success.

Much of what I will say will be familiar to those who were involved in the debate on former bill C-13 in the last Parliament, and in particular, to members who were on the standing committee during its hearings into the bill because, as the minister stated, this bill paves the way for the proclamation of former Bill C-13. Nevertheless, it is important to outline for all members the way the legislation and the DNA system work.

The National DNA Data Bank carries out four principal functions and assists law enforcement agencies in solving crimes by one, linking crimes together where there are no suspects. The DNA data bank would advise the police forces involved so that they can compare notes on their respective investigations.

Two, it helps to identify suspects. When the DNA data bank provides a match between a crime scene profile and a convicted offender profile, the police agency is advised and it can focus its investigations on that identified offender.

Three, it assists by in fact eliminating suspects where there is no match between crime scene DNA and a profile in the data bank. This is often overlooked in debate about the DNA registry or amendments to the legislation impacting on the DNA registry, but a DNA registry has been used to eliminate suspects and in fact exonerate people. A lack of a match tells the police that none of the 100,000 convicted offenders whose DNA is in the data bank was involved.

Last, the DNA data bank is used to determine whether a serial offender is involved. The DNA bank would advise the police force that several crimes appear to have been committed by the same person. This is a very important fact indeed when police are assessing a certain criminal act as it is certainly helpful in their investigation to know whether it is someone who is acting in a repetitive or serial way.

*Government Orders*

As David Griffin, an executive officer of the Canadian Police Association, told the standing committee during hearings on former Bill C-13:

DNA analysis has proven to be a breakthrough technology in policing and the administration of justice. It is a science that assists in detecting and convicting offenders and acquitting the innocent. In serious police investigations, the cost savings in reducing the time spent on investigations and in identifying and confirming or eliminating suspects can be extraordinary. This is particularly important in crimes such as child abductions by strangers, where precious hours can be critical to finding the victim alive.

DNA orders can only be made against an offender for a limited number of offences. Judges retain a discretion to refuse to make an order in all but the most serious cases. The use of the information is strictly limited to the investigation of criminal offences. That again is an important fact that is often overlooked by those who would criticize the national DNA data bank, that it is only used for the investigation of criminal offences.

Bill C-18 does not change the fundamentals of the Criminal Code DNA provisions and the DNA Identification Act. The five year parliamentary review that is yet to begin is the proper form for considering more far-reaching changes. This bill is limited to technical improvements to the existing system.

The minister has already spoken of the ringing endorsement of the present legislation by the Supreme Court in the Rodgers case. Members can be assured that this bill is consistent with the charter. Moreover, the strong protections for privacy which are built into the scheme are also unchanged.

● (1550)

Canada has probably the strongest protections against the misuse of our DNA profiles, stronger in fact than any other country. In particular, the legislation provides that bodily samples collected pursuant to a DNA data bank authorization for inclusion in the National DNA Data Bank may only be used for forensic DNA analysis. Unused portions of bodily samples are required to be safely stored at the National DNA Data Bank.

Further, it is a criminal offence to use bodily samples or results of forensic DNA analysis obtained under a DNA data bank authorization other than for the transmission to the National DNA Data Bank. A breach of that provision is a hybrid offence that is subject to a maximum penalty of two years' imprisonment when prosecuted by indictment.

Use of DNA profiles and bodily samples at the National DNA Data Bank is strictly limited to the narrow purposes of comparing offender profiles with crime scene profiles. Any use of stored information or bodily samples or communication of information that they may contain is strictly limited to the narrow identification purposes of the act. Again, this is something that is often lost on those who are critical of the data bank. In fact, any breach of those provisions is a criminal offence subject to a maximum of two years' imprisonment.

Communication of information as to whether a person's DNA profile is contained in the offenders index may only be made to appropriate law enforcement agencies or laboratories for investigative purposes or to authorized users of the RCMP automated conviction records retrieval system.

Although the seized bodily samples are retained for safekeeping in the DNA data bank after analysis, they may only be used for further forensic DNA analysis where significant technological advances have been made since the time the original DNA profile was derived. The results of such subsequent DNA analysis and any residue of the bodily sample are subject to the same rigid controls as the original profile and the original sample.

The sharing of DNA profiles with foreign governments and international organizations is only allowed for legitimate law enforcement purposes and only pursuant to specific agreements that must include safeguards to protect the privacy of the personal information disclosed.

I repeat that these legal protections are untouched by Bill C-18. All of those protections that protect the rights of Canadians against any possible misuse of the DNA data bank or any use outside of aiding our police in the protection of Canadians and society as a whole is unchanged and untouched by Bill C-18. In practice, they are buttressed by the procedural safeguards developed by the National DNA Data Bank.

By international agreement the DNA analysis process used by the data bank and other data banks in the world examines only a small segment of the entire human DNA blueprint. Scientists internationally have chosen 13 loci to analyze because there is a wide variation in those among the world's population. The DNA that is analyzed is often called anonymous DNA because apart from the ability to identify gender, there is no link to physical or medical attributes. Therefore, the profile generated by the DNA data bank will not reveal a person's hair, skin or eye colour.

The variations mean that except for identical twins, every person's DNA is unique. It is this power to identify a person beyond a shadow of a doubt that makes the DNA data bank and data collection such a valuable tool for law enforcement. It can identify an individual beyond a doubt.

The RCMP has developed internal procedures to ensure that there is no manipulation of the data. Upon receipt of a kit, the data bank separates the genetic material from the personal data. The biological sample and the identifying information are given the same unique bar code. The data bank keeps the biological sample and analyzes it. The personal information and full set of fingerprints of convicted offenders are sent to the Canadian Criminal Records Information Services, which retains them under strict security provisions. Therefore, the data bank has no idea whose sample it is analyzing or, in the case of a match, which convicted offender is linked to the crime scene.

*Government Orders*

● (1555)

It is important to emphasize that we have gone to great lengths to separate the information contained in the DNA sample and the information attributed to the person to whom that DNA belongs. It simply advises Canadian Criminal Records Information Services of the bar code and the service retrieves the identifying information and sends it to the laboratory that uploaded the profile to the crime scene index. It is of course not possible for unauthorized persons to enter the data bank or the Criminal Records Information Services to view or retrieve data.

The National DNA Data Bank's website has a wealth of information about how it actually operates and about the history and science behind it. I also hope that the members of the standing committee who have not had the opportunity to tour the National DNA Data Bank will arrange to do so. I know the staff would be most happy to show them how the system works and to answer all their questions. Certainly a tour of the data bank made it much easier for members who were considering former Bill C-13 to understand the submissions of the witnesses and to formulate their recommendations for amendments.

Finally, I remind the House that a National DNA Data Bank Advisory Committee has been established by regulation. Its membership includes eminent scientists, specialists in privacy and human rights law, and a former justice of the Supreme Court. The committee's duties encompass any matter related to the establishment and operation of the DNA data bank.

Members will find much wisdom in the reports that the advisory committee has made over the years. Members of the advisory committee will, I trust, be witnesses when the parliamentary review of the legislation gets under way.

I now wish to turn to some of the specifics of Bill C-18. Fundamentally, the effectiveness of the National DNA Data Bank depends on three factors: one, the number of profiles from crime scenes; two, the number of profiles from convicted offenders; and three, the resources of the police to pursue leads generated by the data bank.

Upon passage of Bill C-18 and the proclamation of former Bill C-13, there will be many more offenders eligible for a DNA data bank order and the police will be able to upload many more crime scene profiles to the National DNA Data Bank. This will undoubtedly lead to more matches between crime scene samples and the convicted offender samples and more matches between crime scenes. That is ultimately the goal of the DNA data bank, to provide those matches.

As for the resources of the police, we earmarked \$15 million over two years to increase the capacity of the National DNA Data Bank to process convicted offender samples and the capacity of the regional laboratories to process crime scene samples. Without these additional resources and without the changes proposed in Bill C-18, the proclamation of former Bill C-13 would be largely ineffective in achieving Parliament's purpose.

Former Bill C-13, however, contained flaws that required correction. The previous government introduced former Bill C-72 to correct problems in Bill C-13. That bill would have one, re-

enacted the definition so as to make the various amendments fit together in a logical order; two, changed the forms to reflect the changes made in the procedures for obtaining an order in retroactive proceedings; three, ensured that the commissioner provided further information regarding a possible match only at the request of the laboratory or police; and finally, corrected a difference in the French and English versions of the section authorized in the international sharing of DNA profiles.

Former Bill C-72 contained many other changes to the drafting of Bill C-13 and two procedural changes requested by the provinces to reduce cost: a provision to permit retroactive hearings by video; and a simpler defective order procedure that would have eliminated the application to a court of appeal for the order to be quashed and substituted certification by the attorney general. These changes are reintroduced in Bill C-18 which is before us today. It contains, as the minister has said, many further clarifications and improvements that have been suggested by officials since former Bill C-72 was tabled.

Members should be aware that it will take several months for the provinces to be ready. They have to train their prosecutors, police, court administrators and clerical staff in the new procedures. Understandably, they will not begin that process until the bill has received royal assent.

● (1600)

We believe the House should move swiftly to send Bill C-18 to committee and it is therefore with pleasure that I urge the House to give Bill C-18 second reading.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, I want to compliment the hon. member on his comments in support of the bill.

There is, as he will know as parliamentary secretary and as a member of the House, a private member's bill proposed by the member for Burlington who is proposing that the DNA registry or a form of the DNA registry be used with the hope that the families of the disappeared victims might be able to bring closure to their unhappy family circumstances.

The parliamentary secretary will also know that the government of which he is a part has suggested in the House that a royal recommendation would be required for that bill. Therefore it might seem unlikely that the government is in support of helping victims' families bring closure or perhaps find persons who are missing.

Does he see a way in committee or otherwise that this bill or a homologue might be the way to go. As parliamentary secretary for the department, I would suggest that much of what goes on in that department is under his able stewardship.

*Government Orders*

Does he see a way that the two objectives of maintaining privacy and therefore the vent against self-incrimination possibilities on the one hand, and on the other hand attempting to have families bring closure to what must be very painful circumstances, the latter of which the government does not appear to be supporting?

I would ask for his comments on those questions.

**Mr. Rob Moore:** Mr. Speaker, I thank the hon. member for Moncton—Riverview—Dieppe for his question and for his work on the justice committee which will be considering Bill C-18 when we vote as a House to send it to committee.

On this side of the House, we are certainly in favour of the goals of reuniting potentially lost children with their families. That is a laudable and commendable goal. It is I believe something that should be investigated.

That said, Bill C-18 deals with streamlining the current DNA databank. It deals with addressing shortfalls that have been discovered in time as we work with this new technology, and as more information becomes available through working with the registry. That is what the bill does. It streamlines the process by which DNA orders are made. It streamlines and assists our police in obtaining orders and enforcing orders.

There is going to be a wide ranging review of the DNA database and I would suggest at that time, that would be the more appropriate venue to discuss any further changes to the databank beyond what is contained in Bill C-18.

• (1605)

**The Acting Speaker (Mr. Royal Galipeau):** There are six minutes left in the question and answer period, and there are three questioners. To be fair, I would like the questions to be no more than a minute each, so that we can have answers of no more than a minute each. The hon. member for Berthier—Maskinongé.

[*Translation*]

**Mr. Guy André (Berthier—Maskinongé, BQ):** Mr. Speaker, my question is for the Conservative member. Hon. members know that the international sharing of similar profiles is an issue that concerns the Bloc Québécois.

As hon. members also know, the bill would enable the RCMP commissioner to communicate similar genetic profiles internationally, in the absence of a perfect match. The previous bill on DNA identification also authorized the sharing of imperfect matches, but only between Canadian police forces.

We feel that the risk of allowing even more genetic information to be shared internationally is the increased possibility of things getting out of hand and foreign police forces being put on the trail of individuals whose genetic profile does not match the DNA samples found on the scene of a crime.

I would like the hon. member who just spoke to indicate what means, amendments, or strategies can be used, as far as the RCMP and an amendment to the bill are concerned, to prevent such situations when information from Canada is communicated internationally. I feel the margin of error is—

**The Acting Speaker (Mr. Royal Galipeau):** The hon. Parliamentary Secretary to the Minister of Justice and Attorney General of Canada.

[*English*]

**Mr. Rob Moore:** Mr. Speaker, I fairly succinctly set out in my speech some of the safeguards that are in place. In fact, contrary to what some might think about a DNA databank, there is no personal information attributable to the DNA sample actually held in the same place as the databank. The data, the DNA sample and the personal information are in fact kept separately.

I would encourage the hon. member, if he gets the opportunity, to visit the DNA databank and see the great lengths that it goes to protect privacy. We value that protection of Canadians' legitimate rights.

I should note that when it comes to international sharing, only the profile and not the stored bodily samples are ever shared with foreign governments, and specific agreements are in place that include safeguards to insure the privacy—

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Nanaimo—Cowichan.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, the parliamentary secretary referenced the review that is coming of the DNA databank, and I am wondering why the government has chosen not to go ahead with the review.

The member for Windsor—Tecumseh also referenced the need for an overall reform of the Criminal Code, and I wonder if the parliamentary secretary could comment on that.

**Mr. Rob Moore:** Mr. Speaker, there is a review of the DNA databank system. We certainly have a system here that has been of great value to Canadians. It has been one that has been used not only to solve crime but also to exonerate individuals, and there is going to be a comprehensive review of the process. That should answer the hon. member's question.

This bill, quite simply, is addressing shortfalls in the system. That is the goal of Bill C-18. It is a DNA registry corrective act and it is designed to address shortfalls, streamline it, and make it more effective, not to make some fundamental change to the system.

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, when the Canadian public watches the debate on CPAC throughout the country, a number of them do really get confused when we are talking about Bill C-18. We are referring to what is happening with Bill C-13 and how it relates to Bill C-72. It gets a little confusing and I would like specific direction on this issue.

As the member knows, for the many years that I have been here, I have been fighting very hard to see tougher strategies to look after crimes against children, particularly for those who sexually assault children and pornographers.

I wonder if the member could comment specifically how Bill C-18 will affect those particular crimes.

*Government Orders*

•(1610)

**Mr. Rob Moore:** Mr. Speaker, the DNA databank is a complicated science. It is extremely complicated, but the end result is protection for Canadians and the ability for us to identify a sample and hopefully put someone behind bars who otherwise would not be, including those offenders who abuse children.

I commend the member for Wild Rose for his efforts in that vein, in the protection of children, and the DNA databank does just that. The samples that we receive in the DNA databank can be used to prevent future crimes from taking place.

Bill C-18 also provides for automatic DNA orders with no exceptions for a subcategory of what we consider the 16 most serious offences, so we are including more serious offences where there would be a mandatory DNA sample taken.

[*Translation*]

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, thank you for giving me this opportunity to speak about Bill C-18.

[*English*]

I was just thinking two thoughts by way of introduction. The member for Wild Rose is right. The viewing public might think with the numbers C-18, C-72 and C-13 that this is just a well-dressed bingo game that we are playing, but it is actually very serious material.

The combination of these bills will culminate in a better method and tool for police officers and the police forces to do their jobs both in inculcating, finding the people who have done crimes, but also as my speech will indicate, exculpating people when they are actually not guilty.

I also might give my friend from Fundy Royal compliments on his good speech. I think that people in our community, he and I share an undefended border between Westmorland County and Albert County, share the same belief system and the same community values.

The people in Albert and Westmorland counties might think that the member for Fundy Royal and I are dominating the debate. I think it is just because we are on the committee together and we work on these subjects, not always together but certainly with the same view. That view is to make the laws of Canada better and more effective.

With that I am pleased to have this opportunity to speak to Bill C-18, a law designed to help implement the DNA databank legislative reforms. It does, however, and it must be said, build on the good Liberal Bill C-72. This was an excellent effort of the previous government to clean up some of these outdated and, frankly, awkward and lugubrious anomalies that exist in the current system.

The success of the DNA databank is impressive. It has provided critical evidence leading to convictions in nearly 2,300 serious crimes. It has been crucial in helping police solve over 300 armed robberies, 1,200 break and enters, 200 murders, and the member for Wild Rose might want this statistic, and 400 sexual assault cases in Canadian communities from coast to coast to coast. These are impressive numbers.

[*Translation*]

It is an extraordinary success. In addition, the national DNA data bank is one of the most powerful tools available to the country's police forces and courts. Even more importantly, the national DNA data bank makes it possible to exonerate innocent people and punish the real criminals.

[*English*]

We forget too often in the law and order rhetoric of the other side that there are people who have been falsely accused and falsely convicted of crimes. One of those falsely accused and falsely convicted cases is one too many. Not only is the DNA databank a great success story, it is an amazing example of technological use in the betterment of our justice system by providing indisputable evidence.

That is why I am pleased to see that the Conservative minority government introduced Bill C-18 and this is largely, as I indicated, based on former Bill C-72 presented by the Liberal government.

The new modifications proposed by Bill C-18, and as they were in Bill C-72, will enable a number of modifications and ameliorations to the DNA databank in accordance with the proposed Liberal reform of the DNA databank included in Bill C-13 which received royal assent in May 2005. These improvements are eagerly awaited for by the police departments, the provinces and territories, and they cannot come too soon.

I must echo at this time two comments made by the hon. member for Windsor—Tecumseh. One of them is that the Criminal Code of Canada, a large document that is roughly incoherent notwithstanding that it was created by a Conservative justice minister in the late 1800s, has been added to like a big overgrown shrub that needs pruning and frankly needs to be completely redone. Those sentiments are not just those of the member for Windsor—Tecumseh. The hon. members for Fundy Royal and for Wild Rose will know that the esteemed professor from the University of Ottawa, David Paciocco, suggested that to us just recently at the standing committee.

[*Translation*]

In the beautiful province of Quebec, respected professor Daniel Grégoire has also called for these reforms.

•(1615)

[*English*]

The second point about the need to pass the bill, which is why we are in favour of it, is that the justice committee is bogged down with so many justice bills right now that we have to be sure the government is sincere. I have heard the expressions of sincerity from the hon. members of the committee, whom I know well. I take it that the committee is sincere in passing the bill, in getting it through committee and back to the House and into effect. Since we all agree on its raw and innate goodness, let us get it through the committee quickly and get it passed into law.

*Government Orders*

Once again, the current minority government is trying to show, however, that its great legislative agenda is its own. In fact, any bill that comes before us that has more than three pages was probably one that was introduced by the Liberal government and died on the order paper, not one of the new bills produced by the Conservative department of haste in bills. I call it the hasty bill writing department that the government must have over there.

For those keeping score, this is one of the good bills. This was a Liberal bill that a new number has been attached to. We will happily call it a Conservative bill for now, if we can just get it through committee. That being said, the DNA data bank, just as any other governmental program or legislative measure, raises concerns about privacy.

As many examples have shown in the past, personal information can travel fast over the legal borders that exist and over all the limitations that we think exist as well. This is why I stress the need to strike a balance between all citizens' rights to privacy, including suspects, and the need to protect our society as a whole from crime and criminality.

The respect of privacy has been so far protected in the DNA data bank by ensuring that the identity of all suspects is kept confidential to ensure fair treatment. We must ensure that the proposed changes do respect the boundaries of the current privacy provisions in the law of Canada.

[*Translation*]

The technology used in DNA identification has proven itself on many occasions over the years. DNA identification can play a vital role in convicting or exonerating people suspected of major crimes including murder, as well as other crimes that caused the death of innocent victims.

The changes currently proposed by Bill C-18 will allow even more law-abiding citizens to be exonerated of charges and will strengthen the current legislation on DNA sampling.

In fact, attempting to escape or avoid having a DNA sample taken seems to me to be sufficient reason for doubt about the motivations and motives of a suspect.

There is certainly reason to wonder why a potential suspect would do everything possible to avoid having a DNA sample taken when, in fact, the sample could lift all suspicion from that person, if he is innocent, of course.

• (1620)

[*English*]

Since the DNA data bank is a fairly recent tool, it is understandable that it needs to be tweaked and bettered to ensure that it reaches its maximum potential.

This is why adding attempted murder and conspiracy to commit murder to the offences covered by the retroactive provisions makes sense. The law is organic and it must grow with what is occurring out there in our communities.

Those added offences are serious. They are important. Those individuals, dangerous as they may be, should contribute a DNA sample to the DNA data bank to ensure that other crimes they might

have committed in the past, or could commit in the future, will be linked to them and their DNA.

It is important for us on this side of the House to underline that we are a party, and I think all parliamentarians would agree, that respects and wants a rule of law in this country. We are a party—and I think as parliamentarians as well we could join in this statement—that wants a safer community. If the DNA data bank, improved as it would be by this bill, helps us catch more criminals who have done harm or who will do harm, this is a good thing.

Furthermore, I do believe that law-abiding citizens' rights to live peacefully should always be the first objective of all proposed legislation. It would not make sense to actually protect criminals from other criminal offences, and this is why it simply and clearly makes sense to ensure that information provided by the DNA data bank should be used, and needs to be, to investigate all criminal offences. Canadians will in the end benefit from criminals being better investigated, and perhaps having them linked to accusations and criminal offences as alleged would be a good thing as well.

Of course, these measures have to work both ways. Although law enforcement agencies should be able to use the DNA data bank information to investigate all criminal offences of certain individuals, it should not create some sort of tightly secured DNA data bank from which no information can be deleted. There is, in fact, a time limit to the efficacy of the DNA data bank.

Accessing and destroying specific information from the DNA data bank is essential to ensure errors can be corrected and true justice can be served. This is why simplifying the procedure for destroying samples also makes sense and is a very important part of an efficient DNA data bank.

[*Translation*]

As the DNA bank continues to grow with each sample taken, the usefulness of this extraordinary tool also continues to grow. It will make Canada a place where Canadian justice—as well as our police forces and investigators—is as fair and equitable as it can be.

[*English*]

The National DNA Data Bank is an impressive and wonderful resource. It is one of the most powerful investigative tools the justice system has ever had. Bill C-18 would make it even more efficient.

*Government Orders*

It is very important to underline for us on this side of the House that none of these bills being proposed by the government will work unless there are adequate resources to back them up. The only program statements that have been made with respect to justice in the past couple of weeks have been cuts.

Whether they are cuts to the judicial contestation program or cuts in the RCMP budget for a trial method of catching people at the roadside who are committing violations of our Criminal Code while impaired from drug abuse, these are the actions that back up the words of the government with respect to its law and order agenda.

I can only hope that through discussions such as these and the discussions that might happen at committee the government can see the folly of pronouncing grand statements about how the Conservatives are the stewards of law and order when they do not back that up with the allocation of resources necessary to put in effect the laws the Conservatives so proudly pronounce from every church steeple, city hall and mall encounter.

In short, and in conclusion, the Liberal Party and I, as a member of the justice committee, will in good faith give our word to support this bill in principle, to work diligently at committee to improve it and, more important, to move it along to put it into law, because after all, it is just Bill C-72 in new clothing. It was our idea. We put it together. Perhaps once, in a non-partisan way, I can say we do not care if the government gets the credit for it, because we know in our hearts that we put it into place.

• (1625)

**Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the thoughtful speech of the hon. member for Fundy Royal is correct in saying that we on this side of the House are taking justice issues seriously. We have listened to Canadians.

We are busy in the Standing Committee on Justice and Human Rights, of which he and I are both members. By way of example, we are dealing with Bill C-9, which deals with conditional sentencing and ending the possibility of conditional sentences when a serious crime is involved, with Bill C-10, which deals with mandatory minimum penalties for gun crimes, and with Bill C-19 on street racing, which I and the hon. member spoke to yesterday. We are going to be dealing with other issues that deal with protecting Canadians.

I am proud to say that we are backing up our legislative action with resources. Our budget provided funding for 1,000 new RCMP officers. We are providing funding to train and hire new municipal police officers. They are the essential resources that must be in place to add teeth to our legislative agenda.

In light of the fact that the hon. member does support Bill C-18 and improvements to the DNA data bank and recognizes the importance of the DNA data bank, will he work within his party to move Bill C-18 along as quickly as possible? Recognizing that we are busy in the justice committee, will he take steps within his own party to see that Bill C-18 moves even straight through to the Senate considering that many of the issues dealt with in Bill C-18 have already been debated?

**Mr. Brian Murphy:** Mr. Speaker, while I have tons of respect for the hon. member, his comments on providing resources to back up the alleged intent of the government to be the law and order government are quite laughable.

In fact, in our community, which we share, the RCMP is the municipal police force and is without adequate funding. It has no hope on the horizon of receiving more funding to patrol our streets to effect some of the laws that are being passed here.

Foremost in my mind are the comments that have been made in this House regarding the eradication of the Law Commission and how these laws might have been made better had we had a Law Commission going forward.

Finally, cutting \$4.6 million from the RCMP budget for trial roadside detection of impaired drivers is enough to make any good-feeling citizen on the law and order agenda, and the people of MADD, Mothers Against Drunk Driving, even madder.

On the principal question, he will recognize that the comments made by all members on this side indicate that we are interested in moving good bills forward and stopping bad bills. That is what we will continue to stand for.

• (1630)

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Speaker, I have the pleasure today of speaking in favour of sending Bill C-18 to committee.

As has already been stated, the National DNA Data Bank is a great success. I understand that the DNA data bank came in on time and on budget. It works closely with the forensic laboratories, not only those of the Royal Canadian Mounted Police but also with the Centre of Forensic Sciences in Toronto and the Laboratoire de sciences judiciaires et de médecine légale in Montreal. In turn, the laboratories work closely with local law enforcement.

Biological samples from convicted offenders are collected by police who have been specifically trained to do so. These biological samples include blood, which is the preferred substance to analyze and accounts for more than 98% of samples submitted for analysis. Buccal swabs and hair provide the other 2%.

The convicted offender biological samples are collected and submitted to the National DNA Data Bank to be processed into DNA profiles. This profile information is then entered into the combined DNA index system, or CODIS, a software package that stores and compares the profiles. CODIS was developed by the Federal Bureau of Investigation and the U.S. Department of Justice and provided to the NDDB at no cost. The software is the universally accepted standard for forensic laboratories, which allows the NDDB to participate in the sharing of information consistent with signed international agreements.

The police and forensic scientists also attend at crime scenes. When they find DNA and they have a suspect, they can apply to a judge for a DNA warrant to confirm or disprove that the crime scene DNA and the suspect's DNA are the same.



*Government Orders*

Every day suspects are being cleared by DNA. We must not underestimate the benefit that this provides to the Canadian justice system. It is unimaginable now, in a case such as that of Steven Truscott, that DNA would not be used. Avoiding a miscarriage of justice is vital to maintaining the confidence of Canadians in the justice system.

When police do not have a suspect but they have DNA, the forensic laboratories analyze it and upload the DNA profile to the crime scene index, which is a separate electronic database. The NDDDB retains this electronic information as well as basic details such as the date, location of donor laboratory and a unique number identifier that allows information to be compared by the donor laboratory in the event of a future match.

The hits that the NDDDB generates can be to a crime scene where the DNA profile has been in the crime scene index for many years. Of course, the match is not the end of the story. It is only the beginning and police must follow up on the match and build their case. Depending on where the DNA was found, there may be an innocent explanation. However, there is also the potential for convicting an offender years later.

The collaboration of the laboratories has had great benefits for Canada. The more crime scene samples that are uploaded to the data bank by the forensic laboratories and the more convicted offender samples there are in the data bank, the more successful the entire DNA system will be. According to the latest annual report of the national DNA data bank, there were only 25 forensic hits in the first fiscal year that the data bank was open. In 2005-06 there were 2,323 forensic hits, almost a hundredfold increase.

The National DNA Data Bank continues to increase the pace at which it makes forensic matches. In the past six months, it has provided police with investigative leads in some 50 murders, 18 attempted murders, 110 sexual assaults and 80 robberies.

Let me give a real life example of the value of one of the DNA matches. This case is taken from the 2005-06 report of the National DNA Data Bank.

On April 23, 2002, the family of a 29-year-old man reported him missing in Dawson Creek. Police determined that he was last seen nine days earlier at a local pub with two unidentified men. The two men were tentatively identified and associated to a nearby residence. When police arrived at the residence, however, it was abandoned.

Finding bloodstains in several places throughout the home, police suspected foul play and sent the evidence for DNA analysis. They also obtained biological reference samples from the missing man's parents to help with identification. The RCMP forensic laboratory services completed the analysis and confirmed that some blood at the residence matched to the missing man, and there was also blood from another unknown person.

The unknown DNA profiles obtained from the crime scene were uploaded into the National DNA Data Bank's crime scene index. Unsure of the man's fate, police continued to follow all clues to find him and his assumed assailants. In their pursuit of the two men last seen with the missing man, police were led to an abandoned vehicle in Mayerthorpe, Alberta. Several blood soaked household items were found in the vehicle, along with the missing man's knapsack.

These items were sent to a regional forensic laboratory for analysis. A comparison of the crime scene DNA profiles with that of the missing man yielded match. This supported the evidence that the police were dealing with a homicide and not a missing persons case.

• (1635)

Shortly after, a man walking down the street in Saskatoon was violently assaulted by two individuals who were apprehended and charged with attempted murder. DNA collection warrants were executed for the suspects in this case. The NDDDB linked the DNA profile of one of the suspects in Saskatoon to the unknown DNA profile from the abandoned residence in Dawson Creek.

It was confirmed that the missing man left the pub with the two suspects and proceeded to the residence. An argument had ensued and the victim was stabbed to death and dismembered. During the attack, one of the suspects cut himself, which became the key clue that allowed the NDDDB to link the suspects to the crime scene. The suspects in Saskatoon were charged and convicted of second degree murder.

Undoubtedly, the early apprehension of offenders such as these made possible by DNA matching has prevented thousands of crimes. Truly, DNA makes an almost unequalled contribution to the safety and security of Canadians.

As an aside, I am rereading a classic by Truman Capote titled *In Cold Blood*. It would have been interesting to see in the novel how DNA would have affected that case.

In the last Parliament, relatively modest improvements to the DNA system were presented to the government in Bill C-13. The standing committee held extensive hearings and considered a wide range of issues. Major amendments were adopted by the House standing committee on May 5 and 10, 2005. The amendments reflected a compromise that secured the support of all parties for its passage. The bill was then adopted by the House on May 12 and because of the impending budget vote, rushed through.

The provisions of the bill dealing with the expansion of the retroactive scheme, which makes about 4,400 more offenders eligible to be sampled, the procedure for dealing with DNA orders that appear on their face to have been improperly made, for example, defective orders, and the procedures for dealing with moderate DNA matches came into force on royal assent. Because of the rush to have the bill passed, the normal opportunity to scrutinize the amendments, consider necessary consequential amendments, determine the full implications of the changes and make corrections at report stage on third reading or in the Senate were not available. The bill as passed, therefore, contains serious problems that should be resolved prior to proclamation.

*Government Orders*

In the minister's speech, he set out the many important provisions of Bill C-13, which are not yet in force. Undoubtedly, the most important are the changes in the definitions of primary and secondary designated offences. When they come into force, there should be a great increase in the number of offenders who are ordered to provide a DNA sample and the number of crimes for which DNA profiles can be uploaded to the crime scene index. As we know, the more profiles in the data bank, the more matches it will generate.

It is therefore important that we give this bill thorough but swift consideration. I do not believe that there is a real divide on this bill in the House, just as there was not a real division over Bill C-13. All of us want to make as much use of DNA in solving crimes as we can while respecting the charter and privacy rights of Canadians.

I also believe there is a desire to proceed soon to the full review of the DNA system that was often alluded to in the debates and hearings on Bill C-13 as being the proper forum for consideration of major changes.

For example, in the United Kingdom, the Forensic Science Service in 2004-05 reported that it had 40,000 new detections, including 165 homicides, 100 attempted murders, 570 rapes, 5,600 burglaries and 8,500 auto crimes. The laws under which it operates are far different from ours. The British take DNA at the time of fingerprinting and keep DNA profiles regardless of the outcome of the criminal prosecution just as we keep fingerprints but not DNA.

In Canada, by contrast, DNA orders can only be made against a convicted offender for a limited number of offences and judges retain the discretion to refuse to make the order.

Bill C-18 does not change these fundamentals of the Criminal Code DNA provisions and the DNA Identification Act. As I have said, the five year parliamentary review, which has yet to begin, is the proper forum for considering far-reaching changes. Bill C-18 is limited to technical improvements to the existing system.

I would like to conclude with just a few words about the attitude of the courts to DNA. I believe it has been evolving rapidly as the courts become ever more aware of the benefits of DNA and the certainty it provides in identifying perpetrators. The minister has already spoken of the ringing endorsement of the present legislation by the Supreme Court in the Rodgers case

• (1640)

While Rodgers was a case dealing with the retroactive provisions of the DNA bank scheme, there can be little doubt that the existing scheme is in its entirety constitutional. I am informed that over the past five years there have been dozens of challenges to the DNA legislation at the trial court level and appeals to the courts of appeal of almost all provinces.

