CANADA

House of Commons Debates

VOLUME 141 • NUMBER 062 • 1st SESSION • 39th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, October 16, 2006

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, October 16, 2006

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

KELOWNA ACCORD IMPLEMENTATION ACT

The House resumed from June 2 consideration of the motion that Bill C-292, An Act to implement the Kelowna Accord, be read the second time and referred to a committee.

The Speaker: When the bill was last before the House, the hon. member for Kitchener—Conestoga had the floor. There are six minutes remaining in the time allotted for his remarks. I therefore call on the hon. member for Kitchener—Conestoga.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, thank you for giving me the opportunity to finish sharing my views on Bill C-292

I rise today in opposition to Bill C-292, an act to implement the Kelowna accord.

As I mentioned in my earlier remarks, I commend the right hon. member for LaSalle—Émard for providing members with the opportunity to discuss this issue that is of great importance to all Canadians. It is a pleasure to see the member for LaSalle—Émard in the House today.

This issue is important for all Canadians. Although I welcome the occasion to speak to this pressing matter and listen to the contributions of other members, I cannot support the proposed legislation.

My opposition to Bill C-292 is rooted in two main objections. First, the bill is poorly conceived. It is not a precise, detailed policy blueprint but a series of broad political commitments. Furthermore, it purports to extend statutory recognition to a one-time political event and create a legal obligation to fulfill a series of wide-ranging commitments.

As I mentioned earlier, the short text of Bill C-292 provides members with absolutely no idea of what obligations it would impose on the government, nor whether these obligations would also apply to provinces and territories. This is an important issue for many of my colleagues in this chamber.

Until members are provided with clear details on the nature of these programs and the related accountability measures, and until a long term sustainable financial plan to fund these programs has been approved by Parliament, I cannot see how this House can approve or support Bill C-292. So it will come as no surprise to members of this House that I continue to speak today in opposition to this bill.

The health and prosperity of aboriginal and northern communities is critical to the health and prosperity of our entire nation. Thus, we must take concrete steps to address issues of aboriginal women, children and families, education, water, and housing.

Mr. Speaker, on Monday, September 25, you yourself mentioned that Bill C-292, in clause 2, does state that the government shall "take all measures necessary to implement the terms of the accord", but the bill does not provide specific details on these measures. You said, "The measures simply are not described".

Bill C-292 fails to establish a clear plan of action to resolve these issues. It fails to assign responsibilities. It fails to detail financial arrangements. It fails to adequately define procedures to achieve its targets. In other words, the bill before us today is not a fully developed strategy and could not be legally enforced.

With $3.7 billion allocated for aboriginal and northern programs, the budget created by Canada's new government includes targeted investments in key areas. Those key areas include aboriginal housing, water, education, and economic development. The returns on these investments will deliver real improvements in the quality of life for aboriginal and northern peoples.

Those investments will fortify relationships with provinces, territories, aboriginal leaders and organizations and create a more promising future for all Canadians.

It is important to note that the government's $3.7 billion investment in aboriginal and northern peoples is in addition to increases to aboriginal health programs, as well as increases to the budget of the Department of Indian and Northern Affairs.

This number, $3.7 billion, also excludes budget initiatives already aimed at both aboriginal and non-aboriginal peoples. Aboriginal peoples deserve no less than the same opportunities we all seek for our families, for our communities and for our country. We are committed to securing these opportunities for aboriginal Canadians.

Three hundred million dollars will go directly to affordable housing programs in the territories, benefiting both aboriginal and non-aboriginal peoples. Nunavut, where the problem is most pressing, will receive $200 million. Yukon and the Northwest Territories will receive $50 million each.

Another $300 million will be used to improve housing through the off-reserve aboriginal housing fund.

Furthermore, $450 million has been set aside to fund initiatives for water, housing, education, and women, children and families. Through education, aboriginal communities can successfully battle poverty, while initiatives to improve the quality of life for women will nurture healthy children and families.

● (1105)

A settlement agreement that was signed on May 10 launched an advanced payment program for seniors who suffered abuse while in residential schools. Victims will share in a $2.2 billion fund to help them deal with the emotional and psychological trauma that many of them continue to experience to this day.

We do not believe that money and ad hoc remedies resolve the challenges facing aboriginal peoples. We must take on the hard work of renovating our laws and our institutions. This new Government of Canada is identifying and implementing effective and lasting solutions through collaboration and mutual respect.

I strongly advise my hon. colleagues to join me in voting against Bill C-292.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, first of all, I want to say that the Bloc Québécois will be supporting Bill C-292, An Act to implement the Kelowna Accord, introduced by the member for LaSalle—Émard. I will mention a few of the reasons why.

The Kelowna accord is not, was not and will not be a cure-all for the problems faced by aboriginal communities. What the Kelowna accord was and will be is merely a way to alleviate the major problems of these communities. On Monday, May 8, 2006, in support of the accord, I tabled a motion, on behalf of my party, to the Standing Committee on Aboriginal Affairs and Northern Development recommending the implementation of the Kelowna accord reached by representatives of Ottawa, Quebec, the provinces and national aboriginal leaders.

The tabling of this motion and Bill C-292, which we are debating today, remind us that, once again, the federal government has not respected its commitments and has not taken its responsibilities toward the aboriginal people. I would like to read the motion that I tabled and that the Standing Committee on Aboriginal Affairs and Northern Development adopted:

> That, pursuant to Standing Order 108(2), the Committee recommends that government to implement the Kelowna agreement, entitled Strengthening Relationships and Closing the Gap, which was reached on November 25, 2005 between the First Ministers and the National Aboriginal Leaders.
>
> That the Committee adopt these recommendations as a report to the House and that the Chair present this report to the House.

We must not kid ourselves: the Kelowna accord is only a temporary measure that will not improve the living conditions of native people in the long run.

The accord would represent $5.1 billion over five years for education, health, housing and economic opportunities for aboriginal peoples. If we consider that those funds are to be divided among federal, Quebec, provincial and territorial governments before reaching first nations, Inuit and Métis, where the needs are critical, we realize that that is very little to really reduce the gap.

Quebec's first nations have tremendous needs, particularly in housing. Currently, they need over $700 million to provide the 7,000 housing units they lack—a figure that grows by hundreds of units every year. As we know, this housing deficit has extremely severe human and social consequences. Some health problems are linked directly to the housing shortage. We must quickly put a stop to increasing incidences of poisoning, infection, tuberculosis, and so on. The incidence of diabetes, fetal alcohol syndrome and suicide is also very worrisome.

Suicide is a serious problem. Even though rates vary considerably from one community to the next, they are too high overall. Suicide rates among first nations youth are 5 to 7 times higher than among non-aboriginal youth. The suicide rates of Inuit youth are among the highest in the world—11 times higher than the Canadian average. We must therefore invest time and resources without delay.

As far as education is concerned, if the government finally decided to tackle the problem, it would take 27 or 28 years to close the gap with other Quebeckers and Canadians, according to the 2004 Auditor General's report. That is very serious.

A number of reports from the Auditor General, as well as findings of the Royal Commission on Aboriginal Peoples and, more recently, the latest report from the United Nations Committee on Economic, Social and Cultural Rights on the living conditions of the aboriginal people of Canada, are alarming.

● (1110)

Many recommendations supported by aboriginals, Quebeckers and Canadians have been presented to Ottawa and have fallen on deaf ears.

On the eve of the conference of first ministers, the Bloc Québécois publicly supported the common position held by the Assembly of First Nations of Quebec and Labrador and the Quebec Native Women's Association, who rejected the government's initiative.

The Assembly of First Nations of Quebec and Labrador and the Quebec Native Women's Association deplored the fact that the approach to narrowing the gap between the living conditions of first nations people and those of Quebeckers and Canadians did not address the real causes behind the first nations' situation, which are the lack of fair access to land and resources, and respect for their rights.

The Assembly of First Nations of Quebec and Labrador, and the Quebec Native Women's Association also deplored the fact that the objective of the Kelowna agreement, through its blanket treatment of all aboriginals and lack of consultation with the communities to identify the real challenges, would maintain the cycle of dependence of the first nations.

The Bloc Québécois feels that concrete solutions are needed that are adapted to the reality of the various aboriginal nations to correct at the foundation the inequalities that affect their communities. In addition, these measures must come out of discussions with the first nations, because money alone will not solve the problem. On the contrary, it perpetuates the paternalistic approach of the federal government toward aboriginals.

Now we know, here in this House, that the federal government has an obligation to meet the great needs of the aboriginal people, among other things those related to housing, infrastructure, education and health care.

The Bloc Québécois continues to make sure that Ottawa does not shirk its obligations as a trustee. The federal government should assume its responsibilities as long as all aboriginal nations do not have the tools for self-government. The first indications of this government's handling of the aboriginal issue are not very reassuring. For example, the initiative for a protocol for safe drinking water for first nations communities is commendable in and of itself. However, when the initiative sets aside communities with the greatest needs, those that still do not have a drinking water system and are still hauling their water in buckets, there is cause for concern.

I have just two minutes remaining, but I could talk about this for hours without putting this House to sleep. I will wrap up quickly.

The Bloc Québécois supports Bill C-292. The commitments made by the federal government in Kelowna mark a first step toward bridging the gap between aboriginal nations and Quebeckers and Canadians. Let me be clear: this is a first step.

Aboriginal people must have all the tools to develop their own identity, namely the right to self-government and the recognition of their rights.

In closing I want to say that in a few days a socio-economic forum of the first nations will be held at Masteuiash in the Roberval area. It is an exceptional location for the current federal government to show a little more empathy toward the first nations and to announce, in Masteuiash, important decisions for those first nations. We must prevent the things we are currently seeing in the media. An article on October 7 said that aboriginal peoples are the most overrepresented group in Canada's prisons. This must stop. We believe that the Kelowna accord was a step in the right direction. We want to reiterate in this House that we will support this accord and this bill.

● (1115)

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am pleased to stand in support of Bill C-292 and the New Democrats will be supporting this private member's bill. However, it is a sad statement that we need to bring forward a private member's bill to deal with some very serious and pressing issues in first nations communities from coast to coast to coast.

Lest we think that these conditions are new ones, the conditions that are currently in place in first nations communities are a result of decades of neglect and need to be laid, not only at the doorstep of the current Conservative government but also points to a failure of the previous Liberal government to deal with these issues.

I want to talk about some statistics that the Assembly of First Nations has put forward and the fact that it has launched a "Make Poverty History: The First Nations Plan for Creating Opportunity" campaign. The conditions it is talking about have not arisen since January 2006. These conditions have accumulated over decades. I will only talk about a few of these numbers because they are depressing and a shameful legacy for this country to be talking about the kinds of conditions that exist in first nations, Inuit and Métis communities across the country.

Let us talk about children. We often talk about family values and how important children are to our country. We talk about needing to protect our children and yet in first nations communities one in four children live in poverty compared to one in six Canadian children. The rate of disabilities among first nations children is about one in eight and is almost double the rate among Canadian children, and over one-third of first nations households with children are overcrowded.

Let us talk about homes. In my riding of Nanaimo—Cowichan many homes on first nations reserves are contaminated with mould and yet we seem to have very little action that addresses the crying need in these communities to have safe, clean, affordable housing. About one in three first nations people consider their main drinking water supply unsafe to drink and 12% of first nations communities have to boil their drinking water and mould contaminates almost half of all households.

In my own community there is a band called Penelakut on Kuper Island and its water source is below a decommissioned dump. The reserve has cases of rheumatic fever and the physicians in the area say that they have not seen rheumatic fever since they were in third world countries. Some of the band members talk about turning on their taps and having brown stuff come out.

I live on Vancouver Island where we have some of the cleanest water in Canada. The Cowichan Valley says that it has the cleanest water in Canada and yet the people of Penelakut cannot access clean water on a regular basis.

Let us talk about our communities and how we rank internationally. According to the AFN "Make Poverty History", applying the United Nations human development index would rank first nations communities 68 among 174 nations. Canada has dropped from first to eighth due in part to the housing and health conditions in first nations communities. Most first nations, 80%, have personal incomes below $30,000 per year and half of all households have total incomes below that level. When people do not have the incomes to even attempt to improve their living conditions, how can we expect people to bring themselves up out of poverty?

Much has also been made about how much money is spent on first nations people. The section entitled "Fiscal Imbalance: The Truth About Spending on First Nations" states:

> Per capita spending on First Nations is half the amount for average Canadians (between $7,000-$8,000 compared to $15,000-$16,000). Spending on First Nations through core federal programs is capped annually at rates lower than inflation and population growth.

A recent Auditor General's report talked about the fact that funding only increased at 1.6% per annum whereas population increased significantly more than that.

● (1120)

Those were just a few statistics of the reality in first nations community and it is no different for the Inuit peoples in the north, the Métis people and the off reserve and urban aboriginals.

In any other country we would be pointing to these figures, facts, conditions and quality of life and saying that it was a shameful statement on that country. In our own country we continue to have those conditions and we ignore them daily.

The Conservatives have said that the Kelowna accord was signed on November 25 and that it was scratched out on a napkin somewhere. That is a total disrespect for the 18 months of work that went into the Kelowna agreement, 18 months of people from across the country coming together to lay out a framework and address the very serious and pressing needs in communities.

In my province of British Columbia, the premier and the then prime minister took it to heart. They saw the agreement as being something real and something that Canadians, including aboriginal peoples, wanted implemented. In fact, they signed a tripartite agreement. The first nations leadership from British Columbia, the prime minister and Premier Campbell, in good faith, signed the agreement called the transformative change accord and it was between the Government of British Columbia, the Government of Canada and the leadership council representing the first nations of British Columbia.

This agreement was done with a great deal of responsibility, fiscal, social, environmental and economic. People recognized that what happened in Kelowna was a framework that would allow people to move forward. It was a commitment on the part of the Liberal government of the day and the first nations peoples and they fully expected the future government to honour that commitment.

Recognizing that people wanted to see accountability and responsibility, the agreement laid out specific items. It laid out benchmarks for improving relationships by supporting a tripartite negotiation forum to address issues having to do with the reconciliation of aboriginal rights and titles. Numbers of treaties and increased awareness by public diversity were talked about. Benchmarks were laid out for closing the education gap and for improving housing.

Nothing in that agreement said that it was a fictional exercise in Kelowna. People expected some action but instead they got a Conservative government that rolled back the work that had been done.

The Conservatives have indicated their commitment by rolling back the Kelowna accord, by failing to invest in those key areas that first nations peoples said were critical and essential to their health and well-being and they have further demonstrated their lack of commitment by failing to look at the declaration on human rights for indigenous peoples.

I just want to go back to my own riding for one moment. The Hul'qumi'num Treaty Group is a group of six nations that has been involved in treaties and it is currently looking at the dire circumstances in many communities. Under Canada's community well-being index used to examine the well-being of Canadian communities, the six Hul'qumi'num communities score between 448th and 482nd out of 486 communities surveyed in British Columbia. They could not get much farther down the list in terms of well-being. It is a shocking statement that this continues in this day and age.

The Kelowna accord was a good first step but it failed to address land claims, treaties and specific land claims. I would urge all members of the House to support the private member's bill but I also would encourage every member of the House to push for much more fair and equitable treatment in the country.

● (1125)

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I am pleased to reaffirm my support and that of my party for this private member's bill introduced by the hon. member for LaSalle—Émard.

It is true that I too wish I did not have to stand here today in support of this bill, just as I am sure the member for LaSalle—Émard wishes he did not have to introduce the bill in the first place.

The new Conservative government was afforded an opportunity when it took power: an opportunity to provide for aboriginal peoples from coast to coast to coast. Blessed with a $13 billion surplus, due to the sound fiscal management of the previous Liberal government, and a ready made plan that only needed the confirmation of the new government, the Conservative government willingly and knowingly set back relations between Canada's aboriginal people and itself by not pledging its support for the Kelowna accord. It did this by abandoning it, trashing it and disrespecting it. The government abandoned aboriginal Canadians and, most important, it disrespected the processes aboriginal Canadians entered into in good faith.