As the Ontario Court of Appeal held in a case called Briggs, the state interest in obtaining DNA profile from an offender is not simply law enforcement by making it possible to detect further crimes committed by this offender. Rather, the provisions have much broader purposes, including the following: to deter potential repeat offenders; promote the safety of the community; detect when a serial offender is at work; assist in the solving of cold crimes; streamline investigations; and, most important, assist the innocent by early

exclusion for investigative suspicion or in exonerating those who have been wrongly convicted.

I believe we, in the House, recognize the benefits of DNA evidence and we should do everything we can to foster its use. In the short term, I believe we must pass Bill C-18. In the long term, we must work together, through the parliamentary review, to determine the best possible system for Canada and then proceed to make whatever changes the committee may suggest.

I am pleased to urge the House to pass Bill C-18 at second reading.

**Hon. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, I am pleased to speak to Bill C-18, An Act to amend certain Acts in relation to DNA identification.

Bill C-18 is largely a technical bill but it builds on some initiatives from the last Parliament before it was dissolved when Parliament passed Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act. This was the Liberal government's original DNA data bank legislation. There was some keen interest to have this legislation passed quickly and efficiently for a couple of reasons.

There were a number of high profile people being detained in penitentiaries who were about to be released, and without this legislation in place they would have been able to have left the penitentiary without giving a DNA sample.

DNA samples are very helpful to law enforcement to solve crimes and to prevent crimes. That was one of the imperatives that led to a very speedy passage with all-party agreement in the House and I think all-party agreement in the other place and royal assent in the last Parliament. It was done very quickly.

There were amendments made at the committee level that were quite complicated. I think in the rush to get the bill through, there were some slip-ups in some of the language in the bill. This bill is designed to correct some of those technical problems with original Bill C-13.

Bill C-13 in the last Parliament was a very good example of how parliamentarians of all stripes in the committee worked together. The Liberal government had a minority government at the time, but at committee we worked together to make changes to the bill, which I think improved the bill and helped its speedy passage through the House of Commons and the other place.

*Government Orders*

To give some background, before the bill came to Parliament and to committee, the RCMP were reporting that only about 50% of the DNA samples that were meant to be going to the RCMP DNA data bank were actually getting into the data bank. This was a cause for concern by myself and others. At the time I happened to have the honour to serve as parliamentary secretary to the minister of public safety and emergency preparedness, so it was an issue that I took up with the justice department and others. I could not quite understand why only 50% of the DNA samples were finding their way into the DNA data bank.

It turns out that the way the law was written, the judges had discretion as to what DNA would be passed on to the DNA data bank and what DNA would not be passed on to the DNA data bank. I found this quite puzzling because I could not ascertain under what circumstances the judge in his or her wisdom would decide that it was not in the public interest to pass the DNA of a convicted person to the DNA data bank.

In fairness to all concerned, following the establishment of the DNA data bank, there was some confusion among the crown prosecutors and judges. The DNA order has to be an order that is presented to the trial judge asking the judge to order that the DNA sample be taken and passed to the DNA data bank and there was a lack of communication or a lack of education on what DNA had to be passed over to the RCMP DNA data bank.

As I recall, the Department of Public Safety and the Department of Justice mounted a program to get the word out to the judiciary and to the prosecutors that this order had to be prepared by the crown prosecutors and presented to the judge before the DNA could be taken and submitted to the DNA data bank.

• (1645)

When the bill was sent to committee, these questions were asked. As a result of a lot of collaboration among all parties, the Bloc Québécois, the Conservative Party, the Liberal Party and the NDP, we made some significant amendments to the bill.

We started out with a very long list of crimes where the judge would not have any discretion, where the DNA would automatically have to be taken and sent to the DNA data bank. There was much discussion around this point with the Department of Justice. The view was that there was a possibility if we included all crimes, this would be challenged under the charter and the good parts of the bill would be tossed out with the parts that would be turfed out in any sort of challenge under the charter.

At committee we put a little water in our wine and we said that for the most heinous of crimes there had to be no discretion, in the judgment of the committee members. For acts such as murder and rape, what the bill did when it was amended was it removed any judicial discretion so that the DNA automatically had to go to the DNA data bank.

That was a very proud moment for me. It really pointed out that even though there was a lot of discussion that the minority Parliament was not working at a certain level, I felt that at the committee level, certainly at the justice subcommittee level, there was a lot of good cooperation. I think we improved the legislation in front of the committee. We did some other work with respect to child

pornography. Subsequently Parliament was dissolved and we had an election. But for Canadians this committee was working very well.

I was very proud that we were able to pass Bill C-13 which received royal assent. There were some technical matters which came to light through the Department of Justice later and that is what the current bill is meant to reflect. Bill C-13 was a follow-up on our Liberal government's commitment to law and order to give the police the tools they need to fight crime.

That is why I am sorely disappointed that the Conservative government is seeking the scrapping of the gun registry. We know the gun registry is working very efficiently, very effectively. Yes it is true that it cost too much to develop, but those are sunk costs. Anyone who knows anything about economics or finance knows that once there is a sunk cost there is not really much point in going back and analyzing what to do about that cost because it is historic. The question before us is whether the gun registry performing today a useful purpose, and the answer is a resounding yes.

For example, law enforcement officers are making something in the order of 6,000 inquiries per day on the gun registry data bank. Do law enforcement officers have the time to sit around and tinker away on the computer if it is not relevant information for them? They are very busy people. They have many different competing priorities. They have to decide which call to take. They have to rationalize that. Do we think they sit at a computer keyboard and tinker around for the fun of it? Of course not. We know for sure that especially in domestic violence situations the police find this to be a very useful tool.

Does it mean if they go to the gun registry and the registry shows that there are no guns registered at a particular residence that they can stroll in and be happy campers and not worry? Of course not. Police officers across Canada are not so naive, but by the same token, if they go to the gun registry data bank and discover there are guns in that residence, it helps them establish their *modus operandi* of how they are going to approach that situation.

I will give another example of why DNA and the gun registry are so important in terms of law enforcement. The gun registry supports something in the order of 7,000 or 8,000 affidavits to date that they have signed which has helped crown prosecutors obtain convictions. The gun licensing component of the Firearms Centre screens out many individuals who would otherwise like to have a gun but because of certain instabilities or criminal records in their past, they are precluded from owning a gun. In fairness to the Conservative government, it is not suggesting that we ban or do away with gun licensing, but it is making a serious mistake with respect to the long gun registry.

• (1650)

The other myth I would like to focus on again today is that some would argue that long guns are not involved so much in criminality, that they are owned by people in rural parts of Canada. The facts are just the opposite. Long guns are involved in more homicides and suicides in Canada, or in just as many as are handguns. Handguns are more of a problem in the urban centres and long guns are a problem in the rural parts of Canada.

*Government Orders*

I certainly will be supporting the DNA bill because Bill C-13 was very important in terms of law enforcement and law and order in Canada. This bill tidies up some of the language, some very important language, so that the bill can be that much more effective.

I will expand a bit on Bill C-13 and the list of those offences which the committee and ultimately Parliament and the other place approved in this legislation. The offences that were put on the list of those where a judge would have no discretion with respect to the DNA that would have to go into the DNA data bank, we included crimes like murder, manslaughter and aggravated assault. Internet luring of children, child pornography and organized crime offences were also added to the list of designated offences for a data bank order. This is absolutely necessary so that the DNA can be used by law enforcement agencies to either solve crimes or prevent crimes.

I was very proud of the work of that committee. Now I am very happy to speak in support of this bill because it makes the technical changes that are needed to make the original bill even more efficient and more effective.

By way of example, Bill C-18 makes it an offence to fail to appear for DNA sampling. It is an important part. The court can order a DNA sample, but if the individual does not appear, how could one possibly get a DNA sample? There are sanctions for not appearing for a DNA sample.

The Conservative government, and frankly I support what it is doing here, has also added some additional heinous crimes to the list where a judge would have no discretion but to send the DNA sample to the DNA data bank. Those offences include attempted murder and conspiracy to commit murder. Those also are covered by the retroactive provisions which apply to offenders convicted of a single murder, sexual offence or manslaughter prior to June 30, 2000 when the legislation that enabled the creation of the national DNA data bank came into force.

It sounds like a lot of gobbledygook, but in fact these are very important technical changes and I am hoping the House will support them. The purpose of the bill is that the government is trying to capture as much DNA as possible to get into the data bank so that law enforcement can use that DNA to fight crime and to prevent crime.

Another example of one of the technical fixes to the legislation is that it ensures information provided by the national DNA data bank can be used to investigate all criminal offences. It may sound somewhat obvious, but if it is not written in the legislation, then someone will argue that the DNA could be used to investigate certain offences but not other offences. It makes this particular point crystal clear.

• (1655)

I will go back for a moment to the list of crimes where the judge has no discretion. The committee at the time had somewhat of a debate on that issue. Frankly, I support a certain level of judicial discretion but if, for whatever reason, the Parliament of Canada believes judicial discretion is not being exercised in a way that is appropriate in the judgment of parliamentarians, then I think it is quite appropriate for Parliament to remove that judicial discretion.

This is not for petty crime where the DNA must go to the data bank. This is not for shoplifting, nor is it for someone who is caught speeding. This is for murder, rape, attempted murder, conspiracy to commit murder and a whole list of other heinous crimes. I think it is quite appropriate that judges are required without discretion to ensure the DNA goes to the DNA data bank.

Another example of one of the technical amendments to this bill that is before us today is to simplify the procedure to destroy samples taken from those convicted of an offence not intended to be included in the DNA data bank. Again, it is somewhat a procedural but an important procedure so that samples can be destroyed if they are not intended to be included in the data bank.

When we get into DNA there is often this debate, a debate we had in committee as well, about the privacy issues of Canadians. Privacy is an important aspect that we need to consider as parliamentarians.

I do not pretend to reflect the views of all Canadians on this point, but if someone wants to take a follicle of my hair and put it into a DNA data bank, frankly, I say go to it. However, I understand and respect that some people might see this as impacting their privacy, which is why the legislation that we bring before Parliament needs to be mindful of those considerations. We need to ensure that only DNA that is required by legislation and that meets certain tests of Parliament is actually proceeded with.

Another example of one of the technical changes in this bill is to help to ensure that the DNA data bank orders can be carried out even when, for logistical reasons, it may not be possible to take the sample at the precise time set out in the order. Again, this is somewhat procedural. Unfortunately, there is a whole body of jurisprudence and lawyers who will try to find reasons why their client should not be required to submit a DNA sample. They might say that they could not comply with the order in the timelines provided in the order.

This provision makes it clear that even though it is not at the precise time that is laid out in the order, the DNA must be presented.

It also clarifies definitions in procedures for obtaining a DNA data bank order and for sharing information with international law enforcement partners. There is a whole range of sharing of information that goes on between Interpol and other law enforcement agencies around the world and one has to be mindful of the privacy concerns of Canadians. This amendment makes it clear what the rules are for the sharing of that sort of information.

*Government Orders*

I hope the House passes this bill. It would be helpful to our law and order agencies to prosecute and prevent crimes. I am sure our party will work with all sides of the House to ensure the speedy passage of this bill. I will be supporting the bill and I hope others will as well.

\* \* \*

● (1700)

**BUSINESS OF THE HOUSE**

**Mr. Gerry Ritz (Battlefords—Lloydminster, CPC):** Mr. Speaker, there have been consultations and I think you would find unanimous consent for the following motion. I move:

That, notwithstanding any standing order or usual practices of the House, during debate on the take note debate tonight, the Chair shall not receive any quorum calls, dilatory motions or requests for unanimous consent.

**The Acting Speaker (Mr. Royal Galipeau):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

**AN ACT TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION**

The House resumed consideration of the motion that Bill C-18, An Act to amend certain Acts in relation to DNA identification, be read the second time and referred to a committee.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, we know legislation can be improved with a review. When the former Liberal government introduced this registry in 2000, a promise was given that a review would be done in five years. We were all looking forward to the opportunity to consult with police, police service boards and investigators. We were also looking forward to looking at other jurisdictions in other countries to see what part of the registry could be improved.

I think every member of the House would like to add missing persons and found human remains DNA indices to the National DNA Data Bank, the Lindsey law. Lindsey's mother, Judy Peterson, has been saying for a long time that it would be useful to have this kind of addition, either through present legislation or new legislation, and include it in the National DNA Data Bank.

Why is the review not being done? Why are we not pushing for a review? We were supposed to get a review in 2005 but it did not get done under the former Liberal government. I do not see it happening under the Conservative government.

Does the hon. member think that review is important so we do not do things in a piecemeal format? Would he support a separate

registry or the same registry to allow for the taking of DNA of a missing person or found human remains?

**Hon. Roy Cullen:** Mr. Speaker, I understand the act came into force in 2000 and there was to be a review in five years but the review has not taken place.

**An hon. member:** It is overdue.

**Hon. Roy Cullen:** Yes, it is overdue. We should be reviewing it because it is an act of Parliament. I would support a move in that direction.

As I was the parliamentary secretary at the time, I know there was extensive consultation on Bill C-13 but that does not replace a parliamentary review. I think the point is well taken.

I was quite involved with respect to the missing persons index and the member for Saanich—Gulf Islands was the person promoting it. He has, of course, had to pass it on to someone else now. At that point in time the federal government supported the missing persons index. However, the issue involved jurisdiction. In other words, the impetus really had to come from the provinces and territories because it fit within their constitutional jurisdictions.

However, extensive consultations were held across Canada with the provinces and territories to sort that out and to see what sort of support would be provided by them. I think it was put on the justice minister's agenda with his or her colleagues across Canada. There were some issues around privacy but the general view was that those issues were surmountable.

I certainly support the missing persons index. However, it is critical that we have the provinces onside and the modus operandi laid out very clearly as to how it will work, how the information will be fed into the DNA data bank and how it will be used.

● (1705)

**Mr. Bradley Trost (Saskatoon—Humboldt, CPC):** Mr. Speaker, I noticed in my hon. friend's speech that he brought in some analogies to the rather disastrous federal long gun registry. One thing he did not note was the difference in costs between this DNA registry and the long gun registry which cost approximately \$1 billion. This registry will be considerably more reasonable in its overall costs.

I wonder if he might comment on the costs since the original cost for the long gun registry was supposed to be \$2 million. Now that we have a different government in place perhaps this registry will not experience the same cost overruns as the previous attempts at a registry.

**Hon. Roy Cullen:** Mr. Speaker, it actually cost more than \$2 million to set up the gun registry. I believe the member meant a figure beyond \$2 million but the figure of \$2 billion that has been bandied about is totally fallacious. However, it is true that it was pushing \$1 billion to build the gun registry data bank over a five or six year period.

*Government Orders*

I worked in the private sector and I have seen mega information technology projects, where the business requirements and the policies were changing. I have seen a lot of badly derailed IT projects in the private sector as well. It is not just government that can blow IT projects. This was a blown project. There were many reasons for it, which we will not get into today. I do not know if the member, who has an economic background, was listening or just did not hear, but there is a concept of some cost.

We, as a government when we were in power, took the measures necessary to rearrange the governance of the firearms centre. Some management changes were made. The question before us today is the gun registry which is costing now around \$20 million a year to operate. The police are making 6,000 plus inquiries per day. At a cost of \$22 million a year, if that can save one life, if it can save two lives, it is well worth it. The other ironic thing that the member did not mention is that it is supported by the Canadian Association of Chiefs of Police and by the rank and file police officers who passed a resolution at their last convention supporting the gun registry.

The Conservative government is on the wrong footing by dismantling the long gun registry. I stand by my point that we should be retaining that important tool.

• (1710)

**Mr. Lloyd St. Amand (Brant, Lib.):** Mr. Speaker, how far along the science of DNA has come in the last 10 to 12 years. I remember in 1995 when O.J. Simpson was found not guilty by a jury in spite of what was seemingly overwhelming DNA evidence.

One of the commentators mentioned that the jury, in that instance, ignoring the DNA evidence, was the equivalent of a jury a century ago ignoring a photograph of a killer shooting someone because the photograph was taken as a result of this newfangled device called a camera. How far along we have come.

I have a question for my colleague, who, in my view, gave a sterling speech on this topic. With the wrongful convictions that, regrettably, have taken place, such as the cases of David Milgaard who spent 25 years in prison and of Guy Paul Morin who spent some 18 months in prison, DNA ultimately, thank goodness, exonerated those individuals. I am wondering if my hon. colleague sees for all us significant benefit to advancing DNA.

**Hon. Roy Cullen:** Mr. Speaker, I had the great good fortune of being in the riding of my colleague from Brant this summer and meeting many of his constituents who speak highly of my colleague's commitment to good policy and serving his constituents so well.

He is absolutely right with respect to DNA. The technology has advanced considerably. Canada is actually a leader in this and if more work is needed to advance it more fully, I think that is something the government should support.

The other facet that has changed is the improvement in the science behind DNA technology. I also think law enforcement people are much more careful around the construct of a crime scene and the way that the DNA is handled step by step. This is a very important element because if the DNA gets into the wrong file or is contaminated with something else, and I will not get into the merits of the O.J. Simpson trial, but I think that was a lesson learned

because certainly the defence lawyers picked holes in that. I think we need to move on both fronts, the crime scene and the DNA technology.

**Mr. John Maloney (Welland, Lib.):** Mr. Speaker, I am pleased this evening to speak to Bill C-18 which introduces a series of technical amendments to strengthen Canada's DNA databank laws. Canada is one of only a few number of countries in the world to have a National DNA Data Bank.

The legislation is similar to Bill C-72 introduced in the 38th Parliament. That Parliament came to an abrupt end when the current Conservative government collaborated with the other opposition parties to prematurely bring down the Liberal minority government.

These new legislative changes will allow for the implementation of Bill C-13, the former Liberal government's original DNA databank legislation. At the urging of the Canadian Association of Chiefs of Police and police organizations across the country, the former Liberal government undertook a wide range of consultations with government agencies, privacy groups, and forensic and genetic organizations which led to the introduction and passage of Bill C-13. Bill C-13 is acknowledged as a key law enforcement tool.

Forensic DNA analysis has been instrumental not only in securing convictions but also in exonerating wrongly convicted individuals as some recent high profile cases have shown. Mr. Milgaard and Mr. Guy Paul Morin were just mentioned a few minutes ago.

As one of the most accurate methods of obtaining solid evidence in criminal investigations, deoxyribonucleic acid, DNA as it is commonly known, is found within the chromosomes of every living organism. Except for identical twins, it is believed that no two people have the same DNA. Based on that premise, DNA from bodily substances found at a crime scene may be compared with the DNA obtained from a suspect in order to determine whether both samples came from the same person.

The benefits of using such a system are numerous. Police are able to identify and arrest repeat offenders by comparing DNA information from a crime scene to the convicted offender's index. They are also able to determine whether a series of offences was committed by the same offender or whether more than one perpetrator was involved. Police are able to cross reference and link DNA profiles to other cases within and across jurisdictions.

*Government Orders*

Using DNA profiles help focus police investigations by more quickly eliminating suspects whose DNA is already in the databank in a case where no match from crime scene evidence is found.

Finally, the knowledge of DNA testing to solve crimes may also deter offenders from committing further crimes.

The National DNA Data Bank is maintained by the Royal Canadian Mounted Police and is used to assist Canada's law enforcement agencies in the investigation of a serious crime. The databank has two indices or data indicators. The crime scene index would contain DNA profiles from bodily substance found at the scene of a designated offence or within the body of a victim or any other person or thing associated with the commission of a designated offence.

The convicted offenders index contains DNA profiles taken from offenders either on their consent or following an order by the courts. It applies to offenders convicted of designated Criminal Code offences as well as people who are subject to the military code of service discipline and convicted of a designated offence under the National Defence Act.

We are keenly aware of the significant privacy concerns, particularly in relation to the retention of biological samples. Strong arguments have been advanced by the scientific community indicating that in its view the retention of biological samples is essential for the DNA databank to be able to adapt to technological changes in the future.

We are aware that the field of forensic DNA analysis is developing rapidly and forensic scientists have told us that as the technology evolves the DNA profiles of today are likely to become obsolete later on. Samples retained can be reanalyzed using new technology thereby insuring that Canada's databank is able to keep pace with technological advances.

Bill C-13, the DNA Identification Act, will authorize police to collect DNA samples from offenders convicted of designated criminal offences. The 38 primary designated offences were selected because of the nature of the offence, the seriousness of the offence, and the likelihood that some biological evidence would be left at the crime scene by the perpetrator. These include the most serious personal injury crimes including homicide and sexual offences. The legislation also provided for the inclusion of DNA to be collected from offenders of designated offences committed before the DNA Identification Act came into force.

The DNA databank is of little or no use for identifying serious offenders unless it already contains their DNA profile. There are criminological studies which suggest that offenders who commit serious offences have previously committed less serious ones. Some have advocated expanding the primary designated offence to include less serious offences.

• (1715)

In Canada, any broadening of the category of designated offences to provide for mandatory DNA sampling would be subjected to the charter of rights scrutiny. The taking of bodily substances from individuals is considered an intrusive process constituting a search. The challenge is to seek a reasonable balance between the rights of an individual and the desired protection of society.

Bill C-18 would add attempted murder and conspiracy to commit murder or to cause another person to be murdered to the offences covered by the retroactive provisions which would apply to offenders convicted of a single murder, sexual offence or manslaughter prior to June 30, 2002, when the legislation establishing a DNA databank came into effect.

During the course of the original hearings on the DNA databank, consultations indicated strong support for the creation of a National DNA Data Bank, but there were also concerns regarding Canadian values of privacy, public protection and individual rights guaranteed by the charter.

Various interest groups, including the Privacy Commissioner and the Barreau du Québec, suggested the bill did not contain sufficient safeguards to protect the use of DNA profiles from the samples of victims, cleared suspects, and people who volunteered samples to help police in their investigations.

As a consequence, the former government brought a motion to clarify that access to the information contained in the crime scene index shall be permanently removed if it relates to a victim or person who has been eliminated as a suspect in a criminal investigation.

The current legislation also proposed a change permitting the destruction of samples when the provincial attorney general certifies that the order was made for an offence not intended to be included in the DNA databank. This simpler approach would eliminate the expense of having the attorney general make an application to a court to have the order quashed.

In certain circumstances, the legislation would also allow a court to require a person, who wishes to participate in a hearing relating to an order for the taking of samples of bodily substances for forensic DNA analysis, to appear by video links, such as a closed-circuit television or a similar means of communication, for the retroactive hearings. This would significantly reduce the costs and security associated with transporting the offenders eligible for retroactive sampling.

As we all know, crime and criminal activity knows no borders. Offenders must be apprehended and prosecuted whenever they are found and law enforcement agencies must have the tools to do so. This legislation would allow a foreign law enforcement agency, for the purpose of the investigation or prosecution of a criminal offence, to submit a DNA profile for analysis and would allow the results thereof to be communicated to the foreign government by the commissioner.

The series of technical amendments set out in Bill C-18 would strengthen our country's DNA databank law and would improve law enforcement, not only within this country but beyond our borders as well.

*Government Orders*

• (1720)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, when the member for Windsor—Tecumseh was speaking earlier, he raised a number of issues. I did not hear them specifically raised in this speech and so far, I do not think we have the answers that the House would need. One of them is that the current system was supposed to have undergone a review that was mandated to have happened, I believe, in 2005 and yet, this bill specifically does not address that particular review.

I wonder if the member could comment on that specific aspect which is missing in this current piece of legislation that is before the House.

**Mr. John Maloney:** Mr. Speaker, certainly, the mandatory review is overdue by perhaps nine months. Unfortunately, the justice committee who had undertaken this review is a very busy committee, with many bills before it. Quite frankly, I have some sympathy for the members of the committee. They are really overwhelmed by the job that they have in front of them. It is just a matter, I believe, of resources to bring this forward.

This review will happen and this bill will not take away from that, but these technical amendments were required now to strengthen Bill C-18 and to make it a very workable piece of legislation which would further increase the law enforcement tools of our country.

To wait for the review for us to put forward these amendments would not be right either. I see the Minister of Justice is with us. I am sure that he will ensure that this review comes forward as effectively and as fast as possible.

**Ms. Jean Crowder:** Mr. Speaker, I appreciate the fact that a review is time consuming, but it does seem that we are actually duplicating work by approaching the numerous justice bills that are coming before this House and before the justice committee on a piecemeal basis.

The member for Windsor—Tecumseh also referenced the Law Commission and as we know, as a result of the Conservatives' cuts that were announced last week, the Law Commission is on the chopping block.

The Law Commission has played a very valuable role in Canada in regard to the development of policy and perhaps provided an arm's-length view that provided some advice to this House. The member had previously suggested that the Law Commission could play a valuable role in looking at the overhaul that is needed of the Criminal Code.

I wonder if the member could comment on that specific role that perhaps the Law Commission could play in this House.

**Mr. John Maloney:** Mr. Speaker, I was not here when the member for Windsor—Tecumseh made his intervention, but I know this individual is very thorough and concerned on the issues of privacy.

I share the member's concerns about the cuts recently announced where the Law Commission will no longer be with us. However, I am not sure I want to abrogate my role and function, and the role of the justice committee to another authority. This review should be

done by Parliament and I am sure, the message is there, that we will bring this forward as quickly as we can.

It is important and we all realize this. I think this law will probably pass almost unanimously and there will be a lot of cooperation in getting the review of the act done. It will be studied very intensely because it is a very serious intrusion on the rights of individuals. It is such a terrific law enforcement tool that we want to improve it for the betterment of society, not only within Canada, as I said, but across the globe.

• (1725)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I want to follow up on the last point. I was going to ask about the balance between the rights and the benefits of the bill, but specifically about the rights of personal privacy.

**Mr. John Maloney:** Mr. Speaker, that is the key question with this legislation. It is a very intrusive process and the storing of this material can certainly reveal a lot about individuals. As scientific expertise improves, we do not know what the DNA analysis will provide. We are amazed at what it provides us now.

For those who know, when we toured the facilities at the RCMP offices here in Ottawa and saw how analyses were done and what a DNA sample goes through, it was very enlightening. It is always a balance between the protection of society and the rights of the individual. We have in a very fair way balanced that and will continue to do so.

We are certainly mindful of our requirements regarding the charter. If we exceed our boundaries, I am sure the courts will bring us back on line and if amendments are required to the legislation to conform with the judicial precedents and decisions, then we will do so.

**Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I have a brief comment. I noted that a comment was made that DNA is intrusive. In fact, the Supreme Court of Canada, in the recent Rodgers decision, said there was minimal intrusion involved in DNA sampling. It was in fact focused entirely on identification.

The court, in the Rodgers decision, looked at the scheme very thoroughly, upheld its constitutionality, indicated that there was an appropriate balance, and commended this DNA tool. Certainly, there is nothing in this bill that in any way upsets that balance. As we know, this is in fact a bill that was by and large introduced by the previous government with some new amendments.

**Mr. John Maloney:** Mr. Speaker, perhaps the intrusiveness was not in the method of taking the sample. It is a pin prick, which many diabetics do daily, or the plucking of a piece of hair.

What information an analysis of a sample can reveal could be of concern in years to come, but I agree with the member that this is mirror duplication of Bill C-72. I certainly will be pleased to support it. It is good legislation. It is needed legislation. It will improve enforcement when used as an enforcement tool and assist our law enforcement agencies.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I am pleased to rise to speak to the bill before the House.



*Government Orders*

As the member for Windsor—Tecumseh pointed out earlier, there are a number of challenges with the bill. On one particular matter, I have asked a number of questions but really have not had a satisfactory answer to them at this point.

One of the things that was pointed out earlier was it appeared there was a piecemeal approach being taken to developing various justice bills right now. It seems like it is a bit of a roll of the dice, that this one sounds good to the Conservatives so they pull together some information and put it forward. Then they put another bill forward and another after that. It does appear to be a very piecemeal approach to a justice system and to a Criminal Code that need overhauling.

Part of the process for the DNA registry was that a parliamentary review would happen at the five year mark. That five year mark expired back in 2005. We are in 2006 and still no review has taken place. The previous Liberal government did not get to this review and the current government still has not announced any intention of doing so. Rather than have Bill C-18 come forward, perhaps it would have been an opportune time to have this comprehensive review in place.

We often hear members in the House talk about accountability, streamlining and efficiency. Instead of duplicating work, it would make far more sense to take this opportunity to conduct the review on the previous DNA registry, look at where the gaps might be and then look at developing legislation to address those gaps.

In this case we have the proverbial cart before the horse. We have legislation before the House that members will spend substantial amounts of time debating and then it will go on to committee. We will call witnesses, we will bring people in from all over the country and then the bill will come back before the House. At some point, we will have a review, which will then necessitate that we call witnesses, that we have the information come before a committee and so on.

The Conservative government constantly talks about streamlining and efficiency. If that is the case, it has missed a golden opportunity to do precisely that in this legislation.

Another thing that a number of members have talked about, and it is well worth repeating, is the fact that there was a previous private member's bill put forward called Lindsey' law. It would have specifically set up a separate registry for examples of DNA that were found at crime scenes, which at least would have the potential to be samples of individuals who were deceased.

I will quote from the member for Windsor—Tecumseh. He said, "We have this tragedy in this country of family members, loved ones, close friends missing that type of relationship, persons disappeared and having no way of using the DNA technology that we have and that is very useful to trace those people". Again, this is a conversation that people have been having for a number of years. This was an opportunity to address that crying need. Many men and women have gone through the suffering of losing loved ones. It would have been an appropriate time and place to actually address that very issue.

There have been a number of other shortfalls identified in the bill. One of them is the retroactivity. Another one is the potential for constitutional challenges. Certainly some concerns were raised in 2000 about the constitutionality of the DNA registry. To date that has

not been challenged, but there is potential for that to come forward. If the bill goes before committee, I encourage members take a close look at the constitutionality aspect of it.

● (1730)

Some members have raised some questions about how this information can be used such as whether adequate protections will be in place, or whether we can have a repeat of the very sad set of circumstances of information being released to foreign powers and it being used in ways that may not be within Canadian values or how Canadians want to see information used.

There is some general agreement that the DNA bill has some very good elements within it. It is an important tool that can be used, but we want the safeguards in place to ensure that privacy of Canadians is protected and that information is used in an appropriate way.

I take this opportunity to talk about the Law Commission. One of the members talked about the fact that it did not want to abrogate its responsibility and that it falls within the purview of the House. The Law Commission would not make decisions on behalf of the House. It would provide advice to the House and help it to develop policy. It could be an arm's length body that could look at a range of issues that the House does not always have an opportunity to examine. It is a very sad comment that the Law Commission will not be available to provide this kind of advice and guidance to the House.

When those cuts were introduced, a number of us spoke to the fact that there was no consultation or debate. The Law Commission going by the wayside is another example of no consultation, no debate or looking at the usefulness of the information provided in the past. I know a number of us have used reports from the Law Commission to inform our own debate and to help us put together opinions. It has done some very good work on issues such as same sex marriage and proportional representation. The Law Commission could have been a very valuable tool for the House in providing some advice around the necessary reforms required in the Criminal Code and other justice bills.

There are a number of issues before the House.

I want to come back to the privacy and rights under the charter. There are some concerns and questions raised around privacy and charter. With regard to one of the provisions, the member for Windsor—Tecumseh has raised this before, but it is incumbent upon me to raise it once again. This is only an example because there are several other provisions in the bill that will allow the DNA data bank to release information where the sample being examined is not a match that requires top standard. We have various standards in this regard and we obviously have provisions where there is no match at all. We have provisions where there is a match up to a full 100% and then we have gradations in between.

Although it is a valuable tool, there are concerns about how the matches are determined and how they will be used. It is very important that some of those privacy issues and highly technical issues be addressed. I am sure the committee will have a substantial number of witnesses brought forward it to ensure all of those very highly technical concerns are addressed.

*Private Members' Business*

There have been some examples in the past where DNA samples were taken improperly. How they were tracked and then subsequently destroyed are important issues for the privacy of people.

When we talk about Maher Arar, although this not DNA, it is an example of how information has been inappropriately used and it does not instill confidence in the Canadian public. In Mr. Arar's case information was gathered inappropriately and then used inappropriately. That very shameful piece of Canadian history has shaken people's faith in how information is gathered, how people's rights are protected, how that information gets shared with foreign governments and what happens to Canadian citizens once that information is out there. We know Mr. Arar was subject to torture. We also know the Canadian government did not move as swiftly as it could have done to protect his rights.