We all know the accord is a landmark document. It signalled the start of a new era of cooperation and reconciliation in Canada, an era when our elected leaders from all parts of this great country said no. They said no to incidences of child mortality 20 times higher in aboriginal communities than in non-aboriginal communities. They said no to an unemployment rate for aboriginal Canadians that is 12% higher than that of non-aboriginal Canadians. They said no to deplorable overcrowded, mouldy housing conditions in which aboriginal Canadians, both on reserve and off reserve, find themselves. I invite members to come on a tour of some of the communities in my province to see the deplorable situations. They said no to a situation where aboriginal people are three times more susceptible to incidences of type II diabetes. They said no to third world poverty in a country such as ours. They said no to inadequate access to medical services and to third world diseases like tuberculosis.

The agreement was not between Liberals and aboriginal Canadians. It was not a partisan accord. It was an agreement between the Government of Canada, the leadership of all national aboriginal organizations in this country and the first ministers of all the provinces. This agreement spoke to the honour of the Crown. Everyone who was in Kelowna that weekend said that we had enough poverty and enough of a two tiered society.

From the outset, the Conservative government wasted no time in trashing and belittling this accord. The current immigration minister very quickly said that the accord was written on the back of a napkin. What an attitude. Unfortunately, this attitude has been borne out by subsequent events indicative of most of the views of members opposite.

The accord represented a new beginning in developing policies that affect aboriginal Canadians. It was a fully integrated and fully consultative process. It involved 18 months of talking with aboriginal Canadians, listening to aboriginal Canadians and working with aboriginal Canadians to formulate the policy and goals that are now part of the Kelowna accord. This process was a model for all departments of government for policy development. It included consultation, collaboration, stakeholder buy in, political commitment, respect for regional realities and differences, and the allocation of resources to begin the job that must be done.

To have this agreement described as being written on the back of a napkin is an insult to all Canadians, aboriginal and non-aboriginal, who worked so hard and for so long to see the Kelowna accord come to fruition.

● (1130)

Some members opposite have said that the money for the Kelowna accord was not booked by the previous government. I suggest that is another misrepresentation and another insult.

As has been confirmed by finance department officials, the money for the Kelowna accord was designated in the fiscal update presented by the former finance minister. The money was there. The funds were booked. To say otherwise is to perpetuate a myth. It is misleading the House.

The money was designated as a line item in the sources and uses table. The only ones who can remove a line item from a sources and uses table are the Prime Minister and the finance minister.

When members opposite muse as to the whereabouts of the money for the Kelowna accord, they can ask that question of the Prime Minister or the finance minister. They removed the money. They were the ones who abandoned the Kelowna accord. They were the ones who said yes to continue third world living conditions for aboriginal Canadians. They were the ones who indicated that the pressing needs of aboriginal peoples were not a priority for this government. They hold the brunt of the responsibility.

The government has now been in power for 10 long months. Its approach to dealing with aboriginal Canadians is becoming apparent. It is quite happy to revert to confrontational times that most Canadians believed were behind us. It seems to be prepared to dictate policy with only a gesture to consultation.

Along with Russia, the government does not want to champion the rights of indigenous people at the United Nations. It is prepared to create animosity where the Kelowna accord and the consultative process leading up to it achieved much in tearing down barriers between aboriginal and non-aboriginal Canadians.

The era of the government handing down policy without consultation is behind us, or I should I say it was behind us until this government came to power. Aboriginal Canadians need to be at the table in determining policies. They do not need an overseer. They need to be a partner.

In my mind, any accord in which all of the ministers come to a consensus is a historical document. NDP premiers, Liberal premiers and Conservative premiers all said it was a historical document. They were all in support of it.

If I can quote NDP Premier Gary Doer of my province, the province of Manitoba, who said on the signing of the Kelowna accord:

> This is the most significant contribution to aboriginals made by any Prime Minister in the last 30 years.

The Liberal premier of British Columbia, Gordon Campbell, said upon its signing:

> Our duty now is to ensure that when this room goes dark, the light that has been lit, the light of hope that has been lit over the last two days, lives on and burns brighter, month after month, year after year in our hearts and in Canada's corridors of power.

The Conservative Premier of Alberta, Ralph Klein, said:

> We're committed to working hard on initiatives that will lead to significant improvement for aboriginal people in Canada over the next five or 10 years.

The only person who is not heeding the calls that it is time to help aboriginal Canadians is the individual who should be listening the hardest and most eager to help. That individual is the Prime Minister.

A true Prime Minister, a true leader, is the Prime Minister of all Canadians. The time for real leadership is now, leadership to alleviate the suffering of thousands of Canadians.

The Kelowna accord was an opportunity. It was an opportunity to end the shame in our country, an opportunity to allow aboriginal Canadians to be on the same level as non-aboriginal Canadians. It is the duty and responsibility of this government to see that this accord be implemented. It has failed. Not only did the Conservative government fail aboriginal Canadians but it failed all Canadians by abandoning this accord. It failed the premiers. It failed the aboriginal leadership.

As the opposition we had a choice to make. We could howl at the moon about the Prime Minister's shameful actions, or we could take action to overturn this meanspirited decision. We chose to take action, led by the efforts of the member for LaSalle—Émard and supported by the entire Liberal caucus. We are saying to Canada's aboriginal people, enough is enough.

● (1135)

With that in mind, and in my heart, I am pleased to support the private member's bill. I urge all members of the House to support the bill, to indicate to aboriginal people, to the aboriginal leadership of the country, to the leadership of the provinces, and indeed to all Canadians that the House is truly committed to take action to ensure that all aboriginal people have the opportunity—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, it is my pleasure to rise today to speak on the second reading of Bill C-292.

I commend the right hon. member for LaSalle—Émard for providing us with another opportunity to discuss and consider the issues of importance to all Canadians and especially aboriginal and non-aboriginal alike.

Although I welcome this occasion to speak, I cannot support the proposed legislation for a very good reason. The previous Liberal government, after 13 years, clearly neglected aboriginal people all across Canada.

I am very proud to say that our new government and our new Minister of Indian Affairs and Northern Development is interested in doing the thing the previous government was unable to do and that is to look at the structural changes needed to actually bring benefits to the people in the communities, the people who have not seen benefits in the past, and are the ones who need it; We will not be growing the bureaucracy and not growing the system like the previous government would so love to do.

I would like to point out two other objections today. First, the bill is poorly conceived. It is not proposing a clear detailed policy and blueprint but rather a series of broad political commitments in a unilateral press release. Furthermore, it purports to extend statutory recognition to a one-time event and create a vague legal obligation to fulfill a series of wide-ranging commitments, a dubious proposition at best and certainly one which is unenforceable.

Mr. Speaker, on Monday, September 25, you yourself mentioned that Bill C-292, in clause 2, does state that the government shall take all measures necessary to implement the terms of the accord, but it does not provide specific details on those measures. You said that the measures are simply not described.

In addition, Bill C-292 provides members with absolutely no idea of what obligations it would impose on government, nor whether those obligations would also apply to provinces and territories. That is an important issue for many of my colleagues in this chamber.

The second objection that I have is that Bill C-292 is redundant. Since taking office and in collaboration with our aboriginal, provincial and territorial partners, the new government has undertaken a new approach that will produce real solutions to the problems facing aboriginal people in Canada.

The approach focuses on moving aboriginal people from dependency to self-reliance through targeted efforts in four areas. The first is to empower individuals to take greater control and responsibility for their own lives through directing investments toward housing and education. Next, we are working to accelerate land claims. We are also promoting economic development, job training, skills and entrepreneurship. Finally, we are laying the ground work for responsible self-government by moving toward modern and accountable government structures.

We are already achieving results. Earlier this year, the government developed and launched an action plan to address drinking water concerns in first nation communities. This comprehensive plan consists of measures to identify communities at risk from unsafe water, ensure treatment facilities are managed by certifying operators, and implementing standards for the design, construction, operation, maintenance and monitoring of treatment facilities.

Furthermore, there is a three member panel of experts who are conducting public hearings across the country to examine and provide options on the establishment of a regulatory framework to ensure safe drinking water in first nation communities.

We are also moving forward in collaboration with first nations people, the provinces and territories to reach workable legislative solutions to resolve the challenges presented by the current situation regarding matrimonial real property on reserves which affects a disproportionate number of women and children on reserves, particularly those experiencing family violence. Matrimonial real property on reserves is obviously a pressing equality issue and one we are committed to resolving.

Unfortunately, members from the party opposite, including the member for Winnipeg South Centre, have indicated that perhaps this is not something we should be proceeding with as soon as possible. I find that to be rather surprising coming from this member whom I thought was very concerned about this issue. To that end, this government has recently announced a national consultation process aimed at resolving the difficult issue of on reserve matrimonial real property.

● (1140)

In this day and age, it is unacceptable that women and children, families and communities on reserve are still struggling with an issue that has been long neglected, and it is a shame. This situation is the result of a legislative void because provincial and territorial laws that deal with the matter elsewhere in the country do not apply on reserve. The federal Indian Act, which governs practically all aspects of life on reserve, is very silent on this issue.

As a result of this legislative gap, legal rights and remedies that are applicable off reserve are not available to individuals living in first nations communities. As a consequence, many women are subjected to discrimination and denied basic human rights that other Canadians all take for granted. It is essential that we deal with this issue as soon as possible because clearly, after 13 years, the previous government made no efforts in that area.

Education is yet another area in which our government is enabling real change for first nations people. In July we signed an agreement with the province of British Columbia and the British Columbia first nations education steering committee to enable first nations in B.C. to assume meaningful control on reserve elementary and secondary schools in areas such as curriculum, educational standards and teacher's certification. This means that first nations children in British Columbia will be able to obtain an education that meets provincial standards but that is also culturally relevant. That is essential.

As we know, first nations individuals all across Canada, in fact all aboriginal people, are just as capable of learning, but learning is something that requires a cultural sensitivity that we have not seen in the past. I am proud that our government is moving forward in this area.

Another issue which is very important, again left by the previous government at our feet, is a process that our minister has put forward to accelerate land claims. There is a huge backlog of claims which is completely unacceptable and indicates that the current system is clearly not up to the task.

Settlements are about justice, respect and reconciliation. More than coming to terms with the past though, settlements are also about building a better future for communities that are sometimes isolated and far from our current economic setters. Each settlement clears a path to strengthened governance and will also strengthen new economic and social opportunities. Settlements can also mean that valuable resources are spent on communities rather than courtrooms.

The Prime Minister, the Minister of Indian Affairs and Northern Development and I are steadfast in our resolve to work with aboriginal partners on shared priorities to develop effective, sustainable approaches to overcome the pressing challenges in our aboriginal communities.

The government's approach to resolving aboriginal issues, including water, matrimonial real property, education, housing, women and children is all focused on tangible results and clear accountability. Bill C-292 proposes an approach characterized by vague promises and general objectives, something that the previous government was excellent at doing.

Accordingly, I will be voting against Bill C-292 and I encourage all of my colleagues to do the same.

● (1145)

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I am very honoured to speak to Bill C-292, a very commendable private member's bill from the member for LaSalle—Émard.

I am also very honoured to have been involved in the discussions and preparations that went into the Kelowna accord. There was over 13 months of work by the Inuit organization and other aboriginal organizations in Canada. For the party across the way to over-simplify that is very discouraging. For people to say that it was not an agreement or an accord, that it could be disregarded because there was no signed agreement and no budget for it really is over-simplifying the situation. It also adds insult to all the preparatory work that people did on the agreement.

I was in my riding last week speaking with different groups that are suffering badly from the recent cuts to the social programs. The various cuts announced by the Conservative government affect literacy programs, the museum assistance program, and women's groups. The cuts are really affecting the work that communities have been trying to do at the ground level. The Conservative government does not realize the impact these cuts are having on communities. This solidifies my belief that the Conservatives do not understand what reversing the Kelowna agreement has done to our people. I speak mainly for my riding of Nunavut because that is the region I understand the best, but I have spoken with people all across the country and they believed that the Kelowna accord would give them the tools for them to provide their own solutions. They believed that the government of the day recognized their ability to run their own affairs, to come up with their own solutions and to put into play ways of governance that had been there for them in the past.

The recent history of this country has made it very difficult for people in the communities to practise their own ways of governing, their own ways of reconciling differences, their own ways of educating their people, which really are not very different from those of the rest of the country. It is just that we have learned to look at things through a different lens. We all have the same end goals, but the way to achieve those end goals can differ from one part of the country to another, or from one cultural group to another. As I said, the end goals are the same, and they are to provide a good future for our children and to take advantage of this country's resources, which every Canadian should be able to access. How we reach those goals can be different.

We certainly have different ways of looking at things and understanding things as a native people, but at the end of the day we all want what is best for our children. We all want to achieve those goals in a way that works for us. It means understanding that we have to do things our own way and, yes, make our own mistakes. Since Nunavut has become a new territory, we have certainly experienced challenges and have made mistakes along the way, but at least they have been our mistakes.

The Kelowna accord gave us the tools, the mechanisms and the resources, because we do need investments in a different way than has worked for people in the south. Education is a very strong component. The Berger report indicated very strongly that we need to educate our people in a way that is different from that in the rest of the country. It is not to say that we are any less able to be educated but that we need to look at different ways of reaching the knowledge that people have.

● (1150)

The Kelowna accord was certainly a step in the right direction for this country. I ask members in the House to support this private member's bill because it would put us back on the right track to where we were going before. We have been derailed but I certainly hope that we can get back on the right track with this accord.

I thank the members of other parties who have indicated they will support this private member's bill. Again, I urge all members to support this bill. I give credit to my colleague for bringing forward this private member's bill. I know he truly believes this is a way we can bring a group of people from our history back on a level playing field with the rest of the country. I take this opportunity to thank my colleagues who have been very strong in their support. I certainly will be supporting this private member's bill.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The right hon. member for LaSalle—Émard has five minutes for his reply at the end of the debate.

He therefore has the floor.

● (1155)

Right Hon. Paul Martin (LaSalle—Émard, Lib.): Why Kelowna, Mr. Speaker? Because, compared to other Canadians, the aboriginal people of Canada earn nearly 40% less and they have a life expectancy 10 years shorter. They are twice as likely to live in poverty and three times less likely to graduate from university.

[*English*]

Why Kelowna? Because Canada has the means to achieve its goals and the moral responsibility to do so.

Those who were in that room that day in Kelowna included the aboriginal leadership in this country and representatives of all of the political parties in this room and across the country. No one in that room had any doubt as to the significance of the agreement that we came to and the significance of what had been done. Every single person who was in that room, every single person who for close to 18 months through a series of round tables and detailed negotiation put everything they had into it and came to that agreement on that historic day, it demeans them for the government to say that this was not worth the paper it was written on, to say that it had no content.

The Kelowna accord was reached by the aboriginal leadership of our country, by every single one of the provinces and territories without exception, and by the federal government. It set out funding for five years of $5.1 billion, funding that was provided for by the then minister of finance. The Kelowna accord consisted of longer term objectives to be achieved and then measured over a series of shorter term markers to be developed by all of the parties.

That is important because what was incorporated in the Kelowna accord was working with the aboriginal leadership and provinces, all governments coming together. This was not an imposition. This was indeed a significant agreement as Canadians from coast to coast to coast said that no longer were they going to allow to continue the unacceptable conditions in which aboriginals live.

The government has said that it agrees with the principles of the Kelowna accord. I ask it to act on those principles.

The Acting Speaker (Mr. Royal Galipeau): It being 12:01 p.m., the time provided for debate has expired. Accordingly, the question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Royal Galipeau): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the yeas have it.

And more than five members having risen:

● (1200)

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, October 18, 2006, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed from October 4 consideration of the motion that Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), be read the second time and referred to a committee.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I rise today to speak to Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments). The government has already presented important measures in the House that aim at providing better protection for Canadians against crime.

Bill C-23 responds to the government's multifaceted goal of tackling crime by strengthening sentencing measures, enhancing the efficiency of certain procedures and improving access to justice by clarifying court related language rights provisions in criminal proceedings. Most of these amendments are the result of changes that the provinces, territories and other stakeholders have been instrumental in helping our government identify.