•(1735)

Although it was not DNA, the case of Mr. Arar is an example of how our Canadian government failed to protect the rights of our citizens. That raises a concern for Canadians. They want to ensure that when DNA information is gathered, it is appropriately stored and appropriately used. It is important for us to ensure that the systems we put in place to protect the rights of Canadians are well established, very transparent and clear. Canadians are certainly looking for transparency and clarity in their government. We expect this legislation to continue that transparency and clarity.

We have seen some value in the overturning of wrongful convictions, and a number of cases have been cited. It is also another example of how the DNA data bank can be a useful tool to protect the rights of citizens. We have had some high profile cases where perhaps a more effective use of a DNA data base could have ensured that people were not jailed in an unjust way and did not spend years in jail for crimes they did not commit. There is clearly a valuable tool in the bill, which is not only accessible for the criminal justice system, but for people who have been accused of crimes as well.

Overall, the bill going before committee will give people an opportunity to look at the privacy and charter issues, the storage issues and some of the possible constitutional challenges that could arise from the legislation. I would encourage the committee to look at the review process, which was supposed to be under way. That review could inform the committee and other members of the House. It also could avoid some of the duplication about which people are very concerned. It may also lead to looking at the overview of the criminal justice code that often has contradictory clauses. I believe it has been a number of years since the criminal justice code was overhauled. It would seem timely, given the number of bills coming before the House, that this critical step be undertaken.

Although we have seen the proliferation of justice bills before the House, perhaps we are not using our time here as efficiently and as effectively as we could be. We might want to look at the review as a way of dealing with the proliferation of bills before us.

A number of important points have been raised by members. I am sure the members of the justice committee have been taking careful notes.

•(1740)

**The Acting Speaker (Mr. Andrew Scheer):** The hon. member will still have six minutes the next time the bill is debated.

It being 5:42 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[English]

### CANADA MORTGAGE AND HOUSING CORPORATION ACT

**Ms. Christiane Gagnon (Québec, BQ)** moved that Bill C-285, An Act to amend the Canada Mortgage and Housing Corporation Act (profits distributed to provinces), be read the second time and referred to a committee.

**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 rise on a point of order on Bill C-285. Without commenting on the merits of this private member's bill, it is the government's view that this bill requires a royal recommendation.

Mr. Speaker, in the 38th Parliament you ruled that a similar bill, Bill C-363, did not require a royal recommendation. I would like to submit additional information on the issues raised during that ruling and I would ask you to review that decision based on this new information.

Bill C-285, like its predecessor, would require the Canada Mortgage and Housing Corporation to distribute its profits to the provinces. On October 3, 2005, Mr. Speaker, you noted that a royal recommendation is required only when an appropriation is made from the consolidated revenue fund and not from other sources. You disagreed with the assertion that:

—because moneys from the reserve fund are integrated into the consolidated revenue fund on an annual basis they may be considered to form part of the general revenues under the control of the Crown.

Mr. Speaker, I would ask you to consider two points. The first point is whether assets held by the crown corporations properly fall within the definition of “public revenue”, which is safeguarded by section 54 of the Constitution Act, 1867, and Standing Order 79. I would submit that the assets of the CMHC do fall within this definition.

Section 2 of the Financial Administration Act defines public money as follows:

“public money” means all money belonging to Canada received or collected by the Receiver General or any other public officer in his official capacity or any person authorized to receive or collect such money, and includes...

(c) money received or collected for or on behalf of Canada, and

(d) all money that is paid to or received or collected by a public officer under or pursuant to any act, trust, treaty, undertaking or contract, and is to be disbursed for a purpose specified in or pursuant to that act, trust, treaty, undertaking or contract...

The CMHC is a crown corporation and an agent corporation under the Financial Administration Act, the Canada Mortgage and Housing Corporation Act and the National Housing Act. It is responsible to Parliament through a minister of the Crown. CMHC's activities are directed by the government. Its finances are subject to an audit by the Auditor General of Canada and to parliamentary oversight.

While section 128 of the Financial Administration Act allows crown corporations to have a separate bank account rather than directly depositing their assets in the consolidated revenue fund, this does not make this crown corporation's revenue any less "public money".

CMHC's net financial results are accounted for on a fiscal year basis and consolidated with the government's financial statements, which means that CMHC's net income is recognized in the government's revenues dollar for dollar. This income is still in the federal purse and is therefore available for future appropriations as determined by Parliament.

The second area of new information I would like to bring to your attention, Mr. Speaker, relates to your June 13, 2005 ruling, in which you noted that the key issue in determining whether a royal recommendation is required is whether a bill:

—does anything more than rearrange the method of accounting for public funds. If not, then no royal recommendation is required: how public funds are recorded in the government's ledgers does not constitute an appropriation for which a royal recommendation would be required.

In that case, Mr. Speaker, regarding the matter of transferring funds out of the consolidated revenue fund into a separate account with a specific and limited purpose, you found that a royal recommendation was required because:

—these moneys are no longer available for other appropriations Parliament may make. These funds would no longer be available because, in effect, they have been spent....

I would submit that the principles in that rule should apply in the case of Bill C-285. In this case the accounts of the CMHC are consolidated with the government's revenue and available for future appropriations determined by Parliament. By transferring this money to the provinces, Bill C-285 is effectively an appropriation. In other words, the passage of Bill C-285 would have the result that money which was previously part of the public revenue would be directly transferred to the provinces on an annual basis.

This is clearly more than a rearrangement of accounting for public funds, since the money would be out of reach of the government and Parliament. In short, Bill C-285 would result in a new expenditure for a new purpose not anticipated by the existing act. Accordingly, I believe the bill in its entirety requires a royal recommendation.

Mr. Speaker, I trust this additional information will be useful to you in considering this important financial issue.

• (1745)

[Translation]

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, we have already introduced this bill, as Bill C-363. At the time, we sought a ruling from the Speaker on this bill, and we were told that nothing was preventing CMHC monies from being transferred to the consolidated revenue fund and being used for another purpose. Thus, we have already had a ruling that Bill C-363 could not be

*Private Members' Business*

prevented from being introduced, because this is not a matter relating to the appropriation of monies from the Crown and, accordingly, does not infringe on the financial initiative of the Crown. We had a Speaker's ruling concerning Bill C-363 during the previous Parliament.

In the same context, my colleague from the Conservative party would like to revisit a ruling that has already been given, and we were told that we were right: we could introduce Bill C-363.

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, on May 31, the Speaker outlined in great detail the aspects related to the requirement for a royal recommendation. Indeed, I believe that 10 out of 30 bills that were put on the order paper were flagged.

This particular bill was not flagged by the Speaker on May 31 as requiring a royal recommendation. I have made inquiries of the staff who look at the requirements and advise the Speaker. I have asked if any matters had been raised of which they were not aware when they did their review of the bills in the first instance to advise the Speaker on the likelihood of a royal recommendation. The answer the last time I asked was no. I believe the question should again be posed to the Journals Branch with regard to the arguments just raised by the government House leader.

Again, the review has been done based on the rules as outlined by the Speaker on May 31. The review indicated that there was in fact no requirement for a royal recommendation and this bill was not flagged as so. I would simply recommend to the hon. member that she ask the same question as to whether or not any of the items raised by the government House leader this day brought up items which the Speaker was not aware of when the staff made their first assessment. I think the member will find the answer is no.

• (1750)

[Translation]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I do not understand why my Conservative colleague is asking this question, since a ruling has already been given.

I would point out that when he read everything about where the money came from, he missed only one point, that is, that the money did not come from revenues or proceeds, or other such things. The Canada Mortgage and Housing Corporation already has the money and is entitled to it. This does not involve any new revenue or tax money, not at all. It already has this money and is returning it to its coffers, which is very different. Everything that he read does not apply to this bill.

[English]

**The Acting Speaker (Mr. Andrew Scheer):** I thank all hon. members for their interventions on this matter. As this is second reading, we will proceed with the second reading of the bill. As for any decision as to whether or not this will proceed to third reading, the Speaker will make it at another time. For now we will continue with the debate. The hon. member for Quebec.

[Translation]

**Ms. Christiane Gagnon:** Thus, Mr. Speaker, you are not allowing us to discuss this bill today or for as long as it takes to get an answer? Is that what you are saying?

*Private Members' Business*

Yet, a decision has already been made in the case of Bill C-363 to the effect that the bill did not appropriate Crown funds and consequently, did not infringe on the financial initiative of the Crown. This decision was made with respect to a similar bill on May 5, 2005. The same questions were raised. We were told that the bill could not be tabled because it would change the conditions and qualifications of the royal recommendation. I believe that if we do not debate this bill today, it indicates—

**Some hon. members:** Yes, we are debating it.

**Ms. Christiane Gagnon:** We are debating it? That is not my understanding.

[*English*]

**The Acting Speaker (Mr. Andrew Scheer):** I apologize for the misunderstanding. We now will debate the bill at second reading. Should the Speaker find it necessary to rule on this matter, he will do so at a subsequent time.

We will continue with second reading.

[*Translation*]

**Ms. Christiane Gagnon:** Mr. Speaker, I was preaching to the choir. Thank you.

We can see to what extent the Conservative Party is against this bill. The cat is out of the bag. We know the attitude and sensitivity of the Conservative Party toward the least fortunate in society. The purpose of this bill is to help the least fortunate in society to find better and affordable housing.

I would like to begin my speech by speaking to this new bill, Bill C-285, An Act to amend the Canada Mortgage and Housing Corporation Act (profits distributed to provinces).

To start I would like to provide some background on social housing in Quebec.

I would describe the attitude of the current Conservative government and the attitude of the Liberals, who formed the previous government, as insensitive and irresponsible when it comes to the situation experienced by more than 400,000 families in Quebec and by 1.7 million families in Canada. These families devote over 30% of their income to housing.

The former Liberal government always said that a billion dollars was allocated annually to social housing and that, every year, more money was invested in it. That is not our focus. Our focus is the additional billion dollars. Some two billion dollars are needed annually for social housing in order to develop new units.

The billion dollars allocated to social housing goes to paying mortgages and making very minor repairs—such as patching holes. The money is not used for major repairs. A number of the older housing inventories need serious repair to allow people to live in healthy, quality housing.

Bill C-285, a bill that I introduced as the member for Québec, is a bill for which our party's social housing critic, the hon. member for Brome—Missisquoi, is responsible. This bill is being reintroduced because we would like it to be passed here in the House of Commons and are confident that it will be.

My colleague from Brome—Missisquoi, the social housing critic, could very well have introduced this bill. Private members' bills are drawn in a lottery and my name came up before my colleague's did.

Given the urgency of adopting such a bill, a votable bill, we will be able to see and analyze how each member of this House feels about the government and the CMHC making a bigger contribution.

The CMHC—Canada Mortgage and Housing Corporation—lends money to individuals who do not have enough for a down payment. It also offers, for an additional cost, mortgage loan insurance, which enables people to buy houses. Potential buyers who have only 5% of the capital needed to buy a house can receive a mortgage loan from the Canada Mortgage and Housing Corporation in addition to the mortgage loan they receive from a bank. The Canada Mortgage and Housing Corporation has been accumulating a surplus.

This bill would require the Canada Mortgage and Housing Corporation to return a certain percentage of its surplus to the provinces and territories so they can meet the needs of their populations.

While certain regions and neighbourhoods across Canada urgently need affordable housing—450,000 families in Quebec and 1.7 million families in Canada—the CMHC is squirrelling away surpluses exceeding \$5.2 billion.

● (1755)

Apparently, if this keeps up, the surplus will reach \$7 billion within the next three years.

Given that the CMHC's mission is to help both Canadians and Quebecers find safe, healthy housing, it should make more of an effort. The CMHC is not a commercial institution that should be amassing surpluses, investing them and making a profit. Its mission is not commercial.

Over the years, the CMHC has strayed from its mission and has been making money rather than giving that money back to communities. We hope this bill will be passed so that the CMHC can return to its social roots and its original purpose, which is to enable people living below the poverty line and working for minimum wage to find better housing.

In some neighbourhoods, the cost of housing is rising at an alarming rate, especially in core urban neighbourhoods that have become gentrified over the years. There has been a lot of real estate speculation. Some segments of the population should be able to get help finding decent housing from the government through a Crown corporation known as the CMHC.

I criticized the Liberal Party earlier because this underfunding of affordable, social and community housing and accommodation has been a problem since 1993. In fact, not one new dollar has been invested in the development of new social housing units. Yet, \$1 billion was spent each year to pay for the existing stock of social housing and the related mortgages. For now, we hope to change the minds of Conservative Party members and get them to look at the situation with a little more compassion. The Conservatives say they want to help Canadians. Well, this would be a good way to do it, while respecting provincial jurisdiction. This is an important vote that will reveal the true face of the Conservative Party.

As I was saying, we want to see the surplus reduced. We are not against the notion of the Canada Mortgage and Housing Corporation generating a surplus, but \$5.3 billion in 2006 and \$7 billion in 2008 is a great deal of money and we could be much more proactive in creating more social housing units. It is crucial that we start investing in social, community and affordable housing programs.

There are three essential needs in life: shelter, food and clothing. But how can those basic needs be met when 50% to 80% of one's meagre salary or income must be handed over, forcing that individual to live below the poverty line? Although the economy is booming, particularly in the Quebec region, certain jobs are still not paid well enough.

We therefore hope to see renewed negotiations regarding the complete transfer of responsibilities and funding related to the housing sector.

• (1800)

Renovation costs should also be included, because that is where the problem lies. We know that the billion dollars that the government gives each year for social housing often does not take into account the extent of the deterioration of some buildings.

The government can boast that it is giving a billion dollars a year for social housing, but this is not enough to overcome all the challenges and provide better housing for people in financial need.

As I said, CMHC should go back to helping people have better housing. It should stop being a private insurance company that builds up a surplus. I will explain how the government could distribute this surplus directly to Quebec and the provinces.

We would like CMHC to keep a maximum of 5% of the \$264 billion invested as equity. CMHC could therefore keep no more than \$1.32 billion in equity. In addition, CMHC could keep no more than 10% of that \$1.32 billion in its reserve fund. So there is equity and a reserve fund.

If the surplus totalled \$5.3 billion, we could deduct \$1.3 billion, which would leave \$4 billion. The surplus reserves, that currently are not recognized, would go directly to Quebec or the provinces.

Thus, we can see that CMHC is withholding an excessive amount. It is acting as though it were a private company with assets. Consequently, it can make investments and accumulate more and more profits rather than limiting itself to its primary mission of truly assisting Canadians and meeting their needs.

### *Private Members' Business*

Fifteen minutes is too short a time to talk about a matter that is dear to my heart. Since 1993 social housing has been one of my main responsibilities here in this House. I am pleased to join with the member for Brome—Missisquoi who has inherited this file and about which he is passionate. He is aware of the challenges.

We hope that all parliamentarians in this House will help the most vulnerable in our society who are paying 30%, 50% or 80% of their meagre income. I see a Conservative member shaking his head, but in disagreement with the suggestion of my affinity for the most disadvantaged in our society. I would say to the member that there are vulnerable individuals in our society and we must take care of them.

• (1805)

[*English*]

**Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC):** Mr. Speaker, I want to make a comment acknowledging the member opposite for her concern about the housing needs of all Canadians.

I do have some reservations regarding the underlying assumptions regarding CMHC's surplus. I want to note that when asked about this issue, the former Liberal minister of housing and the former member for London North Centre, Joe Fontana, stated, "I not think CMHC's surplus is scandalous". Why? Because CMHC retains its insurance net income to meet adequacy guidelines set out by the Office of the Superintendent of Financial Institutions for mortgage insurance companies. Following prudent business practices, as of December 2005 Canada Mortgage and Housing Corporation sets aside \$3.4 billion against the \$274 billion in outstanding mortgages that are insured. This represents 1.2% of its portfolio and is consistent with the OSFI directives.

Would the member opposite please inform the House why she believes that CMHC should not follow these prudent business practices?

[*Translation*]

**Ms. Christiane Gagnon:** Mr. Speaker, I outlined prudent practices: we could very well limit both equity and the surplus in the reserve fund by decreasing the reserve fund and the equity. The CMHC would not be at risk in terms of its ability to offer mortgage rates because the mortgages bring in a lot of money for the CMHC over time.

I know there is some risk in providing loans. The banks do it and so does the CMHC, but this would nonetheless give them quite a lot of flexibility. I did not say that CMHC should not make a profit. I talked about a 5% decrease in its equity and a 10% decrease in its reserve fund.

I think the hon. member should review the figures of the surplus the CMHC brings in and agree that the CMHC has enough money to survive.

*Private Members' Business*

•(1810)

[English]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, we know that CMHC is supposed to be offering affordable housing for Canadians. After all, that is one of its mandates.

To keep a homeless person in a hospital bed costs at least \$10,000. It costs \$4,333 to keep that same person in a jail cell. It costs \$1,932 for a bed in a homeless shelter. To provide a social housing unit it costs only \$200 a month.

Does the member think the former Liberal government was, and now the Conservative government is being fiscally irresponsible in not spending the billions of dollars of profit of CMHC to build affordable housing, given that last year there was a record 30,000 tenants in Toronto alone facing eviction which is 10% higher than in 2004 and which we know is a sign of more trouble to come? Is it fiscally irresponsible for the government not to spend those billions of dollars in affordable housing through the provinces?

[Translation]

**Ms. Christiane Gagnon:** Mr. Speaker, I thank my colleague for her question.

This is, indeed, an urgent situation. There has been no new money invested since 1993. The government could invest new money, but there is another solution. The CMHC brings in huge surpluses that are not doing anything. They generate profits, but our society is suffering because it is impossible to find better housing. Vacancy rates in some regions, provinces and cities are 0.5%, 1.2% or 1.5%, which puts pressure on the cost of rental housing.

I remember describing the Liberal government as irresponsible. This is not my first speech on social housing. I made a speech when the Liberal government was in power and now that we have the Conservative government, I would more or less put them in the same category at times like this when we are talking about social housing. It is utterly irresponsible. This shows insensitivity to a sector of the population that cannot find affordable, safe and healthy housing.

[English]

**Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC):** Mr. Speaker, I am pleased to join the debate on Bill C-285, legislation that would require CMHC to transfer surpluses from its reserve to the provinces.

With some conviction, I can speak to a common belief among parliamentarians that Canadians ought to have a fair chance to own or rent their own home and that we acknowledge the importance of stable, affordable and good quality housing.

While the intent of Bill C-285 is commendable, in that it seeks to encourage the supply of affordable housing, it would, in truth, have the effect of negatively impacting on Canada's national housing system. It would make it harder for future governments to respond to the changing housing needs of Canadians.

Before discussing the specifics of Bill C-285, let me briefly provide some context regarding the role of CMHC. The main objective of CMHC is to assist Canadians obtain safe, quality and affordable housing. It accomplishes this through the provision of funding for affordable housing, as well as for renovations and repairs

that benefit low income Canadians. It also accomplishes this through mortgage loan insurance.

CMHC mortgage loan insurance allows consumers to buy a home with as little as 5% down at interest rates comparable to those reserved for homebuyers with a down payment of 25% or more.

Since its initial offering in the 1950s, mortgage loan insurance has been used to facilitate the financing of nearly nine million homes. This helps many Canadians realize home ownership.

This brings me to why Bill C-285 is so problematic. The mortgage insurance business is characterized by long term, cyclical patterns. During strong housing markets, mortgage loan insurance sales rise and claims paid out decline.

However, the reverse is true during economic downturns, which was the case in the 1980s and the early 1990s. In order to manage the risks inherent in the insurance business, CMHC follows the prudent business practices set out by the Office of the Superintendent for Financial Institutions.

CMHC has earnings set aside for capitalization of \$3.4 billion against the \$274 billion worth of outstanding mortgages insured as of December 2005. These earnings set aside for capitalization represent 1.2% of its portfolio. This is consistent with OSFI directives.

CMHC's reserves provide a cushion to ensure its mortgage loan insurance business will not have to rely on additional taxpayer dollars to meet its obligations, even in bad economic times. This is why it is essential that CMHC continue to have adequate reserves. This will allow its mortgage insurance business to remain commercially viable and sustainable over the longer term rather than dependent on government subsidies.

Bill C-285 ignores the need for prudent business practices and would transfer CMHC's retained earnings that are set aside for capitalization, thus jeopardizing mortgage loan insurance's availability for future generations of Canadians. Parliament should not erode this cushion.

Another consideration is that all of CMHC's income is already included in the accounts of the Government of Canada. It is public money; that is to say that CMHC's net income has been recognized in the government's revenues dollar for dollar. CMHC is a federal crown corporation so its financial results are accounted for on a fiscal year basis and consolidated with the government's financial statements.

As I noted earlier, the federal government, through CMHC, provides approximately \$2 billion each year for the ongoing support and management of assisted social housing for over half a million households. Through its mortgage loan insurance and assisted housing programs, CMHC helps respond to market circumstances as well as Canadians' evolving housing needs.

By taking the CMHC reserve out of the federal fiscal framework, Bill C-285 would tie the hands, not just of future Parliaments but also this one. Reducing the flexibility of both CMHC and Parliament to respond to developments in the housing market does not appear to be a wise way to secure the future of Canada's housing system.

•(1815)

I would remind the House that the former Liberal government echoed these sentiments in the previous Parliament by voting against a nearly identical private member's bill, Bill C-363. Speaking for the Liberal government, the current member for North Vancouver noted that legislation would tie the government and Parliament to an inflexible formula. The member further noted that CMHC's capital reserve helps ensure this crown corporation remains self-funding with no need for government subsidies.

As I alluded to before, Bill C-285 seeks to ensure funds transferred from CMHC to the provinces are utilized for both social and affordable housing purposes and to contribute to the creation and development of housing co-operatives.

However, Canada's new government is already taking concrete actions to strengthen our housing system. Budget 2006 contains several concrete examples of that commitment. The budget aims to support families, build safer communities and, indeed, a stronger country, including, by necessity, housing.

Accordingly, in Budget 2006 our new government made a one time strategic investment of up to \$1.4 billion. This was for the establishment of three housing trusts with the provinces and territories for affordable housing, northern housing and for aboriginals living off reserve.

In addition, the budget announced an immediate one percentage point reduction of the GST, a measure which is already putting money back into the pockets of hard-working Canadians and stimulating the economy.

The reduction is also having a positive impact on the overall housing industry by making housing more affordable to Canadians. As Stephen Dupuis of the Greater Toronto Home Builders Association remarked, this reduction will have a tangible impact for prospective new homeowners. "On a \$300,000 home, it could be as much as \$2,000 in the buyer's pocket".

Likewise, Dave Benbow, president of the Canadian Home Builders' Association called the GST cut a major benefit to new homebuyers, stating, "This action improves housing affordability for many Canadians".

These measures complement existing Government of Canada initiatives to maintain the existing affordable housing stock. In that respect, funding for the residential rehabilitation assistance program and several related housing renovation and adaptation programs have been renewed for the fiscal year 2006-07, an extension which represented our commitment to \$128.1 million.

Additionally, at a cost of almost \$135 million, the Minister of Human Resources and Social Development also extended the national homelessness initiative, including the supporting communities partnership initiative until March 2007.

### *Private Members' Business*

On top of those measures, the government is in the process of delivering on the \$1 billion affordable housing initiative in collaboration with provincial, territorial and local partners. Thanks to this funding, new affordable housing is being created in communities across the country.

As I think all hon. members will realize, Canada's new government is moving forward on the objectives set out in Bill C-285 without embracing the flawed manner proposed in the legislation. Consequently, I call upon the House to consider the prudent course of action and reject the inflexible formula proposed in Bill C-285.

•(1820)

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, I am pleased to speak to the bill brought forward by the member for Québec. Bill C-285, An Act to amend the Canada Mortgage and Housing Corporation Act. The bill asks the government to enact legislation that would see the corporation distribute a share of its profits to the provinces for social and affordable housing purposes.

The area that I represent on Prince Edward Island has, for some time, benefited greatly from programs sponsored by CMHC. I can think of the RRAP, for example, which has helped a large number of low income constituents in my riding. In particular, I can think of a number of people who, with the assistance of the RRAP, were able to improve their homes and their ability to heat them easier in the winter and greatly extend the life of their homes because of the upgrades the program provided.

As well, there are a number of home repair programs, such as home adaptation for seniors independence, to assist seniors over 65 years of age to stay in their homes longer. As well, the emergency repair program assists low income individuals deal with unexpected problems, such as leaking roofs, furnace problems and other such emergencies. It has provided that extra help when such unforeseen emergencies appear.

Those are the kinds of everyday problems that occur in the home and are looked after by CMHC staff who provide assistance to the homeowner to see that they receive fairness. This is why I feel very strongly that CMHC funding should continue to be delivered by CMHC to ensure nothing is funnelled away and used in other provincial programs.

CMHC has provided excellent service to Canadians in the provinces where CMHC is the delivering agency, such as in the case on Prince Edward Island. I know I have always said these programs could stand to have more funding, but I would like to point out that the annual funding not only assists homeowners, but it also injects dollars into the economy.

As a rural politician in Atlantic Canada, I feel it is crucial that the delivery of these programs stay with the federal government so decisions made in regions of the country are consistent and we do not end up with a patchwork of programs and the most vulnerable in our society suffer. In this regard, I can say without a doubt that the federal government is of critical importance.

*Private Members' Business*

With that, I would like to move to the first view to be taken of this bill, which relates to the fact that it calls for the Canada Mortgage and Housing Corporation to transfer money to the provinces. The objection here is clear and simple: It is not the mandate of a crown corporation to allocate funds to provincial governments. That responsibility lies with the federal government. Crown corporations are state controlled enterprises that are not in the business of making transfer payments. That is clear enough.

Now suppose for a minute that we could dispense with this idea and allow CMHC to begin allocating money to the provinces. Should the Mint then begin to siphon off its profits for redistribution and allocation across the country? What about Canada Post? Where would this leave us? Could there ever be an end to this? This would displace existing federal-provincial relationships of transference in contravention of our system of federalism and, as such, it is not a feasible proposition.

This leads us to another objection of perhaps a more constructive nature that must also claim our attention. This bill is an attempt to amend the Canada Mortgage and Housing Act when it should in fact be attempting to amend the National Housing Act.

The National Housing Act is an act to promote the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions. Part X of this act already deals with public housing. In order for CMHC to do what this bill proposes to do, the National Housing Act would have to be amended as well.

● (1825)

Another important and problematic aspect of this bill relates to the profits credited to fund the purposes of this legislation. Where the bill states that the Canada Mortgage and Housing surplus would be distributed to the provinces, the calculation of this surplus is unclear. There is no clarity as to exactly which surplus the bill is referring. The lack of precision here gives rise to confusion and a number of unanswered questions. Are we talking about the capital surplus or about the revenue surplus? Is the bill referring to gross or net moneys?

Further, the current CMHC surplus is estimated at \$4.4 billion, but of that, \$3.4 billion has already been set aside by CMHC as a capitalization figure in the event of future losses. Is the bill asking for the remaining \$1 billion or for the entire \$4.4 billion? Or is there some other definition of profit sharing being used?

These are only a few of the unanswered questions among others that arise due to the vagueness of this part of the bill. The lack of clarity in this regard is a serious flaw since it makes it impossible to determine exactly what the bill is asking for.

To the difficulties already mentioned, I would also like to add that the type of distribution proposed in this piece of legislation would be problematic in terms of accountability and equity of distribution.

The bill in its current form would effectively eliminate parliamentary review by allowing this calculated fund to go directly to the provinces on a per capita basis. Further, once in the provinces' hands, the Auditor General would be unable to audit the use of the money. The chain of audit responsibility would be broken and Parliament would be eliminated from reviewing these expenditures.

Surely we do not want to support bills that weaken the accountability and lessen the Auditor General's ability to provide oversight of taxpayer dollars.

With respect to the idea of calculation on a per capita basis, it should also be recognized that certain provinces are more urgently in need of affordable housing projects and programs than others.

Whereas affordable housing is readily available in Newfoundland and Labrador, it is much less so in regions of Alberta, for example, where the booming oil industry is attracting a great number of workers across the country, or in British Columbia where a strong economy and immigration are driving housing costs upward at an accelerating pace. Distribution based on a per capita basis would fail to give proper consideration to provinces experiencing such different circumstances and could deepen regional tensions felt over per capita allocation methods.

Again, an examination of the bill's implications regarding accountability and equity of distribution shows it to be unreasonable and imbalanced.

Without a doubt, as I mentioned earlier in my remarks, CMHC and the RRAP program have done an awful lot in my area, but it could not be emphasized more that it is so important that these programs remain under the direction of the federal government and under the control of the House of Commons. We want to make sure that they are distributed properly across the country.

If we look at CMHC's record, and I know for sure if we look at it in my area in Prince Edward Island, I will always say we could use a lot more funds, but the fact of the matter is what CMHC does is done so well. It is so important that these programs not only remain where they are but also probably it would be very important for the federal government to put more dollars in them because, as has been mentioned here in the House previously, it allows people to remain in their own homes. If we can keep people in their own homes, they can stay there more comfortably. That is where they want to live. It is cheaper for government and of course better for the older persons.

Finally, in summing up the consideration stated in this speech, allow me to say that on a whole, this bill is not viable. With that, I would like to say that although I absolutely recognize and support the goal of providing affordable housing for Canadians, after a proper examination, I have come to the conclusion that this bill is fundamentally flawed and cannot be remedied in committee.

● (1830)

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, in my riding of London—Fanshawe there is a desperate need for affordable housing.

Families are struggling to find housing for their children so that these children have a safe place to live and from which to go to school. Young mothers are struggling to find the housing they need to escape abusive relationships. Seniors whose pensions have not kept up with inflation now need to find affordable housing. None of this needs to happen. This bill would help to alleviate the housing burden placed on people in my riding and across Canada.



*Private Members' Business*

Canada Mortgage and Housing Corporation plans to fund only 8,217 new affordable housing units this year. This is down from over 20,000 last year. Alarming, CMHC is projected to build only 1,642 affordable housing units in 2007. This significant decrease will put more Canadians at risk of homelessness.

This bill, sponsored by my hon. colleague, would have CMHC profits that exceed 0.5% distributed to the provinces for social and affordable housing, encourage the supply of quality housing at affordable prices, increase housing choices for people, and create and develop housing cooperatives. I would like to stress the importance of each of these.

First, on cooperative housing, the last federally funded co-op, Talisman Woods, was built in my riding in 1993. This project was extremely important to the community. It allowed the people at Talisman Woods to purchase their units from a landlord who had neglected necessary repairs. This community changed a mouldy, leaky, rundown three storey walk-up into homes in which they could take great pride.

More federally funded projects would definitely benefit those in need in other communities. Cooperative housing not only provides affordable housing but it also provides a community for people to come together.

Social and affordable housing is a critical need in many cities across this nation. There are approximately 150,000 homeless people in Canada. This represents close to 0.47% of the Canadian population and does not include people living in substandard, overcrowded or temporary housing. Based on statistics of shelter use across Canada, nearly one person in every 200 is homeless in Canada.

We also need the supply of quality housing at affordable prices. The economy in provinces like Alberta is booming right now—we have all heard about that—and the cost of housing has skyrocketed. The housing market cannot keep up with demand, especially the demand for affordable housing. People are left with few options and no place to live, and winter is coming, winter in Alberta.

Choice in housing is also crucial. Often, affordable or social housing options are relegated to certain neighbourhoods or apartment buildings. This can hinder the homelessness problem rather than solve it. For example, most affordable housing is in apartments which are not always ideal for families. Often more space is needed. By relegating social housing to certain communities, it very often forces families to move out of their own home communities. People are removed not only from their homes and their communities, but also from their friends and the support and safety networks that they need. Children may be forced to change schools.

As members can see, the case for increased housing choice is critical.

There are two more points I would like to make here. First, I want to emphasize the importance of this bill, especially in light of the Conservative government's current assault on affordable housing. The budget for CMHC has been cut by \$45 million. This could have a very real impact on CMHC's ability to administer affordable housing in this country.

According to documents obtained by my office, the cuts, we are told, are merely lower than forecasted interest rates and lower than expected inflation. Either the Conservative government is actually making cuts to the program or it is just shuffling numbers. I really cannot believe that the government is touting that it is saving \$45 million because interest rates are lower than expected. That is not something that the Conservative government did, nor can it take credit for it. That money belongs to the Canadian people and should be invested in affordable housing and it should be invested now. No one in Canada should have to face a cold winter without a roof over his or her head.

• (1835)

In my riding of London—Fanshawe, the minister responsible for CMHC promised last August that all SCPI funding had been allocated. When that was found to be untrue, after intense community and media pressure, the money was quickly re-promised. We now find today that this money has still not been received by nine of the ten organizations that were guaranteed their funding was in place. These organizations include the London Homeless Coalition, the AIDS Committee of London, Street Connection, the London Housing Registry, Youth Action Centre, and two first nations organizations. The clock is ticking and one by one these organizations will be forced to scale down, lay off workers or even shut down all together.