Hon. members will appreciate that Bill C-23 is not about fundamental law reform. Rather, it is about fine tuning. While the amendments contained in Bill C-23 are generally of a technical nature, they are nonetheless important. These amendments can be divided into three major groups. I propose to first highlight some of the criminal procedure amendments. I will then say a few words with respect to the amendments proposed to the language rights provisions of the Criminal Code. Finally, I will detail some of the sentencing amendments.

First, let me deal with criminal procedure.

Criminal procedure amendments would, among other things, improve procedural efficiencies and rectify certain shortcomings in criminal proceedings. Other amendments would confirm the intent behind some criminal procedure provisions and clarify their application. For instance, a corrective amendment is needed to rectify the situation by which the appeal route of a Superior Court judge's order is to return seized property to another judge of the same court. This is obviously problematic. In order to make this appeal route consistent with other similar appeal route processes and to avoid the unusual situation whereby a judge is called upon to review the decision of a fellow judge from the same level of court, the amendment would provide that the appeal of a superior court in relation to the forfeiture of things seized would lie with the Court of Appeal rather than with the Superior Court.

Another amendment would bring more clarity to section 481.2 of the Criminal Code, which deals with the ability to charge and try an accused in any territorial division for an act or omission committed outside of Canada. This amendment would clarify that the intent would not be to make any criminal act or omission committed outside of Canada an offence in Canada. Usually offences are prosecuted in the territorial division where they are committed. This, however, poses a difficulty with respect to those offences that, while having been committed outside of Canada, can be prosecuted in our country in accordance with a federal statute. War crimes are examples of such offences.

Unfortunately, the current wording of section 481.2 leaves room for interpretation whereby any offence committed outside of Canada could be prosecuted here, and that is clearly not the case. The amendment would now make it clear that this provision would deal strictly with court jurisdiction and would act as a residual clause where proper court jurisdiction with respect to territorial division would not otherwise be provided for in another federal statute.

Another criminal procedure amendment is proposed with respect to the right of an accused to be tried before a judge, sitting without a jury, where an indictment has been preferred; that is, where the Crown files the indictment directly before the Superior Court. Currently, when this is the case, the accused may not, without the written consent of the Crown prosecutor, choose to be tried before a court sitting without a jury. The amendment would allow the accused to elect to be tried before a Superior Court judge, sitting without a jury, subject to certain conditions. This amendment would introduce more flexibility and would assist in avoiding unnecessary jury trials where the accused would prefer to be tried by a judge alone.

● (1205)

Another proposed amendment will streamline the process for executing search warrants in a jurisdiction other than the jurisdiction where the search warrant has been issued. Currently, before a search warrant can be executed in another province, it must be presented to a judge or a justice in the other jurisdiction for endorsement in its original paper form. Obviously, this can be time consuming, complicated and inefficient. This process is resource intensive and very time consuming. The proposed amendment will allow the search warrant to be sent by facsimile or by another means of telecommunication, thereby permitting a copy of the search warrant to be endorsed by a judge or a justice in that other jurisdiction.

By taking advantage of technologies that are both reliable and expedient, we are making better use of the time and resources of law enforcement agencies.

Bill C-23 also contains two amendments in relation to jury selection. When selecting jurors, the Crown and the defence are each afforded a certain number of peremptory challenges; that is the ability to unilaterally reject a potential juror without having to invoke any specific ground. One proposed amendment will fill a gap in the current scheme by clarifying that peremptory challenges will also be available where a sworn juror is excused before the evidence is heard and where a replacement juror must be selected.

The other proposed amendment will assist in preserving the impartiality of prospective jury members, as well as sworn jurors, by providing the court with the power to order the exclusion of jurors from the courtroom where a potential juror is being questioned in the course of a challenge for cause and may potentially through his or her answers inadvertently jeopardize the jurors impartiality.

These technical yet practical changes to the various processes that operate in the criminal justice system will contribute to the improvement and greater efficiency of criminal procedure.

I will speak a bit about language rights. The amendments in Bill C-23 with respect to language rights deal with an accused person during a criminal proceeding. The right of all accused to a trial in either official language is consistent with both the letter and the spirit of the language provisions enshrined in the Constitution Act, 1867, and in section 19 of the Canadian Charter of Rights and Freedoms.

Since 1978, the Criminal Code has sought to ensure access to services of equal quality for members of both official language communities. This is an important objective because, as the Supreme Court of Canada noted, "Rights regarding the English and French languages are basic to the continued viability of the nation".

From time to time it becomes necessary for Parliament to intervene to provide the means by which such rights can be enjoyed.

Canadians have told us there are still obstacles to full and equal access to the criminal justice system in one's own official language. Court decisions, as well as reports by the Commissioner of Official Languages, confirm that barriers continue to stand in the way of the exercise of these fundamental rights. The proposed amendments will bring the Criminal Code provisions in line with judicial interpretation, thereby avoiding misunderstandings, legal debates and costly delays. One example of such difficulties involves the application of the language provisions of the Criminal Code to bilingual trials. In R. v. Beaulac, the Supreme Court of Canada has ruled that all the rights that are provided to an accused person in the context of a trial in one official language also apply to bilingual trials. Yet the lower courts are still struggling with these issues as well as with the practical manner in which bilingual trials are to be held.

The proposed amendments clarify such matters and specify that the right of an accused person to be tried by a judge, who speaks the official language of the accused, as well as the duty of the Crown prosecutor to speak that language, indeed do apply to bilingual trials. The amendments also provide the presiding judge with the necessary tools to manage bilingual trials in a fair and efficient manner. In doing so, the amendments implement recommendations made by the commissioner of official languages in 1995 that certain amendments be made to section 530 of the Criminal Code.

The commissioner's study also identified another vexing problem. The study noted that difficulties had arisen in a situation where there were co-accused who did not speak the same official language and that, in the absence of clear indications in the Criminal Code, the matter was being raised more and more frequently.

● (1210)

Some courts have ordered that each co-accused be tried separately in his or her official language. Such decisions have significant repercussions on court resources, as they involve a duplication of trials. They also offend the general principle that persons who are jointly accused should normally be tried together. On the other hand, some courts have ruled that the right of each accused can be reconciled by ordering a bilingual trial.

The proposed amendment brings clarity to the issue by stipulating that the situation of a joint trial involving co-accused, who do not share the same official language, warrants an order for a trial before a judge or judge and jury who speak both official languages. Such an amendment not only brings greater clarity to the code, but also ensures that a proper balance is struck between the rights of the accused person and the efficient administration of justice.

When taken as a whole, the proposed amendments are balanced and fair. They will resolve a number of problems that have been identified with the existing provisions, bringing greater efficiency and putting an end to some persistent legal debates, while also removing some of the hurdles on the road to a greater access to justice in both official languages in our country.

I now turn to the issue of sentencing and I will highlight some of the amendments that are proposed to the sentencing provisions of the Criminal Code.

Bill C-23 contains a number of proposed amendments, some of which will clarify how certain sanctions are intended to apply. Others will improve existing processes or update the law in this area. For instance, one amendment will allow a sentencing court to refer an offender, under the supervision of the court and in appropriate circumstances, to a provincially or territorially approved treatment program before sentence is imposed. In the right circumstances and where appropriate, addiction treatment programs and domestic violence counselling programs can contribute to public protection from crimes where the underlying causes are addiction or where there has been family violence.

Early court supervised access by offenders to these treatment programs can serve as a strong incentive for behavioural change and successful rehabilitation. Specialized drug treatment courts, such as the ones in place in Toronto and Vancouver, are based on the U.S. model that works to adjourn sentencing proceedings, following a finding of guilt, to allow the offender to enter and to complete a court mandated program. By delaying sentencing until the completion of the program, the offender is given a strong incentive to succeed.

Domestic violence courts or court processes have also been implemented in a number of jurisdictions across Canada. These specialized courts include education, counselling or treatment programs for offenders aimed at reducing the offending behaviour.

Allowing sentencing courts to refer offenders in appropriate circumstances to such programs before sentence is imposed will promote early access to rehabilitation and reduce recidivism, thereby contributing to the protection of the public by attacking the source of the problem at an earlier stage.

Another proposed amendment to the sentencing proceedings will provide appeal courts with the power to suspend a conditional sentence order until the appeal is determined. Currently what can sometimes happen is that the conditional sentence is served before the appeal from sentence or conviction is heard. This amendment will ensure consistency with similar appeal court powers, such as in the case of a probation order where a suspension of the sentence, until the appeal is determined, is already provided.

A related amendment, applicable to both conditional sentence orders and probation orders, would allow the court that imposed one of these two sentences the power to bind the person until the appeal would be determined with conditions similar to those imposed on an accused person who is released on bail.

One amendment is also proposed to update the provision with respect to forfeiture of computer systems and other things used in the commission of certain child pornography offences by adding to the existing list of offences the offence of luring a child by means of a computer, so a court may also order the forfeiture and disposal of computers where the offender is convicted of luring a child.

With respect to clarifying current penalties, one Criminal Code proposed amendment will expressly state that where no maximum jail term is provided in a federal statute for an offender who is in default of a monetary penalty imposed for an indictable offence, the maximum term of imprisonment will be five years.

● (1215)

Penalties for impaired driving offences where there is a death or injury are also clarified by an amendment so that there is no uncertainty: minimum fines and jail terms that must be imposed for a first, second or subsequent driving offence, such as failure or refusal to provide a breath sample, must also be imposed when the impaired driving offender is convicted of the more serious offences of impaired driving causing bodily harm or death.

This amendment will mean that conditional sentence orders cannot be imposed for impaired driving offences causing injury or death, as the Criminal Code does not authorize the imposition of such orders for an offence where a minimum penalty is provided.

Other impaired driving offences will tighten and clarify application of driving prohibition orders, including the application of ignition interlock device programs, with a possibility of early return to driving where the program is in place.

Bill C-23 will also increase the current $2,000 maximum fine that can be imposed for a summary conviction. This amount has remained untouched since 1985, while the monetary values for other offences have increased. It is time to update the law in this area by raising the maximum monetary penalty to $10,000. The increase will provide more flexibility for crown prosecutors to proceed by way of summary conviction, in particular where the sanction sought is a higher amount than $2,000.

Before I conclude, there is one final sentencing amendment that I feel should be highlighted, that is, the amendment with respect to victims of unwanted communications.

Such orders can already be imposed on an accused person in remand or released on bail as well as on an offender who is on probation. Current disciplinary measures in correctional institutions with respect to unwanted communications vary among jurisdictions, with most cases being addressed on a case by case basis.

This amendment will provide sentencing courts with an added means to protect victims from unwanted communications by providing the sentencing court with the power to order a convicted person not to communicate with identified persons such as victims and witnesses while the person is incarcerated.

In addition, it will be an offence to breach an order not to communicate with an identified person.

In conclusion, I wish to state that in contemplating criminal law reform we must not lose sight of the system in which these substantive provisions of the Criminal Code operate. It is important that we take the time to respond to calls for changes such as the ones highlighted today, so that our criminal justice system can most effectively contribute to the protection of society. That, I trust, is the goal of all parliamentarians in this place.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I would like to take some time to comment on the work of the Uniform Law Conference of Canada. I believe that most the provisions of this bill came from the law conference's work. There are 46 clauses affecting different areas in the Criminal Code and in procedure.

I would like an acknowledgement by the parliamentary secretary that the bulk of the work for the bill was done by the Uniform Law Conference of Canada. In my speech, I will be talking about what it does for us in this country.

Mr. Rob Moore: Mr. Speaker, I thank the hon. member for her work on the justice committee and on these issues and the many bills we are putting forward as a government.

As I stated, these provisions draw on input that we received from across Canada. These provisions and the streamlining are measures that provinces have called for.

I used as an example the issue of using a fax machine. That brings us into the modern era. Rather than having someone such as a police officer, who could be out on the street protecting citizens, doing the mundane task of getting an original signature, under Bill C-23 we would be able to use a fax machine.

On raising the $2,000 fine for a conditional sentence, that maximum was last revisited in 1985. As we know, the price of almost everything has gone up. This will give prosecutors the means to proceed by way of summary conviction, which will do more to unclog the court system when a fine of more than $2,000 is sought. They will still be able to achieve that greater fine by going by way of summary conviction.

I will say to the hon. member that the bill does draw on the input from a broad section of input from across Canada. Certainly this is being called for by those who work in the criminal justice system. They want us to make our criminal justice system more streamlined and more effective so that our police can be out enforcing the laws rather than going through greater bureaucracies.

● (1220)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, my question concerns clause 6 of the bill, amending subsection 204 (2) of the Criminal Code.

I would like the hon. parliamentary secretary to tell the House how far the proposed amendment is intended to go, because it is not entirely clear to me. Perhaps the committee will have to look at that if this bill is passed at second reading stage.

With respect to gaming and betting, that clause would allow the Criminal Code to keep up with the new telecommunication technologies, and Internet in particular.

Could the hon. parliamentary secretary tell us a bit more about the proposed amendment to subsection 204(2) of the Criminal Code?

[*English*]

Mr. Rob Moore: Mr. Speaker, Bill C-23 makes note of "by any means of telecommunication". The hon. member made note of that in his question.

Bill C-23 in many ways recognizes that there has been a great change in our society and in technology since many of these provisions were put in place. For example, 20 years ago people would not have contemplated that someone would use a computer and something called the Internet to lure a child and potentially commit a further criminal offence. That is why this bill seeks to attack the issue of Internet luring. It has become very serious. We have heard testimony about it over the last couple of years. We have heard disturbing reports of people using computers and the Internet to lure children, even from outside Canada.

Our Criminal Code has to evolve with evolving technology. The hon. member points out a provision in the bill that does this. As I mentioned on the subject of Internet luring, for example, this bill provides that the mode used to commit the offence, the computer, can be forfeited to the Crown. Under current law, that is not the case.

We want to put a little more teeth into our laws to allow our justice system to better protect all Canadians, but as the hon. member pointed out, we also have to recognize that society and technology are advancing and the Criminal Code has to adapt. For example, it is being brought up to date so that a fax machine can be used for some of these orders, and even fax machines are getting to be behind the times. This is an effort to keep the Criminal Code in some way up to date with the times.

As well, the maximum fine for a summary conviction is $2,000, which in 2006 is not what it was 20 years ago. Criminals recognize that. The profit margins that can be gained by criminal organizations and offenders may far outweigh the fines, so we need to bring this more into step with today's current realities.

● (1225)

Hon. Sue Barnes: Mr. Speaker, whether I get the answer to my question now or at a later stage, I want to flag one thing in this bill, which is that two unsworn jurors will determine whether the cause of a challenge is true in a criminal procedure. I was wondering what the rationale would be for having unsworn jurors as opposed to sworn jurors.

Mr. Rob Moore: Mr. Speaker, I look forward to exploring in committee all areas of the bill and this question and all questions the hon. member may have, which can be put to our witnesses there. Some of the provisions dealing with jurors have dealt with not wanting to taint the sworn jurors when there are questions being put to potential jurors by crown attorneys and by defence lawyers. This is one area relating to jurors which we have to address to ensure that people get a fair trial.

Most of what is contained in Bill C-23 is there to streamline our judicial process, to make it more effective and to take out some of the ancient modes used in the past. Bill C-23 recognizes that we are living in a new era where we have to use a more streamlined system. It recognizes that technology has moved on, so we as a government have to move on in order to better protect society.

That is the main thrust of the bill. It is not to make major substantive changes. We have other bills, such as Bills C-9 and C-10, that make some very substantive changes to the Criminal Code. Bill C-23 is going to make our entire system more streamlined without making major changes to the code itself.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I rise to speak to Bill C-23, An Act to amend the Criminal Code, which is comprised of numerous unrelated amendments in relation to criminal procedure, language of the accused, sentencing, and some other matters.

From time to time this type of legislation is required to do a general cleanup of sections that need changes for either a practical reason, a legal reason or an administrative reason, and sometimes even for substantive modernization of sections of the Criminal Code.