It is very clear to me that the government is not making housing, shelters or advocacy for the poor a priority.

The agenda appears to be to give organizations their money as late as possible in the fiscal year. By doing this the government makes it impossible for these groups to spend the money before the end of the fiscal year, March 31. This allows the Conservatives to stand up and declare that funding can be cut because these groups did not use all the money they asked for. This is dirty politics and it is simply not acceptable.

It is very clear that this bill needs to pass so that some money will have to be allocated to affordable housing in this country.

Last, it is my grave concern that this same money may in the end not amount to very much. The recent changes to mortgage insurance which opens up mortgage insurance to competition will negatively affect the profits of CMHC. The current system allows for people who cannot afford a full down payment on a home to still have an opportunity to purchase that home.

It allows low and middle income families across the country access to mortgage insurance. This helps provide working families with safe quality housing. The system also allows for community based groups to have access to insurance rates so that they can build and maintain supportive and other special needs housing.

The current system of a lower flat rate available to everyone is necessary for the housing market and critical for affordable housing developers. If the rate of mortgage insurance premiums are too high, it makes it very difficult, if not outright impossible, to build affordable housing.

*Private Members' Business*

Mortgage insurance is a good business for the government. It generates money. In 2005 the net income from mortgage insurance for CMHC was \$951 million. While the market has already been partially opened to allow a private company to also provide insurance, the government is now opening up the competition to others leaving no protection for low or middle income families and no option for funding affordable housing.

By opening up the market and letting more corporations compete to provide mortgage insurance without any safeguards, fair access for higher risk and rural Canadians may be in jeopardy. Think of those rural Canadians, Mr. Speaker. We need to provide some way to ensure equality of access by region and by income strata.

As a crown corporation, CMHC must be concerned about profits certainly, but since its only shareholder is the Government of Canada, it has the ability to address the welfare of Canadians instead of just the bottom line.

I have seen no evidence that opening up the system to a number of competitors will actually help people who are looking for mortgage insurance. Nor have I seen any studies that have shown the status quo is problematic. A significant portion of CMHC's business is in markets that are not served by the only existing private mortgage insurer. Opening up the market to more insurers will not bode well for CMHC and will compromise its ability to reinvest money into affordable housing.

This bill has the potential to reach out and help more Canadians who need safe, affordable housing. I encourage all members to support it because, what more important use of public resources is there than securing safe and affordable housing for the community that is the public.

•(1840)

[*Translation*]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I would like to express my sincere gratitude to my colleague, the member for Québec, for introducing this bill, and for defending it with such feeling. The Bloc Québécois is proposing that CMHC limit its capitalization capacity by paying out some of the huge surpluses it has accumulated over the past few years to Quebec and the provinces.

Bill C-285 will enable Quebec and the provinces to invest in housing—specifically, to build social, community and affordable housing. In Quebec, nearly 450,000 households urgently need housing, and in all of Canada, approximately 1.7 million need it.

To learn more about people living in substandard housing and the homeless, I criss-crossed Quebec and Canada last summer. I went to Trois-Rivières, Montreal, Rimouski, Quebec City, Victoriaville, Sherbrooke, Granby, and in my riding, Magog. I also travelled around Canada, visiting Toronto, Winnipeg, Saskatoon, Edmonton, Red Deer, Regina, Calgary and Vancouver. In all of these cities, the people and the volunteers who look after those living in substandard housing are desperate for help.

What really struck me was the lack of permanent housing for vagrants and the homeless. How can we lend a helping hand if there is no housing to give them a fresh start?

The situation is becoming increasingly difficult given the growing income gap. In Canada I have seen so many women, elderly people, entire families living on the streets and aboriginal people without a decent place to live. Even a French travel guide, the *Routard* guide to Western Canada, talks about it as though it were a Canadian phenomenon. Imagine, it says that Canada has an inordinate number of homeless people in comparison to what Europeans are used to. This is scandalous in a country as rich as ours.

In CMHC's latest annual report, the crown corporation acknowledged that 15% of all housing in Canada is substandard. Consequently, the 15% living in inadequate housing can be added to those without housing.

Edmonton is in the midst of a boom and rents are rising so rapidly—in one case, from \$85 to \$1,100 per month—that a growing number of individuals and families are living in temporary shacks, despite and even because of full and highly-paid employment. The situation is the same in Regina and in Calgary. People who work in this sector have urged us to publicize this and the fact that there is a need for shelters, cooperatives and housing that is affordable for everyone. Seniors—especially elderly women, single-parent families and unskilled workers, the working poor are being left by the wayside amidst the prosperity in Alberta, Quebec and all Canadian cities.

Since 1998, CMHC has accumulated a surplus of \$5.3 billion. It has never been required to have a reserve fund like a bank. Its mandate is to help households obtain quality housing that is affordable for all, including the most disadvantaged.

CMHC is not a private corporation; it is a crown corporation that serves the citizens of Quebec and of Canada. Thus, it makes no sense, and is even immoral, for it to turn away from its mandate and accumulate such a large surplus when most metropolitan areas in Quebec and Canada are currently experiencing a shortage of affordable housing.

This bill will limit CMHC's reserves to 0.5% of its loan portfolio, or just over \$1 billion, enabling it to establish an annual reserve of approximately \$100 million. According to experts, this amount is more than sufficient to deal with any reasonable eventuality.

•(1845)

In addition, the consolidated revenue fund has always been the ultimate guarantee. In fact, the legislative mandate and the objectives of CMHC are to promote housing construction, repair and modernization; access to regular, affordable housing for everyone, including the most vulnerable in our society; housing for families with three or four children—this no longer exists, you have to buy a home if you want enough space for three or four children; the availability of low-cost financing, in order to include the working poor one day; and stability for the homeless.

This mandate must be reflected in the plan of the crown corporation known as CMHC.

It is our responsibility as the government to ensure that CMHC carries out this mandate and does not get sidetracked into market forces that do not apply to it. This makes poverty a barrier to a just and equitable society.

The government is swimming in recurring surpluses while the poor in our society are drowning because they are unable to pay market rent. I often think about elderly women.

There are two schools of thought now. Europe is abandoning government housing for market housing. However, it is paying for the poor to live there. Until 1993, England, Australia, the United States and Canada helped house the poor in a more traditional manner. Now, the government seems to want to do neither. Has it lost its mind? How can the government of a developed country give up housing its citizens?

Last week, the minister told us that the government was investing \$2 billion a year in affordable housing. Let us be clear: this \$2 billion is only for mortgage payments on homes built before 1994.

There has been nothing new since then, except for a paltry \$800 million from Bill C-48 in the winter 2005 budget. That is far too little money for the government to live up to its responsibilities in Quebec and the rest of Canada. The federal government has completely given up on developing new social housing units. Once again, it has offloaded this responsibility. It is easy to understand why people are disillusioned with this government.

This disengagement on the part of the government, which has the money, has had a devastating effect on low-income households, both in Quebec and in Canada. CMHC is not an insurance company or a bank. Why is it departing from its role? Is it government neoliberalism that is making its way into government institutions such as CMHC?

By creating a reserve fund, CMHC pretends to be engaging in fair play with the big Canadian banks, but it is not playing fairly with the

### *Private Members' Business*

5 million Quebecers and Canadians who live below the poverty line, and the 1.7 million households that do not have proper housing, or any housing, for that matter. Its true reserve fund is constituted by subsections 29(1), 29(2) and 29(3) of the Canada Mortgage and Housing Corporation Act to provide assistance for housing, not to provide assistance to the Office of the Superintendent of Financial Institutions.

I must emphasize that the losses from CMHC activities are guaranteed by the government's consolidated revenue fund. With this bill, the Bloc Québécois and the other responsible parties of this House would like to return CMHC to its mandate, which consists in investing its retained earnings in social housing, affordable housing, cooperative housing, and upgrading the 15% of homes that are not up to code.

We are convinced that the provinces are in a much better position to decide how to use this money most effectively. There is therefore no reason not to give this money to the provinces, which will manage it perfectly.

• (1850)

There is therefore no problem with the fact that it is handing this money over to the provinces, which will manage it perfectly.

**The Deputy Speaker:** The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

[*English*]

Pursuant to order made on Thursday, September 28, the House shall now resolve itself into committee of the whole to consider Government Business No. 10. I do now leave the Chair for the House to go into committee of the whole.

[*For continuation of proceedings see Part B.*]



# CONTENTS

Tuesday, October 3, 2006

## ROUTINE PROCEEDINGS

### Committees of the House

#### Public Accounts

Mr. Murphy (Charlottetown)..... 3525

#### Government Operations and Estimates

Ms. Marleau..... 3525

### Softwood Lumber Products Export Charge Act, 2006

Mr. Nicholson..... 3525

Motion..... 3525

(Motion agreed to)..... 3525

### Petitions

#### Trent-Severn Waterway

Mr. Van Kesteren..... 3525

#### Age of Consent

Ms. Davies..... 3526

#### Justice

Mr. Masse..... 3526

#### Trade

Mr. Masse..... 3526

#### Age of Consent

Mr. Richardson..... 3526

### Questions on the Order Paper

Mr. Lukiwski..... 3526

### Privilege

#### Law Commission of Canada

Mr. Comartin..... 3526

Mrs. Barnes..... 3527

Mr. Nicholson..... 3528

Ms. Davies..... 3528

## GOVERNMENT ORDERS

### Softwood Lumber Products Export Charge Act, 2006

Bill C-24. Second reading..... 3529

Mr. Masse..... 3529

Mr. Szabo..... 3529

Ms. Davies..... 3529

Mr. Masse..... 3529

Mr. Cannis..... 3531

Ms. Davies..... 3531

Mr. Szabo..... 3531

Ms. Davies..... 3532

Mr. Cannis..... 3533

Mr. Bevington..... 3533

Ms. Chow..... 3534

Mr. Chong..... 3535

Mr. Cannis..... 3535

Ms. Davies..... 3536

Mr. Fast..... 3536

Mr. Martin (Sault Ste. Marie)..... 3536

Mr. Benoit..... 3537

Mr. Cannis..... 3538

Mr. Angus..... 3538

Mr. Vincent..... 3540

Ms. Guergis..... 3540

Division on amendment to the amendment deferred..... 3540

### Criminal Code

Bill C-19. Second reading..... 3541

Mr. Szabo..... 3541

Mr. Siksay..... 3543

Mr. Fast..... 3543

Mr. Siksay..... 3543

Mr. Hawn..... 3546

(Motion agreed to, bill read the second time and referred to a committee)..... 3547

### An Act to amend Certain Acts in relation to DNA

#### Identification

Mr. Toews..... 3547

Bill C-18. Second reading..... 3547

Mr. Ménard (Hochelaga)..... 3549

Mrs. Barnes..... 3550

Mr. Comartin..... 3550

Mr. Carrie..... 3550

Mrs. Barnes..... 3551

Mr. Martin (Winnipeg Centre)..... 3553

Mr. Ménard (Hochelaga)..... 3554

## STATEMENTS BY MEMBERS

### Conservative Party of Canada

Mr. Benoit..... 3556

### World Sight Day

Mr. Temelkovski..... 3556

### Culture

Mr. Kotto..... 3556

### Volunteerism

Mr. Martin (Sault Ste. Marie)..... 3556

### The Environment

Mr. Vellacott..... 3557

### Hungarian Canadians

Mr. Bélanger..... 3557

### Canadian Forces

Mr. Manning..... 3557

### Quebec Intercultural Week

Ms. Faille..... 3557

### Peter Naglik

Mr. Kenney..... 3557

### International Day of Older Persons

Mr. Chan..... 3558

### Abdou Diouf

Mrs. Boucher..... 3558

<b>Jack Stagg</b>	
Mr. Stoffer .....	3558
<b>Veterans</b>	
Mr. Patry .....	3558
<b>Aboriginal Affairs</b>	
Mr. Lemay .....	3558
<b>Agriculture</b>	
Mr. Merasty .....	3559
<b>Liberal Party of Canada</b>	
Mr. Preston .....	3559
<b>International Day of Older Persons</b>	
Ms. Demers .....	3559

## ORAL QUESTIONS

<b>Government Appointments</b>	
Mr. Graham (Toronto Centre) .....	3559
Mr. Harper .....	3559
Mr. Graham (Toronto Centre) .....	3560
Mr. Harper .....	3560
Mr. Graham (Toronto Centre) .....	3560
Mr. Harper .....	3560
<b>Minister of the Environment</b>	
Ms. Robillard .....	3560
Ms. Ambrose .....	3560
Ms. Robillard .....	3560
Ms. Ambrose .....	3560
<b>Softwood Lumber</b>	
Mr. Duceppe .....	3560
Mr. Harper .....	3560
Mr. Duceppe .....	3561
Mr. Harper .....	3561
Mr. Duceppe .....	3561
Mr. Harper .....	3561
Mr. Duceppe .....	3561
Mr. Harper .....	3561
<b>Afghanistan</b>	
Mr. Layton .....	3561
Mr. Harper .....	3561
Mr. Layton .....	3561
Mr. Harper .....	3561
<b>Quebec</b>	
Mr. Rodriguez .....	3562
Ms. Ambrose .....	3562
Mr. Rodriguez .....	3562
Ms. Ambrose .....	3562
<b>Government Appointments</b>	
Mr. Easter .....	3562
Mr. Harper .....	3562
Mr. Easter .....	3562
Mr. Harper .....	3562
<b>Gun Control</b>	
Ms. St-Hilaire .....	3562
Mr. MacKay .....	3562

Ms. St-Hilaire .....	3563
Mr. MacKay .....	3563
<b>Maher Arar</b>	
Mrs. Barbot .....	3563
Mr. MacKay .....	3563
Mrs. Barbot .....	3563
Mr. MacKay .....	3563
<b>Aboriginal Affairs</b>	
Ms. Keeper .....	3563
Mr. Prentice .....	3563
Ms. Keeper .....	3563
Mr. Prentice .....	3564
Mr. Holland .....	3564
Mr. Prentice .....	3564
Mr. Holland .....	3564
Mr. Prentice .....	3564
<b>Government Accountability</b>	
Mr. Lauzon .....	3564
Mr. Baird .....	3564
<b>Immigration and Refugee Board</b>	
Ms. Chow .....	3564
Mr. Solberg .....	3564
Ms. Chow .....	3564
Mr. Solberg .....	3565
<b>Government Accountability</b>	
Mr. Goodale .....	3565
Mr. Baird .....	3565
Mr. Goodale .....	3565
Mr. Baird .....	3565
<b>Official Languages</b>	
Mr. Thibault (West Nova) .....	3565
Mr. Baird .....	3565
Mr. Thibault (West Nova) .....	3565
Mr. Baird .....	3565
<b>Employment Insurance</b>	
Mr. Guimond .....	3566
Ms. Finley .....	3566
Mr. Roy .....	3566
Ms. Finley .....	3566
<b>Maher Arar Inquiry</b>	
Mr. McTeague .....	3566
Mr. Day .....	3566
<b>Aboriginal Affairs</b>	
Mr. Batters .....	3566
Mr. Prentice .....	3566
<b>The Environment</b>	
Mr. Cullen (Skeena—Bulkley Valley) .....	3566
Ms. Ambrose .....	3566
Mr. Cullen (Skeena—Bulkley Valley) .....	3566
Ms. Ambrose .....	3567
<b>Maher Arar Inquiry</b>	
Mr. McTeague .....	3567
Mr. Day .....	3567

<b>Canada-U.S. Border</b>	
Mr. Allison .....	3567
Mr. Day .....	3567
<b>Presence in Gallery</b>	
The Speaker .....	3567

**GOVERNMENT ORDERS**

<b>Business of Supply</b>	
<b>Opposition Motion—Status of Women</b>	
Motion .....	3567
Motion agreed to .....	3568
<b>Points of Order</b>	
<b>Oral Questions</b>	
Mr. Kenney .....	3568

**GOVERNMENT ORDERS**

<b>An Act to Amend Certain Acts in Relation to DNA Identification</b>	
Bill C-18. Second reading .....	3569
Mr. Comartin .....	3569

<b>Points of Order</b>	
<b>Softwood Lumber Products Export Charge Act, 2006—Speaker's Ruling</b>	
The Speaker .....	3571

<b>An Act to Amend Certain Acts in Relation to DNA Identification</b>	
Bill C-18. Second reading .....	3571
Mr. Szabo .....	3571
Ms. Crowder .....	3572
Mr. André .....	3572
Mr. Comartin .....	3572
Mr. Moore (Fundy Royal) .....	3572
Mr. Murphy (Moncton—Riverview—Dieppe) .....	3574
Mr. André .....	3575
Ms. Crowder .....	3575

Mr. Thompson (Wild Rose) .....	3575
Mr. Murphy (Moncton—Riverview—Dieppe) .....	3576
Mr. Moore (Fundy Royal) .....	3578
Mr. Hawn .....	3578
Mr. Cullen (Etobicoke North) .....	3580

**Business of the House**

Mr. Ritz .....	3583
Motion .....	3583
(Motion agreed to) .....	3583

**An Act to amend certain Acts in relation to DNA Identification**

Bill C-18. Second reading .....	3583
Ms. Chow .....	3583
Mr. Trost .....	3583
Mr. St. Amand .....	3584
Mr. Maloney .....	3584
Ms. Crowder .....	3586
Mr. Bagnell .....	3586
Mr. Toews .....	3586
Ms. Crowder .....	3586

**PRIVATE MEMBERS' BUSINESS**

<b>Canada Mortgage and Housing Corporation Act</b>	
Ms. Gagnon .....	3588
Bill C-285. Second reading .....	3588
Mr. Lukiwski .....	3588
Ms. Gagnon .....	3589
Mr. Szabo .....	3589
Mr. Ouellet .....	3589
Mrs. Yelich .....	3591
Ms. Chow .....	3592
Mrs. Yelich .....	3592
Mr. MacAulay .....	3593
Mrs. Mathyssen .....	3594
Mr. Ouellet .....	3596

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CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 3, 2006  
(Part B)**

—

**Speaker: The Honourable Peter Milliken**

## **CONTENTS**

(Table of Contents appears at back of this issue.)

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# HOUSE OF COMMONS

Tuesday, October 3, 2006

[Continuation of proceedings from Part A]

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## GOVERNMENT ORDERS

[English]

### SITUATION IN SUDAN

(House in committee of the whole on Government Business No. 10, Mr. Blaikie in the chair)

**Hon. Rob Nicholson (Leader of the Government in the House of Commons, CPC)** moved:

That this Committee take note of the situation in Sudan.

• (1850)

**The Chair:** The House is now in committee of the whole on Government Business No. 10.

[Translation]

I would like to open this session in committee of the whole by making a short statement on take note debates.

This is probably the first time some members are taking part in this type of debate. I will explain how we will proceed.

• (1855)

[English]

Tonight's debate is a general one on the situation in Sudan. As is the case in any proceeding in committee of the whole, members need not be in their own seats to be recognized.

Each member will be allocated 10 minutes at a time for debate. These speeches are subject to a 10-minute question and comment period. Furthermore, according to the motion adopted yesterday, any member rising to speak during the debate may indicate to the Chair that he or she will be dividing his or her time with another member.

Although members may speak more than once, the Chair will generally try to ensure that all members wishing to speak are heard before inviting members to speak again while respecting the proportional party rotations for speakers.

During the 10-minute period for questions and comments, there are no set time limits on each intervention, but I will work to allow as many members as possible to participate in this part of the proceedings and ask for the cooperation of all members in keeping their interventions as succinct as possible.

[Translation]

As the Chair, I will follow the rules governing committee of the whole. Nonetheless, in order to allow a good exchange, I will use discretion and flexibility in the application of these rules.

[English]

May I also remind members that even in committee of the whole, ministers and members should be referred to by their title or by their riding name, and of course all remarks should be addressed through the Chair.

The first round of speakers will be the usual all party round, namely the government, the official opposition, the Bloc Québécois and the New Democratic Party. After that we will follow the usual proportional rotation.

[Translation]

At the end of this evening's debate, the committee of the whole will rise and the House will adjourn until tomorrow.

We can now begin this evening's session.

[English]

The hon. Minister of Foreign Affairs.

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Thank you very much, Mr. Chair. I wish to express my appreciation for your presiding over this important debate this evening on the conflict in Sudan.

I wish to begin by stating emphatically the new government's deep concern for the deteriorating humanitarian rights and security situation inside Darfur. We have and continue to urge the government of Sudan and the various warring factions in Darfur to bring about an immediate end to the hostilities and stop the fighting.

The civilian population of Darfur has suffered long enough. We need a rapid and full deployment of a UN mission to restore stability. I will elaborate more on this in a moment but first, I want to provide a bit of context for Canadians watching this debate at home.

[Translation]

The Sudan is in a region that has always been the poorest in the world and the most racked by conflict. To bring peace to this region, we must first find new solutions to the various conflicts that are tearing the Sudan apart. The consequences of these internal conflicts are felt well beyond its borders.

*Government Orders**[English]*

Canada has a “whole of Sudan” policy, meaning that Canada recognizes that all of Sudan's regions, and therefore the various conflicts in those regions, are interrelated. As the Sudanese national government role in security and stability issues is key, it is important to recognize that actions and activities on one issue will inevitably have impacts on others, just as various regions impact on the Sudan.

Canada makes a strong effort to address root causes rather than symptoms. At the heart of most of Sudan's conflict is the marginalization that takes place, since much of Sudan's national wealth has a tendency to flow to Khartoum without being redistributed to the country's underdeveloped rural regions.

Prior to the current crisis in Darfur, southern Sudan suffered a devastating civil war. This conflict left an appalling aftermath, with an estimated two million lives lost and four million people displaced, the largest number of displaced people anywhere in the world. It is a vast region that is lacking infrastructure like schools, hospitals and basic roads, yet many are returning. Still many more need to be resettled.

The negotiations sponsored by the Intergovernmental Authority on Development, which culminated in the signing of the comprehensive peace agreement between the government of Sudan and the Sudan People's Liberation Movement, were a critical effort toward resolving the feelings of marginalization. As a result, the CPA makes explicit efforts to address power and wealth sharing in a united Sudan.

The devastation in the north-south conflict, however, continues to be felt. A massive Sudanese and international effort to build the necessary infrastructure and build the strengthening institutions to support the long term development of the region is necessary, while reinforcing peace building efforts to ensure that it does not lapse into conflict again.

We believe supporting the consolidation of peace in Sudan and in particular ensuring a full and rapid implementation of all of the provisions of the comprehensive peace agreement is key to resolving the crisis in Darfur and building lasting peace in Sudan.

- (1900)

*[Translation]*

As the Prime Minister said last week at the summit of la Francophonie, our government wants to promote—in southern Sudan and in Darfur in particular—judicial reform, re-establish a framework of security, reduce the arms trade and strengthen governance institutions and community life in Darfur and throughout the Sudan.

*[English]*

We are committed to a coordinated approach, with others, that addresses the underlying causes as well as the symptoms of conflict. It is for this reason that Canada is providing additional peace building support for southern Sudan through the global peace and security fund. For this fiscal year, we are committed to \$14.2 million, focused principally on reform and building of the judicial system, reduction in the traffic of arms, and enhancement of governance.

This includes money for existing and newly identified projects as well as initiatives that specifically address the regional nature of the conflict and support peace building work in countries neighbouring Sudan. Projects range from a major initiative to support the judiciary and improve the prison system in southern Sudan to a comprehensive assessment of small arms across the country.

The pursuit of peace in Sudan and its regions represents huge challenges for all. As members know, Canada played an important role at the peace talks in Abuja that led to the signing of the Darfur peace agreement. In fact, Canada played a central diplomatic role, working closely with the African Union, the European Union, Britain and the United States to broker the agreement during the final days of that negotiation.

I was in regular contact with officials during that time. I commend the efforts of UN Ambassador Allan Rock and High Commissioner to Nigeria David Angell, in Abuja, who did that important work.

At that time we personally sent a letter to rebel leaders and the government of Sudan, urging them all to reach the agreement that parties could uphold. We believe greater progress will be needed in the Darfur peace agreement, including the implementation by the parties and bringing the non-signatories on board. The parties to the agreement and the non-signatories should engage in a coordinated process to achieve this. Canada will support all efforts to bring these non-signatories to the peace agreement back to the table.

I met with Jan Egeland, emergency relief coordinator at the United Nations, who described in graphic detail the urgency for the UN intervention. We spoke as well about the need to protect humanitarian aid workers in Sudan and those who have increasingly had their own lives endangered due to their generous work on the ground.

Canada was a leader in championing the issue and the inclusion of women in the peace talks and provided support to the African Union to integrate gender concerns into the peace agreement itself.

It is critical during this time of transition to a United Nations mission that Canada maintain support for renewed African Union-led diplomatic efforts to resolve the conflict. Canada has been active and important in this international effort.

At the United Nations there were significant efficiencies to be gained by transforming the force in Darfur into a UN presence throughout Sudan. Drawing upon a broader pool of material and human resources, the United Nations brings stable funding and decades of experience. With the UN already on the ground in south Sudan and coordinating humanitarian efforts in Darfur, transition in Darfur will provide benefits of economies of scale and a unified command and control structure. The core force will inevitably be African Union and African in character.

*Government Orders*

[*Translation*]

I have just come back from the United Nations where we discussed at length the tragic and urgent situation in Darfur. My colleagues in the other countries understand perfectly well that we must join our efforts to put an end to this conflict immediately. We also talked about this at the G-8 foreign ministers meeting this summer.

[*English*]

While at the UN, I also sought out the Sudanese foreign minister, Lam Akol, to urge that the government of Sudan allow a UN force into Darfur. I asked the Sudanese foreign minister to encourage his government to engage with the international community and be a full partner in the dialogue that Sudan has requested. I told him there should be no fear of colonization.

I previously had discussions with him earlier in August. I talked about Canada's concern for the ongoing violence and reiterated Canada's commitment to helping achieve a lasting peace in the region. I expressed Canada's interest in working more closely with Sudan and all the international partners to bring about a greater level of trust and acceptance for the UN mission.

I spoke with other foreign ministers, including those from African nations. The Senegalese in particular seemed prepared to advocate fully for the transition to the UN peacekeeping mission. I attended a special meeting that was hosted by the U.S. Secretary of State and Danish foreign minister Moller for interested countries to discuss the means to pursue the matter. Efforts to include the Sudanese government at any and all times should be foremost on any agenda. The international community continues to urge the government of Sudan to accept this transition.

Canadian and international efforts also focus on contacting key African and Arab leaders who may have influence on the government of Sudan to urge for the transition. While at the UN, I met with foreign ministers from Algeria, Egypt and Senegal, as well as the Secretary-General of the Arab League, who all seemed prepared to use their influence to press the government of Sudan.

We were strongly encouraged by the recent decision taken by the African Union peace and security council to strengthen the African Union's mission and extend its mandate to the end of the year. Pending a UN mission, AMIS will provide some welcome protection for civilians in Darfur and prevent a further devastating security vacuum on the ground. It will also provide more time to convince the government of Sudan to accept the mission.

We maintain unwavering support for the African Union's mission in Sudan. Canada has taken a leading international role, providing important support to this mission. We have provided armoured cars, a Canadian Forces training centre, \$1.4 million in personal equipment such as helmets and vests, 25 leased helicopters, two fixed-wing aircraft and fuel, and military and civilian advisers. My colleague, the parliamentary secretary, will provide greater detail on this contribution.

In all, we have sent a comprehensive support package to the African Union valued at more than \$190 million. We have had opportunities to speak with Red Cross International and other Canadian NGOs providing important support on the ground. It is

important to recall that the African Union itself, while accepting more and more responsibility, has called for the transition to take place.

In conclusion, we will continue to work with our international partners to end the suffering of the people of Darfur. We welcome the support that has been requested by the UN Secretary-General and the chairman of the African Union. I know other members will discuss in detail more specific proposals that can be made.

I commend the efforts of many who are here in the chamber, including Senator Dallaire, who has taken a personal interest in this. We hope to work in a cooperative, productive and non-partisan way to bring about an end to the suffering and incredible pain that is being felt by the people of Sudan.

• (1905)

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Chair, it is commendable that we are gathered here tonight to discuss what is happening in Sudan, but we should also take into context what is happening in greater Africa and especially the Horn of Africa, be it Somalia, Ethiopia, Eritrea or Sudan. That part of the world could be a powder keg, which could lead to ramifications down the line five or six years when we will look back and ask ourselves why we did not talk about this. In Somalia right now there is the insurgency of an Islamic movement. Just recently, there was an attack on the president of Somalia that probably could have cost him his life.

One of the things we are failing to discuss is that we are not approaching our communities in Canada, be it the Sudanese Canadian community, the Ethiopian Canadian community, the Eritrean Canadian community or the Somali Canadian community. Through them, we could provide for them a vehicle through CIDA so that they could go back and provide a means of making peace. We are not providing our communities sustainable development to allow them to have capacity building in order to go back and help make peace.

These communities we have in Canada know the language. They are on the ground and ready to get involved. We have asked the government time and time again to do this. I am wondering if the minister will, through his department, look at the means by which we can provide sustainable development for nation building, through our communities, in that part of the world.

• (1910)

**Hon. Peter MacKay:** Mr. Chair, I believe there is always more we can do. Certainly the size and scale of this challenge would invite the participation of all, particularly those with language skills and specific knowledge of the region. I would also take to heart the member's comment with respect to the whole of Africa approach. This is undeniable. Yet I would suggest that we have to concentrate our efforts where the need is most acute right now and clearly that is Darfur.

*Government Orders*

Having training available for doctors who may find their own roots in the region would be one approach specifically in keeping with the member's comment. I would suggest as well that CIDA's efforts are certainly open to the participation suggestion and those who care to lend a hand. Also, engaging private citizens in this effort to raise funds, to contribute specifically to the building of hospitals and schools and making those type of tangible contributions, again is a welcome effort.

Canadians are generous by their very nature. I think the plight of the people of Sudan is registering very strongly with Canadians. There has been very much a raised awareness, so to speak. There have been rallies of support on university campuses and at community colleges across the country. We can see posters and student participation raising this awareness.

I believe that Canada can and will contribute greatly to this cause. It may be the challenge of our generation to finally put an end to some of the suffering that we have seen now for generations in Africa. But in Sudan and in Darfur particularly, this is the focus. That is very much the nature of tonight's debate.

[*Translation*]

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Chair, the minister highlighted the international community's efforts to persuade the government to accept the UN's presence in Darfur.

However, there are two countries, Russia and China, that are apparently very good friends with the authorities in Darfur. I would like to know what Canada has done, whether it has done anything, and whether it plans to do anything to persuade these two countries to exert pressure on the President of Darfur to allow United Nations intervention.

**Hon. Peter MacKay:** Mr. Chair, I appreciate the Bloc Québécois member's question. She makes a good point.

I spoke with the Chinese and Russian ministers of foreign affairs, and I encouraged them to participate in efforts to increase support in the region and to provide monetary and political support for this cause.

[*English*]

I think it is going to take a global effort. The G-8 countries in particular have to be leading nations in this effort. On several occasions I have had opportunities to interact directly with Minister Lavrov of Russia. He is acutely aware of this, having just come through the chairmanship of the G-8 foreign ministers.

I will keep in mind the member's comments on the necessity of Canada continuing to see that this is placed on the agenda at all international gatherings and to see that other countries are similarly engaged in the effort to alleviate the suffering.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Chair, with the displacement of over two million people and the deaths of hundreds of thousands of Sudanese, the need for a capable force to intervene is essential to halt the conflict in Darfur.

Yes, the African Union's troops have already extended their mandate into December, and this force of 7,000 unfortunately has been criticized, largely for being ineffective at halting the

intensifying conflict. This force is underfunded and lacks training in dealing with conflict situations.

The United Nations has passed legislation for a force of up to 20,000 troops needed and ready to be deployed in an appropriate mission. Through access to information, my colleague, the NDP critic and also the member for New Westminster—Coquitlam, has discovered in the briefing notes that there are in fact 1,600 troops available that could be deployed. Some of these over 1,000 troops may be made available to be deployed to an appropriate UN mission.

Here is my question for the minister. Are you willing to commit troops so that if and when the UN says the mission is now appropriate, and we need to deploy troops there, you are able and ready to commit troops to this mission?

● (1915)

**The Chair:** Order, please. Before we hear from the Minister of Foreign Affairs, I remind the hon. member for Trinity—Spadina and everyone else, that the rules that apply generally in debate, also apply in committee of the whole. We should not refer to each other in the second person, using the word “you”. We should be using the words “he” or “she”. I would ask the member and all other members to comply with that rule in the future.

The Minister of Foreign Affairs.