This is a bill that should go to the committee for fine tuning and due consideration of each section. Amendments, where and if required, could be made at the committee.

This bill was read for the first time on June 22, 2006. I must say that in the past, briefings on new bills were provided to the opposition critics either shortly after the bill was introduced or upon request. It was always up to an opposition critic whether he or she wished to accept a departmental briefing. I certainly encourage the government to provide departmental briefings. As justice critic I had asked for a briefing on this bill back in June and again over the summer months. None was provided until the first week the House resumed sitting in mid-September.

I remind the government that it is a minority government supposedly wishing to pass legislation through this House.

When the government finally allowed access to the appropriate individuals who worked on this bill and were knowledgeable, they had been instructed that no paper briefing was required. Remember that there are 46 disparate parts to the bill.

The Minister of Justice in his first meeting at committee agreed that briefings are useful and we would be receiving them.

Briefings that are given to critics months after the request, or without some written information, are not as useful as they could be. I do not wish to leave any impression that those who provided the oral briefing from the Department of Justice were in any way unhelpful; they were not; it was more the timing and the documentation. This issue is more a political decision, certainly not a bureaucratic decision.

Since I have raised this more than once and I have tried to raise it privately, I am now raising it publicly because I believe it should be fixed for future bills. Most of us, and I would hope all of us actually, came here to do good policy work. There is no need to allow a political agenda to override working in the best interests of all Canadians, which does include full and timely briefings on procedures and for the bills that are laid before this House. I trust that this situation will now be corrected and will be rectified for future bills.

Today I pushed to have a briefing on a bill that is on the order paper for later this week and I was advised that it was done.

My point is that as a critic on government bills I should not have to be pushing to have a briefing from the government on a bill. The bureaucracy, the officials, the best known people working on that bill over a long period of time should not have to beg for this type of information. That information should be shared, especially if we are trying to move forward together on some of this implementation.

This bill, as I said before, includes 46 clauses. Not all are substantive amendments to the Criminal Code. For instance, the bill establishes the general rule that in criminal matters the service of any document and proof of service may be made in accordance with provincial law. This seems incredibly straightforward. I do not see problems with this. To reflect this rule, a number of the provisions of the code have been repealed.

Many of the provisions in Bill C-23 are as a result of consultation with the provinces and territories within the context of the Uniform Law Conference of Canada. Because many people in our system would not realize who provides input into these types of amendments, I thought I would put forward some of the information that I gleaned about this organization from its website and other places.

The Uniform Law Conference of Canada operates in two sections, one being the criminal section and the other being the civil section.

The criminal section unites prosecutors for federal, provincial and territorial governments with defence counsel and judges to consider proposals to amend criminal laws which are mainly under the federal authority of Canada through the Criminal Code of Canada. Since the administration of criminal justice is undertaken by the territories and provinces, they are the administrators of the systems.

● (1230)

The meetings of the criminal section give the provinces and the territories a chance to ask questions of the federal government and suggest ways to make the system better and reflect the challenges they come across in their day to day operations in performing that administration service. Often they suggest changes based on identified deficiencies or detect gaps in existing law, or it could be problems created by judicial interpretation of existing law. The annual meetings of this conference are not public ones but they are attended by persons designated by their respective governments at the federal, provincial and territorial levels.

The Uniform Law Conference is a volunteer organization. Its work over the years has been extremely useful to the justice system in the land, but it has been relatively unheralded. Like many volunteer organizations in Canada, it is important to recognize and acknowledge its valuable work.

I want to pass now to some of the examples of substantive changes contained in Bill C-23. The first one I will talk about is the default maximum fine for a summary conviction which is being increased from $2,000 to $10,000. Also, we have the realm of having bilingual trials warranted where they involve co-accused who understand different official languages. I also think that this is a good advance.

[*Translation*]

Mr. Marc Lemay: I rise on a point of order, Mr. Speaker. With all due respect to my colleague, I would like to be able to follow her speech, but there is no French interpretation right now. There has not been any interpretation for about five minutes. I hope that the interpreter is not dead or incapacitated. I am worried.

The Acting Speaker (Mr. Royal Galipeau): I wish to inform the House, including the honourable member for Abitibi—Témiscamingue, that we realize that the simultaneous interpretation system has not been working for about five minutes. It is being worked on and will be fixed shortly.

● (1235)

[*English*]

Hon. Sue Barnes: Mr. Speaker, do you wish me to continue without the translation?

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): I said that the problem would be solved any minute and, as we can see, it has now been corrected.

The hon. member for London West.

Hon. Sue Barnes: Translation is very important in this House.

[*English*]

Mr. Speaker, for the benefit of my colleague from the Bloc, I will repeat that having a bilingual trial is warranted where it involves co-accused who understand different official languages. That is a very important part of the bill.

Orders of prohibition from driving are being made consecutive. I will talk about that a bit later.

Another area that is substantive is allowing a sentencing delay to enable the offender to receive some treatment. This is a positive development in the bill.

Another change in the bill is proposing that two unsworn jurors decide whether the cause of challenge is true. I asked the parliamentary secretary to provide information but I did not get a clear answer in the House. When the bill gets to committee, I suppose we will get the real information as to why they are unsworn. I heard a partial answer, but this still needs clarifying.

Clauses 23 and 24 of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) are concerned with changes to direct indictments. I believe we would want to hear more about these changes from criminal defence lawyers at committee. I would also like to hear some expert evidence on the area of the peremptory challenges which are affected by clauses 25 and 26 of the bill. Again, these are not matters that we have to debate at this stage, but I am flagging them so the government will be prepared to make sure these areas are contained.

With respect to subclause 8(3) of the bill which addresses consecutive periods of prohibition for driving, this may allow for extremely long prohibition times. This in turn could upset the balance in sentencing principles in section 718.2(c) of the Criminal Code. The court has an obligation to avoid unduly harsh or long consecutive sentences. We will have to take a look at this area.

I understand clause 37 of Bill C-23 has been proposed to address issues raised by some of the case law in the land. This clause adds a requirement for the court to explain to the offender the mandatory and optional conditions that the offender must meet as part of his probation. Does this mean that the judge should do this personally in court, or will delegation to court officials suffice? I had briefings in this area, but further explanation will be required. This would appear to revert to a former practice in the courtrooms in many years past.

Clause 9 of the bill changes the offence of possession of break-in instruments from an indictable offence to a dual procedure offence. That will obviously allow the prosecutor to make the choice to go with a summary conviction where it is deemed appropriate.

There are many more sections of Bill C-23 which I have not highlighted. The Library of Parliament has put out a very good summary for my colleagues to look at if they are interested in any of the specific sections of the bill. I think it is fair to say that the bill has been out since the summer time and I do not think it has attracted wide attention. I have consulted with some of the people who will have to use these sections in the courtrooms.

The bill quite rightly should go to committee. I encourage those most affected by the operations of these individual clauses to come to the committee as witnesses. We will have to deal with any piece of information or slight adjustment that may be required at that time.

In due course, if the House forwards the bill to the committee, which I believe it will do, we will have the opportunity to work further on sections of the bill. Unlike some of the other justice bills we are faced with in the House, this bill has less of an ideological bent. This is something that has been worked on over time by the provinces, territories and the federal government.

● (1240)

Many of these provisions take years to work through the system. Every once in a while this type of omnibus legislation is required where technical amendments are being made. Criminal law is a living statute. It benefits from being modernized by using our new technologies as has been suggested by some of the other speakers.

At this point, I see no real areas of ideological controversy or any other type of controversy. In due course, I could be corrected by experts who might come forward at committee stage and point out some serious flaws which at this stage of the game we have not seen.

I will be encouraging my caucus to move this bill forward to the committee stage. Each and every stage of a bill is important, but this is the preliminary stage and these changes could serve the justice system well in that administration.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened carefully to my colleague and I am in complete agreement: Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) needs some fine tuning.

I trust that my colleague believes, as I do, that this is probably one of the most interesting pieces of legislation tabled by this government in the past few months. However, I would have this to say. Unlike Bills C-9 and C-10, Bill C-23seems very interesting at first glance. I believe that we, the members of the Standing Committee on Justice and Human Rights, should spend some time on it as it really strikes me as very important.

This is the question for my colleague: does she know whether or not the Law Commission of Canada—which our current government has just cut or would like to abolish—helped draft Bill C-23 and made any recommendations? In addition, are these the recommendations found in Bill C-23? If yes, which ones are they?

[*English*]

Hon. Sue Barnes: Mr. Speaker, I believe the Law Commission of Canada is a separate entity from the Uniform Law Conference.

The Law Commission of Canada that was just gutted in its financing is a different entity. It was a very valuable entity to helping modernize Canadian law in all fields and not just the criminal law field. The Law Commission of Canada has done superb work.

Actually, there is a matter of privilege before the Speaker because the Law Commission of Canada was established by statute of Parliament. What we just received with the Law Commission of Canada was the cutting of funding for this organization when in fact the Minister of Justice has to respond to the reports of the Law Commission of Canada. The Law Commission of Canada has a statutory authority to report to Parliament. Its reports are tabled in the House and the Minister of Justice has a statutory obligation to respond to those reports.

Over the years, the Law Commission of Canada has done amazing work on everything from immigration issues, to equality issues, and to issues pertaining to all of the workers of the land. If we look at its annual reports, we can see the breadth and knowledge of work being provided to the House.

In fact, I have tabled a motion in the justice committee that deals not only with the current minority government's decision to remove the financing from the Law Commission of Canada but also the court challenges program. These are two incredibly important and short-sighted decisions of the current government.

When the member asked me about the Canadian bar or anyone else, it raises the concept of consultation on government bills. I have no idea who was consulted on this bill. I think the provinces and the territories were consulted because we know of the input of the Uniform Law Conference. Therefore, there would have been wide consultations.

When we have wide consultations of the appropriate players, we generally get a bill that can be dealt with efficiently in the parliamentary process because a lot of the kinks have been worked out. A lot of the obvious problems have been worked through, people have come together to discuss solutions and so the legislation that is properly consulted and not merely ideologically driven comes to us in a better form for us to deal with.

Here we have an example of legislation. Even though it contains 46 different issues, we have an example of where we have had the broad consultation that was necessary. When that is done, our job as parliamentarians is much easier. We are not doing the same initial level of research, looking for the constitutional or other deficiencies that could easily show up in a piece of legislation, whether it is intended or unintended.

I am concerned when we get the other type of legislation which is the ideologically driven legislation and sometimes we get unintended consequences. That is especially true if we are trying to amend pieces of legislation that have deficiencies in them. In past years, we have sent some of the controversial bills before second reading to committee. This allowed the committee to do a better job at looking at the bill in total and making amendments to legislation that work for the betterment of the bill. When we do it the other way after second reading, it makes it much more difficult.

● (1245)

It really does set us up for all or nothing approaches, which is not helpful and not what is intended when parliamentarians from all parties come to this House to work for good policy or good administration, especially in the areas of justice.

This is a bill that has gone through sufficient consultation, the nature of it, but would it have been from the Law Commission of Canada? I am not sure at this point.

I do respond to my colleague, who currently also serves and works hard on the justice committee, by saying that I hope, and it is my wish, that we have good consultation on all bills that come to committee. Otherwise, what we have is just a deceptive practice of stacking numbers of bills high on the order paper with no intention of ever getting them through, doing it for a political agenda instead of a real work agenda. We on this side of the House are concentrating on the real work agenda for Parliament.

The Acting Speaker (Mr. Royal Galipeau): I would like to advise the hon. member for York South—Weston that my glasses are foggy when he is not in his own seat.

I can now see and recognize the hon. member for York South—Weston.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I apologize. I have changed seats so many times that I had actually forgotten where I was supposed to be sitting.

I wonder if I could ask the member a question. Whenever we are dealing with provisions dealing with summary conviction, in my experience summary conviction legislation is to expedite court proceedings and allow the judge a little more flexibility with respect to a delineation of offences where summary conviction proceedings can apply.

Does the member have any problems in terms of prejudicing a co-accused? It has been the experience in the court that where charges are laid, those charges are dealt with, with the co-accused where there are two or more that have been accused of a particular crime.

I understand from this legislation that under summary convictions, where the co-accused does not appear, the judge has the flexibility to allow the proceedings to continue. I wonder if that is an element of the legislation that could be investigated at committee. I am given to understand that there may be some problems with respect to the nature of justice that would apply in those cases where that provision would be implemented.

● (1250)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for London West will want to know that there is less than a minute to respond.

Hon. Sue Barnes: Mr. Speaker, in that case, I will compliment you on your discretion on having foggy glasses to allow my colleague to put his concern on the table, and say that in committee we will have noted his concern in this area and will talk about it because there are some provisions about the co-accused in this document.

I also want to clarify the point that summary conviction, where it is a lesser offence, is two years less a day. When there is a dual procedure offence, it could be the same charge, but the more serious would be proceeded with by way of indictment. The sanctions in sentencing would be two years or more.

[*Translation*]

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, I am pleased to rise today to recommend that Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) be referred to a committee for review.

A number of members have already expressed their support for this bill, which seeks to meet current needs, to propose legislative amendments to address procedural anomalies, to make corrections and to clarify current ambiguities in some Criminal Code provisions. It also modernizes other provisions by introducing the use of communication technologies.

This bill is the result of proposals made in cooperation with the provinces, the territories, interest groups—such as the Uniform Law Conference of Canada—representing linguistic minorities and the Commissioner of Official Languages.

The changes to Bill C-23 affect three main areas, namely criminal procedure, language of the accused and sentencing. I am going to review some of the changes proposed in this legislation, beginning with those affecting criminal procedure.

The purpose of one of the proposed amendments is to reclassify the offence of possession of break-in instruments into a dual procedure offence, that is an offence for which the prosecutor may proceed by way of indictable offence, or by way of summary conviction. Currently, under the Criminal Code, the indictable offence route is the only option for possession of break and enter instruments. However, experience has shown that this offence often results in a penalty similar to that imposed in the case of an offence punishable on summary conviction. Under the circumstances, it is important not to impose on the prosecutor the more onerous indictable offence route, when the outcome of the whole process is similar to that for an offence punishable on summary conviction.

As well, we note that the offence of possession of break-in instruments is often committed in conjunction with a second offence, breaking and entering a dwelling-house. The Criminal Code already provides that this is a hybrid offence, and so the prosecutor has the flexibility of choosing the most appropriate procedure having regard to the facts of the case. When the two offences are committed in the course of the same criminal operation, the present scheme in the Criminal Code means that even if it were more appropriate to prosecute the two offences by way of summary conviction, given that the facts are not extremely serious, the prosecutor may opt to proceed by way of indictment, the more onerous procedure, to avoid holding two separate trials. The proposed amendment in Bill C-23 therefore offers prosecutors greater flexibility, while promoting more judicious use of the resources of the judicial system.

Another amendment is designed to clarify an ambiguity in the present wording of the section dealing with where in Canada an offence that was committed outside our borders may, in certain cases, be tried. The present wording of section 481.2 of the Criminal Code could be interpreted as meaning that any offence committed outside Canada could be charged in Canada. The disastrous repercussions that this kind of interpretation could have on the resources of our courts can easily be imagined, not to mention the enormous challenges that this would present for prosecutors.

However, our law does provide for some exceptions under which it is possible to charge certain offences in Canada that were committed abroad. Examples are sexual offences involving children and terrorism. The proposed amendment will clarify the wording of section 481.2 to specify that those few exceptional offences, and only those offences, may be charged in any territorial division of Canada.

Another amendment clarifies the role of the Attorney General in private prosecutions, that is, prosecutions that are not initiated by the state, where a private information is laid with the court.

● (1255)

The Criminal Code provides that a justice will hold a hearing to determine whether there is justification for issuing a summons or a warrant for the arrest of an accused. The Criminal Code also provides that the Attorney General may participate in that proceeding, including by calling witnesses and presenting relevant evidence. However, the Criminal Code does not specify which Attorney General, provincial or federal, may do this.