**Hon. Peter MacKay:** Mr. Chair, the question of the member for Trinity—Spadina is a very relevant one.

Canada has supported the UN resolution 1706, which urges the transition from African Union Forces to those of the United Nations. There has been no specific request. We also very much believe that the government of Sudan must provide its consent at this point for the transition to occur. To date that has not happened. We have to continue to pursue all diplomatic means to allow for that consent. We have been given a window of opportunity, now until December 31, with the extension of the mission, and the effort itself will continue in earnest.

I recognize, as I think all members do, the passage of time can lead to further atrocities going on there. We know of the rapes and the systemic targeting of villages. We know there is a massive displacement of people, as has been referenced, and death by starvation, genital mutilation and targeting of women. The atrocities there are those which challenge the sensibilities of all present.

I had an opportunity to attend a conference, specifically looking into the subject of child soldiers. It was also attended by Senator Dallaire. These are the types of things that leave us shaken to the core. They really are soul destroying when we consider the impact this is having on the lives of the people of Sudan.

*Government Orders*

Yet I would reiterate that for Canada or any country to send troops there, this would immediately engage a further conflict with the government of Sudan. Until such time as we are able to make the transition to the UN Forces, which would be made up primarily of the existing African Union Forces there, buttressed and supported by the equipment, the training and further equipment support that would be made available by the United Nations, we have to continue to focus on that transition first and foremost. I believe that, in and of itself, will lead to the most immediate end to the suffering and the most immediate intervention that would have the greatest impact in the region.

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Chair, I will be splitting my time with the member for Lac-Saint-Louis.

As the debate unfolds tonight, a half a world away, in the sands of the Sahara Desert, a nightmare continues to unfold. As we speak, pregnant women and little girls as young as eight will be carved up in front of their families. Four hundred thousand people have been murdered. Three million people have been displaced. This is the genocide that is Darfur.

The time for talk is over. The Minister of Foreign Affairs should understand this. The time for half measures is over.

The choice we have in front of us simple. Do we take a UN force into Darfur and save lives and stop a genocide, or do we continue to engage in talks which will lead to more talk, which will lead to inaction, which will lead to more deaths? That is the stark reality. Jan Egeland, who the minister spoke about, has warned the minister that in the coming months we will see 100,000 civilians die month in and month out, 100,000 preventable deaths every month.

What the minister fails to understand is that the government in Khartoum is the longest serving genocidal regime in the world. It continues to engage and play the international community for fools. It continues to take a course of so-called diplomacy. There are false peace negotiations. Why? Because it wants to allow the genocide to continue. It demonstrated this in the Nuba mountains. It demonstrated this in the conflict in southern Sudan that resulted in the genocide of Dinka and Nuer tribesmen, which I have seen. I have seen their Hind helicopter gunships. I have seen the atrocities that were committed, the people who were mutilated, the families who saw their loved ones die.

This is not a joke. This is a genocide. If we do not act, we will have Rwanda II on our doorstep.

The choice is very simple, and it is stark. We have a responsibility to protect. Do we have an obligation to act? This weighs heavily on the minister's shoulders, I know. I know it is difficult for him to do this because it has never been done before.

Yes, we acted quickly in Kosovo. Yes, we acted relatively quickly in Lebanon. However, we have continued to fail to act in the face of genocides that have occurred in places in Africa.

The situation on the ground is stark. The African Union troops have been unable to protect innocent civilians because they are undermanned, under equipped and do not have the mandate to act.

UN Security resolution 1706 clearly states that the UN can authorize a chapter VII force to go into Sudan tomorrow. We want our country to live up to the responsibility to act and make it an obligation to get troops on the ground now. We can take that leadership role now. We are asking for that. The minister said that he had the connections with his compatriots around the world. Call them together, make an obligation in personnel, in equipment, in troops and in the mandate that the UN has given the international community. If we fail to do that, lives will continue to be lost.

We are asking for the following.

First, we ask that we push like-minded countries to contribute to a UN force.

Second, we ask that we strengthen the African Union forces in numbers, in equipment and in mandate. When we were government, we were the third largest contributor to the force. However, we know that the force cannot protect innocent civilians.

Third, we ask that we support relief agencies, like the World Food Program, Médecins Sans Frontières and the International Committee for the Red Cross, which were doing a yeoman's job when other aid agencies left, and that we protect relief workers. We have had more relief workers killed in the last three months than we have seen killed in the last three years.

Fourth, we ask that we prosecute in the International Criminal Court those members who have been identified by the United Nations as being individuals of interest to the ICC. We were the country that was the champion of the ICC. We can do that with other countries.

We also need to engage in sanctions against Khartoum if it fails to act.

I encourage the Minister of Foreign Affairs that he not be waylaid by the continued false promises by the government in Khartoum, that he act with resolution and that he follow up and live up to the promises made and the agreements made by UN Resolution 1706.

● (1920)

I thank General Roméo Dallaire for his work and the member for Mount Royal, who did an enormous amount of work on this. He could not be here tonight.

We acted with relative speed in protecting the lives of those who were in danger in Kosovo. We did the same in Lebanon. Are we willing to do the same in Darfur? Is the life of an African the same as the life of a European? Are we willing to backup the responsibility to protect with an obligation to act?

I think the hon. Minister of Foreign Affairs will find that Canadians from coast to coast are imploring him to use his position to act, to backup by action the words of the Prime Minister in saying that we want to do something.

The gauntlet is down, the responsibility is on his shoulders. We want him to act and act now.

*Government Orders*

**Hon. Peter MacKay (Minister of Foreign Affairs, CPC):** Mr. Chair, I appreciate the words of the member opposite. I acknowledge his extensive knowledge of and passion for this issue and that of others he has mentioned, including the Hon. David Kilgour who is with us tonight.

As forcefully as he has made the case, which is the right case, they are words nonetheless. This is not a partisan issue. We can cast aspersions about who has acted and who has acted quickly. I do not need to remind him that he was a member of a government that was in office for 13 years.

This government, in a relatively short time, has taken a great deal of responsibility on its shoulders, has acted to engage very actively with the international community and will continue to do so.

The government has also kept up with important contributions, financial, equipment and otherwise. It has engaged very actively with principal players, like Jan Egeland and Mr. Kellenberger, the president of the International Red Cross. All of these actors and principal players have a collective responsibility. This will not be solved by any one country or any one individual or organization. It will take a mammoth human effort to bring about an end to the suffering.

We can all learn from the lessons and the language of the past. Whether it is called genocide or a massive slaughter of humanity, those are semantics when it comes to getting the job done and ending these atrocities.

Again, the proactive and productive approach is the one to bring about the collective responsibility and collective pressures brought to bear to end this atrocity inside Sudan.

• (1925)

**Hon. Keith Martin:** Mr. Chair, I would also echo the comments of the Minister of Foreign Affairs on the hard work that the Hon. David Kilgour has done for years, not only in Darfur, but also in southern Sudan.

The point I am trying to drive across to the Minister of Foreign Affairs is that this is not about words. This is about leadership and action. If the foreign minister continues to play the stance for the government in Khartoum, which so many others have played, then this will only lead to the continuation of this genocide. It is as simple as that.

We have a choice: act now, get the UN force, under UN resolution 1706, into Darfur now, or accept the fact that we will have a Rwanda II on our hands. That is the choice. It is simple.

Will the minister authorize our troops to go in there with others? This is not a choice; it is an obligation for us to act and put those troops on the ground now.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Chair, I have a simple question for my colleague opposite. Is he advocating that we would mount an opposed invasion of Sudan unilaterally, or even with the United Nations, to make this happen?

**Hon. Keith Martin:** Mr. Chair, the UN security resolution 1706 obligates and demands that we form a multinational force to go into Darfur whether Khartoum agrees to it or not.

Yes, we should get troops into Darfur. If the member wants to call it an invasion, then it is an invasion.

**Ms. Denise Savoie (Victoria, NDP):** Mr. Chair, I appreciated the member's comments. His passion and hard work on this file are well-known.

It seems, from everything we hear on the ground, that since signing the peace agreement there has not been one life that has been saved. There are violent attacks on civilians, especially by government supported militia. The government refuses to provide an atmosphere that would lead to security.

I listened carefully to the Minister of Foreign Affairs when he said that we have not been asked and yet the situation worsens and, as I understand it, that is not the case. I think there is nothing better that we could do right now than show leadership and act.

I am wondering, aside from the kind of force to which he was referring, if he thinks there is a possibility of engaging a parallel peace process in some fashion that would lead to Darfur discussions in a secure way.

**Hon. Keith Martin:** Mr. Chair, the peace agreement is in a coma. In northern Darfur, 350,000 people are without food. A parallel peace process would not work.

The government in Khartoum, a government with behaviour from the Nuba Mountains to the conflict in the south against the Nuer and Dinka tribes, and now in Darfur, has demonstrated that it is the longest serving genocidal regime in the world. It has no interest whatsoever in engaging in peace talks that will be fruitful. It would rather use peace talks as a way of continuing to allow the Janjaweed, which it supports, to murder innocent civilians and continue to use its bombers to strafe, destroy and murder civilians.

There are no other peace talks. The time for talk is over. The time for negotiations is over. The time for action is now.

• (1930)

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Chair, I welcome the opportunity to take part in the debate tonight and to address this most urgent and vital of international issues. In fact, I consider it not only an honour to participate in this debate but a duty.

A country's foreign policy should be one with the values of its people, both to be legitimate and to be successful. At the same time, this foreign policy should necessarily find resonance with the country's history, namely, with its previous foreign policy actions.

I believe Canadians have a heightened sense of the vulnerability of minorities, whether they be cultural, linguistic, religious and so on. It is commonplace to say that Canada is a nation of minorities but it is true, and this sensibility has impacted on our world view. Canada is not just a nation of immigrants. It is a nation of minorities and that nuance is important to our understanding of ourselves and of our foreign policy objectives and actions.



*Government Orders*

We, as elected representatives, are in a unique position to understand the values and wishes of our fellow Canadians. We meet and speak with them every day in the hearts of our communities, in arenas, shopping centres and coffee shops. We, as members of Parliament, receive correspondence, including emails, increasingly from our constituents and our fellow Canadians. We receive phone calls, sometimes passionate phone calls, from our constituents.

Over the past few months, I have received much correspondence from my fellow citizens and constituents deeply concerned with the situation in Darfur. I even had a young constituent visit me at my office while he was in Ottawa with the Encounters with Canada program. He was a young man of about 17 years of age, incredibly knowledgeable about the world and passionate about making the world a better place. He pleaded with me to ask the Government of Canada to do something. He said that we must send Canadian troops to Darfur.

While I receive correspondence from constituents, like all members do, both in favour and sometimes against specific government policies and actions, when it comes to Darfur, the correspondence has been unanimous. I have not received one piece of correspondence or one phone call from a constituent saying that Canada must pull back and be neutral on the issue of Darfur.

My constituents want us to act now. No one has to take my word for it. There is broad based support in Canada for our country to be at the forefront of an international effort to prevent further catastrophe in Darfur. Fifty organizations representing Canadians of all religions, ages, political views and education supported the Global Day for Darfur this past September 17.

Moreover, Canadian NGOs have formed Save Darfur Canada to represent the voices of thousands of concerned Canadians. Canadians want Canada to take bold action and bold leadership that is consistent with our Canadian values and our previous international actions.

The previous Liberal government crafted and promoted the doctrine of the responsibility to protect, a ground-breaking notion adopted more than a year ago at the United Nations General Assembly. Canada was the architect of this doctrine, which is based on the idea that while the primary responsibility for the protection of a population lies with the sovereign state that governs it, in the event that this state is unable or unwilling to do so or is itself the cause of the threat, the responsibility to protect shifts to the international community of states, in other words, the United Nations.

The Sudanese government has clearly demonstrated that it is unable to stop the violence in Darfur. In fact, it is itself a perpetrator of this violence. Canada must take the lead as a credible middle power in mobilizing the international community to support action in Darfur.

● (1935)

We have the benefit of having with us a colleague who has particular wisdom on this issue, wisdom that he so painfully acquired. Senator Roméo Dallaire, whom I happen to sit with as a member of the Quebec Liberal caucus, is resolutely in favour of Canada taking a leadership role in advancing the cause of

international action to protect the people of Darfur. We should heed his advice. We must not waste his wisdom.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Chair, I was born and raised in Africa. I was extremely amazed when I heard a member of Parliament today say that he wants to invade a country in Africa. It find that unbelievable.

I just want to read what Senator Dallaire said:

Anybody who says that the era of the white man going into Africa to sort out their problems is what should still remain is someone who's totally disconnected from the reality of Africa.

Is the member going to invade Africa by himself or is he going to ask Canadians to go there? How does he think the world will react? How does he think Africans will react to being invaded? The whole region will be blown up in flames. This will not stop the genocide and everything else that is definitely taking place. It will become another Iraq. Is that what you want?

Do you think the Africans will sit by and agree to being invaded? Do you think the African Union will agree to be invaded? It has sent troops over there to bring peace.

How do members of that think they can invade Africa?

**The Chair:** I did not want to stop the member in mid-flight, but he did several times engage in debate without going through the Chair. I would encourage hon. members to do that.

The hon. member for Lac Saint-Louis.

**Mr. Francis Scarpaleggia:** Mr. Chair, I appreciate the expertise and knowledge of Africa that the hon. member brings to this debate. I myself am not a military expert but what I do know is that for action to be effective in the international community, especially action that involves the use of soldiers and, to a limited extent, the use of force, that action must always be sanctioned by the United Nations.

**An hon. member:** Resolution 1706.

**Mr. Francis Scarpaleggia:** Resolution 1706 is a step in the direction of implementing and applying the responsibility to protect. If we do not act with limited force to protect vulnerable populations, what is the responsibility to protect doctrine other than a collection of meaningless words?

The hon. member used the word "invade". It is an inflammatory word. It usually means, in my perception, an aggressive country going into another country with the purpose of conquering, plundering and taking that which does not belong to it. This is not the spirit of Resolution 1706. The spirit of Resolution 1706 is to protect human life, and we must not dismiss it out of hand.

● (1940)

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Mr. Chair, I want to make a few comments on something the hon. member stated a minute ago. The doctrine of responsibility to protect is a lofty term, and we would all agree with that. It is in all our interests to fight evil and to stop those who would propagate that.

*Government Orders*

However, what assurance do we have that, should we engage in such an endeavour, we will not have the same response that we witnessed on May 17 when our troops were in Afghanistan and members opposite voted against that? How do we know, when we see our boys start coming home in body bags, that we will not see that same response?

**Mr. Francis Scarpaleggia:** Mr. Chair, we know nothing for sure. This is not precise science. What I do know is when I ask my constituents about Afghanistan, three-quarters of them tell me that we should not stay there indefinitely. When it comes to Darfur, the response is 100% that we should protect vulnerable people in that part of the world.

I understand there is some information that I do not have as a member of Parliament, that only the Minister of Foreign Affairs and the Minister of National Defence would have. When it came to the debate on Afghanistan, the defence committee asked for a full briefing on the situation before the vote, and if I recall correctly, the government refused. I believe that the government should be briefing the defence committee and parliamentarians, in camera if it has to, but we should have more information so that we can make educated, judicious decisions that affect lives.

There is nothing wrong with expressing a motive, with expressing noble intent as we are doing in this case when we ask that the government take steps to mobilize the international community.

[*Translation*]

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Chair, when the House of Commons debated the Darfur issue on May 1, the situation in this western province of Sudan was already very serious. We were waiting for a peace agreement to be signed by the two rebel movements and the government of Khartoum.

Today, we are facing an even more serious situation, one which remains as violent as it is complex, and where atrocities continue to be carried out against civilians in violation of the peace agreement signed on May 5. Since last May, the humanitarian crisis in Darfur has continued to worsen and the people are suffering more than ever. Access to populations in need by humanitarian organizations is increasingly difficult. Just recently, those in charge of the world food program deplored the fact that more than 355,000 people in Darfur continue, after three months, to be deprived of food aid because of fighting and rebel attacks.

The UN humanitarian coordinator for the Sudan believes that this is the worse the situation has been since the beginning of the conflict in 2003. The situation has also deteriorated in Chad. Human Rights Watch has accused Chad and Sudan of “supporting armed groups responsible for serious crimes” in eastern Chad, where violence has caused hundreds of deaths and 50,000 were displaced in the first six months.

Besides worsening the humanitarian situation, the partial peace agreement on Darfur signed on May 5 by only one part of the rebel groups, “...is nearly dead. It is in a coma...”, said Jan Pronk, the Secretary-General’s Special Representative for Sudan. This peace agreement “...ought to be under intensive care, but it isn’t”.

At the last debate on Darfur, the international community was faced with the same challenge: this is the first time that the

international committee must try to enforce the responsibility to protect. The responsibility to protect, let us recall, recognizes the need to take resolute action in order to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity.

Since the last debate on Darfur, a historical step was taken when, on May 28, 2006, the Security Council unanimously adopted a resolution on the responsibility to protect, which supported the resolution adopted by the General Assembly in October 2005.

One of the essential keys to enforcing this responsibility to protect is to rely on the forces present and to ensure that the parties involved make peace themselves. A peaceful and negotiated solution is always preferable. “When peace comes from external violence, even if that is sometimes unavoidable”, as my colleague, the member for La Pointe-de-l’Île, said during the last debate, “it brings its share of serious consequences which make the future extremely difficult”.

Several experts and not-for-profit agencies, including the International Crisis Group, to name but just one, have pointed to the international community’s lack of will as being one of the main causes of the failure, not only of the implementation of the May 5 peace agreement, but also of the acceptance by the Sudanese government of a United Nations force that would take over from the African Union force to protect the people of Darfur.

Given the urgency of the situation, the international community must demonstrate greater determination and must continue to do all in its power to convince all the players directly or indirectly involved in this conflict of the merits of sending a UN force.

Just recently, all the rebel groups in Darfur—including the former rebel faction of Minni Minawi, currently in the government—expressed their support for sending UN peace soldiers. The Sudan People’s Liberation Movement, a partner in the Sudanese government that represents southern Sudan, also voted in favour of the presence of a United Nations force in Darfur, as did most of the Sudanese political parties.

● (1945)

That is encouraging. The international community needs to keep up the pressure and to press on, without letting up and without losing its sense of urgency, and must rally all the other actors—including, obviously, President Omar al-Bashir at the top of the list—around an effective solution to the crisis in Darfur. The international community must give him assurances and persuade him that a UN force will not open the door to re-colonization of Sudan. That was not and is not the case with the UN mission—UNMIS—that is already present in southern Sudan. There is no reason why a UN mission to Darfur would be different. The only objective here is to protect populations that are in grave danger. That objective will be achieved while fully respecting the sovereignty of the Sudanese nation.

*Government Orders*

Many people agree that China and Russia are also two important players in this conflict. Indeed, President al-Bashir prides himself on maintaining excellent relations with both of those countries. And both of those countries abstained from voting for resolution 1706 authorizing the deployment of UNMIS in the Darfur region under Chapter VII of the United Nations Charter.

The international community, including Canada, should put more pressure on China and Russia to have those two countries step up and support replacing the African Union mission with a United Nations mission in Darfur. They must urge China and Russia to step up and put pressure on the Sudanese government to accept that substitution.

The international community and Canada must also approach the Arab League and the other countries in the region affected by the conflict, so that they too will step up and approach the Sudanese government to persuade it of the wisdom of a UN mission in Darfur.

It is also important that the international community continue to press on to persuade the rebel parties who did not sign the peace agreement of May 5 to join it, as Jan Pronk suggests. The holdout rebel parties must be persuaded of the merits of an agreement like this, and it will have to be improved, if need be, and again as Pronk proposed, in order to get the groups that feel left out of the agreement to support it. The welfare of an entire population depends on this.

At the end of May there were already thirty commanders and political representatives from the dissident branches in the minority faction of the Sudan Liberation Movement and the Justice and Equality Movement who had signed a statement committing themselves to supporting the May 5 agreement.

We can see that the conditions that are needed for the situation in Darfur to continue to deteriorate are all present. On the other hand, measures that can foster a resolution of the conflict are also within reach.

The fate of thousands of people and of an entire population that has had its share of misfortune, the future of thousands of children and the future of Darfur itself, demand that Canada and the international community continue to act with sensitivity and tact to persuade the parties involved in the conflict to come to an agreement.

The extreme gravity of the situation demands this increased effort on the part of Canada and the international community. We must come to the aid of the people of Darfur. We must not let them die before our eyes. A little of our own humanity would die with them.

• (1950)

[English]

**Right Hon. Paul Martin (LaSalle—Émard, Lib.):** Mr. Chair, the tragedy in Darfur, eclipsed by tsunamis, earthquakes, Iraq and Afghanistan, often disappears from the public eye, but the suffering continues, indeed it worsens with every passing day.

The African Union has said that the United Nations should come in, and it must. The African Union has expressed the will of Africa.

[Translation]

The question Canada must now face is this: what are we doing to ensure that the United Nations acts quickly?

[English]

We took a leadership role in providing the African Union with money, logistical support and expertise, with military equipment, helicopters, armoured vehicles and training. We did the same thing in paving the way to the peace agreement in the south.

The United Nations will require an even greater contribution from Canada, a far greater one. The question this House must answer is what the nature of Canada's contribution will be. What will we say to the United Nations, and what will we say to all those Africans who spoke through the African Union?

Quite simply, the responsibility to protect was a Canadian initiative. It was spawned by the terrible events in Rwanda, when a Canadian general said, "Never again". It was spawned by Darfur. We must do all in our power to make it a reality.

[Translation]

**Mrs. Vivian Barbot:** Mr. Chair, of course, I agree entirely. We must certainly intervene under the United Nations and Canada must bear a great responsibility in this matter. In fact, it was a Canadian initiative to raise the question of responsibility to protect. This responsibility to protect must not remain hidden behind inaction. Accordingly, we must find some way to convince the parties involved to agree to a United Nations presence.

**Ms. Denise Savoie (Victoria, NDP):** Mr. Chair, it is very frustrating to rise here tonight and continue this speechifying, because everyone here agrees that this is an extremely serious situation and it is time to act. Nevertheless, we are here tonight for a debate and to talk about this issue, even though this debate will not allow us to make any decisions.

I have a question for the hon. member. A little earlier, we heard the minister say in this House that no one asked us to intervene. And he seemed to congratulate himself for the action taken by Canada. Yes, we took some action, but I wonder if congratulations are really in order for what we did, if it really was enough and if we should have stopped.

I wonder if the member has any comments on this approach, this attitude?

• (1955)

**Mrs. Vivian Barbot:** Mr. Chair, I thank my colleague for her question. Obviously we are now talking about an extremely serious situation. As I said the last time we discussed this issue, I truly had the impression that we were chatting about it while we waited to go for dinner, the answers were that evasive.

When there are issues of this nature, the government party often tells us that it has put so much money into it. It is not money that is needed. Certainly money is necessary, but right now it is political will that is needed, so that that we can understand that we cannot allow human beings to live in this kind of situation year after year and do nothing. We have a duty to act, and what it demands that we do is precisely that we go there, even if the governments have not asked us to.

*Government Orders*

[English]

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Chair, I feel compelled to rise in response to the question from the NDP.

It is clear that Canada is very much intervening in this matter and continues to do so. With \$320 million, the previous government began this process. We will continue it surely, in every way, shape and form, including support for the International Criminal Court efforts to prosecute this matter and those involved. We will continue to support the NGOs. We will continue to support all efforts aimed at bringing an end to the atrocities inside Darfur.

However, to the hon. member opposite with respect to the suggestion and the allusion made by many members tonight that Canada should somehow lead an effort to unilaterally enter Darfur, this is simply folly. Within resolution 1706, which the Government of Canada supported strongly, the consent of the government of Sudan is an essential element for the deployment and ultimately the success of the expanded United Nations mission in Sudan.

A concentrated effort must be brought to bear by member countries of the G-8, other representatives at the United Nations, and the hon. member herself has alluded to China and Russia in particular, and the ongoing efforts that Canada is making, including efforts by our diplomats working at the United Nations. John McNee, our special representative in Nigeria, David Angel, previous ambassadors, myself, previous ministers, and members of the House must continue to apply that pressure. An African Union transition into a United Nations mission must occur with the consent of the people and the government of Sudan. Clearly, there is a fear, irrational or otherwise, expressed by President Bashir, that this will result in colonization.

Increased efforts and pressure must be brought to bear to bring about a clear understanding that this has nothing to do, in any way shape or form, with colonization or an attempt to take over the government. This is clearly about an end to the slaughter and the killing of innocents inside Sudan.

[Translation]

**Mrs. Vivian Barbot:** Mr. Chair, the responsibility to protect of course refers to consent by the government. In cases where the government will never agree, however—and that is what seems to be happening, because now and then it says yes; it blows hot and cold—I believe that there is a part of the duty to protect that says that if the government of a country cannot do what is needed to bring peace to the country, foreign countries still have a duty to protect.

On that point, I would like to say that in any event, the action I have proposed is within the framework of the United Nations. And Canada's work should remain inside that structure so that we can do something to change the situation.

[English]

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Chair, tonight I heard from the right hon. member for LaSalle—Émard and other members in the House with regard to what we should do in Darfur in Africa. I know there is a senator who has been so eloquent in his plea for this country to do more.

However, I ask members of the House, are we not in another area of the world where we have been asked to go? Are we not there because of terrible genocide and terrible atrocities done to women and children? Are we not there because the United Nations and the world community asked us to be there?

I speak almost every other week to members of the Canadian armed forces who are signing up for their second and third term in Afghanistan. They believe in what they are doing. Do we need to open up another front and then another front where our limited resources are spread throughout the world?

I ask the members who have just spoken, and in particular the right hon. member for LaSalle—Émard, are we not asking this country to do more than its resources can already permit it to do?

• (2000)

**The Chair:** I would say to the hon. member that he cannot ask a question of the right hon. member for LaSalle—Émard because the right hon. member was rising in response to an intervention made by the hon. member for Papineau. The hon. member for Papineau.

[Translation]

**Mrs. Vivian Barbot:** Mr. Chair, that is precisely the question. When we talked about extending the mission in Afghanistan, our questions to the government were about what condition the troops were in and about knowing what we could do. We still know nothing about that, we never got the answer, except that the longer it goes on, the more people we find to send to Afghanistan.

The Darfur situation predates the Afghanistan situation. So it is absolutely inconceivable that we would seem to be suggesting that Canada does not now have the resources to send troops.

In any event, within the United Nations force, Canada can bring pressure to bear and it must do its share. Continuing to do our share does not mean saying yes one day and no the next day.

There are situations in the world that require our assistance. If we, as members of Parliament, knew exactly what resources the government had at this point, perhaps we would be able to suggest something more specific. At present, as I understand it, the situation is absolutely catastrophic in Darfur and the answers we are getting for trying to alleviate the situation are not credible.

[English]

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Chair, I am pleased to take part in this debate on the crisis in Darfur which has aptly been described by some as genocide in slow motion. It is hard to imagine, with the global spotlight on Darfur, that the crisis could actually worsen but worsen it has.

In the past two months alone over 50,000 individuals have been displaced. Thousands of women and girls have been brutalized and raped. These are horrors on top of the 450,000 individuals already killed in this horrific conflict. There are more than 2 million internally displaced and 250,000 forced to flee to neighbouring Chad.

Baba Gana Kingibe, commander of the African Union peace-keeping mission, has described security in Darfur as plummeting.

*Government Orders*

While we need to be careful not to over simplify, the solution to this crisis is surely not rocket science. We know that the African Union has agreed to extend its mission in Sudan and increase its troops, but it desperately lacks the adequate funding from donor countries to be able to follow through.

We know that the AU has 1,300 troops ready to deploy to join the 7,000 already present in Darfur, but it cannot do so because of inadequate funds.

How can we as rich nations debate over and over again this crisis, the rapes, the killings, the displacements, and say that we care and care deeply, but yet we cannot come up with the funds to ensure that additional AU forces are sent immediately into the region? How can we express outrage and concern, but then not find the political will to act?

Yes, it is true Canada has helped and that point has been made by government members, but it is such a critical time. We simply cannot cite our contributions and say we have done our part. We surely must do more.

We must lead by example. We must inspire and if necessary shame other nations into doing more because resolutions upon resolutions do not protect vulnerable citizens but peacekeepers can protect them.

Canada is now among the top international donors to the AU, but in this grave situation an even more urgent and significant response is required. Canada, with its \$13 billion surplus, surely can afford to do more.

I regret I did not hear from the foreign affairs minister at least today in this debate stating that this country stands ready with the military and the fiscal capacity to move if the situation requires it.

Committing now to participate in a UN force will send a strong signal to President Bashir of Sudan that the world is serious, that Canada is serious about ending the slaughter and protecting the vulnerable in Darfur.

Canada needs to encourage the AU to utilize fully the assistance available to it, assistance with communications, command and control, capacity building, and creating a more professional force. These are fields in which Canada can offer its expertise and can offer more.

Canada must engage directly with the government of Sudan to try to convince Khartoum to accept the deployment of UN forces at the conclusion of the AU's mission in December and to negotiate in good faith with those groups who have yet to sign the peace accord.

I have not heard that this evening from the foreign affairs minister or other members. I have heard them hiding behind the arguments for why we should not be ready to act.

We have seen in Iraq and Afghanistan that peace is rarely achieved at the end of a gun barrel or as a result of military intervention. We need to try, in every possible way through dialogue and genuine commitment, to advance a comprehensive peace process, but rarely is a comprehensive peace process successful unless there is military support to maintain that process.

● (2005)

My Conservative colleagues will not listen to New Democrats on the value of a comprehensive peace process. We have never yet heard them do so. Maybe they will listen to U.S. Senate majority leader Bill Frist, who said yesterday about Afghanistan that war can never be won militarily and called for efforts to bring the Islamic militia into negotiations.

I am sure it was in that spirit and with that realization that a local Ottawa Sudanese Canadian, a constituent here in our capital city, offered the following advice to parliamentarians today when invited to do so. He said that Canada must use every possible means to persuade the warring parties to honour the peace agreements that they have signed. Honouring these agreements would avert further war and the human tragedies and sufferings that come with it. Canada should also exert pressure in every way possible on the warring parties so that the military confrontation can be brought to a halt. This would give way for humanitarian assistance to reach the Darfur civilians. Where possible, it should also financially support humanitarian agencies more generously than we have done to date so that they can deliver the required services in abundance to people who so desperately need them.

We need to indicate strongly that we are deadly serious about following through with peacekeeping forces. If we cannot persuade the Sudanese government to act in a manner that can bring this horror to an end, then we can engage more aggressively, more deliberately and more effectively in bringing the warring parties into the peace agreement that has not happened to date.

What we have heard so far from government members is just a good deal of waffling on making any further robust commitments to try to make our contributions put an end to this genocide in slow motion.

● (2010)

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Chair, I have listened with great interest to the member for Halifax. On this and numerous occasions, she has used high-sounding language like peace is not achieved at the end of a gun barrel. She and her fearless leader believe that we should talk to the Taliban, that we should be engaged in further peace activities.

Peacemaking is what has to happen, because the fighting that is going on and the genocide, as she calls it, that is happening in Africa is not going to simply end by negotiations, clearly.

If she is saying that we need a robust, which means an active, military force that is prepared to engage in military activity, which is exactly what is going on in Afghanistan, in order for development to occur, in order for schools to be built so that children can attend, in order for women to be prevented from being raped and abused and in order for them to be permitted to participate in democratic activity and participate in normal life, there have to be people prepared to go in and fight for those values. That is exactly what is happening in Afghanistan.

*Government Orders*

I have a very direct question. I am addressing the hon. member for Halifax who released a press release just a few short days ago on the mission in Afghanistan in which she said:

Our Canadian Forces deserve to be sent only on missions consistent with Canadian values, where the objectives are clear and where victory is attainable.

Canadians are in Afghanistan after having been invited by the Afghan government, in a UN backed mission with 37 other countries from NATO, yet Sudanese President al-Bashir has categorically refused to allow the transfer from the African Union to the United Nations operation. We are not wanted there. How does she square that circle from high on mount hypocrisy given her statements in the House today?

**Ms. Alexa McDonough:** Mr. Chair, it is really regrettable that so quickly we end up in this kind of jeering, insulting and throwing around of those kinds of accusations.

Ironically, I know the Conservatives have the largest number of members in the House, but I am not sure that I saw one of them at an excellent debate this afternoon on the issue of peacekeeping and peacemaking. It was sponsored by a young people's organization, Canada 2020.

There was a superb panel that took place with a variety of points of view on the issue of peacekeeping and peacemaking, and in particular a variety of points of view about Afghanistan. One of the things that was lamented was how much of a deterioration there was into a kind of us and them view of the world aping the Bush view of the world instead of dealing with the complexities and intricacies of these kinds of situations.