The amendment clarifies that the term Attorney General means the Attorney General of Canada, where the offence in issue falls within his jurisdiction and the proceedings could have been commenced at his instance. Another change relates to the jury selection process. That amendment will remedy a flaw in the procedures for replacing a juror before any evidence has been introduced.

The Criminal Code provides that during jury selection, the prosecution and the defence are entitled to an equal number of peremptory challenges, that is, opportunities to reject a potential juror without having to state a reason. However, the Criminal Code is silent as to whether such challenges may be made when a new selection process is necessary to replace a juror who has been discharged before evidence was introduced. The proposed amendment provides that the prosecutor and the accused will each be entitled to one peremptory challenge for each juror to be replaced.

Another proposed amendment concerns jury selection and is designed to ensure the impartiality of jury members. Under certain circumstances, the jury selection process currently allows a prospective juror to be questioned in connection with his or her capacity to be impartial where the prosecutor and the accused are concerned. For example, questions may be asked regarding media coverage on the basis of which an individual might form an opinion as to the guilt or innocence of the accused.

Under the existing process, this questioning takes place in the presence of those already selected as jury members.

There is a risk that answers provided by a prospective juror could bring to the notice of jury members information that is likely to affect their impartiality. The amendment would therefore enable the judge to order that jury members be removed from the courtroom for the duration of the questioning.

Another amendment would allow a judge of the court of appeal to dismiss an appeal summarily without calling on any person to attend the hearing when it appears that the appeal should have been filed with another court. Here again, this will streamline a process which is otherwise unnecessarily tedious.

With respect to linguistic rights, I would now like to address the proposed legislative amendments designed to improve and clarify the linguistic rights of the accused in a criminal trial.

As hon. members know, the right of the accused to a trial before a judge, or judge and jury, who speak the official language that is the language of the accused has been recognized for years now. This guarantee is the product of successive stages that have brought about gradual but definite changes over the past 30 years.

However, studies carried out by the Commissioner of Official Languages and by the Department of Justice have confirmed that there are still obstacles to the exercise of those rights and to the achievement of their ultimate objective, which is equal access to justice in both of Canada's official languages.

At the same time, our courts continue to interpret, sometimes with contradictory results, the exact meaning of the rights set out in the Criminal Code. This causes delays, sometimes results in unequal application of the provisions from one region of Canada to another and causes uncertainty for judges, lawyers and the accused.

These rights represent an important element of the Canadian identity. As the Supreme Court has stated, language rights "are basic to the continued viability of the nation". For that reason, the federal government has a duty to take positive measures to ensure the enforcement of those rights.

It is for the purpose of advancing the language rights of accused persons, to reduce obstacles to the exercise of those rights and to put an end once and for all to problems of interpretation that we are proposing legislative amendments.

To improve the efficiency of proceedings, it is essential that the accused person's choice of the official language for legal proceedings be established as early as possible at the start of proceedings. However, the current provisions of the Criminal Code only require a judge before whom the accused appears to inform the accused of the right to a trial in either official language if the accused is not represented by a lawyer.

As the report of the Commissioner of Official Languages confirms, the lawyer for the accused is not always aware of the language rights applicable to criminal proceedings and does not inform his client of them in all cases.

The commissioner has therefore recommended that all the accused be informed of their right to a trial in either English or French. That is exactly what we are seeking to do with the amendments proposed today.

The Commissioner of Official Languages has also pointed out in her study that it would seem somewhat illogical to grant the accused person the right to a trial in the official language of his or her choice but to refuse access in that same language to the documents by virtue of which the accused has been brought before the courts.

The amendments we propose in the bill would correct that shortcoming and would enable an accused person to ask for a translation into his or her official language of the criminal charge or indictment.

The application of the current provisions of the Criminal Code to so-called "bilingual" trials has given rise to countless debates in the courts. It appears those debates are due to the vague wording of section 530.1. The Supreme Court of Canada however has stated that the enumeration of language rights set out in section 530.1 of the Code which, on the face of it, applies to a trial "in the language of the accused" must necessarily be interpreted as applying equally to a trial taking place in both official languages.

Still, some lower courts continue to adjudge that none of the rights listed applies to an accused who takes part in a bilingual trial. The proposed amendments would put an end to such equivocations.

When we examine all the amendments proposed, we can see that they are adjustments to existing rights and not drastic changes to the justice system but will be of great importance for the accused.

● (1300)

Furthermore, the proposals put an end to the interpretation difficulties identified in both jurisprudence and various government studies that currently prevent the legislator's aims from being met and trials from being managed efficiently.

In short the proposals will ensure better access to justice in both of Canada's official languages.

I would now like to discuss the amendments proposed in this bill with respect to sentencing. Without reviewing all the changes, I propose to examine a few of them.

Some of the amendments respecting sentencing are fairly substantive. I would like to mention them briefly and then go on to some other more technical changes provided for in this bill.

At present, the maximum fine for a summary conviction is $2,000, when no other maximum fine is provided for in a federal statute for a summary conviction.

This amount has been the same since 1985, although other specific monetary limits have been adjusted over the years.

Bill C-23 proposes that the maximum fine that a judge may impose for a summary conviction offence be raised to $10,000.

This change will allow the prosecution to proceed by way of summary conviction in a larger number of cases, where justified by circumstances, even though it may recommend the imposition of a higher fine.

For some, this new maximum fine may seem high. We must bear in mind, however, that this amount is the maximum a court may impose on an offender at its discretion.

Also, the Criminal Code provides that, before imposing a fine, the court cannot impose the fine unless it is convinced that the offender is able to pay it or to settle it in whole or in part by using other assets or through work performed under a provincial program, where such programs exist.

Another significant amendment aims to allow The sentencing judge to issue an order prohibiting the offender from communicating with any victim, witness or other person identified in the order during the custodial period of the sentence.

The Criminal Code currently provides for this type of order at various stages in the judicial process. For example, a judge may impose such an order when an accused is released on bail, held on remand or under a probation order.

However, the Criminal Code does not currently allow for such an order to apply during the period of incarceration of an individual convicted and sentenced to prison.

The existing measures at correctional institutions regarding undesirable communication from inmates are generally effective, however, and such situations are addressed on a case-by-case basis, following the procedures and policies in place.

The proposed amendment offers an additional protective measure by granting sentencing judges the power to prohibit an offender from communicating with a victim, witness or other individual identified in the order, for the duration of the period of incarceration.

The amendment also creates the offence of violating that order, punishable by a maximum of two year's incarceration.

I would now like to move on to the technical amendments regarding sentencing.

First, an amendment to section 720 of the Criminal Code is proposed. This amendment aims to allow the court to delay sentencing, when deemed appropriate, to enable the offender to attend a treatment program approved by the province or territory under the supervision of the court, such as an addiction treatment program or a domestic violence counselling program.

Indeed, Canada has tribunals that specialize in treating problems of domestic violence and substance abuse. In certain appropriate cases, referral to such programs can allow offenders struggling with these problems to demonstrate to the court that they are willing to take concrete action towards their social reintegration.

A certain number of technical amendments also aim to make clarifications regarding sentences imposed for impaired driving offences.

● (1305)

In view of the different judicial decisions regarding the application of minimum penalties for impaired driving offences causing bodily harm or death, some clarifications are being made to clarify the real intent behind these sentences. To this end, a provision is added to specify that the minimum penalties for simple impaired driving offences—such as refusal or failure to provide a breath sample—can be imposed on persons found guilty of a more serious impaired driving offence causing bodily harm or death.

This amendment will also help to clarify the fact that conditional sentences cannot be handed down in the more serious cases of repeated impaired driving since the Criminal Code does not permit this when a minimum prison sentence is provided.

A second amendment to clarify the application of impaired driving penalties pertains to offenders who participate in a provincial alcohol ignition interlock device program. A number of provinces have these programs, which enable offenders who have been prohibited by the courts from driving for a specified period to operate a vehicle if it is equipped with an alcohol ignition interlock device and after the expiry of the minimum prohibition period provided under the Criminal Code.

In order to tighten up this provision, the amendment clarifies the fact that offenders are only authorized to drive during their prohibition period if they are registered in an alcohol ignition interlock device program and comply with the terms and conditions of the program.

Other more technical amendments allow courts of appeal to suspend a conditional sentence order until the appeal has been heard and disposed of. This makes it possible to avoid cases in which conditional sentence orders expire before the appeal is heard.

Another amendment would also enable courts of appeal that have suspended a conditional sentence or probation order to require the offender to enter into an undertaking or recognizance that includes conditions similar to those found in cases of accused persons on interim release awaiting appeal.

● (1310)

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, with all due respect to the hon. Minister of Justice and Attorney General of Canada, CPC, I will put my first question to the hon. member who just spoke. It will probably also concern the minister, who is sponsoring this bill.

It is surprising that we have to wait a few weeks, or even a few more months, before debating in committee this legislation, which was introduced in June, because it is an important measure. I do not understand why the government waited like this. Considering that this bill does not reflect a right wing ideology, it should take precedence over Bills C-9 and C-10. However, there is one issue of concern to me, because I practised criminal law for 25 years and this is an interesting piece of legislation as regards criminal proceedings: how will the government ensure that the accused is informed of his right to be tried in one of the two official languages? That is the first question.

Secondly, how can the accused be sure to obtain a translation of all relevant documents, including those relating to the indictment and the preliminary inquiry?

Of course, this is not a problem in Quebec, but I am thinking of my clients in Calgary, Vancouver, Winnipeg, or in other places in Canada where English is the official language. As we know, in those regions documents are only translated in French when there is time to do so.

Before introducing this legislation, did we make sure that the constitutional right to be heard by a justice would be respected? This means the right to appear before a judge who can speak and understand French fluently—not someone who just took language courses on the weekend—and who can explain the principles that underlie this bill.

● (1315)

Mr. Luc Harvey: Mr. Speaker, as my colleague said, he is a lawyer. He knows perfectly well that once a right is integrated into legislation and institutionalized, failure to respect that right is a procedural error. Therefore, because it is part of the legislation, it cannot be ignored, and there is no choice but to respect it.

[*English*]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I am pleased at the progress the bill is making in the House but some comments were made with respect to the Law Commission having some influence in respect to the drafting of the bill. I have checked with justice department lawyers and they have indicated that the Law Commission neither had any hand in drafting it nor influenced the bill in any way. I wanted to put that forward as a matter of correction on the record.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, there seems to be a lot of support for this bill because few questions and comments have been raised. At first glance, this is an interesting bill to which members of this House and litigants should pay close attention. This bill would have a direct impact on litigants like me.

I have been practising law for 25 years. For the past 10 or 15 years, I have focused on criminal law. Bill C-23 is therefore of great interest to me. It will probably also be of interest to my colleagues in the legal profession who specialize in criminal law or who have been practising it more and more over the years and have become very knowledgeable about it.

Bill C-23 is interesting. With all due respect to the Minister of Justice, I would have liked this bill—which is neither right-wing nor repressive ideologically—to have been introduced before bills C-9 and C-10. We are currently debating these bills in committee, and they seem to be based on repressive right-wing ideology. In contrast, Bill C-23 is interesting in many respects.

As I was saying, for 25 years I was a lawyer and argued all sorts of criminal cases. It is not unusual to have clients or cases where it is a matter of possession of break and enter instruments, as this bill addresses. Time and time again attorneys general in the various provinces—the Attorney General of Quebec who administers criminal law in Quebec as well as the Attorney General of Canada—have been told that this does not make sense. Our client was automatically accused of breaking and entering and possession of break and enter instruments. He was accused of a criminal offence because that act was automatically considered as such. This seems utterly unusual and unacceptable to us.

It seems that Bill C-23 will at least amend that—without removing it, of course—and will allow a person accused of breaking and entering and of possession of break and enter instruments to be tried by summary conviction.

In the Criminal Code there are two types of offences and that is what I want to talk about now. There are offences that can be tried by indictment; they are indictable offences. Murder, homicide and all sorts of offences are examples. There are a number of such offences in the Criminal Code. Other offences are called dual procedure offences. The Crown prosecutor filing the complaint can decide to try by indictment or by summary conviction. In summary conviction cases, if the person is found guilty or pleads guilty, he or she will receive a maximum fine of $2,000 or a six month prison sentence or both the fine and sentence.

This new bill, and I think this is important to point out, proposes a number of amendments. It is a large bill that deserves our time and attention and careful consideration as to how it will be debated in committee.

Criminal procedure sets out how to proceed in criminal cases. Let us take for example an accused who is to receive documents. If this bill is passed, it will provide for a means of telecommunications to be used to forward warrants for the purpose of endorsement and execution in a jurisdiction other than the one in which the search warrant was obtained.

● (1320)

In French, that means that if someone was arrested in Rouyn-Noranda and they wanted to search the person's residence in New Liskeard, Ontario, the original document was required. They sent it by car, from one police officer to the next, until it got to Ontario, and that could take hours. If this bill were passed, it would be possible to send it by fax, for example, with the original document to follow by mail.

On reading the bill, I think that it would be possible to send it by Internet, by e-mail, so that it could be executed as soon as possible. That is a good thing.

Changes are made to the procedure for challenging jurors, among other things, to help to preserve their impartiality. This is also a very good thing, which the bill will bring in if it passes. In the jury selection process, particularly in terms of challenges, this means that we will be able to preserve and protect the impartiality of jurors, which is the very foundation of a jury trial.

There are also a host of other details, such as summary dismissal by a judge of the court of appeal where the appeal has been brought in error. Before, a motion had to be made, saying that it had been filed in the wrong place and asking the judge to dismiss it. Now this will be handled expeditiously.

Where it starts to get interesting is in an appeal to a court of appeal from an order of a superior court relating to objects that have been seized. For example, in the past, you could not move forward as long as the court of appeal had not ruled. You had to wait, but now you will be able to proceed.

Turning now to trials by way of summary conviction for a co-accused where the co-accused fails to appear. This avoids a lot of delay. Before, the accused appeared, but the co-accused was not present, for one reason or another. The judge then adjourned the appearance until the co-accused was located. Now, if this bill is passed, the accused could be tried much more expeditiously than before.

There are all sorts of things like this, and useful things. I mentioned earlier the reclassification of the offence of possession of break-in instruments to make it a dual procedure offence. That may be useful.

Certain things are even more useful, but would almost run counter to Bill C-9. We know that that bill would eliminate the possibility of suspended sentences for a host of offences.

We all hope that this bill will not come before this House again, as introduced by the hon. Minister of Justice. On behalf of the Bloc Québécois and probably many of my colleagues on both sides of this House, I would add that Bill C-9 does not really accomplish what justice demands: that judges have the opportunity to hand down individualized sentences.

Bill C-23 contains some interesting amendments. The bill provides for the power to order an offender in custody not to communicate with identified persons and creates an offence for failing to comply with the order, which increases protection for victims. We had long been calling for this. Defence lawyers had been calling for this. Often, our client in detention would receive telephone calls from victims who wanted to talk to him, and he would call them back. In future, offenders will be prohibited from doing so. If they do not comply with this order, they will be charged with a separate offence of failing to comply with a court order.

The clarifications with respect to the application of impaired driving penalties had long been called for.

● (1325)

Among other things, the possibility of using an alcohol ignition interlock device was raised. This device makes it possible for an individual found guilty of impaired driving to drive a car. The offender has the right to use this device after three months.

We can now provide clarification. Previously, the matter was very complicated, and it still is. For example, a taxi driver who also owned his own car would have to have two alcohol ignition interlock devices. If this bill is adopted, it seems that things will be less complicated. We might come to a consensus about placing the device only in the principal vehicle. It is starting to look interesting.

Probably two of the most important aspects of this bill are the suspension of a conditional sentence order or a probation order during an appeal.

Today, October 16, if an accused is found guilty by a judge, he is subject to a probation order or conditional sentence order and if the accused decides to appeal, the orders remain in force. Thus, even today we still have serious problems. I hope we will be able to change this quickly.