I do not intend to deteriorate into that again in this debate tonight. I think the government has chosen to use the excuse that it is problematic, and for sure it is problematic in the extreme that President al-Bashir is not receptive in the least at this point to UN peacekeeping troops going in. However, the Conservative government chooses to hide behind that instead of engaging in robust diplomacy, engaging with the entire global community to try to bring appropriate pressure to bear to get him to change his position in that regard and in the meantime engage in more good faith peace negotiations to bring other parties in on the negotiations so that there is not the need for military intervention. It is not over until it is over. Diplomacy is always—

**The Chair:** Order. The hon. member's intervention is over. The right hon. member for LaSalle—Émard.

**Right Hon. Paul Martin (LaSalle—Émard, Lib.):** Mr. Chair, I would like to make a brief comment in response to a question that was asked by the member for Northumberland—Quinte West. He asked if given our other responsibilities we should be in Darfur.

Let me simply say that the answer is unequivocally, yes. Not only that, but we have the capacity to do so and we have the capacity to do so in a multitude of ways. As the hon. member from the NDP has just said, we have a long and historic relationship with both Africa and the African Union. The people of Africa have asked us to live up to our responsibilities as a member of the international community. They have asked the international community to do so. It is our responsibility to meet that challenge and that request.

●(2015)

**Ms. Alexa McDonough:** Mr. Chair, I appreciate the words of the member for LaSalle—Émard. As already mentioned earlier by the member for Trinity—Spadina, it was absolutely confirmed in an access to information response a while ago that the military capacity is there to contribute to a UN peacekeeping force in Darfur should that become necessary.

As I said in my earlier comments, there is nothing that should prevent Canada from strongly signalling to President al-Bashir that we will not hesitate to use those available troops, that capacity, to back up a UN mission, but use every bit of diplomatic effort available to make that unnecessary because we need to get President al-Bashir to respond to the global pressure and the growing horrors about the genocide in slow motion that is happening in Darfur.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Chair, I have a question for my colleague, but first I just want to point out something that the right hon. member for LaSalle—Émard said on November 14, 2004. He said it makes sense for locals to do their own peacekeeping as opposed to parachuting in Canadian troops who do not understand the culture. He also said that Canada is already playing a very heavy role in Afghanistan but would consider sending equipment and military trainers to Sudan.

I believe we have done that. I believe in fact that the foreign affairs minister did talk about the robust negotiations that he is undertaking with people like President al-Bashir. That is happening.

I have a question for the hon. member. Of course, given her strong support for military defence spending over the past number of years to build up the capacity of the Canadian Forces to carry out such missions, and we really appreciate that, but does she honestly believe that blue berets on the border of Sudan are going to cause the genocide in Sudan to stop? Does she honestly believe that stopping the genocide would happen without a force there that is prepared to take decisive, strong military action that includes, unfortunately, probably having to kill people?

**Ms. Alexa McDonough:** Mr. Chair, I wish the member had been at the debate this afternoon which was precisely on this point.

The question asked was, is peacekeeping as we know it in a traditional sense still realistic and is it appropriate in the situation that we are talking about? I think, regrettably, we are all forced to come to the conclusion that the blue berets peacekeeping with light weapons in this situation is probably not going to get the job done.

As I see it, the problem with the government is that on the one hand it seems not prepared at all to understand the value and necessity of really aggressive, robust, diplomatic initiatives, and on the other hand it seems prepared to send troops into missions where there is very little evidence that what we are doing, for example, in Afghanistan is not making a desperate situation worse. The more chaos, the more killings, the more fanaticism that is fuelled, the more Taliban, and the cycle continues. It is deteriorating and we are headed for what unfortunately could well be Canada's Iraq or Vietnam.

*Government Orders*

[Translation]

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Chair, the crisis in Darfur is considered to have begun in the 1980s, but it was not until 2003 that the international community suffered the repercussions and began to take notice of what was happening there. Still, since 2003, countries outside Sudan have seemed reluctant to get involved in this situation, which is nonetheless catastrophic.

My question for the hon. member is this: what should be done to ensure that the international community can act as quickly as possible in a situation where it is generally recognized that a genocide appears to be unfolding?

• (2020)

[English]

**Ms. Alexa McDonough:** Mr. Chair, the two main points that I will reiterate is that I think between now and the end of December there needs to be a very big push on resources to back up the African Union and what it has been doing.

One of the tragedies is that we are not only talking about ill-equipped and insufficient troops, we are literally talking about a situation where evidence indicates that African Union troops have been hungry, malnourished, underfed and suffer from health problems that flow from that. Between now and December we have to be far more aggressive. Canada needs to be among the nations, but others pushed even harder to deliver the support to the African Union.

Second, as I have already said, we have to be ready. We have to signal clearly, and Canada needs to be foremost among them, that we will not hesitate to send in troops to be part of a UN peacekeeping mission and use every possible means to bring pressure to bear on al-Bashir for that not to be necessary so that he can become more involved in a genuine effort to bring about peace, to put an end to the killings, to bring those—

**The Chair:** Resuming debate with the hon. Minister of International Cooperation and Minister for la Francophonie and Official Languages.

[Translation]

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Chair, I am glad to be taking part in this new debate on Canada's role in Sudan. We must re-examine this issue.

The humanitarian situation in Sudan is alarming, and that is why Canada is working with its Canadian and international partners to bring aid to the people of Sudan and alleviate the human suffering.

Since April 2005, Canada has pledged \$110 million in official development assistance for Sudan. This money is being used for humanitarian aid, reconstruction and mine clearing, as well as for promoting governance and gender equality. CIDA has already spent more than 90% of this amount, which was to be spread over two years.

Canadians and the Government of Canada are very concerned about the attacks on Sudanese nationals in displaced persons camps and on humanitarian workers in Darfur. The lack of safety in Darfur is making it difficult to reach people who urgently need food aid.

Despite the difficulties, CIDA has invested \$20 million in humanitarian aid in Sudan since the debate in May. This aid is being used to provide food, water, medical care and shelter.

Of this amount, \$10 million has already been distributed: \$6.8 million was given to support the activities of UN agencies, such as UNICEF, the world food program and the Office of the High Commissioner for Refugees; \$1.2 million was delivered to the International Red Cross Committee; and \$2 million went to Canadian non-governmental organizations, such as Doctors without Borders, World Vision, Save the Children Canada and the Canadian Red Cross, to name but a few.

In the speech he delivered in Bucharest, at the summit of la Francophonie, the Prime Minister of Canada recalled the importance of acting to reduce tensions and conflicts in the world. He reiterated the recommendations made in St. Boniface by the ministers of la Francophonie. I had the privilege of chairing this ministerial conference last May. We discussed the prevention of conflicts, food security, and particularly the fate reserved for civilian populations and their access to humanitarian aid. The recent Bucharest statement clearly shows that the international francophone community is stepping up joint efforts and actions on behalf of the people of Darfur. This is reflected within both regional and multilateral organizations.

As you know, there are two peace missions in Sudan. One is taking place in southern Sudan, under the control of the United Nations. The other is being conducted by the African Union in the Darfur region. Canada is contributing to both these initiatives. I would like to point out, moreover, that we are one of the largest providers of funds to the African Union mission in Darfur. Thanks to this mission, the African Union is ensuring the protection of civilians and keeping the humanitarian crisis from worsening.

It is clear that we have to get all parties to respect the peace agreement and facilitate the work of the African Union. Along with the national unity government and the international community, we are also helping to implement the Comprehensive North-South Peace Agreement in Sudan, signed in January 2005. This agreement ends over 20 years of civil war. After so many years of hostilities, the establishment of a climate of peace requires energetic and sustained action. Canada will continue to concentrate on Sudan as a whole. Canada will thus continue to ensure that any efforts made in Darfur do not harm the Comprehensive North-South Peace Agreement.

Canada has made significant commitments to support this peace accord. If it succeeds, this accord could set an example for neighbouring regions. It could become a powerful tool of persuasion supporting non-violent dispute resolution. However, the failure of the North-South peace accord would have serious repercussions on the safety and stability of not only Sudan, but also the entire region.

Although the situation is still critical, there have been tangible results. The world food program is managing to feed 6.1 million people. I am proud that Canada is doing its part to help these people. In 2006, Canada gave \$14.5 million to support world food program activities in Sudan.

*Government Orders*

● (2025)

That money was used to buy nearly 12,000 tonnes of wheat and legumes. Canada fed the equivalent of 105,000 people for a whole year. However, Canada has provided more than food aid. We have also helped improve water supply and access to sanitary services for Sudanese populations in need. Canadian aid has contributed to demining and opening major road networks.

Canada has also helped rebuild clinics and schools destroyed in the civil war. We have provided shelters, seed, tools, health care and water to tens of thousands of people.

Many of the activities I just mentioned have a direct impact on the lives, health and safety of women and children, who are of particular interest to me.

Collaboration is fundamental to CIDA's work. The agency has a strong network of partners. I would like to emphasize the excellent work CIDA's partner organizations have done. Their knowledge and understanding of world issues never cease to amaze me.

[*English*]

The Government of Canada continues to consider the situation in Sudan a high priority. The government is closely monitoring the implementation of its programs. CIDA carries out regular field missions to ensure that our work with partners is coordinated and yields results.

We will continue to take part in efforts toward achieving peace and good governance. We will continue to work with other donors to define how best to assist the people of Sudan. We will also encourage the transition toward a United Nations-led operation.

Canada will definitely not stand idle in the face of the aggravated humanitarian situation in Darfur. Our government will continue to work with Canadian and international partners to give hope to the men, women and children of Sudan, from the north to the south and from the east to the west of their country.

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Chair, I thank the minister for being here and for her intervention.

There are a couple of points that the minister and her government need to understand.

The government in Khartoum is a group of pathological liars and murderers. They have demonstrated, from the Nuba Mountains to the conflict in the south, that they are simply willing to engage the international community in a series of endless negotiations that deliberately go nowhere so they can continue the murderous actions they have sponsored in their country for decades. That is the history of the country.

There are two points that need to be clarified. The UN troops are required and authorized under two counts: first, this year Security Council resolution 1706 authorized the troops to go in now, this year, not two years ago; and second, the African Union troops want the UN troops in Darfur now because they know they cannot protect innocent civilians.

The problem under the minister's responsibility is that aid cannot get to the people. There are 350,000 Darfuris in the north who have been without food for two months. The UN world food program is

having an incredibly difficult time. Jan Egeland has warned of the disaster. Humanitarian workers are leaving. They have left because they cannot work there.

The rosy picture that the minister is talking about is a situation in the past. It is not what is taking place now. More and more innocent civilians are being killed now. The infrastructure of Darfur has been razed to the ground.

My question for the hon. minister is very simple. She said that "we will do what is necessary" to be able to stop the killings in Darfur. Her Prime Minister said this at the Francophonie and prior to that. Will she in this House say that her government is going to organize and, with other countries, work toward getting a multi-national force into Darfur now even if Khartoum disagrees with that?

● (2030)

[*Translation*]

**Hon. Josée Verner:** Mr. Chair, as we know, my colleague, the Minister of Foreign Affairs, is actively participating in the discussions and negotiations to find a solution to the current conflict in Sudan. For the time being, the African Union is there until December and we support its efforts. We will continue to do so until the United Nations can take over.

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Chair, in my opinion, it is evident that the African Union is unable to maintain order in Darfur, much less bring peace to the area.

The minister talks about the situation as though it were a fairy tale. Darfur is at war, people are dying in droves, and we can see no end to it.

The minister speaks of food aid and the funds provided by this government. It is our money being sent there. That is fine; no one is questioning Canada's aid. However, does the minister not feel that, in this situation, we should not just continue applying a band-aid solution?

Aid is not reaching those most in need and even NGOs are being forced to leave because their safety cannot be guaranteed and the people cannot be reached. Should we not consider other measures?

Consequently, does she not feel that we should focus on applying pressure to other countries so that there will be a mission led by the United Nations?

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Chair, I am not sure I understood what the member for Papineau said, but Canada will always send humanitarian aid in the hope of finding a way to get it to people in need. Although the situation is critical in Darfur, Canada has made a commitment in the rest of Sudan and will maintain its commitment to the people.

With respect to international action, I repeat again that in his speech to the United Nations, our Prime Minister called on the international community to work together and help Darfur. He made the same appeal at the summit of la Francophonie in Bucharest.



*Government Orders*

[English]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Chair, a joint report recently published by Amnesty International, the International Action Network on Small Arms and Oxfam International reviewed many industrialized countries, including Canada, that are benefiting from the trade of arms to countries with arms embargoes. It is becoming increasingly easy and cost effective to outsource production and ship components around the world. Weapons-producing corporations are taking advantage of this and opening production facilities in China, India and other areas.

However, these areas are not subject to or do not uphold the embargoes that bind the industrialized states, so it is inevitable, under the present system, that weapons with Canadian components will arrive in Sudan and other countries with questionable human rights records. The recommendation is for more arms controls to be placed on the export of components from Canada and for those controls to be applied on Canadian companies operating facilities outside Canada as well.

Will the government take up this responsibility and ensure that no one is benefiting from the sale of arms to Sudan?

• (2035)

[Translation]

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Chair, I thank the hon. member for her question. She should know, however, that the British are conducting a study on the issue, with Canadian support. Canada does not sell any arms directly to such countries.

[English]

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Chair, in the last decade we have seen an increase in conflicts and emergencies, both natural and man-made, which have led to the disruption of social, political and economic structures. The Canadian government's record in providing assistance has been mixed. In recent years, Canadians have been asked to respond to numerous crises such as Afghanistan, the Lebanon evacuation and the genocide in Darfur.

The Canadian government dealt with some in a piecemeal manner while others were given significant resources. The government has absolutely no protocol to deal with such emergencies. When will the Conservative government put such a protocol in place? We need to know what our government's response will be in times of crisis.

Finally, is the government willing to send troops to Sudan, yes or no? If not, will the government use our place at the United Nations to put sanctions on Sudan?

[Translation]

**Hon. Josée Verner:** Mr. Chair, it is simple: before we send troops into a country, we have to be asked. That is the main reason we are in Afghanistan: the Afghan government asked us to help rebuild the country. In the case of Sudan, there has been no request for Canadian troops.

Nevertheless, the Government of Canada shows compassion to countries faced with serious humanitarian crises. And it is CIDA's mission to help those people.

**The Deputy Chair:** The hon. member for Gatineau for a very short question.

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Chair, we are here tonight for a take note debate on the situation in Darfur. We know that the situation has been deteriorating for over 20 years, that Khartoum is not cooperating and we are dealing with the problem of getting humanitarian aid to the people affected.

My question for the minister is this: how long are we going to wait for the Khartoum government, that is, Omar al-Bashir, before we act? Must we wait as the genocide continues? Or is Canada currently in a position to reach a solution to this situation, one that goes beyond humanitarian aid?

**The Deputy Chair:** The Minister of International Cooperation and Minister for la Francophonie and Official Languages, for a short response.

**Hon. Josée Verner:** Mr. Chair, in response to the hon. member's question, I would like to emphasize that Canada is very committed to Sudan in every area, not only in terms of logistical support, diplomacy and peace building. Canada is providing military equipment and has provided humanitarian aid to the public. It is Canada's way of working towards a resolution in Sudan.

• (2040)

[English]

**Hon. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Chair, I will be splitting my time with the member for Davenport.

I am rising in the House tonight to address the very serious humanitarian crisis that is taking place in Darfur. Since 2003, there has been an escalation of violence taking place in the western region of Sudan. Thousands of people have been killed. Thousands more are dying from malnutrition and disease. More than two million people have been displaced and live in horrific conditions in refugee camps. The atrocities are so serious that in my view, what is taking place against the black African population in Darfur amounts to genocide.

The government in Khartoum, through its militia, specifically the Janjaweed, are targeting and killing the black African population. Therefore, there is no other way to describe the situation other than as a genocide.

The first thing that springs to my mind, when I hear about such atrocities, is the concept that Canadians have championed, and that is the responsibility to protect. If the situation in Darfur does not justify the need for the international community to act under this principle, then I cannot even imagine of a situation that will.

The responsibility to protect is an evolving framework, stipulating when an international community should take multilateral action to stop the large scale humanitarian crisis. The principle argues that the international community has a collective responsibility to protect populations from genocide, war crimes and crimes against humanity when the presiding government is unwilling or unable to stop it themselves.

*Government Orders*

In Darfur there is a genocide taking place and the government in Khartoum, led by President Omar al-Bashir, has been unwilling to stop it. President al-Bashir has the ability to stop it, but he refuses to do so. He has allowed a force of 7,000 African Union troops to be stationed in Darfur, but they have proven to be ineffective. He is now preventing a contingent of 20,000 United Nations troops from being deployed to the region. Without these troops there can be no security in that region.

The responsibility to protect evolved from the fact that about 11 years ago, the international community stood by and watched the savage genocide take place in Rwanda. Half a million people, half a million Tutsis, were killed by the Hutu extremists. After the dust settled, the international community said "never again". Yet here we are watching history repeat itself.

The international community, through the United Nations, has taken action, but more needs to be done. The international community originally viewed the African Union leadership as the best way to resolve the crisis, and we have heard that tonight from the government. However, the African Union has proven to be incapable of deterring further attacks.

Hindsight is always 20/20, so I will not stand here tonight and criticize what has taken place in the past, but we need to be strategic going forward.

The United Nations Security Council resolution 1706 ordered a force of 20,000 UN troops to be deployed to the region. As of today, they still have not arrived because of the resistance of the Sudanese government. The UN action is a right one, but a UN Security Council resolution is meaningless unless the political will exists to make sure it is enforced.

Therefore, the international community needs to exert more pressure on the Sudanese government. The UN could start by getting its member states to strictly enforce the oil embargo that was ordered by the Security Council. The United Nations could also rush forward trials, arrest individuals and start the trials for the individuals who were responsible for the genocide. I believe putting government officials on trial is an important exercise and has proven to be effective in the past with the trials in Rwanda.

The international community has to let the leaders around the world know that crimes against their population are not acceptable. The Government of Canada has supported the will international community up to this point. We have spent millions of dollars on providing logistical and tactical support to the African Union to better equip them to stop the fighting. We have also provided millions of dollars in aid to help provide shelter, food and medicines, which are badly needed to improve the overall humanitarian situation.

Yet in the face of the present situation, we must also ask ourselves if we could do more to stop this conflict. I believe Canada should take a leadership role in Darfur.

In conclusion, two things are clear. First, a genocide is taking place in Darfur. Second, the United Nations peacekeeping force is the only way to stop it. If Canada and the international community does not come together now to implement the responsibility to protect, then when.

● (2045)

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Chair, some of the very useful suggestions that the hon. member has put forward are exactly what this debate should be about. It should very much be about a constructive engagement on the part of parliamentarians to offer solutions.

We have heard a recitation of the atrocities taking place inside Sudan, particularly, in Darfur. We have heard about the slaughter, the gender based violence, in many cases, that has targeted young girls. We have heard with horror about farmers being afraid to go out and plant in their fields or individuals being targeted. The hon. member has cited numerous examples of what is happening on the ground.

Yet there appears to be one irreconcilable truth, and that is, without the cooperation, or at least the acknowledgement, of the Sudanese government of the need for the United Nations force to go in and assume this responsibility, the important humanitarian aid work, the protection and the responsibility to protect cannot be given force and cannot become a reality beyond the abstract notion.

Would the hon. member not agree that the most focused and laser-guided efforts that Canada can embark on are on the diplomatic side, to encourage and to keep the pressure upon the Sudanese government, as he has said?

Other hon. members may disagree, but to suggest somehow a unilateral intervention will occur or that a UN force can go in, which would immediately encounter resistance from the Sudanese army itself, the Janjaweed, the militia, will not be the type of constructive result that will alleviate the suffering.

I embrace his idea of having further efforts to bring about responsibility at the International Criminal Court. Canada is doing that. Canada supports that. Canada contributes to that particular cause, as we do on so many others on a myriad of issues that we have discussed here tonight. Is it not the hon. member's contention that the diplomatic pressure is that which will bring about the arrival of the United Nations forces that can get on with doing the important work of responsibility to protect?

**Hon. Navdeep Bains:** Mr. Chair, the issue of the UN embargo, the International Criminal Court, are definitely issues that I have identified. However, the underlying principle, which I wanted to highlight in my remarks, is the responsibility to protect. The reason for that is very simple. We saw it in Rwanda. We saw it here. I remember being in school, watching the situation unfold before my eyes. I recollect us and the international community doing nothing. Again, history is repeating itself.

We can sit here and we can talk and debate this issue to death, no pun intended, but we are watching thousands of people being killed. Even tonight if we were to go on the Internet and listen to the news reports coming Sudan, we would hear about these killings. We have to come to a solution.

*Government Orders*

Not too long ago I spoke to students about the situation in Darfur. I was talking about the notion of responsibility to protect. A grade 3 student said, “We saw this in Rwanda and now we are seeing this situation unfold in Darfur. Is it because of the colour of their skin? Is it because they are black?” That question shocked me. It was a straightforward, innocent question asked by a young child. That is something we need to consider as well. Not to underscore the importance of our role and the responsibility to protect and to stop a genocide, we also have to examine that issue as well. I hope the government takes that into account when it addresses the situation.

**Mr. Mario Silva (Davenport, Lib.):** Mr. Chair, it was the writer, Edmund Burke, who stated:

The only thing necessary for the triumph of evil is for good men to do nothing

The situation in Darfur demonstrates the absolute truth of that statement.

Tonight, we in this House are called upon to do something. It is a call that must be heard across our country and around the world and it is a call that must be answered.

It is generally accepted that over the past few years, approximately 400,000 people have lost their lives. Between 2.5 million and 3 million people have been displaced from their homes. More than 3.5 million people are currently reliant on international aid just to survive.

The United Nations Security Council has passed one resolution after the other without any real or measurable results. Resolution 1651, Resolution 1591, Resolution 1556 and now Resolutions 1665 and 1706 were passed just a few days ago. While it continually recognizes the need for action, the reality is that no substantive undertakings on the part of the international community have been initiated.

The current African Union force in the Darfur region is overwhelmed, underfunded and, despite good intentions, simply ineffective in preventing the continuing persecutions taking place in Sudan.

It has been proposed that a force of at least 17,000 to 20,000 United Nations soldiers are needed to replace the African Union troops currently placed in the Darfur region. The Government of Sudan rejects any United Nations force and the devastating death toll and unimaginable human suffering simply continues. The international community has an obligation to act, as do we here in Canada.

Prior to the summer recess of our colleagues in the Senate, Senator Roméo Dallaire noted that “Canada must lead by example”. He is absolutely right.

The report of the foreign affairs committee speaks to the need for an immediate mission in Sudan and calls upon the government to support this mission through all diplomatic, economic and military means available.

The time for action is now. We need no further review, no further negotiations and it will not be done by simply passing resolutions.

Have we not learned any lessons from Rwanda where hundreds of thousands of human lives were lost in unspeakable brutality while

the world stood by, finally taking action when so much had already been lost?

Darfur has been at a persistent crisis level for at least three years and yet we in the international community seem either unable or, more accurately, unwilling to do what is necessary to end this terrible situation. When the Secretary General of the United Nations, Kofi Annan, describes the situation in Darfur as “dire”, he means just what he says.

There will be dire consequences for the people of Darfur should the world continue to be locked in a pattern of discussion all the while not undertaking substantive action. The action that needs to be taken in Darfur is really quite simple even though the nature and origins of this conflict are complicated. It is most certainly not without risk; indeed, the risk is significant.

However, inaction is no longer tolerable or excusable. We must constitute a force of at least 20,000 well supplied and supported United Nations soldiers to be immediately deployed into the region. This is the first step and then we can begin to address the root causes of this conflict. However, the first step is to stop the suffering and the killings.

The international community cannot be intimidated by the words of the Government of Sudan when it continually rejects an international force. Many nations are calling upon all parties to accept the terms of the peace treaties that were negotiated, but clearly this is not having any real effect.

Regardless of whether or not the parties want or accept an international force, the truth is simply that it is the obligation of the world community to act definitively and decisively. This is especially true when parties to conflicts like that in Darfur continue to demonstrate no real will or desire to desist from their brutal activities.

Generations to come will scarcely believe that we could stand by and watch such human tragedy. The world must act now. Canada must act now. Canada must lead the way.

● (2050)

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Mr. Chair, my friend across the way and I probably have some common ground with respect to this very important issue, as do a number of other members in the House today from various other parties.

I think we are all in agreement in terms of the need for diplomacy and the need to be vigorous and assertive. Deploying a UN force to the Darfur area is important because it would have an effect on the south of Sudan as well and for the comprehensive peace agreement there. If things go sideways in Darfur, in an even more serious way than it is now, many of us believe that force may have an effect there as well.

*Government Orders*

I know what the winds are like in this place so I must ask my colleague, if Canadian troops were part of a UN force, when the first caskets started to come home would our troops stay there to finish the job? Would the resolve be there to see the mission through? I know my colleague can only speak for himself but maybe he could show some leadership within his party. Would there be a continued resolve to see the mission through even when the first caskets come home?

• (2055)

**Mr. Mario Silva:** Mr. Chair, what happens when diplomacy fails is what happens when a government like the one in Khartoum decides to use diplomacy as a tool to continue to debate and debate and have delays and delays and at the same time is involved in a genocide that is going on in that country. That is the real truth of what is happening.

Most international human rights experts and leaders have recognized the fact that genocide is taking place in our midst. We can debate this ad nauseam. The UN has had several resolutions. However, we need action. It is no longer a question of not knowing. We do know a tragedy is taking place and there have been massive killings. As the foreign minister mentioned, a lot of gender based violence is taking place in that country and we need to take concrete action.

I think Canadians understand that this situation warrants every attention and our involvement. We need to take immediate action because we are talking about stopping the genocide. We have signed international conventions and treaties stating that we will act to stop a genocide.

We have also signed on to the Responsibility to Protect Protocol and we must live by that piece of work that we put forward to the UN.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Chair, Canada must not stand idly by while the atrocities continue in Darfur. Does the hon. member agree that it would be helpful if Canada asked the African Union to make a declaration specifically recognizing that the situation in Darfur fulfils the conditions for humanitarian intervention set out in article 4 d. of the AU constitution act and reiterate that under the circumstances the UN is the appropriate body to intervene in Darfur?

**Mr. Mario Silva:** Mr. Chair, I absolutely agree with my hon. colleague's statement. It is very important that we do that and move as quickly as possible.

The government needs to act diplomatically, which is absolutely necessary at the international level, but we also need to get moving with a resolution that calls for a UN force. We should be there right now because the tragedy is going on before our eyes. If we are not prepared to do anything about it we are in compliance with what is happening in that country.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Chair, I welcome this opportunity to address the House on one of Canada's major foreign policy priorities, the dire humanitarian situation in the Darfur region of Sudan and efforts to enhance the protection of civilians.

As the House is aware, Canada's new government has been deeply concerned about and engaged in responding to the situation in Darfur as part of our wider overall Sudan strategy.

The conflict in Darfur region is acute and tragic. Despite the existence of a peace agreement, attacks against civilians continue by an ever growing number of warring parties. Rape and sexual violence, torture and kidnapping are used as tactics to drive people away from their homes and pastures and to instill fear and obedience. These war crimes and crimes against humanity are ongoing. They are deliberate and, sadly, they have thus far been committed with near total impunity.

Regretfully, gains made by aid agencies to improve the rights and well-being of civilians in Darfur in the last 18 months are at risk due to the deterioration in the security situation. UNICEF has reported that malnutrition rates in July and August in north Darfur ranged from the emergency threshold of 15% to the alarmingly high rate of 27% in one area as farmers are unable to plant their seeds and aid agencies cannot distribute food due to lack of security.

Civilians, humanitarian workers and African Union peacekeepers now face attack by both signatories and non-signatories to the peace agreement. In addition to security challenges, humanitarian agencies also face bureaucratic obstacles by some parts of the Government of Sudan, which hinder their operations.

Canada has taken a strong position on the situation in Darfur and it has backed this position not only with words but with actions. We have called on all parties to respect their obligations under international humanitarian law. We have firmly advocated for humanitarian access by aid workers to those in need. We have allocated significant resources in support of the Red Cross and the Red Crescent movement, the UN and the non-governmental organizations responding to humanitarian needs.

We have provided diplomatic support to the African Union force and given it equipment and logistic support and we have engaged in efforts to support the Darfur peace process. Canada has urged the UN Security Council to act to protect civilians in Darfur, consistent with its own commitments in this regard.

The Government of Canada has done so because we believe that Darfur is a situation that warrants steps to protect civilians and where the principle of responsibility to protect, a principle championed by Canada and endorsed at the United Nations, most certainly applies.

With the indulgence of the House, therefore, I would like to take the opportunity this evening to explain further to Canadians what Canada has done to protect civilians in Darfur and what more must be done in the weeks and months ahead.

*Government Orders*

Canada has been at the forefront of international efforts to improve the protection of war affected populations. We have focused on establishing and strengthening the implementation of international laws and principles, and supporting specific protection activities in the field. This includes efforts directed at building political will among states, UN entities, regional networks and field based non-governmental organizations. It also includes the development of strategies to employ coercive means to protect civilians, including through targeted sanctions and peace support operations when necessary.

Due to Canadian work in this area, recent UN Security Council mandated missions have included specific provisions to protect civilians under imminent threat.

Following the outbreak of hostilities in Darfur, the Government of Canada immediately answered the call from international humanitarian organizations for financial and other support. Canada's contributions to the UN, the Red Cross and the Red Crescent movement and non-governmental organizations active in Sudan that provide humanitarian assistance and save lives now sits at more than \$60 million for Sudan, approximately 60% of which is for humanitarian aid in support of affected populations in Darfur.

• (2100)

Canada's support to these agencies has helped to provide war-affected civilians with basic human needs: food, shelter and medicine.

Canada has also supported initiatives to assist victims of sexual violence, worked with the government of Sudan to remove obstacles, and provided training on international humanitarian law and human rights law to the Sudanese police and military.

We have funded the deployment of the UN protection officers to Darfur to help develop strategies by agencies. We have provided important support for refugees in eastern Chad who have fled Darfur.

Canada has led international efforts to end immunity for the perpetrators of violence against civilians in Darfur. Canada advocated strongly for the UN Security Council referral of the Darfur situation to the International Criminal Court, and was the first and only nation to make a \$500,000 voluntary contribution to assist with the court's investigation.

Canada has welcomed the Security Council's decision as an important step toward addressing serious crimes that have been alleged to have been committed in Darfur by all parties. We are confident the International Criminal Court investigation will contribute toward establishing a lasting peace for the people of Darfur.

Guided by the principle of responsibility to protect and the broader protection of civilians agenda, Canada has also taken concrete steps to proactively prevent and address violence against civilians in Darfur, including adhering to targeted sanctions issued by the United Nations and through our support of the African Union.

Canada has taken a leading international role providing important political and diplomatic support to the African Union's deployment of a peacekeeping force in Darfur. The force has a mandate to protect, including through the use of force, civilians under imminent

threat of violence, similar to chapter VII of the United Nations mandate.

To assist the African Union, Canada has provided that force, at the African Union's request, with more than 100 armoured personnel carriers, 25 helicopters and two fixed-wing aircraft, plus fuel for their operations, and civilian police and military advisers as part of the support package valued at more than \$190 million.

This African Union force has done a valiant job. It has guarded camps for the displaced and patrolled the isolated and vast expanse of Darfur in order to mitigate attacks on civilians, often at the cost of African Union soldiers' lives. The UN Secretary-General has recently commented that in those areas where the African Union force has been deployed, it has made a real difference in protecting people at risk.

Canada believes the African Union must be commended highly for its effort in Darfur, but given the continuing violence against civilians and recent attacks on humanitarian workers at a level not seen since 2004, caused in part by the failure of all parties to sign the Darfur peace agreement and the failure of the signatories to live up to its conditions, the international community, including the African Union, has now recognized that we must move forward to a new phase of international engagement and follow through with the transition to the UN mission.

The transition to a UN peacekeeping mission was requested by the African Union. It is supported by a wide range of UN members and it has been negotiated openly and transparently by the UN Security Council. It meets every test of legitimacy.

The UN mission will remain African in character, as the government of Sudan has requested. It will operate under a chapter VII protection of civilians mandate authorized by the Security Council. It will integrate a peacekeeping force with ongoing humanitarian, political and development efforts, and will be better able to provide for the protection of civilians and secure humanitarian access to affected populations.

In closing, we believe the gravity of the crisis in Darfur demands a decisive response from the UN Security Council and from all member states in seeking the transition to the UN mission. There is much to be gained by Sudan, by its people, and by its neighbours in accepting this UN mission, which would contribute to long term peace and stability in Sudan.

• (2105)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Chair, all members of Parliament have received numerous communications from constituents on the terrible genocide in Darfur. I brought three that I received.

One is from Sister Shelley Marie Jeffrey who supports a strong diplomatic effort, as we all do, and supports UN resolution 1706. She asks, "Why can we not have a full time envoy in Sudan?"

*Government Orders*

Shamir Tanna says he cannot sit back and watch this go on. We cannot do this. Let us have increased humanitarian aid because he still sees people are dying. They are starving to death. They still have not received the basic needs that the member says they have.

The last letter I brought with me is from Stephen Hawrylshyn who says that Canada can no longer lead from the bleachers, we must act to save a desperate population. He reminds us of Lester B. Pearson who said:

Of all our dreams today there is none more important — or so hard to realize — than that of peace in the world. May we never lose our faith in it or our resolve to do everything that can be done to convert it one day into reality.

The Minister of Foreign Affairs stated in this place that we have committed all our military resources to Afghanistan. He has also said that any kind of special effort that we may take, Canada on a unilateral basis, is not going to alleviate suffering.

The minister just does not get it. There are 2.5 million people who have been displaced from their homes. How many million people must die before the government decides to take decisive action and show a lead role in terms of a lasting peace initiative?

We are talking about human life. How many millions must die before the government stops waffling about little things that it may have done and takes human life more seriously?

• (2110)

**Mr. Deepak Obhrai:** Mr. Chair, I am a little surprised that the member says that we have done little. As I have listed here, we have done a tremendous amount on a humanitarian level as well as giving support to the UN forces.

Is it acceptable right now that the situation in Darfur calls for action? There is no question about it. That is why Canada has been engaged quite heavily diplomatically in support of UN resolution 1706 which calls for the African Union at its own request to transfer to the UN mission because it feels that it can do it faster. We agree with that. We are absolutely supporting that here.

We know that we need to do it cohesively internationally with all our partners and with the permission of the government of Sudan. I will tell members why we need the permission of the government of Sudan. It is because without the permission of the government of Sudan the situation could become worse.

Yes, it calls for immediate action. There is no question about that. That is why the government is putting pressure. The Prime Minister, both at the Francophonie summit and at the United Nations, and the Minister of Foreign Affairs, at the UN, have been constantly talking with everyone.

I was in Congo. I was in Rwanda. There, I took every opportunity to meet with every African leader to tell them to tell the government of Sudan to accept the UN forces.

Yes, the government knows there is a need. The government is working as hard as it can. It is putting as much pressure from all sides to ensure that the transition to a UN force will take place as requested by the Africans.

[*Translation*]

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Chair, during a previous exchange in this evening's debate, the hon. member argued that there was no question of white men intervening in black Africa.

As far as I know, to date Canada has always intervened according to its own values, namely solidarity, mutual assistance, and especially to respond to the needs of the people. I was quite surprised to hear this comment about intervening in Darfur. I cannot help but think that it was the same thing for Rwanda. We were there and we did not intervene. However, we did intervene in Kosovo.

I would like to come back to the question the daughter of one of our colleagues asked her father, who talked about this earlier. Is it because they are black that the government is so reluctant to resolve the situation?

[*English*]

**Mr. Deepak Obhrai:** Mr. Chair, let me be very blunt about this whole issue. I am from Africa. This whole issue talking about black people and white people does not fly. I was not quoting myself. I was quoting the senator who said that.

Let me for a minute talk about the situation in Rwanda. I just came from Rwanda and I met the people there. The international community put insufficient pressure to ensure that the genocide in Rwanda would not happen and the fault line in Rwanda has not gone away. It is still there. We still need an international force to go there, but we cannot do it ourselves. We have to solve the basic root problem not just walk in with forces to stop it.

That is why we need to put pressure on the government of Sudan to protect its own citizens and we must work with that government. The best solution would include talking to China as well as Russia. I also suggested talking to India when we were at the Brussels conference telling all these countries to get involved here, not just people in the international community. Like everyone says, genocide is happening in Darfur, there is no question about it. Yes, we need to work, but the approach that we need to take is within the international community and as quickly as possible.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Chair, after the last take note debate on Darfur I talked to experts and I did it this time again. This expert's name is Mayom Bul. The reason he is an expert is because he has had over 20 years experience in Sudan. He is a Sudanese refugee. He wants to know directly from the government why we are not there. I have heard the laundry list. I am sure he is watching and he heard the laundry list of what the government has done.

With due respect, it is not enough because we have the African Union right now crying out for resources. It does not have enough and do we know what the solution is going to be? It is going to be dependent upon the Sudanese government which will then give it the green light to manipulate. It is not good enough for anyone here or for my colleague.

We need to step up. We do not suggest we act. This is difficult, but we need to do that. That is what he is asking for. That is what I am asking for. That is what we need to do. Can we please not suggest? Can we demand? Can we step up to the plate again and provide assistance to the African Union because it needs it desperately?

*Government Orders*

• (2115)

**Mr. Deepak Obhrai:** Mr. Chair, I absolutely agree with the member. That is what we have been saying here. We need to be engaged, but we are not willing to do what the other member says which is to invade the country unilaterally. That is not what we are willing to do.

However, I agree with the member. Yes, we need to work together and he is absolutely right. The quicker we work with our international partners and with the United Nations, the better it will be. We are working hard to put pressure on the government of Sudan to accept the UN mission forces as mandated by the UN resolution.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Chair, I would like to follow up with a question for the parliamentary secretary. I am a bit concerned about the assertions made earlier by the foreign affairs minister and now by the parliamentary secretary that what is being advocated is to invade a foreign country as if this whole question has not been seriously addressed and incorporated into UN Security Council resolution 1706. Briefly, it states:

Reaffirming its strong commitment to the sovereignty, unity, independence, and territorial integrity of the Sudan, which would be unaffected by transition to a United Nations operation in Darfur, and to the cause of peace, expressing its determination to work with the Government of National Unity, in full respect of its sovereignty, to assist in tackling the various problems confronting the Sudan and that a United Nations operation in Darfur shall have, to the extent possible, a strong African participation and character,—

How can the parliamentary secretary and the foreign affairs minister before him stand in this place and talk about the proposal of UN troops going into Darfur as some kind of an invasion of a foreign country when he knows perfectly well, or he should know, that UN resolution 1706 directly addresses that and refutes any such hysterical exaggerated claim?

**Mr. Deepak Obhrai:** Mr. Chair, I am absolutely surprised and very stunned by the member stating that this resolution does not at any given time state that the consent of the government of Sudan is needed for this deployment. I suggest that she go back and read it. This is precisely what the resolution says: that we need the consent of the government of Sudan.

[*Translation*]

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Chair, this is the second time in less than a year that I have risen in this House to condemn the humanitarian drama currently affecting millions of people in Darfur and Chad. Last spring, I urged the Canadian government to take a leadership role on this issue in the international community to find a solution, once and for all, to the misery the people at the centre of this conflict are suffering.

The humanitarian situation has deteriorated over the last few months, especially during this past summer. Humanitarian workers are facing unprecedented levels of violence. On August 7, 2006, the UN Office for the Coordination of Humanitarian Affairs announced that violence had killed more aid workers in Darfur in the previous two weeks than in the previous two years.

Once again, the Conservative government is showing its weakness and lack of leadership. To date, its only response has been to allocate another \$40 million in humanitarian aid. This is commendable, but clearly insufficient.

Aid organizations are demanding a UN mission to help them continue their humanitarian work.

The Office of the United Nations High Commissioner for Refugees and the WFP have sounded the alarm for the 350,000 people who have not received food aid for three months.

The Bloc Québécois is calling on the federal government to increase its humanitarian aid for Darfur, by increasing its contribution to the world food program. We also want the government to ensure that the funds intended for CIDA are really used for humanitarian aid and are not misappropriated.

As an aside, I cannot help but point out how ineffectively relief funds allocated by CIDA are managed internationally. In fact, according to the international development agency Action Aid, more than a third of the funds invested by CIDA are poorly coordinated, disbursed to over-paid advisors or spent in Canada, rather than in the countries that need it most. This means that more than \$1 billion invested by CIDA around the world last year was wasted.

That is exactly the same amount slashed last week by the Conservative government—trimming the fat—with cuts to programs intended for women, youth, minorities and literacy, to name a few.

Despite all the ceasefires agreed to by the Sudanese government in Khartoum and the rebels in the province of Darfur, the suffering escalates as the number of deaths and refugees increases. The situation is intolerable and many sources put the number of victims since the conflict began at 300,000.

The same sources estimate that more than three million people have been displaced within Darfur, to other areas of the country and to neighbouring countries such as Uganda, the Central African Republic and primarily Chad.

There are as many people struggling to survive in camps on the border between Chad and Darfur as have died since the conflict began. The situation could deteriorate further if the newly re-elected government of Chad decides to make good on its threat to close its border with Sudan and force 300,000 refugees to return to their country.

The situation in the region is complex, because it pits against each other two nations that share the same language and the same religion but have completely different views as to the future of their region. The situation is also explosive: one has just to look closely at the political and humanitarian situation in Sudan and the neighbouring countries.

The Bloc Québécois feels that the international community must be more proactive in order to resolve this crisis as soon as possible. The African Union has been doing excellent work in this region for several years, but human and financial resources are running out.

The international community and Canada have an obligation to heed the UN's calls for an aid mission led by the African Union, because this conflict is taking place in Africa and only the Africans can find a solution.

*Government Orders*

• (2120)

The west has the means to help the victims of the Darfur conflict, and we are duty bound to take action.

In the early 1990s, at the time of the Rwanda genocide, General Dallaire, today a senator, pleaded with the international community to give him the resources needed to stop the massacres and resolve tensions between the Hutu and the Tutsi. At the time, Canada and many other countries looked the other way and abetted over one million assassinations.

Are we going to look away once again from what is happening and be accomplices to these acts of violence by not lifting a finger?

No. It is time to take the action requested by the UN, the African Union, the European Union and the NGOs. Let us avoid the stall tactics of the United States, which is contemplating whether what is happening is genocide or a war crime. Other than semantics, there is no difference.

It is obvious that crimes against humanity are taking place in Darfur and that should be enough to alert the international community. We have the means to act because, despite the current opposition of the government in Khartoum, the UN may intervene pursuant to Chapter VII of the United Nations Charter and the resolution on responsibility adopted by the Security Council. Kofi Annan himself is demanding the deployment of an interposition force between the rebels and government troops and this despite opposition from the Sudanese government.

Even though resolution 1706 states that the deployment must have the approval of Khartoum, several diplomatic and humanitarian sources report that a UN force under the command of the African Union would be well received by all parties.

Other solutions could be put in place to curtail this conflict. For example, when will the embargo on the sale of weapons in Sudan, as per resolutions 1556 and 1591 of the UN Security Council, go into effect?

We learned this week that weapons and vehicles purchased by China in the United States for sale to the government of Sudan contain Canadian parts.

As my colleague, the hon. member for Longueuil—Pierre-Boucher, asked earlier in this House, will the Canadian government continue to turn a blind eye and tolerate the fact that parts sold to China are being used to build weapons that are then resold to the Sudan, or will it commit to taking the necessary measures to put an end to this trafficking?

It is imperative that Canada maintain its support for the International Criminal Court in its efforts to bring the criminals to justice in the Darfur case.

One thing is clear, the Bloc Québécois supports without reservation the mission of the African Union in Darfur and urges the Government of Canada to increase its financial and logistical assistance to the African Union so that it has the necessary resources for continuing its peace mission in that part of the world.

In April 2006, my colleague, the hon. member for La Pointe-de-l'Île and Bloc Québécois international affairs critic, proposed a motion in this House asking:

That, in the opinion of the House, the Government of Canada urge its representatives at the United Nations to put forward a motion calling on the Security Council to deploy a multinational force to maintain peace in Darfur as soon as possible pursuant to the paragraph on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity in the resolution passed by the United Nations General Assembly on September 16, 2005.

This debate was held almost six months ago and the Conservative government is maintaining complete silence.

Is it because of its lack of leadership on the world stage, its lack of understanding of the issues or its ideological blindness modelled after that of the Bush administration?

From the beginning the Bloc Québécois has called for and supported the implementation of an international interposition force in Darfur until life is back to normal for the people affected by this crisis. The Bloc Québécois also asks that this force operate under the auspices of the African Union so that this African problem is resolved by Africans.

• (2125)

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Chair, the opposition members have been presenting a plan for Canada's participation in this mission; it happens to be exactly the approach our government advocates.

[*English*]

We have made numerous and rigorous interventions at international gatherings, including at the United Nations. Just a short time ago at the Francophonie, the Prime Minister similarly outlined an approach that is completely consistent, in all force, with the suggestions made by the member opposite, including engaging directly with Sudan and its foreign minister and president, which we have done.

We have certainly endorsed the idea that we have to continue the efforts to pressure the Sudanese government to accept the re-hatting or redeployment of United Nations forces to supplement the efforts of the African Union, which will essentially assume that responsibility in conjunction with the notable and important work being done currently.

Again, however, I will repeat this. I want to set the record straight because of the misrepresentation made by the member for Halifax in somehow suggesting that we are opposed to a unilateral invasion. Nobody is suggesting that whatsoever. In fact, what we are saying is, consistent with the wording of the resolution itself, that the country of Sudan must invite the consent, that the national unity government by its very nature must invite the consent to have this transition take place.

This is what the international community has been seized with. It continues to pressure, as we will, at every opportunity, at every occasion that this can be raised and the pressure can be brought to bear, but to take direction from the member for Halifax and the NDP, who somehow seem anxious to bring troops home from Afghanistan and deploy them unilaterally in some form or another to Darfur, is simply madness. It is an irreconcilable double standard.



*Government Orders*

Again I ask the hon. member opposite, does she not agree that Canada is pursuing the same set approach taken by the European Union and by the G-8 countries, of which we are a member, and of the United Nations itself? Even the great man himself, and I say this with the most sincere compliment that I can, Kofi Annan, has not suggested that there be a unilateral intervention from the United Nations in this matter. How can she suggest that somehow Canada is abdicating its responsibility, turning a blind eye or doing less than other countries?

In fact, I would suggest that we are doing more when it comes to the contribution of aid, humanitarian relief and our support for the African Union, which is doing noble work. How can she stand in this chamber and somehow suggest that Canada has abdicated responsibility and turned a blind eye? That is simply untrue and false and it denigrates the country of which her province is very much a prominent part.

• (2130)

[*Translation*]

**Ms. Johanne Deschamps:** Mr. Chair, I appreciate the remark by the Minister of Foreign Affairs. However, I would like to add that we in this House are engaged in our second take-note debate on Darfur in the space of just a few months.

I did not really sense that the government was willing to put in place measures that would convince us that it is really making an effort. We must not look at what more we have done or what we have done better than other countries to deal with the crisis in Darfur. In the wake of the events of the summer, and regardless of how the situation in Darfur is described, the fact is that the situation is serious. The people are in danger, and there is a humanitarian crisis. To date, the crisis or conflict in Darfur has cost more than 300,000 lives.

The Bloc Québécois thinks that the international community must be more proactive in dealing with this crisis. It is not a question of whether there is a genocide, it is a question of taking action as quickly as possible by sending in a peacekeeping force, while bearing in mind that this is an African conflict.

[*English*]

**The Deputy Chair:** There is less than five minutes left. I would like to allow a member of the official opposition and a member of the fourth party to ask questions.

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Chair, does the member think that the government is living in some alternative universe or is it just completely out to lunch? I cannot believe that the government members would actually accept the speeches that they have been given by the Prime Minister's office. It certainly was not the Department of Foreign Affairs that gave them this drivel to be trotting out in the House.

The member understands well that Khartoum has rejected the UN force to go into Darfur. I am sure she also knows, and I wonder if she thinks that the government understands, that Khartoum has rejected the UN force going into Darfur.

Does she believe that the government knows that 50 members of the government in Khartoum are wanted by the international criminal court to be prosecuted for crimes against humanity?

Does she also believe that the government understands that aid cannot get through, that humanitarian workers are being killed in greater numbers than ever before, in fact more in the last three months than in the last three years combined? Does she know that international aid groups have left and are not going through?

The member knows this and she has been very forceful in her comments. I want to ask her whether she believes that the government should use its connections with the European Union, NATO, the United Nations and other groups to get a UN peacemaking force in right now. This is absolutely consistent with the desires of the African Union and with the United Nations through Security Council resolution 1706.

• (2135)

[*Translation*]

**Ms. Johanne Deschamps:** Mr. Chair, I would like to thank my Liberal colleague for his wise words. I think that he is talking along the same lines as I am.

In this conflict, we also have to listen to Sudan's neighbours, which are calling on Canada to act carefully, recognizing the urgency of the situation, but also the fact that Sudan's neighbours, including Egypt, Ethiopia and Libya, are opposed to having UN troops sent into Darfur without Khartoum's consent.

I think that you and I are aware of the needs inherent in the humanitarian crisis in Sudan. The situation is urgent, and action must be taken as soon as possible to bring aid to the people most affected by the crisis: children, women and displaced persons, who are being forced to leave their country to live elsewhere until the peace that everyone hopes for returns to Sudan.

[*English*]

**The Deputy Chair:** The hon. member for Ottawa Centre. There is less than a minute and a half for both the question and the answer.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Chair, I mentioned earlier that we presently have a peace accord that is about to expire. The African Union is begging for help. They turned to the Sudanese government for that. Should we not be there? Should we not step up to plate and not just hear the laundry list being repeated over and over again, but actually do something right here right now?

We know the aid groups are leaving. Who is replacing them? The military.

Would the member not see the value, and I think she would agree, of our doing something, not suggesting, but doing something tomorrow and provide at least more aid support to the African Union? For goodness sake we should demand that China and Russia do something. It is not enough to suggest. What does the member think?

[*Translation*]

**The Deputy Chair:** The member for Laurentides—Labelle has 20 seconds.

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Chair, at this point, I would like to add that the Bloc Québécois wants a multilateral intervention in Darfur. The Bloc Québécois is therefore pleased that the mission is being transferred from the African Union to the UN.

*Government Orders**[English]*

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Chair, I am pleased to have the opportunity to participate in this our second take note debate on the situation in Sudan.

I know that many of my colleagues in the House have serious concerns about the plight of the Sudanese, and the fact that we are having two debates in the space of six months is a clear demonstration of how concerned we all are. Throughout much of its independence Sudan has been involved in a civil war, and as we all know only too well, the Sudanese people are paying a huge price as a result of this.

This government understands that Canadians are deeply concerned by the human suffering in Sudan and we are committed to working closely with the United Nations and with the African Union to find a solution. In fact, we are currently working with the rest of the global community to help Sudan find a way to stabilize the country, because the deteriorating security and overwhelming obstacles to obtaining the most basic humanitarian assistance simply cannot go on.

In order to put an end to this human suffering, Canada has been involved in intense international efforts to persuade Sudan to accept a UN peace support operation in Darfur. At the same time, Canada and the international community continue to support the efforts of the African Union mission because we all know very well we need a force on the ground to protect civilians and to facilitate the work of humanitarian organizations.

Darfur is just one region in an entire country that is suffering. In the southern part of Sudan the limited infrastructure that existed before the fight began has been destroyed. Displaced people in war affected parts of Sudan are facing food shortages as well as constant worry because of the presence of land mines. These insidious weapons not only threaten their lives but also limit their ability to use the land productively. In Khartoum, the capital of Sudan, there is the largest concentration of displaced persons in the world, many of whom live in camps with no basic services.

For this reason, Canada's strategy in looking for solutions takes in the entire country. As my colleague the Minister of International Cooperation and Minister for la Francophonie and Official Languages mentioned earlier this evening, CIDA has committed more than \$100 million to help with humanitarian assistance, peace rehabilitation, and construction.

In April 2005 at the Oslo Donors' Conference on Sudan, we made a commitment of \$90 million over two years. In May of this year my colleague announced an additional \$20 million for humanitarian assistance to Sudan and to the region.

We continue to work with our international partners providing support for bodies such as UNICEF, the World Food Program, the United Nations High Commissioner for Refugees, and the International Committee of the Red Cross. These organizations deliver humanitarian assistance in what can only be described as the most challenging of circumstances. They do it wherever there is need throughout Sudan and we have seen some results. Some 105,000 people would be fed for one year; 500,000 displaced persons and

refugees have received medical supplies; and 60,000 internally displaced persons have access to clean water and sanitary services. Is this enough? Absolutely not, but we need to continue our efforts in conjunction with the Sudanese government.

We have also seen results in reconstruction with important highways being de-mined, 20 counties having their schools rehabilitated, and 20,000 learning kits being delivered to elementary students and teachers, just to name a few.

The Government of Canada through CIDA has supported the comprehensive peace agreement to bring an end to the north-south civil war in 2005. The goal of this agreement is to stabilize the entire region and bring peace to Sudan, but we understand that an already serious security situation in Darfur continues to deteriorate and a settlement in eastern Sudan continues to elude our grasp.

● (2140)

There is no doubt that the people of Sudan still have significant challenges ahead of them, but these challenges reinforce our belief that the north-south peace agreement is the key to finding durable peace for Sudan, and by extension, for its neighbours.

We are very encouraged to see that there is a more stable government in southern Sudan now that is helping to bring an end to the decades old conflict in northern Uganda.

In conclusion, the challenge of rebuilding Sudan, including Darfur, is monumental, but there is no doubt that it can and must be done. When the crisis in Darfur subsides, refugees and displaced persons will be able to return to their homes and they will need help from the international community to reconstruct their fragile communities. In the rest of Sudan there will be substantial work ahead in areas such as promoting the reform of the justice system, helping rebuild the security system, reducing the traffic in arms, and reinforcing the institutes of government and community life. There is no doubt that the people of Sudan, ravaged by years of war, will need our help to achieve sustainable peace and to rebuild their country.

This government is committed to working with our Canadian and international partners to help the people of Sudan. We do so by supporting Canada's core values of freedom, democracy, human rights and the rule of law.

As the Prime Minister made quite clear when he spoke of Sudan at la Francophonie conference in Bucharest, Canada is ready to play its part.

● (2145)

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Chair, is the hon. member aware that those often very powerful people, many who failed to intervene in Rwanda, now flat out realize how wrong they were and bemoan their lack of courage? As well I ask him if he equates a situation with genocide, and already serious genocide, where is he getting his information from? Why is this being minimized this evening?

**Mr. Ted Menzies:** Mr. Chair, the hon. member would be the only one who would assume I was trying to trivialize anything to do with the humanitarian disaster that is going on in all of Sudan. I take exception to that.

*Government Orders*

I spoke very sincerely and very seriously about how serious the situation is, what this government has done and what this government will do. I would also like to question some of the comments here this evening about development work and rebuilding in Darfur.

The reason we are having such a struggle is that it is a very, very insecure environment. The present Sudanese government is not very welcoming to us as it believes that we are interfering. In fact, we are there trying to help. To suggest that this government is trivializing something like this, I find that comment unacceptable.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Chair, I want to go back to some of the ideas that have been put forward here and go back to my comments earlier. If in fact we had the African Union at a point of desperation that they would have to rely on the Sudanese government, is it not time to step up and provide more aid? We have provided some, and I acknowledge that. Is it not time to look at how we distribute our own resources?

It is important to note that Canada did have the offer, if we go back to the Congo, to intervene there, but we turned it down. That was not with this current government, but we turned that down. Why? We turned it down to commit to Afghanistan.

One has to ask at some point during the debate how we are distributing our resources both as a country and globally. We found out this summer that we have 1,500 troops. We had to get to the minister's binder to find that out, but we found it out. We know it; others have mentioned it. We really have to examine what we are doing. It is very nice to have the laundry list, but we have the capacity. We could be supplying troops in other parts of Africa where there is peacekeeping and free up more for the African Union. I have not heard that idea. We have to examine these things.

I hear the minister saying that we are working hard and tirelessly. I am sure he gets up every morning and works on this file. I just do not see the results. We need to see more.

I wonder if the member would like to comment on some of those ideas.

• (2150)

**Mr. Ted Menzies:** Mr. Chair, I share the hon. member's concern that we need to help, but we do not need to blunder in blindly just to say that we are helping.

I find a real conflict in some of the comments made by our hon. colleagues in the NDP, who have suggested that we should pull our troops out of Afghanistan where the government of that country has asked us to help its citizens and to bring peace. The NDP then turns the other cheek and says that we should send our troops into Darfur. I do not follow that logic. As our Prime Minister has commented, this is not the time to cut and run from Afghanistan.

We need to recognize the humanitarian disaster in Darfur, but we cannot send troops in when they are not welcome and when they would be seen as an absolute interference. This would create more harm than the good they could provide.

We would love it if NGOs were able to provide assistance, but I would feel quite guilty if I was the one asking them to walk in to this

kind of a situation and deliver aid because their lives would be at risk.

**Mr. Brent St. Denis (Algoma—Manitoulin—Kapusking, Lib.):** Mr. Chair, I have a couple of questions on the very point about going in without an invitation. I am a supporter of the UN. The world has spoken through a UN resolution. We protect our own society when it comes to domestic disputes in private homes. Under the right to protect, the time has come for the world to take a stand. Notwithstanding the president of Sudan's position that the UN is not welcome, the time has come to go in.

How would the parliamentary secretary square the imperatives to protect people as we would in our own country with his position that we have to wait to be invited? That is a very difficult position to defend given the imperatives of the situation.

**Mr. Ted Menzies:** Mr. Chair, I agree if the United Nations saw that it was time to go in. I can see us supporting that movement. The Prime Minister, the foreign affairs minister, and the defence minister have made it very clear that we do not have a lot of extra troops because our troops are engaged elsewhere right now. We are trying to support the troops looking after the mission they are engaged in now. To take away from that at this immediate time would not be fair to the people of Afghanistan.

We support the UN resolution. That should absolutely happen. This is not the environment for Canada, as some members in the opposition have suggested, to walk in unilaterally and impose our form of democracy on them.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Chair, it is utterly unbelievable that government members keep saying that everybody in the House is saying that, unilaterally, Canada should go in to Sudan no matter what happens.

On what possible basis could the parliamentary secretary assert in the House, where truth telling is supposed to be a requirement, that any member from the NDP has advocated that Canada should unilaterally talk about invading Sudan as a foreign power, when he knows that is not true?

• (2155)

**Mr. Ted Menzies:** Mr. Chair, I ask the hon. member for Halifax not to read anything more into my comments than what was actually said. I never suggested that anyone from the NDP said that. I was questioning the NDP's motives in asking us to cut and run from Afghanistan, then turning around and sending our troops into another conflict.

Unless I was sadly mistaken, I heard it from the Liberals and I think many of my colleagues heard the same comment and we were all very shocked by it. In fact, it incited some enthusiasm. The hon. Parliamentary Secretary to the Minister of Foreign Affairs, who stood up and vocally struck back quite loudly against that suggestion.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Chair, I will be splitting my time with my colleague, the member for Ajax—Pickering.

*Government Orders*

I am pleased to have the opportunity to speak in the House this evening, but I am not pleased that it is necessary. We all know that during the summer there was an increase in the pillage and atrocities that have been taking place in Darfur. It is estimated that 400,000 have died and 3.5 million people are in a desperate situation.

I want to come at this a little differently. Yesterday I had the opportunity to be in a situation where prayers were recited for the six million people who died during the Holocaust in Germany. In the course of that period of time, a story was told about 93 women who were asked to service the Germany military. As it happened, during the course of the event, they poisoned themselves and died.

What struck me was the conspiracy of silence and complicity that existed at the time. Given the fact that there are such violent human rights atrocities taking place today, there still is a level of conspiracy and complicity of silence.

We have heard much about what is happening to the women of Darfur, the rapes, the sexual slavery, the torture, the abductions, the destruction of villages and the fact that a disproportionate number of women are in refugee camps. We have heard about the difficulty, the social stigmatization, the destruction of the social infrastructure of their lives, the inability to get help and the fear of being reported. We know there is a genocide taking place where people are hungry and are not having their needs addressed.

We hear words from the other side of what is being done. I do not deny that there are things being done, but it is simply not enough. The genocide in Darfur, and my colleague from the NDP referenced it, must be ended before it destabilizes the rest of Africa. The malignancy of Darfur has now spread to Chad and is moving into the Central African Republic as well. Are we working with France? Are we considering putting UN peacekeepers there or are we being told that we simply do not have the resources?

We are now in the situation where we are looking at appointing a new secretary-general of the United Nations. I want to see a secretary-general whose primary focus will be on ending this genocide, and it is a genocide in Africa.

We have heard much about the responsibility to protect from genocides, war crimes, ethnic cleansing and crimes against humanity. While there is wide agreement with the principle, the deteriorating situation, and it is deteriorating as we speak tonight, illustrates a gap between stating a principle and having the political will to act upon it.

We have heard much about the Afghanistan situation, but in the riding of Winnipeg South Centre I hear far more about the importance of Canada participating in Darfur. I hear far more about the concerns there. It is important that we take much more concerted, organized action, that diplomatic words are simply not enough. We must take a much harder line with the UN and with other countries.

● (2200)

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Chair, tonight we have heard a lot of words articulated in this debate but what assaults people's sensibilities is the member for Esquimalt—Juan de Fuca who defies logic. In this House tonight he called for an invasion of a United

Nations country. It is here in the blues where he says "If the member wants to call it an invasion, it is an invasion".

Those were his words.

My question for the hon. member is why the hon. member for Esquimalt—Juan de Fuca, when he was a parliamentary secretary in the previous government, never uttered a word? He sat there stone-faced. Where was his emotions then? Why is he now twisting the debate and saying that no one is interested in Darfur when we have logically laid out the government's plans, which were articulated by Minister of Foreign Affairs and by the Parliamentary Secretary to the Minister of International Cooperation?

I remember sitting in the House and watching the hon. member for Esquimalt—Juan de Fuca who was absolutely stunned. He had no words. At that time Darfur did not even exist for him. Today he calls for an invasion. What hypocrisy. I would appreciate some comments from the member.

**Hon. Anita Neville:** Mr. Chair, I would suggest that my colleague opposite was not paying much attention.

My colleague from Esquimalt—Juan de Fuca has been an outspoken critic and advocate for resolving the situation in Darfur. His eloquence has prevailed widely. He has impacted government policy when there were no UN resolutions mandating us to resolve the situation. The Canadian government responded to the African Union before there were UN resolutions asking us to do it.

The member has been in the vanguard of trying to address and advocate for the people of Darfur. I resent any suggestion that it is otherwise.

[*Translation*]

**The Deputy Chair:** The hon. member for Gatineau for a quick question.

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Chair, the situation in Darfur is critical, if not genocidal.

What does my colleague think Canada and other countries that really want to help resolve the situation in Darfur should do? What should we do to make the government in Khartoum face reality and become a positive player in fixing the problem in Sudan?

● (2205)

[*English*]

**Hon. Anita Neville:** Mr. Chair, many have spoken tonight on what we can do. I made the suggestion very clearly in my brief remarks that we should be actively supporting a UN force going into the neighbouring countries of Chad and the Central African Republic. We should take that first step if we are unable to move into Sudan itself.

In terms of implementing the responsibility to protect, we need to move aggressively through diplomatic action and commitment of our own resources and forces.

*Government Orders*

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Chair, I want to reference an excellent brief that was probably shared with all parliamentarians from a number of highly respected NGOs. It makes the specific recommendation that Canada commit to supporting a UN peacekeeping mission in Darfur with adequate resources and a comprehensive mandate for the protection of civilians.

Would the member address that very specific recommendation? Would she not agree that what is being asked is that Canada now commit to such a UN peacekeeping force, not that we invade a foreign country, not that we be unmindful of the UN Security Council's motion, but rather that we commit so that we clearly signal that we are prepared to be part of a UN mission as one of the ways of bringing the pressure on the Sudanese government that is so desperately needed?

**Hon. Anita Neville:** Mr. Chair, I agree completely with what my colleague opposite has said. The important thing is the willingness to commit to move in.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Chair, after 1994 in Rwanda, the west tried to excuse its failure by saying that it simply did not know, that the genocide that occurred in Rwanda was something that was a surprise to it and therefore excused its actions.

While we can debate whether the west should have known or did know, the fact is that the situation in the Sudan is very different today. We do know that a human tragedy is unfolding in the Sudan.

While the facts have been stated many times, it bears referencing them again in light of this debate. We know that more than 200,000 people have died. We know that some estimate that the number is near 400,000. We also know that 2.5 million people are internally displaced and living in official camps or squatter areas. Thousands of women have been abducted and systematically raped. Thousands of children have been forced into conflict. Eleven aid workers have been killed in the last three months alone, all Sudanese nationals, and not one perpetrator of war crimes against humanity has been brought to justice.

It would seem that the world has forgotten Africa. Because there are no vested interests, one may argue, other than the interests of humanity, the entire sub-Saharan region has largely been ignored and not been the benefactor of western support in the way in which it deserves and so badly needs.