As criminal lawyers we tell our clients that we will appeal their sentence, but that the probation order is in force. The probation order may be for a term of two years and it might be one year before the appeal is heard. The individual would have been subject to a probation order for one year for nothing.

Henceforth, we can at least apply to the court of appeal and ask the judge, upon filing of the notice of appeal, if it would be possible to suspend the sentence. Even today, this can be requested. However, criminal lawyers who live, as I do, in a region such as Abitibi-Témiscamingue are ofter forced to go to Quebec City to do so. This results in additional expenses for the accused. Thus, we believe that this is a very useful amendment. I hope it will be adopted quickly.

One of the interesting comments and one of the even more interesting amendments, is the power to delay the sentencing proceedings so that an offender can participate in a provincially approved treatment program.

This is important and here is what it means. When judges hand down a decision and find an accused guilty, after a fair trial, they will very often delay sentencing, by asking, say, for a pre-sentence report. This is a report that establishes the circumstances of the charge, the circumstances of the offence and who the accused is. Generally a pre-sentence report is prepared at the request of the accused and most often in very important cases.

The accused may in fact have a long criminal record. For instance, he may be charged with manslaughter or found guilty of criminal negligence. These are often very serious cases. The following example comes to mind. An accused found guilty of, or who pleads guilty to, impaired driving causing bodily harm, or causing death, is automatically subject to a prison sentence. The court will generally hand down its decision.

However, under the proposed amendment, the court could delay sentencing until the accused completes his addiction treatment or another appropriate treatment program.

Take, for example, an accused who is sentenced for domestic abuse. He decides to attend a treatment program or violence counselling. The judge hands down his decision, stipulating that the accused must continue his therapy. The accused continues his therapy, but the judge does not know anything about it. Is the accused still dangerous?

● (1330)

So there were some cases—and we defended many—in which the judge, in a case of manslaughter or impaired driving causing bodily harm, handed down his sentence without knowing what the effects were on the accused and the victims.

If this amendment is passed, sentencing could be delayed. Sometimes it takes from three to six months before we get all the reports. Nowadays we do so by consent, but it is illegal.

So the proposed amendment could make it very interesting for the courts in their decisions.

Moreover I would like to urge the House to look very seriously at Bill C-23 with regard to anything to do with both official languages. I was able to take a quick look at the proposed amendments proposed to section 730.

It is proposed that section 720 respecting probation orders and treatment orders be amended. As far as probation orders are concerned, the accused is entitled to have the documents. So someone who has been found guilty must receive the documents and they must be explained in the official language of his choice. Let us take the example of a francophone accused who works in Calgary or Fort MacMurray. These are areas in which English predominates but someone who asks for his trial to be in French can get it.

I draw your attention to subsection 5 of section 732.1, where it is stated that a copy of the documents explaining the conditions must be given to the offender in order to ensure that the terms of presentation and so forth are respected. The following would be added to that subsection, "For greater certainty, a failure to comply with subsection (5) does not affect the validity of the probation order." This subsection deals with the fact that when a court issues a probation order it gives a copy of the documents to the offender.

This casts some doubt on what the parliamentary secretary told us earlier when I asked him the question. We will have to pay extremely close attention when the amendments set out in Bill C-23 are being examined. It is fine to talk about bilingualism, but bilingualism has to be applied. To achieve that, it is necessary that a person not only receive all the information in his or her official language, but that he or she should understand the information and that someone should take the time to explain it.

On the whole, this is a very interesting bill. The amendments proposed in the bill could clarify the provisions of the Criminal Code and simplify some judicial proceedings.

Mr. Speaker, I see you signalling that I have only one minute remaining. I will proceed directly to my conclusions. The Bloc Québécois is especially pleased to see amendments that contribute to improving the work of judges by giving them greater discretion. These measures will give judges better tools to do their job, which is to determine the most appropriate sentence. And this will contribute to the objectives of deterrence and reparation, as well as an objective that is too often forgotten by our friends opposite in the government, which is that of rehabilitation.

In closing, the Bloc Québécois will be in favour of this bill and we hope that it can receive the support of this House as quickly as possible, in the interests of improving justice.

● (1335)

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, this is one of those bills where there is not very much in the way of partisan attitude. It comes across almost like a catalogue, and many members have spoken to the it. Running through its various sections, most of them seem fairly technical.

My remarks will be directed to what I think is the underlying purpose of the bill, and from where it came.

While most of the amendments look fairly technical, they have been generated through a great deal of consultation and meetings held across the country, not by the parties but by professionals in the various ministries. I am speaking of Crown prosecutors and in some cases consultations with police and defence attorneys. All of this has been focused on meetings of federal, provincial and territorial officials, then with the federal, provincial and territorial ministers, including the Minister of Justice. Each of these apparently small amendments is intended to improve the efficiency, fairness and efficacy under the Criminal Code operations.

I have noticed an underlying theme of the thinking and creativity on the part of law enforcement, Crown prosecutors and other counsel, in using the provisions of the code, as it has been updated every few years, to better address the problems of macro-organized crime such as gangs and organized crime groups. It is usually in the large cities where these things show up and in order to deal with big city problems, we have to get big city professionals together.

The Criminal Code has quite a number of useful provisions in it, which can be used if we can get the various parties to work together. Keep in mind that it is not one level of government that makes the justice system work. Both the federal and provincial governments have split the corrections piece, or the execution of sentences at the end of a conviction. The front end is where the federal government enacts the Criminal Code and puts in place basic criminal procedures, but the provinces handle the prosecutions and convictions in the courts. Therefore, provincial crown prosecutors carry most of that load. It is also a huge responsibility for our municipal police forces that do most of the work in responding to crime, investigating and laying charges and providing evidence.

The bill is an example of a collaborative amendment of our laws, but I could not help but note recently how authorities have come together to provide much better use of the bail provisions of the Criminal Code when it comes to gang activity. It takes a lot of work but in the end the product is a whole lot better.

I will speak of the Toronto experience. Police has been very successful in gathering intelligence, making arrests and prosecuting street gangs. We used to find that arrests would be made and gang members would be arraigned, but they would be released pending a trial. It takes three, six and sometimes nine months to get a complex trial organized in our large cities now, which means gang members are back out on the street on bail.

● (1340)

For the petty criminal that may work, he or she may stay close to home, show up for trial and justice will be done. However, police noted for many years that as soon gang members were back on the street, they would be right back into what they had been doing. Over time it became apparent that it was possible to use bail conditions as the mechanism for controlling the activities of these not yet convicted gang members, or alleged gang members, and the police and the prosecutors became very good at it.

In my neck of the woods, it all came down to what the police called bed checks. The arrest of gang members might involve five, 10, 15 or 20 members. In one case, it was over 20 members. The bail conditions imposed on the interim release were very strict. In many cases the individual had to be back in a specific home by seven, seven-thirty or eight o'clock at night.

It is one thing to set out the rule and the bail condition, but it was another to enforce it. Therefore, there was a need to craft the appropriate bail condition for the alleged offender, or the accused. Then there had to be the expenditure of police resources to go to a home every day or every second day to ensure that the accused person was complying with those conditions. Where the person was not compliant, that involved a subsequent charge and a tightening of the bail conditions. This took a lot of police work and expenditure of public funds, but it worked incredibly well. The bail conditions either worked, with the person off the street at night, or the bail conditions self-tightened, as there was a non-compliance, which ended up, in some cases, with the accused person being required to be in custody until trial.

The creative use of bail conditions began to work as a crime-fighting tool. I will not go into all the reasons why it was a crime-fighting tool, but from my perspective it was a good use of the judicial and police interface. While it was expensive, in terms of policing hours, it really worked. That type of police-prosecutorial collaboration is continuing, at least in the community I represent. I hope it is working similarly in other parts of Canada.

The bill is a reflection of efforts by the criminal justice community to produce legislation that is more efficacious in achieving these types of goals. Sometimes it is a cost efficiency, or a safety efficiency or a procedural efficiency.

The first one I notice sets out the power to make an order that an offender not communicate with identified persons while in custody. This does not involve a bail scenario, but it involve while a person is in custody. Frankly, it affects the circumstances where gang members issue threats or instructions while in custody. This is a new provision. It would allow the imposition of a restriction, which might under our charter, be seen as a restriction on free speech. However, it is clearly a restriction on people who are in custody from communicating with other specified persons. If they do so, it is a breach of the condition and a Criminal Code offence. This is a good thing if properly used by police authorities. I presume there is always room for abuse, but I am not even suggesting that would happen. The committee will have a chance to look at the intended operation of this provision. From this point of view, I like the look of it.

There are four other sections I wanted to make note of, in the same vein, and that is improving efficiency.

One is the increase in the summary conviction offence filing from $2,000 to $10,000. That is the maximum fine. Because the Criminal Code does not have an inflation escalator, that $2,000 fine looks awfully small for some offences now. Therefore, this is a good change.

● (1345)

The second item is the suspension of a conditional sentence order or a probation order during an appeal. There was a lack of clarity when a person appealed a conditional sentence or a probation order. There was a lack of clarity on both the part of the convicted person who was appealing and the part of police as to whether components of the order were in place while the appeal was under way. This simply clarifies that and it is a good idea.

The third item is an excellent addition to the code. After a person is convicted, this provision would allow a delay in the imposition of a sentence so the offender can participate in a provincially approved treatment program. What has happened up to now is that the judge, prosecutor or defence attorney would sometimes find a way under the rules to postpone sentencing until the offender could engage in some form of treatment to deal with an alcohol or drug dependency or other medical disability.

Now the code, if this passes, will allow the delaying of sentencing so that the accused or convicted person has an opportunity to participate in a recognized treatment program that would allow a judge to select the most appropriate sentencing following the treatment provisions. I do not know how much time would be involved but we will certainly scrutinize that in committee.

The last item I want to mention is the ability of the court to order the seizure of a computer that had been used in child luring on the Internet scenario. That makes good sense. We seize other private property where proceeds of crime situations are involved.

What I want to note for future reference, and the committee will certainly look at this, is that the seizure of computer hardware is one thing but computers now contain information on the hard disk. What is not clear is what happens to the data on the hard disk of a computer that is seized. Is it the intention that the data be rendered inaccessible or is it possible that the data can be accessed and used by the authority seizing the computer? Will the police have the ability to review that data without a warrant, make use of it and turn it into evidence or will it not be evidence? What about other personal and business data?

I do not think we have an answer to that and that should be clarified. What appears to be a simple seizure of a computer may actually be the seizure of a sizeable amount of information, some of which, in a child luring scenario, could be an indicator of further criminal activity by the person from whom the computer was seized. What should happen to that information? Should it be usable as evidence or should it not?

● (1350)

I applaud the many professionals in law enforcement, in the provincial ministries and in the federal ministry who would have collaborated on and assembled quite a good number of technical and administrative procedural changes in the code, which will make the code more efficient, more effective, just as fair and just as charter compliant but a better tool for use in tackling the criminal law problems that we have in many places across the country.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague for his explanation of Bill C-23 I was most interested in his remarks toward the end of his speech when he dealt with evidence, the rules of evidence and the possibility that some evidence may be deemed inadmissible if it were I believe it is called fruit from the poisoned tree. If the source of which came into question it may preclude the possibility of that valuable evidence being used in some subsequent court hearing.

I would like him to answer a question but I would ask him to dumb it down as much as he can and speak in plain language for those of us who are not lawyers. The issue was raised recently in the House of reverse onus in two different contexts. The concept of innocent until proven guilty is being chipped away at and eroded. In one context that I can point to there was a private member's bill which did not succeed but a version of which did succeed in the province of Manitoba. In the event of the proceeds of crime being seized the onus is on the criminal to show that these are not in fact proceeds of crime. In fact, a Hell's Angel speed boat could be seized if that Hell's Angel could not actually show that he or she bought it with legitimately earned dollars.

I think where the member was going with his reservations about this bill is that if that evidence gleaned, which may be tainted and unusable, that we are getting toward a reverse onus situation and the party would have to demonstrate that it was in fact gleaned in a legitimate way.

Is that the connection that he is making reference to and does he have a comment on the proceeds of crime reverse onus situation?

Mr. Derek Lee: Mr. Speaker, yes, that is generally the envelope I was referring to in terms of the seizure of a computer that contained data. Even though the computer and the data is seized under an order, it is not clear that the judicial order contemplates the use of the information on the hard disk as possible future evidence and I think we should be careful about that.

Most people would say that if the guy has done something really wrong and his computer shows it, yes, it should be evidence. However, in our justice system we usually do not make inferences about people's guilt. Our system is based on a person being presumed innocent unless the state or the courts find the person guilty.

I am very reluctant, as a legislator, to alter that balance. The member properly makes reference to the increasing use of reverse onus situations which lowers the burden on the state to produce evidence to get to a certain type of proof.

I am surprised at the scenario that the member has mentioned. It sounds like it may be provincial legislation but normally we do not impose reverse onus situations. I know there are two or three of them in the code and in other pieces of legislation but we do so only reluctantly when there is a need that we could describe as, to use the words of the charter, demonstrably justifiable in a free and democratic society.

I think the courts would frown upon increasing the use of reverse onus situations simply because while most people in Canada would be in a position, in normal language, to rebut one of these inferences made by statute, there have to be many Canadians who could not on their own rebut the inference without the use of a lawyer or without someone else speaking for them. We must remember that there are Canadians with various levels of education and various levels of literacy. We must be careful that when we pass a law we have each of those persons in mind when it comes to making them bear the burden of a particular procedure in a statute.

● (1355)

Mr. Pat Martin: Mr. Speaker, I thank the hon. member for the helpful remarks because they did flush out the reservations I had.

If an organized crime figure, who we knew full well had no visible means of support for the last 20 years but owned a mansion, a speedboat, a bunch of luxury cars and had all kinds of holdings, what would be so wrong if we had the power to simply say that unless that person could demonstrate that those were not the proceeds of crime, that we would seize them and use those assets to give our police officers more resources to bust more criminals? Does he not think that would be a justifiable way to use the reverse onus concept that most Canadians would support?

Mr. Derek Lee: Mr. Speaker, the hon. member has offered a scenario that prejudges most of the facts. In other words, we have an organized crime scenario. We have the classic accumulation of wealth by the individual, conspicuous wealth, and not many other facts to go with it. In that fact scenario it seems awfully easy to say that the person has $25 million worth of assets and no other visible means of support that can be shown, we will take the person's assets, sell them and turn the money over to the police.

It sounds all right except that if we take that rule and apply it to every other Canadian in every other fact scenario, it may produce some unfairness. It is at the wording of the procedure that I would want to look closely. If the member has some wording, we should talk about it and do something that is good for the public.

The Deputy Speaker: It being 2 o'clock, the time for statements by members has now arrived. Two minutes remain in the question and comment period following the speech by the hon. member for Scarborough—Rouge River.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

TOWN CRIER CHAMPION

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, as well as being proud of people like Fergie Jenkins, the baseball hall of famer who visited us two weeks ago, the people of Chatham-Kent—Essex are proud of citizens like George Sims, the award-winning town crier of the Municipality of Chatham—Kent.

George Sims, a long-time educator, has been retired from education since 1995. George has been an active volunteer in many community activities in Chatham-Kent—Essex and was selected as citizen of year in 1996. He received the Centennial Medal in 1967 and was also awarded the Queen Elizabeth Golden Jubilee Medal in 2002.

He was the North American town crier champion in 1998 and placed second many other times. Currently George is the Ontario town crier champion and placed second in the North American town crier championship of 2006.

I extend congratulations to George Sims on expressing his community involvement as an ambassador for the riding of Chatham-Kent—Essex and I welcome George to Ottawa.

* * *

HMCS *SACKVILLE*

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, on October 25, HMCS *Sackville*, Canada's naval memorial, will be brought to Dartmouth to coincide with Eastern Front Theatre's production of *Corvette Crossing*, a play written by Michael Melski and directed by Hans Böggild, to run from October 25 to November 12. The play tells the story of five young officers who serve on a corvette while escorting merchant ships supplying the allied war effort during the Battle of the Atlantic.