Canada cannot stand idly by and be spectators to atrocity, particularly when we know and fully understand the extent of what is happening in the Sudan and the extent of human tragedy that is there. Canada has a role to play.

Canada should be proud of the role that it has played to date. In fact, the previous Liberal government set aside \$366 million for the Sudan. We are currently number three in the world in development assistance. The current government has added over \$40 million to that assistance.

The reality is that the world lacks political will and it needs leadership. It needs Canada to step forward and take decisive action and to say that what is happening in the Sudan is not acceptable and that we will not just accept words, that we will not engage in rhetoric and talk away while thousands of people are living in unbelievable

situations, thousands of people are dying and women are being raped. We must take action.

In that regard I would suggest that there are four things that need to be done, three of which in the immediate term, one of which over the longer term. The first is that Canada needs to be at the forefront, the vanguard of pushing for diplomacy in allowing UN peacekeeping forces to get on the ground in Darfur. It is clear by the situation that is there today that the African Union is simply not up to the task of protecting the public in the Sudan and that UN forces are badly needed.

We also know that the African Union, which leads me to my second point, is poorly resourced. It is running out of money, it is running out of time and it is running out of the ability to stay there. We need to, in the near term particularly, support those African Union forces with special tactical teams and with the resources they need to be successful in the Sudan.

The third point is that it is my opinion that we need to begin preparing our forces today for a mission in Sudan, a mission that must happen. That means we need to set aside the resources and the troops in order to make that possible and to begin training those forces today, not leaving it until later.

The fourth point is an extension of that third point. It is longer term but I hope it is not that much of a longer term proposition. We must enter the Sudan. UN peacekeeping forces must be on the ground and Canada should be at the front of that effort.

Even if the Sudanese government refuses UN peacekeeping force, we have a moral obligation to enter and to protect those who are there. The United Nations charter has two sections which are often contradictory: one that talks about the imperative to protect the individual right to self-determination, and the other says that we should not interfere with the affairs of other states. In my opinion the first one takes precedent. We do have the moral authority and, in fact, we have the legal authority.

I would point out the fact that under Security Council Resolution 1706 and the Axworthy Responsibility to Protect, R2P, doctrine adopted by the UN a year ago, we absolutely have the ability to go there.

We need to refocus. We need to ensure that our foreign policy is focused on peacekeeping, protecting citizens and playing the traditional role that Canada has so proudly played. It is time to act and we have the moral imperative to do so.

● (2210)

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Chair, I listened with interest to my colleague's comments. We keep hearing the word peacekeeping in an environment where there is no peace to keep.

What is the member's view of the actions required of the few Canadian Forces members who would, potentially, be there? How does he see those actions being carried out, in what manner and with what level of force?

*Government Orders*

**Mr. Mark Holland:** Mr. Chair, my opinion is that we need to bring peace to the Sudan. We need to offer protection to its citizens. We have a moral obligation to intervene where genocide is occurring. The reality is that a horrible tragedy is unfolding there and I believe it is Canada's responsibility to step up and say that cannot occur.

We have intervened in many places. We have done so boldly and we have done so proudly, and oftentimes we have had a direct vested interest to do so. While it may be true that we do not have a vested interest in the Sudan, the human tragedy that is unfolding there should compel each and every one of us to say that we belong there. We need to offer the protection to those citizens, to those women, who are undergoing tremendous tragedy.

[*Translation*]

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Chair, the situation in Darfur, the topic of tonight's debate, constitutes a horrible humanitarian disaster. Unfortunately, such disasters are also happening in places other than Darfur, but since that is the subject under debate, I shall return to that issue.

I have a question for my colleague. This crisis has been going on since the 1980s. This has been a catastrophe for over 20 years. The situation has become even more serious since 2003, leading to an imposed peace treaty in May 2006. However, international players now recognize that these efforts failed, since there are still too many people being killed under fire by individuals who lead a government that does not respect human rights.

I would like to know what my colleague proposes as a solution to lead the government of Khartoum to genuinely participate in a process to find a resolution?

[*English*]

**Mr. Mark Holland:** Mr. Chair, on the question of the current peace agreement that is there, we know that it is not working and that it has failed in every possible way. The reality is that the African Union, which is there to enforce that agreement, is both poorly resourced and does not seem to have the will or ability to stop the genocide that is happening there.

I believe the only answer will be a United Nations peacekeeping force on the ground in Darfur to enforce peace and to ensure that human rights, human life and human dignity are protected in the area. That is the only option.

When we look at any other potentiality, it is simply apparent that the Sudanese government is not willing, on its own, to do anything. In fact, it is allowing this genocide to occur. It is becoming more and more apparent, in fact I think it is absolutely impossible to argue, that the African Union will do anything effective to stop it.

This debate comes down to one conclusion, and if that conclusion is that the United Nations peacekeeping force is needed, then we need to show the political will that Canada is willing step up to the plate and act, to go into this area and show that the terrible tragedy that is occurring there is not something that we will stand for or tolerate.

● (2215)

**The Deputy Chair:** I am sad to tell the hon. member for Ottawa Centre that there is less than a minute for both the question and the answer.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Chair, it takes six months to put a significant number of troops together. I would like the member's take on whether if we are going to do something, we need to do it now. It would take six months to do so and now is the time.

**Mr. Mark Holland:** Mr. Chair, I obviously agree with my hon. colleague opposite. One of the points I made is that we need to prepare the troops today. We need to get that force ready and prepared to go in there. While we are pursuing diplomatic channels, we also have to ensure that our military is getting ready for that mission.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Chair, I will be splitting my time with the hon. member for Kitchener—Conestoga.

I would like to begin by noting that the events of the past few weeks are seriously troubling. No one is trivializing that. Violence and insecurity continue to plague the people of Darfur, even those who have sought refuge in IDP camps as well as in eastern Chad. This continuing violence is unacceptable.

Greater progress needs to be made in the Darfur peace agreement, including implementation by the parties and bringing non-signatories on board. The parties to the agreement and the non-signatories should engage in a coordinated process to achieve this. Canada stands ready to do its part. In fact, Canada has already done a lot.

Canada has played a central diplomatic role, working closely with the African Union and partners to broker an agreement during the final days of those negotiations. That led to the signing of the Darfur peace agreement. We provided diplomatic, financial and expert support to the African Union throughout the peace process.

The Darfur peace agreement that emerged from these negotiations and an early transition to a UN-led mission remain the best hope for peace in Darfur. It is a tragedy for the people of Darfur that some of the movements that purport to represent those people remain content to let that hope slip away.

Throughout this period of transition, Canada has remained a steadfast supporter of the African Union mission in Sudan. We look forward to continuing to work with the African Union to ensure the most robust and effective use of available resources and we welcome the short term and long term plans of the UN to strengthen that mission in preparation for the transition to a UN force and to facilitate the implementation of the Darfur peace agreement.

Canada is encouraged by the United Nations' recent announcement, following Security Council resolution 1706, that it would work to support the enhancement of AMIS as a first step toward full transition. The African Union is supportive of this effort.

We continue to call on the government of Sudan, in the strongest possible terms, to cooperate with the international community to urgently facilitate this request from both the African Union and the United Nations to end the suffering of the people of Darfur.

*Government Orders*

Canada continues to call on the international community to maintain support for an enhanced African Union mission during the transition period. Pending a UN mission, the African Union mission provides some welcome protection for civilians in Darfur, not enough, but some.

The African Union mission has been a groundbreaking exercise for that organization and it has accomplished some progress under difficult circumstances. Nearly 7,700 military and civilian police personnel are currently deployed in Darfur.

Canada has taken a leading international role, providing important support to the African Union peacekeeping force in Darfur. To assist the African Union, Canada has provided to the mission over 100 armoured personnel carriers and APC driver training. It has established an intermediate staging base and training centre in Dakar, Senegal, to provide training to African Union soldiers via a “train the trainer” program, and more than 150 African Union soldiers from Senegal, Nigeria and Rwanda were trained on operating the vehicles.

We have sent \$1.4 million worth of personal equipment such as helmets, protective vests and maps, 25 helicopters, two fixed-wing aircraft and fuel to fly them, and military and civilian police advisers and expert planners to assist the African Union in planning and logistics.

This is all part of a comprehensive support package to the African Union. Since 2004, Canada has committed \$190 million to the African Union mission in Sudan, including our most recent announcement of \$20 million to strengthen the ability of AMIS to implement the Darfur peace agreement and set the necessary conditions for a transition to a United Nations mission. Canada has earmarked these new funds to enhance our assistance in the areas of helicopter and fixed-wing support and aviation fuel, including the provision of an additional fixed-wing aircraft.

We are also considering options that include renewing our contribution to the construction of civilian police base camps throughout the region.

Can we do more? Should we do more? We should make every effort to do that and to expand our support as we can.

Canada has been at the forefront of the action in Darfur, whether it is development or military aid commitments. I am proud of our Prime Minister's call for action at the Francophonie and I call on the Sudanese government to act responsibly and work with the international community to help bring peace to this troubled region.

• (2220)

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Chair, I want to set the record straight on the government's comments about contributions. It was our government that last year authorized and put in the 100 APCs. I was the parliamentary secretary at that time. With our current leader as the former minister of defence, we pushed for and got the 100 APCs into Darfur.

Also, we are the ones who authorized the training. We are the ones who got the helicopters. We are the ones who got the fixed-wings. That is what we did when we were in government.

So far this government has been impotent. All the Prime Minister has done is offer a bunch of words that are not able to save any lives whatsoever.

The member spoke correctly about the African Union, but what he failed to note is that the African Union wants the UN force to go in now. Those troops are pleading and begging for that UN force because, despite their hard work, they are trying to patrol an area the size of France and they do not have the troops, the equipment or the mandate. They see in front of their eyes the very atrocities that members from across the House have been talking about all night long.

The member who spoke is a military man. I want to ask him a direct question. Will he accept this notion? If the African Union wants the UN peacemaking force, which has a chapter 7 mandate authorized by the Security Council, will he stand up in the House and agree with what the African Union wants, which is to have that peacemaking force go in now regardless of what Khartoum wants? Even the United States government and, indeed, international law respect the fact that a Security Council resolution such as resolution 1706 authorizes UN troops to go in even when the leadership of that country says no.

The government in Khartoum has said very clearly that it will not allow UN troops to go in. Why? Because it wants the genocide to continue.

**Mr. Laurie Hawn:** Mr. Chair, I believe my hon. colleague is incorrect about what resolution 1706 says, but let me talk about the military question he asked me because it was quite direct.

Do I support military intervention as a general principle in areas where it is necessary? Yes, I do. Can Canada play a role in that realistically today? No, we cannot. It is going to take at least six months even if we had the troops to go in there.

The number of 1,200 has been mentioned and has been exaggerated to 1,500 Canadian Forces troops available to do this. I would point out that if this number is true, and I do not know the veracity of that number, that would be a one time number for a short term deployment.

If we are going to do any good in places like Sudan, as we are doing in places like Afghanistan, then we are talking about a deployment that lasts much longer than six months. If we are going to have people in any operation like that, we need three soldiers for every one that is on the ground, wherever we go. That is what we are doing in Afghanistan right now. We are stretching our forces terribly thin, because right now they are supposed to be six months in a theatre like that and then two and a half years out of a theatre like that. Right now, they are in theatre six months out of every eighteen.

*Government Orders*

If we tried to do that with another mission in Sudan with anything more than a couple of hundred troops, we would be grossly violating the pact that we have with our military to look after them, to have them do the good work they are doing in Afghanistan and to continue that work. I believe the Afghan women and children have every bit as much right to live as the women and children of Sudan.

That is not trivializing the situation in Sudan at all. It is providing some realism in the situation. Canada is doing an awful lot in Sudan now. Can we do more in some areas? Probably yes. In the areas my hon. friend is questioning, probably no.

• (2225)

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Chair, I want to verify this. I have heard it from the government side more than once. The African Union is threadbare. It needs help. Are we going to provide it, yes or no, and when?

**Mr. Laurie Hawn:** Mr. Chair, we are doing more. We are continuing to commit to doing everything we can do. We are increasing the foreign aid side of it. We are increasing the aid so the African Union will not be as threadbare as it is.

I cannot speak for what is going to happen tomorrow with regard to that, but I can say that the government is committed to doing everything it possibly can to be part of a lasting solution in Sudan, whether that is through diplomatic pressure, foreign aid or working with our United Nations partners. We are going to do everything we can within the resources that we have available, recognizing that we have other important commitments elsewhere in the world, to make the situation better—

**The Deputy Chair:** Resuming debate, the hon. member for Kitchener—Conestoga.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Chair, my colleagues have raised some excellent points about the work that Canada is involved in and the steps we are taking to ensure safety for the residents of Darfur.

Speaking personally, I too am proud of Canada's work. In my lifetime I have had the opportunity to personally serve on a number of overseas short term mission projects addressing human need in developing countries. I am reminded on almost a daily basis that Canadians everywhere are a generous people. Most Canadians, if they are asked, would adhere to an ancient proverb which reminds us that sometimes we can become rich by being generous or on the contrary, we can become poor by being greedy. Generosity will be rewarded. Or consider the biblical proverb which clearly says that the Lord blesses everyone who freely gives food to the needy.

The African Union mission in Sudan has achieved a great deal under exceptionally challenging circumstances. International partners have been, and continue to be, generous in their support of the African Union peacekeeping mission on the ground in Darfur. While Canada is a significant supporter of the African Union mission, it is now clear that the international community needs to ensure that we do more with urgent UN involvement.

Canada is employing all diplomatic efforts to urge the government of Sudan to accept the transition to a UN mission in Darfur. As we have heard from my esteemed colleague, the Minister of Foreign Affairs, Canada was present at the United Nations last week and my

colleague took the opportunity to raise our concerns with Sudan's foreign minister and foreign ministers from key African nations regarding the need to move forward with the transition to a UN led force in Sudan's troubled region of Darfur.

Canada is proud of our partnership with the African Union. We are helping to build the African Union's capacity to develop effective mechanisms to deal with threats to peace and security in Africa. While Canada is pleased to recognize the considerable efforts of the African Union, we have also welcomed the African Union's decision to request a transition to a UN mission.

The United Nations is already present in Sudan in a peacekeeping role in the south supporting the ongoing implementation of the comprehensive peace agreement that ended the civil war. Canada is working closely with its international partners to promote a transition to a UN mission while ensuring that the African Union emerges stronger from its Darfur experience and is able to translate the lessons learned from this operation to the future of African Union peace and security engagement in Africa.

As people continue to live their lives in constant fear, or worse yet, lose their lives, it is difficult to see who is representing the interests of the people in Darfur. These people have suffered for far too long and they are losing hope. By transitioning the African Union mission in Sudan to the United Nations, the international community will consolidate our efforts in Sudan in one operation.

There are significant efficiencies to be gained by transitioning the force in Darfur allowing a UN presence throughout Sudan. Drawing upon a broader pool of material and human resources, the UN brings stable funding and decades of experience. With the UN already on the ground in the south of Sudan and coordinating humanitarian efforts in Darfur, transition in Darfur will provide benefits of economies of scale, a unified command and control structure.

We remain hopeful that agreement on the way forward will be forthcoming in the very near future. The new government's commitment to promoting freedom, democracy, the rule of law and respect for human rights remains strong, as does our commitment to doing so through multilateral institutions.

In closing, Canada looks forward to continuing to work with the African Union, the United Nations, the government of Sudan and the international community to ensure an end to the suffering of the people of Darfur. Canada will work to ensure blessings for others because we have been richly blessed. Our responsibility as a blessed nation working to achieve a lasting peace throughout Sudan will continue to be a major foreign policy priority for Canada.

• (2230)

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Chair, blessings are always welcome but they are not going to save lives in the real world.

I wonder if the hon. member would consider supporting that his government call a meeting of like-minded nations that are willing to roll up their sleeves and put on the table the assets they are willing to contribute to a UN peacemaking force to go into Darfur. Is he willing to stand in the House and say that he is going to request that his government authorize such a meeting?



*Government Orders*

**Mr. Harold Albrecht:** Mr. Chair, it would be premature on my part to commit to something that is not in place yet. Obviously, there is a plan in place to move from the African Union mission to the UN mission. When that happens, the member can be sure that everyone on this side of the House will put their shoulders together to work toward a credible solution.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Chair, I want to establish something with the government. A couple of days ago Mr. Harper said:

We want to help reform the justice system, rebuild a security system, reduce the traffic in arms and reinforce the institutions of government and community life. The government of Sudan will have to hand over the responsibility for the African Union mission in Sudan to the United Nations at the start of the new year, under African command.

Now we have that established. I am trying to—

**The Deputy Chair:** Order, please. If I could have the attention of the hon. member for Ottawa Centre, I will admonish him lightly for mentioning the name of another member rather than the title of that other member. The hon. member for Kitchener—Conestoga.

**Mr. Harold Albrecht:** Mr. Chair, I was not able to hear the last part of the member's question.

**Mr. Paul Dewar:** Mr. Chair, I wanted to establish the government's position. The Prime Minister has been quoted as saying that in the new year there should be a handover of the African Union mission to the United Nations and it needs to be under African control. Does the member agree, yes or no?

**Mr. Harold Albrecht:** Mr. Chair, every speech that was given in the House tonight by members on this side affirmed that fact. My answer is yes.

**Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Chair, I want to commend all of my colleagues who have taken part in this debate tonight. It is exactly the type of constructive and informed discussion that should take place on such an important issue. Although there were times when the discussion was sprinkled with some sanctimony about how there might be simple solutions, I think we can all agree that our country is fully engaged.

Our government, as previous governments, has come forward with the best of intent. Canadians themselves have demonstrated extraordinary generosity, as my colleague has alluded to, and will continue to do so. The human effort that is being put forth by numerous countries, from the diplomatic efforts of children in schools raising money in this country to international organizations where Canadians have always been prominent, shows extraordinary generosity.

We are going to continue to soldier on, figuratively and literally, in our effort to end the suffering. I know that all members, certainly members on this side of the House, will continue in that diligent regard.

I want to commend my colleagues, the parliamentary secretaries who are here, and those who have participated fully in the debate tonight.

My genuine hope, and the hope that has been expressed by others, is that these will not just be words, but this will be a rallying cry, that there will be further action that will bring about the type of transition

and the type of shouldering of the load that is going to be required to address this most serious of humanitarian crises.

• (2235)

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Chair, I will be sharing my time with the member for Parkdale—High Park.

There are 450,000 people who have been killed, 3.4 million people who have been affected by the conflict, 2 million are internally displaced, and 250,000 have fled to Chad. In the past two months alone, 50,000 have been displaced and more than 200 women and girls raped. These are stark statistics that describe the terrible human suffering in Darfur.

The situation in Sudan and Darfur weighs heavily on many people in Canada. This matter was first drawn to my attention as a newly elected MP in 2004 by the Canadian Jewish Congress, Pacific region. Its work with members of the Darfurian community in the greater Vancouver area has been very important and stems from its commitment that genocide must never again be part of humanity's common history.

Shortly afterward, I became acquainted with the work of Canadian Students for Darfur organized by students at Simon Fraser University in my riding, and at other secondary schools, colleges and universities. Clement Apaak, the past president of Simon Fraser Student Society, has been a key figure in Canadian Students for Darfur.

It has been an honour to participate in a number of activities of this group, including a march this summer in Vancouver. I want to pay tribute to Apaak and his colleagues for their dedication to the cause of the people of Darfur, and their tireless and regular efforts to bring the situation there to the attention of Canadians.

Canadian Students for Darfur and Students Taking Action Now: Darfur, STAND, have urged their supporters to write to MPs. I would like to quote from their letter. It states:

As our government assumed power, the Prime Minister said: "Canada can no longer lead from the bleachers". As Darfur's death toll mounts, women are raped and the Sudanese government bombs its own civilians, it is time to rise from the bleachers. As a respected middle power and architect of Responsibility to Protect, Canada must lead the international community to stop the carnage in Darfur. Last Thursday in Bucharest our Prime Minister spoke directly to the situation in Darfur: "We must act to save a desperate population, it's the responsibility to protect". This coming debate will measure our will to live up to that sentence. We urge you to support Canadian leadership for the UN mission outlined in Resolution 1706. Canadian participation in this mission cannot be undervalued. We cannot fail the 21st century's first test of our moral fibre. Act now.

I agree that we must act.

Recently, like many MPs, I also received a letter from John Siebert, Executive Director of Project Ploughshares. We know that Project Ploughshares is an ecumenical peace centre of the Canadian Council of Churches based at the University of Waterloo. Mr. Siebert also quotes from the Prime Minister's speech in Bucharest. The Prime Minister stated that "—the world body has to take over the responsibility to bring peace to the area, over the objections of the Sudanese government".

*Government Orders*

However, Mr. Siebert also questions how Canada's role will be strengthened. He points out that the Prime Minister suggested Canada's role would include reform of the justice system, rebuilding a security system, reducing the traffic in arms, and reinforcing the institutions of government and community life.

Mr. Siebert points out that these are all, in his words, "praiseworthy" goals, but also notes that they are all "post conflict responses" and none support an effective UN intervention to stop the atrocities in Darfur. Mr. Siebert concludes that Canada must commit to Security Council resolution 1706 and support the Darfur peace agreement to prevent attacks and threats against civilians.

Canada has the military capacity to participate in stopping the attacks and threats against civilians. An access to information request has proven that and even the government acknowledges it. We have a \$13 billion surplus, so we most certainly have the fiscal capacity to contribute even more than we already have.

Our support to African Union troops, who have not been paid and who may even be suffering from hunger themselves, must be increased in order to see the increased deployment of 1,300 additional African Union troops in the Darfur region. We must commit more humanitarian aid, especially when we hear that 355,000 people in North Darfur have gone without food aid for two months.

The government of Sudan must know that Canada is willing to participate in a UN force in Darfur and we must also continue to take advantage of every diplomatic opportunity to resolve this crisis.

• (2240)

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Chair, we have heard a lot of talk tonight about the responsibility to protect and along with that of course must go the capacity to protect. There is one potential partner that we have not talked about all night. I would be interested to learn from the hon. member what role he would view the United States playing in a UN mission to Sudan, either militarily, diplomatically or in any other way?

**Mr. Bill Siksay:** Mr. Chair, my concern is Canada's role tonight. That is what I think we are discussing here this evening.

I believe that Canada has both the fiscal capacity and the military capacity to participate in this mission. We have seen from the access to information requests that Canada does have, and the minister's own advice was that we do have, the military capacity to send 1,500 troops to a role in Sudan. I believe we must make that commitment very, very clear.

Also, a \$13 billion surplus was announced by the government last week, which means that even though we have made a significant financial contribution to the effort in Darfur already, we have the fiscal capacity to do more than that. We know that it is absolutely necessary. We have seen the hardship facing African Union troops in Darfur now. We know that they need our assistance. They have not been paid. That has to affect their ability to do the tough work they are called to do. We hear that they are not getting the food they need. That also directly affects their ability to do that important work.

We need to increase both as Canada's response to this, let alone other countries, but Canada's response. Maybe by making those kinds of commitments we can convince other countries to come

along on that important effort and also get behind the African Union and the United Nations on this.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Chair, when I listen to the hon. member of Parliament and also listen to my constituents, they all say that we as Canadians have to do more in Darfur. Then I hear from the government side that we have done enough and we do not have any more capacity to do it.

Could the hon. member tell me if the present government is living in dreams not to help in Darfur?

**Mr. Bill Siksay:** Mr. Chair, I do not think that the present government is living in dreams; I would not say that. I might not agree with the position the Conservatives take, but they have their reasons. They have been defending those reasons tonight and I appreciate the fact that they have done that.

We can do more as a country. Canadians want us to do more; it has certainly been my experience. When I marched with the Canadian Students for Darfur across the Burrard Bridge to Sunset Beach Park in Vancouver, we were not a very large group, but what impressed all of us was the response of the people driving by in their cars that day across the Burrard Bridge. We heard a number of tooting horns and expressions of support yelled out the car windows for what we were advocating that day. We were advocating a strong Canadian response to the situation in Darfur. It was very heartening and told us all that there was broad public support out there. That has been building. We have seen events in cities all across the country regularly. Certainly in Vancouver, Canadian Students for Darfur and other organizations have events regularly. They have rallies, protests, marches and fundraisers regularly, month by month, week by week, to support a stronger Canadian effort in Darfur.

Canadians want us to do that. The government should be encouraged to listen to what Canadians are saying about Darfur and what they are saying about what Canada's role should be there. They want us to take a larger role in all of this, a larger diplomatic role and a larger role in encouraging other countries to be involved in the situation in Darfur and in Sudan.

• (2245)

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Chair, it is a pleasure to participate in this important debate on the terrible tragedy in Darfur.

As others have referenced, we saw thousands of people around the world on September 17, including a large contingent from my city in Toronto, assembled to assert their responsibility to protect the innocent victims of international conflicts. This means that Canada needs to do much more in Darfur.

*Government Orders*

It is hard to imagine that a crisis, which we have heard so much about, could get worse than it already is. As we have heard tonight, in the last two months alone, another 50,000 people have been displaced. This is in addition to the many thousands of girls and women who have been raped, the over 450,000 who have been killed and the more than two million who have been displaced. These statistics are numbing. We feel we are in a kind of a sleepwalking state because we have heard these before in other countries, in other situations. Words of outrage are not enough for us to express in the House and for others to express around the world.

The African Union has agreed to extend its mission of 7,000 troops and it needs more funding. As Canada, as are others around the world, is now in the shadow of the genocide that took place in Rwanda, surely the wealthier nations of the world have to be asking themselves if they can do more. Clearly the answer is a resounding, yes, we not only can but we must do more to stop this terrible tragedy.

Canada needs to convince the Sudanese government that UN forces are necessary at the end of the African Union's mission. Canada must commit to participating in the UN mission in Darfur. Canada has the military and the fiscal capacity to do so. We know that. Canada must lead through example. Committing now to participating in a UN force will also encourage other nations to commit early to a UN force and send a strong signal to Sudan that the world is serious this time about ending the slaughter and protecting the vulnerable in Darfur.

Only one in three rebel groups has signed the Darfur peace agreement. We also need to negotiate to ensure that the groups that have not signed the peace accord do so.

Canada cannot make excuses. We need to do absolutely everything possible to ensure a swift result to a conflict that has already gone on far too long.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Chair, I will echo the words of my colleague, the foreign affairs minister, that tonight's debate is a very serious one.

A Liberal member said that this government had not done anything and that it would not do anything further. That is absolutely wrong. The foreign affairs minister has outlined, quite clearly, his and our determination to carry on to ensure that the terrible human disaster in Darfur is solved. We are working through multilateral organizations, including the United Nations.

Everybody keeps talking about resolution 1706, but they are the ones who conveniently forget that this resolution calls for working with the government of Sudan. In the long run, there is a better chance of peace, if we work with that government.

I take this opportunity to thank my colleague from the NDP and all members for their excellent suggestions as to what should be done. We can assure the House, as the Minister of Foreign Affairs outlined, that we will continue to be engaged in this file.

● (2250)

**Ms. Peggy Nash:** Mr. Chair, I do not know that there was really a question. I heard an intent on the part of the parliamentary secretary to take the debate seriously. Hopefully, that means there is action

coming from this debate, that Canada will live up to its moral obligation in the world to not only express outrage about the crisis in Darfur, but to act. That action needs to be on a diplomatic level and on a security level. As well, that action needs to assist the people who have been so devastated by this genocide in slow motion, as others this evening have so eloquently described it.

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Chair, does the hon. member feel that the genocide in Darfur meets the criteria of the Responsibility to Protect, a document for which we were an architect? Does she also agree that we did not wait for an invitation to intervene in the Holocaust or Kosovo?

**Ms. Peggy Nash:** Mr. Chair, yes, in general terms the principles of it may apply here. However, it is something that we need to flesh out a little more fully to really relate to the specifics of this situation.

The important thing here is not the semantics and not the definition. The important thing here is the reality on the ground for the people who are living this terrible tragedy in Darfur.

The question is not whether one complies with one definition or another, but whether governments like Canada have the courage and the resolve to act. That will be the testament as to whether or not we have lived up to our obligation internationally.

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Chair, I would ask the member from the NDP to clarify her position.

I talked with a personal friend on Saturday who had just returned after spending four years in the Sudan working with a group called the Samaritan's Purse. She was back and forth over the years and has some incredible stories of first-hand incidents. When I indicated to her that we were having this debate this evening, she said that no one would want to go to Darfur in the situation that exists there today.

I personally want to thank those men and women who have sacrificed their personal lives to help others. We do provide the aid, the financial resources and the support in various ways but those people are the ones who actually have their feet on the ground and we thank them for that.

How does the member feel about our government supporting UN Resolution 1706 and doing all it can to move it forward? Does she feel that we should continue to support this resolution or would she accept just moving forward without the invitation—

**The Deputy Chair:** The hon. member for Parkdale—High Park.

**Ms. Peggy Nash:** Mr. Chair, one of the keys in Sudan surely has to be the provision of security. We have the resources and the ability to provide peacekeeping troops in Darfur.

For there to be any kind of peace and for there to be the opportunity for aid to be given to the people who so desperately need it there has to be security.

This is an opportunity for Canada. We have the resources. We want to ensure that people are not unnecessarily losing their lives in Darfur and that we can provide security for them through peacekeeping troops.

*Government Orders**[Translation]*

**The Deputy Chair:** It being 10:55 p.m., pursuant to order made Thursday, September 28, 2006, under Standing Order 53(1), the committee will rise and I will leave the chair.

(Government Business No. 10 reported)

● (2255)

*[English]*

**The Acting Speaker (Mr. Royal Galipeau):** Pursuant to order made on Thursday, September 28, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 10:55 p.m.)

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## CONTENTS

Tuesday, October 3, 2006

### GOVERNMENT ORDERS

#### Situation in Sudan

(House in committee of the whole on Government

Business No. 10, Mr. Blaikie in the chair) .....	3599	Ms. Chow .....	3616
Mr. Nicholson .....	3599	Mr. Obhrai .....	3616
Motion .....	3599	Mr. Szabo .....	3617
Mr. MacKay .....	3599	Mrs. Barbot .....	3618
Mr. Karygiannis .....	3601	Mr. Dewar .....	3618
Mrs. Barbot .....	3602	Ms. McDonough .....	3619
Ms. Chow .....	3602	Ms. Deschamps .....	3619
Mr. Martin (Esquimalt—Juan de Fuca) .....	3603	Mr. MacKay .....	3620
Mr. MacKay .....	3604	Mr. Martin (Esquimalt—Juan de Fuca) .....	3621
Mr. Hawn .....	3604	Mr. Dewar .....	3621
Ms. Savoie .....	3604	Ms. Deschamps .....	3621
Mr. Scarpaleggia .....	3604	Mr. Menzies .....	3622
Mr. Obhrai .....	3605	Mrs. Kadis .....	3622
Mr. Van Kesteren .....	3605	Mr. Dewar .....	3623
Mrs. Barbot .....	3606	Mr. St. Denis .....	3623
Mr. Martin (LaSalle—Émard) .....	3607	Ms. McDonough .....	3623
Ms. Savoie .....	3607	Ms. Neville .....	3623
Mr. MacKay .....	3608	Mr. Obhrai .....	3624
Mr. Norlock .....	3608	Mr. Nadeau .....	3624
Ms. McDonough .....	3608	Ms. McDonough .....	3625
Mr. MacKay .....	3609	Mr. Holland .....	3625
Mr. Martin (LaSalle—Émard) .....	3610	Mr. Hawn .....	3625
Mr. Hawn .....	3610	Mr. Nadeau .....	3626
Mr. Nadeau .....	3611	Mr. Dewar .....	3626
Ms. Verner .....	3611	Mr. Hawn .....	3626
Mr. Martin (Esquimalt—Juan de Fuca) .....	3612	Mr. Martin (Esquimalt—Juan de Fuca) .....	3627
Mrs. Barbot .....	3612	Mr. Dewar .....	3628
Ms. Verner .....	3612	Mr. Albrecht .....	3628
Ms. Chow .....	3613	Mr. Martin (Esquimalt—Juan de Fuca) .....	3628
Ms. Verner .....	3613	Mr. Dewar .....	3629
Mr. Karygiannis .....	3613	Mr. MacKay .....	3629
Mr. Nadeau .....	3613	Mr. Siksay .....	3629
Mr. Bains .....	3613	Mr. Hawn .....	3630
Mr. MacKay .....	3614	Mr. Dhaliwal .....	3630
Mr. Silva .....	3615	Ms. Nash .....	3630
Mr. Vellacott .....	3615	Mr. Obhrai .....	3631
		Mrs. Kadis .....	3631
		Mr. Cannan .....	3631
		(Government Business No. 10 reported) .....	3632

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