HMCS *Sackville* is the lone surviving corvette and is a tangible reminder of the challenging life young Canadians from coast to coast endured in the cold North Atlantic. While the *Sackville* is in Dartmouth, she will be hosting a number of events, from a prayer breakfast for world peace to a number of receptions. I look forward to hosting my colleagues from the House of Commons finance committee before she crosses the harbour.

HMCS *Sackville* continues to be a symbol of the valiant efforts of our Canadian service people and reminds us of our debt to those who served, some of whom never returned.

I want to thank all those who worked so hard to preserve the *Sackville* and her legacy. We look forward to having her in Dartmouth and to *Corvette Crossing.*

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[*Translation*]

ANNA POLITKOVSKAYA

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, on October 7, Russian journalist Anna Politkovskaya was killed. On October 10, one last tribute was paid to the well-known journalist for her critical coverage of the war in Chechnya. She gave up her life fighting for freedom of the press and human rights.

One of the few journalists to cover the second war in Chechnya, she agreed to act as a negotiator during the Moscow theatre hostage takings by pro-Chechnyan forces in October 2002.

Her tragic death emphasizes just how fragile freedom of the press and democracy are in Russia. According to the Committee to Protect Journalists, a New York-based NGO, Russia is the third most dangerous country for journalists after Iraq and Algeria.

The Bloc Québécois would like to convey its sincere condolences to Ms. Politkovskaya's family and friends and hopes that Russia will find the way—

The Speaker: The hon. member for London—Fanshawe.

* * *

[*English*]

MARK ANDREW WILSON

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, sadly today one of Canada's dedicated soldiers was laid to rest in London, Ontario. On October 7, trooper Mark Andrew Wilson was killed near Kandahar in Afghanistan when a roadside bomb struck his armoured vehicle. He was 39 years old. He left behind a devoted family, a wife and two sons.

A member of the Royal Canadian Dragoons, Trooper Wilson was an outdoor enthusiast who joined the Canadian Forces later than most, at age 35. He was described by his family as a rock, a caregiver and the type of person everyone loved. He was always smiling.

Trooper Wilson was a dedicated, knowledgeable and energetic soldier who was always looking to increase his skills and abilities. He was viewed as trustworthy and was well respected by his fellow soldiers and supervisors alike.

Trooper Wilson was a courageous and honourable man who made the ultimate sacrifice for his country. He will be greatly missed.

I wish to extend my deepest sympathies to his family and friends. My thoughts are with them today.

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HEALTH

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I am honoured to rise today in the House of Commons to recognize that October 16 to October 20 is Self-Care Week.

This week is about the value of self-care to our health care system and the well-being of Canadians who benefit from the promotion of self-care and the need to support the advancement of self-care policies in Canada.

On October 17, 2006, NDMAC, advancing Canadian self-care, will be hosting the first self-care fall forum to bring greater attention to the significant contribution that self-care can make to the sustainability of the health care system and the health of all Canadians.

NDMAC's self-care fall forum comes at a time when Canada's new government is working hard to control the escalating costs of health care while providing excellent health care to all of our citizens.

I call on members of the House to attend these events and support the future of self-care initiatives.

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● (1405)

CITIZENSHIP AND IMMIGRATION

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, last week I had the opportunity to visit a family in my riding that is living under very difficult circumstances. The Raza family has sought sanctuary in Crescent Fort Rouge United Church to escape persecution if returned to Pakistan by the immigration department.

The family has lived in Canada for four years and its members have been model citizens. Four of the six children have never been to Pakistan. Two are Canadian citizens.

I have been unsuccessful in my request to the Minister of Citizenship and Immigration asking that he allow the family to return to living in the community while the application is processed so the children can attend school.

I have now written the minister asking him to grant landed immigrant status to the family and base his decision on the best interests of the children. The Immigration Act allows the minister to act in a humanitarian and compassionate manner.

Along with many thousands of other Winnipeggers, I urge him to do so and grant the Raza family refuge in Canada.

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[*Translation*]

NATIONAL SCIENCE AND TECHNOLOGY WEEK

Mr. Christian Paradis (Mégantic—L'Érable, CPC): Mr. Speaker, I would like to take advantage of this opportunity to encourage my colleagues and all Canadians to celebrate National Science and Technology Week from October 13 to 22, 2006. Natural Resources Canada and other departments involved in the sciences and health have planned a variety of activities and events across the country.

National Science and Technology Week is future-oriented. The new Canadian government wants to show young people how exciting the sciences can be and to encourage them to consider the adventure of a career in science and technology.

My colleagues will no doubt agree that science and technology are very important to our standard of living. For example, Canadian health science researchers have made significant progress that has improved our quality of life and strengthened our communities. They have also made discoveries that help Canadian businesses stay competitive and are making Canada a world leader in technology development.

I would invite all members of this House to join me in celebrating National Science and Technology Week.

* * *

ROBERT REDEKER

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, Robert Redeker, a philosophy professor in Toulouse, has become famous, unintentionally. Mr. Redeker published an article on Islam and the Koran in the well-known French newspaper *Le Figaro*. To publish an article, state one's opinion, open the door to discussion —such is the beauty of a democratic society.

The professor, who lives in France, has received death threats from fundamentalists, like those that forced the writer, Salman Rushdie, a resident of England, into hiding for several years. Many writers, artists, intellectuals, politicians and ordinary citizens are calling upon Quebec City and Ottawa to strongly condemn this matter, which is without question very similar to that of Mr. Rushdie.

Regardless of what was written in the article, the death threats received by Mr. Redeker go against the very basis of public life in a democratic state.

The Bloc Québécois is calling upon federal authorities to denounce this type of behaviour by fundamentalists and to send a clear message: these threats will not be tolerated in a democratic country.

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[*English*]

CITIZENSHIP WEEK

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, every year during Canada's Citizenship Week we take time to celebrate the values, rights and responsibilities attached to Canadian citizenship.

Today, October 16, the Minister of Citizenship and Immigration officially launched Canada's Citizenship Week in Ottawa, a splendid occasion that I had the personal opportunity to attend.

From October 16 to 22, hundreds of newcomers will take the oath of citizenship at ceremonies across Canada. Thousands of Canadians will also reaffirm their commitment to Canada by reciting the same oath.

Around the world, Canadian citizenship is highly valued. Our society is based on the principles of justice, freedom, equality and respect. Newcomers choose Canada for different reasons, but all come to our country because they see a better life for themselves and their families.

On average, Canadian citizenship is granted to close to 200,000 people every year. Canada is proud to welcome them, with all their talents, dreams and aspirations. New Canadians make a significant social, economic and cultural contribution to the country and they play a crucial role in building a better Canada.

Canada's Citizenship Week is an opportunity for all of us to remember the importance of celebrating and preserving Canadian citizenship.

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● (1410)

BONE MARROW RESEARCH

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, I rise today to mark the 10th anniversary of the Canadian Cure Campaign, which saw a then teenaged Christine Ichim rollerblade across Canada to raise funds for leukemia research.

This week she celebrates with a Hope for Leukemia Awareness Day and is teaming up with the Aplastic Anemia and Myelodysplasia Association of Canada during the association's annual awareness week.

It is estimated that there are more than 1,500 new cases of these bone marrow failure diseases each year alone in Canada. This week is an opportunity to increase awareness and give hope to families faced with these diseases.

I believe I speak for all parliamentarians when I extend our support of these efforts to bring attention to serious bone marrow diseases.

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KOREAN-CANADIAN SCHOLARSHIP FOUNDATION

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Mr. Speaker, on Saturday evening I had the opportunity to attend the Vancouver Korean-Canadian Scholarship Foundation awards dinner. During the evening, more than 50 post-secondary students of Korean ancestry were presented with financial awards to help them achieve their academic and career goals.

For me, it was great to spend the evening in the company of such amazing young people. It was also great to see the tremendous contribution that the Korean-Canadian Scholarship Foundation is making to its community and to Canada.

Earlier last week, the Prime Minister also had the opportunity to meet with many of these scholarship recipients while he was in Vancouver. The Prime Minister's visit was warmly received and many students were delighted that he took the time to meet with them and extend his congratulations.

I want to make special mention of Eunice Oh, chair of the scholarship foundation and main organizer of this annual dinner. I was told that without Mrs. Oh this event would not have become the great success that it is today.

I know that Korean Canadians have made great contributions to Canada in the past, but based on what I saw Saturday evening, I would say that the best is yet to come.

* * *

POVERTY

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, yesterday millions of people around the world, including thousands across Canada, stood up to make poverty history in support of the UN millennium development goals.

Today, right now, NDP members stand up to make poverty history. We urge all members of the House to rise with us in saying that Canada must meet its international commitment of 0.7% for development aid.

In 1989 Ed Broadbent got all-party support to end child poverty. In 2005 Parliament unanimously supported an NDP motion to meet Canada's commitment. And we forced the Liberals to include an additional $500 million in the budget for aid. So why do we have budget cuts that hurt the most vulnerable in our society? Why does Canada break its promises?

We stand today for hope, that when political will exists, these goals become real. We stand today because the world's poor are tired and dying of waiting. We stand today for concrete action to make poverty history.

* * *

CO-OP WEEK

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, there are more than 400 co-operatives and credit unions operating in Nova Scotia.

The co-operative movement was started in Cape Breton by a fellow islander, Dr. Moses Coady. It came about mostly because of the struggles that farmers and fishermen were facing in rural areas during the depression.

In 2006 the Cape Breton Co-op stores won the CEO award from Co-op Atlantic in recognition of the best overall improvement in sales, expense controls and overall savings for their membership. Housing cooperatives in my riding of Sydney—Victoria provided good quality, affordable rental housing for almost 50 families.

I had the great experience of being a member of four different co-ops. During my time, I saw at first hand how the co-op not only benefits communities but also brings a sense of unity to the community.

I ask all members of Parliament to join me in recognizing this week as Co-op Week and celebrate the co-ops' accomplishments with them.

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[*Translation*]

FOREST INDUSTRY

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, it is crucial that the government do everything in its power to save the forest industry from this catastrophe.

In Abitibi-Témiscamingue, only five mills remain out of the 19 that were operating only a short time ago. More than 2,500 people have lost their jobs. My riding has been battered by this crisis.

We waited four years to see this conflict resolved. Now we have an agreement signed and look where it has left forest workers. It has been a long time; very long, too long. In Abitibi-Témiscamingue, 14 out of 19 are now closed or about to close.

For many municipalities, these mills provided the main, if not the only, economic activity. This is shameful. The government must stop finding excuses for its inaction and immediately get to work for the citizens of Quebec's remote regions.

* * *

● (1415)

[*English*]

LEADING HANDS OF CANADA

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, I recently met with JoAnne Durham and Ron McBride, two individuals involved in Leading Hands of Canada, an organization designed to break down barriers between employers and employees with hearing loss.

In Ontario alone there are at least 85,000 persons with hearing loss. The need to provide training and support programs for such individuals as well as their employers is enormous. Often employers will look the other way from a potential employee with hearing loss because of various misapprehensions about the suitability of persons with hearing loss to maintain gainful employment, a lack of tax incentives for employers, and other factors.

With $17.7 million recently axed from literacy programs, there is a pressing need for the government to take a leadership role in providing educational and training opportunities for those who are without the tools to function at home, in the community and in the workplace.

The right to be treated equally has been sacrificed at the altar of those who can only think in terms of money, those who know the cost and price of everything, but the value of nothing.

I call on the government to reinstate funding for literacy programs—

The Speaker: The hon. member for Langley.

* * *

LUNG DISEASE

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, today the Canadian Lung Association is meeting with MPs to raise awareness of the burden of lung disease in Canada.

The Canadian Lung Association supports this government's efforts to reduce the levels of air pollution and I believe it is looking forward to the introduction of the clean air act.

Like this government, the Lung Association recognizes the importance of reducing air pollution for the sake of our health. Smog and poor air quality continue to cause thousands of deaths each year and hundreds of thousands of severe episodes of asthma and bronchitis, particularly among children and the elderly. It is estimated that six million Canadians suffer from serious lung diseases and unfortunately, these disease rates continue to rise.

This government's approach was developed with the long term health benefits of Canadians in mind. Our approach is achievable and beneficial to our environment. Canada's new government is committed to improving the health of Canadians by cleaning up the air we breathe.

My thanks to the Canadian Lung Association.

ORAL QUESTIONS

[*English*]

LITERACY

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, during the parliamentary break week, Liberals were out listening to Canadians. As I met with Canadians in small communities in northern Manitoba, Nunavut and rural Quebec, they told me they did not understand why the Conservative government had it in for our fellow citizens who were most in need.

Over and over again we heard about the Conservative government's cuts to literacy funding, a cruel blow to those adult Canadians who cannot read or write but want to better their lives.

Why is the government picking on those Canadians? Why is the Prime Minister giving the back of his hand to the most vulnerable in our country?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, if all these Liberal MPs were out working so hard, we would think they would have come back to the House to tell us exactly what they heard.

The House will know that the government will spend over $80 million on literacy in the next two years. We want to ensure those dollars are spent as effectively as possible.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, I wish the Prime Minister would go to Nunavut. There the literacy programs have been decimated; Literacy Partners of Manitoba was cut to pieces; and forget about the Quebeckers who are telling us that they cannot read instruction manuals for their kids' report cards.

Canadians understand that in the 21st century literacy means economic survival. Why is the government destroying hope for those Canadian adults who have serious literacy challenges? How can the government be both so meanspirited and so economically irresponsible?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I think the most effective way of dealing with that kind of exaggeration is, once again, simply with the facts. The government will be spending over $80 million a year in the next two years. The government has announced new funding for immigration settlement which will also contribute to literacy programs.

The fact of the matter is that under the previous government, for 13 years, adult illiteracy went up. We are going to ensure we spend effectively so that it goes down.

* * *

[*Translation*]

SOFTWOOD LUMBER

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, are workers affected by mill closings in Quebec exaggerating when they say jobs are being cut?

The Prime Minister gave in to the Americans. This has led to job losses in Quebec. Now, his Minister of the Economic Development Agency of Canada for the Regions of Quebec is making things worse by blaming the job losses on the environmental programs of the Quebec government. This is irresponsible ignorance.

When will the Prime Minister and his Minister of the Economic Development Agency of Canada for the Regions of Quebec do their job and help workers living in regions experiencing difficulties?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government realizes that the forestry industry is facing major challenges. That is why the budget adopted by this Parliament includes funds for the forestry industry and for older workers.

A softwood lumber agreement is needed to bring stability to the industry. That is why our agreement is supported by the Quebec government, unions and corporations. The Liberal Party should support this agreement.

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, more than 1,600 forestry jobs have been lost in Quebec and Ontario in the past week.

The so-called agreement with the Americans on softwood lumber has accomplished nothing. The promised stability is nothing but smoke and mirrors.

Does the Prime Minister concur with the erroneous and simplistic explanation given by his Minister of the Economic Development Agency of Canada for the Regions of Quebec, who blames the Coulombe report, the Government of Quebec and environmentalists for the crisis in the forest industry?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, contrary to what my Liberal colleague seems to think, it is important to say that this government has accomplished in six months what the previous Liberal government was unable to accomplish in four years.

We have settled the softwood lumber dispute, and we have put more than $5 billion Canadian back into industry pockets. That is why we are asking Parliament to support us, to support older workers and to support the softwood lumber industry by voting in favour of the agreement.

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, jobs are being lost throughout Quebec: in Saguenay—Lac-Saint-Jean, in Abitibi, in northern Quebec and on the North Shore.

It is a catastrophe when half the workers in small cities and towns are losing their jobs because of the forestry crisis.

The Conservative minority government has denied that this problem even exists until now. It has dragged its feet for nine months.

What does the Prime Minister intend to do to help these towns, to help these families and to help these workers? Why has he done nothing up to now?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I am very surprised to hear my colleague talk about foot dragging on this issue.

Thirteen long years of corrupt Liberal government meant that the softwood lumber problem remained unresolved. In just six months, we have resolved it. We are bringing back the money, we are bringing back stability and a profitable future for the people in the softwood lumber industry.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the forestry industry has been weakened by the softwood lumber dispute and it is going through an unprecedented crisis. Since April 2005, some 9,000 jobs have been lost in Quebec and it is only now that the Prime Minister is acknowledging that the Canada-United States agreement is inadequate when it comes to helping the forestry workers and companies. Unfortunately, he still refuses to say what form any supplementary help will take or when it will come.

When will the Prime Minister finally take action? The Bloc Québécois proposed a concrete plan. Will he use it as a model for immediately helping the entire forestry industry?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the softwood lumber agreement is necessary for the future of this industry. It is not sufficient and that is why, in our budget, we have funding for the older workers and for the forestry industry. We intend to announce our plans in these areas very soon.

Nonetheless, this agreement is essential. The leader of the Bloc Québécois should tell that to the leader of the Parti Québécois.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Bloc proposed an assistance plan for older workers. A vote will be held on this issue this evening for every worker in every sector from every region in Quebec. This is what the unions and the Fédération de l'Âge d'Or du Québec are calling for, not a plan limited to a few regions and one or two sectors for just a year.

Will the Prime Minister understand that people older than 55 with 30 years of seniority cannot leave the softwood lumber industry to be retrained in computer science? Can he realize that? We are not talking about a bunch of old, worn-out rakes. These people need assistance immediately in order to live a decent life. Could the Prime Minister respond?

● (1425)

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, it is important and we understand the demands the forestry industry is making and we are taking action.

Allow me to remind the leader of the Bloc Québécois that in our last budget we took action. We made a promise to have an older workers assistance program. It is a promise of the new government and we will keep it, just like the other promises. We will take action. That is exactly what the Bloc Québécois cannot do. The Bloc Québécois cannot take action because it is perpetually in opposition.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, contrary to what his two colleagues just said, the Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec said that the government could not do anything to help the forest industry.

Can the minister really not think of a single thing the government could do? The Bloc Québécois introduced no fewer than 10 measures: fiscal measures and new market development measures, as well as older worker assistance measures and a program to go along with them. All of these measures are appropriate. How can he say that the government's hands are tied when these solutions exist? All it lacks is the will to do something.

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, we have resolved the softwood lumber dispute, which the Liberals failed to do in their 13 years of corrupt government and which the members of the Bloc Québécois will never be able to do. Members of the Bloc Québécois are in opposition and will always be in opposition. We are aware of workers' needs and will act to meet those needs. That is why we are asking for the opposition parties' support so we can act to help these workers as quickly as possible.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, that is not all the Minister of the Economic Development Agency of Canada for the Regions of Quebec said. Referring to Richard Desjardins, who sings about forestry issues, he wondered when a singer would stand up to defend the unemployed.

The question is not when will a singer sing about the unemployed, but when will we have a government that cares enough to do something for the unemployed?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, as the Minister of the Economic Development Agency for the Regions of Quebec, I had another opportunity to go to Abitibi last week. Fifteen of the nineteen sawmills in the region are closed. In Saguenay—Lac-Saint-Jean, nearly 1,400 jobs have been lost in the sector, including—

The Speaker: Order, please.

It is impossible to hear the minister, who has the floor. He was given the floor to answer the question. We have to be able to hear his response.

The Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec.

Hon. Jean-Pierre Blackburn: Thank you, Mr. Speaker.

When environmental standards are negotiated, it is important to ensure that the industry will be able to absorb the changes being introduced. Doing this jointly prevents companies from closing.

* * *

[*English*]

CANADA-U.S. BORDER

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, recently Mayor Bradley of Sarnia added his name to the chorus of Canadians who are concerned about the U.S. coast guard firing live ammunition into the Great Lakes. This is on top of the fact that the vessels of the coast guard have very powerful machine guns on them now.

Will the Prime Minister tell us how firing live ammunition into the Great Lakes where Canadians live, work and play is making them any safer?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, it was actually in 2003 that the previous government affirmed a treaty that had been in place since 1817 and permitted this type of exercise. It is currently under review. There has been a suspension of all activities of live fire exercises until November. There will be a public consultation. Canada has made its views known to the United States. Clearly, we will follow these consultations in the United States to make those views further known on the environmental side and the security side to see that we get a proper resolution.

● (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, a proper resolution is to make sure that the shooting in the Great Lakes is stopped.

We all know that the Liberals sold us out when they allowed a treaty concocted two centuries ago to keep the Great Lakes demilitarized to be violated.

The question is whether the Conservative government is going to put on the table a Canadian position that says there will be no firing of live ammunition in the Great Lakes because of the environmental, safety, tourism, economic and sovereignty consequences.

Will the Prime Minister stand in this place and say that he is going to tell the Americans to shut down the firing in the Great Lakes?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, obviously the leader of the NDP was not listening and he has taken the usual approach of ready, fire, aim.

I have said that the exercises are not taking place while the consultation is under way. In fact, there will be three public consultations, one taking place in Minneapolis and the others in Detroit and Buffalo. They are currently under way.

In April 2003 both countries agreed to an interpretation of an age-old contract, the Rush Bagot contract. We are pursuing this with the Americans. We have made our views known. We will continue to monitor the situation.

[*Translation*]

SOFTWOOD LUMBER

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, in the wake of all the "innocent quotes of the week", the Minister of the Economic Development Agency of Canada for the Regions of Quebec absolutely had to get in on the action. After hearing his colleague from the industry department tell us recently that the increase in oil prices was due to environmentalists, the Minister of Labour really lays it on now by saying that sawmills are closing and thousands of workers are losing their jobs and that too is all their fault.

Instead of insulting and blaming environmentalists and singers like Richard Desjardins, who believes like us in sustainable development, now that we know that the Prime Minister says the softwood lumber agreement is inadequate, what is the minister going to do? Will he retract what he said? Will he apologize to Quebeckers for comments more reminiscent of the 1950s?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, the member for Bourassa is never lacking for inflammatory words, always cut and dried and always rude.

We have the reality of the forestry crisis. When environmental standards are implemented hastily and not in consultation with the private sector, companies close. Now it is the unemployed who are paying the price for these decisions. If the Bloc Québécois had done its job when it was time and persuaded the Parti Québécois to negotiate with the companies in order to introduce measures, we would not be—

The Speaker: The hon. member for Bourassa has the floor.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, our minister piles it on and claims without flinching that the sawmill closures show that we are going in the right direction. He also attributes this state of affairs to the Conservative government's approach to improving air quality.

Are we to understand that the labour minister is telling us now, in his wisdom, that it is the fault of environmentalists if the sawmills are closing, that ultimately it is good for the environment and this is the approach he prefers?

We are witnessing something unprecedented in the annals of Parliament. We now have two twins in cabinet: the Minister of Transport, Infrastructure and Communities, and the Minister of Labour and of the Economic Development Agency of Canada for the Regions of Quebec, "Loose Cannon".

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, the member for Bourassa just carries on with his insults in the House of Commons. He is incapable of more modulated speech and better behaviour in the House.

That being said, I remind the House of how important it is for parliamentarians to sit down with industry and ensure that when new environmental measures are implemented in the interests of all Canadians, these measures are possible and feasible for the companies so that they can stay afloat and people keep their jobs. Then we have a win-win situation.

I hope that the House will vote this evening in favour of the agreement to settle—

The Speaker: The hon. member for Beauséjour has the floor.

[*English*]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, since this minority Conservative government sold out the Canadian softwood lumber industry to the Americans, all we have been hearing about is sawmill closures. Thousands of softwood related jobs were lost last week alone. In response, the Minister of Labour blames environmentalists for job losses in the lumber industry.

Does the trade minister also think environmentalists close sawmills, or will he admit that his inaction and the flawed softwood lumber deal are hurting workers and communities who now urgently need federal government help?

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the hon. member perhaps is trying to suggest that the U.S. housing market has taken a severe downturn because of the softwood lumber agreement, which he knows is patent nonsense.

What he really is saying is he wants to go back to litigation. He wants to go back to spending millions of dollars on lawyers. He wants to go back to higher duties payable to the U.S. treasury. He wants the uncertainty, the job loss and the destruction to companies and communities from continuing the fight on softwood lumber.

● (1435)

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the minister probably was on the wrong question.

We have an industry minister who blames environmentalists for high gas prices. We have a labour minister who blames environmentalists for job losses in softwood. We have an environment minister who will also get around to blaming environmentalists for her inaction on climate change.

Instead of passing the buck, will the Minister of International Trade pass the support package that he himself announced last November which will immediately aid softwood communities and workers?

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, we do indeed have some excellent ministers in cabinet and I am very proud of them.

If the hon. member wants a support package for the softwood lumber industry, for the forestry industry, he should pass the softwood lumber agreement and get that $5 billion into the hands of the companies so they can build their business.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the softwood lumber agreement is not enough, as the Prime Minister is finally admitting. From the very beginning of the softwood lumber crisis, the Bloc Québécois has suggested that the government take a series of steps to support the industries and forestry workers, but this government, which has been in place for nearly a year, has done nothing.

How can the Minister of Industry deny the necessity of putting in place assistance measures, as the Bloc Québécois is proposing and everyone in Quebec is calling for, when the crisis has reached unprecedented levels? How can the minister justify his refusal to act? The ideas are there. All that is missing is his will.

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I would remind my hon. colleague that in the budget we tabled, which the Bloc Québécois and our Liberal colleagues voted for unanimously, we clearly demonstrated that we intend to have an assistance program for older workers.

We are going to act, unlike the Bloc Québécois members who, after months of dithering, finally decided to support the softwood lumber agreement after Henri Massé pleaded with them to support it for the workers in Quebec.

We have acted in six months, something that the Bloc Québécois, after 13 years, cannot do here. It will never be able to act for Quebeckers.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the government had included a feasibility study in the budget. What is needed today is not feasibility studies, but action.

The Minister of Industry is an advocate of the laissez-faire approach to the economy, and this approach is causing serious harm to the forest industry.

How can the Prime Minister remain passive in the face of the inaction of his industry minister, who is still claiming that refunding duties to the forestry companies is enough and that the government does not have to take any further action? Will the Prime Minister be consistent and ask his minister to act?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I have here an article by Yves Boisvert, from the September 8 edition of *La Presse*, in which the author talks about taking action.

This is what he says about the leader of the Bloc Québécois:

"When you are a party leader in Ottawa, in these troubled times, if you do not have a clear position on one of the most serious issues of the day, [such as the softwood lumber agreement, on which we ask him to take a clear position and to continue to vote in our favour], you are insignificant. And if you have a clear position and do not dare state it, you are a coward."

I did not say that, it was Yves Boisvert in the September 8 edition of *La Presse*.

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, far from becoming clearer, the government's position on the environment is increasingly confused. The minister's latest scheme is to allow the oil industry to simply lower its greenhouse gas emissions intensity, while specific reduction target might be set for the other industries.

How can the government not only reject the Kyoto objectives but also set out to give tax breaks to its big oil friends without providing anything similar for the other industries? How can it explain such a double standard?

● (1440)

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I would just ask the hon. member to wait for our plan to be released. This government obviously will be treating all sectors equally. We have assured that to industry sectors and Canadians across this country. I would ask him to work with us because the environment is an issue that matters to all Canadians and matters to every party in this House. We have for the first time an opportunity in this chamber to debate and discuss a piece of legislation of this calibre. I would ask him to wait for the legislation and support it.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Prime Minister's nearsighted environmental strategy is to launch another round of consultations with Quebec, the provinces and the industry.

How can the Prime Minister explain that, while glaciers are melting, this government is conducting consultations instead of taking action?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, we spent the summer consulting with every province and territory and over 63 industry associations. We will continue to work with all of our stakeholders and environmental groups.

As I said, I would ask the hon. member to wait for the plan to be released and work with us on it.

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CANADA MORTGAGE AND HOUSING CORPORATION

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, for 60 years the Canada Mortgage and Housing Corporation has helped countless Canadians become homeowners. This valuable organization, which helps Canadians achieve their dreams of owning their own homes, will soon be on the government's chopping block. There are reports that the minority Conservative government is planning to privatize CMHC, continuing the fend for yourself approach which hurts vulnerable Canadians.

Why is the meanspirited Prime Minister so determined to cut programs that help millions of Canadians?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, I have to be honest with the House that it never occurred to us to privatize CMHC. Reports to the contrary are simply untrue, false, erroneous, inaccurate and downright wrong.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, we have heard that before, so I do not take that as an answer.

Some hon. members: Oh, oh!

The Speaker: Order. We have to be able to hear the question. How is the minister going to be able to answer if we cannot hear the question? The member for York West has the floor. We will have a little more order in the House, please.

Hon. Judy Sgro: Mr. Speaker, the fact that the government is even considering such a travesty, regardless of what it says, shows how little it cares about Canadians and building our great country. Even Conservative MPs admit that affordable housing is at a critical stage in their ridings. CMHC helps Canadians enter the housing market and privatization would change an organization that currently benefits so many into one that would benefit a select few.

Home ownership is a dream for many Canadians. Why does the government want to turn it into a nightmare?

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, as I said, reports about any privatization of CMHC are unfounded, baseless, and do not even merit discussion because they are not on the agenda.

CMHC will continue to provide over $2 billion in affordable housing assistance that will help 630,000 families right across this country.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, if what the minister said is right, perhaps she should advise the president of the Canada Mortgage and Housing Corporation, who believes that the government is planning to privatize or otherwise dispose of the CMHC.

While still squirrelling away surpluses inherited from the previous Liberal government, why does this government want to turn a government agency accessible to all into a private enterprise that will only benefit its shareholders?

Is this government telling everyone who benefits from the CMHC —

The Speaker: The hon. Minister of Human Resources and Skills Development.

[*English*]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, we are not planning any privatization of CMHC. I repeat, we are not planning any privatization of CMHC.

[*Translation*]

The Speaker: The hon. member for Notre-Dame-de-Grâce—Lachine.

Some hon. members: Oh, oh!

[*English*]

The Speaker: Order, please. I am sure the hon. member appreciates all the encouragement, but we have to be able to hear the question. It is question period, not shouting time. The hon. member for Notre-Dame-de-Grâce—Lachine.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the government says that it is not planning any privatization of the CMHC. That is great.

Some hon. members: Oh, oh!

● (1445)

The Speaker: Let us not waste time. The hon. member for Notre-Dame-de-Grâce—Lachine.

Hon. Marlene Jennings: Is the government totally prepared to make sure that all profits generated by the Canada Mortgage and Housing Corporation continue to be earmarked for affordable housing for Canadians?

[*English*]

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I guess all I can say is that if after a week of scouring the country listening to Canadians the best those members can come up with are four questions on a rumour that is utterly false, this government must be doing a pretty good job.

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HEALTH

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, continuing on the theme of good government, our government understands the important role that health research has within the medical community and the benefits that it provides to all Canadians.

Could the Minister of Health please inform the House on what Canada's new government is doing to support health research throughout our country?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I would be pleased to answer that question. Indeed, last week I announced $348 million extra in funding for health research projects, including in the area of wait times, pandemics and cardiac health. In the 2006 budget we increased the budgets for the Canadian Institutes of Health Research by $17 million, an initial $21.5 million over five years for pandemic preparedness.

The government is acting for health research, better health outcomes for Canadians. After 13 years of inaction, this government is acting.

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HOUSING

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I am sorry, but Canadians are very skeptical about the housing strategy from the new government. The Liberals starved housing in our country and now, according to the reports, the Conservatives are prepared to kill it.

We need more affordable housing, not less. There is a national crisis out there. I want to hear absolutely, not only that the minister is committed to funding affordable housing and will not be privatizing our national housing corporation. I want to hear her say that they will stop the privatizing—

The Speaker: The hon. Minister of Human Resources and Social Development.

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, it is rather difficult to stop something that was never started or even contemplated. We will not have any plans to privatize CMHC. Any reports to the contrary are unfounded, baseless, without any reason and without any factual background whatsoever.

Mrs. Irene Mathyssen (London—Fanshawe, NDP): I am sorry, Mr. Speaker. I heard the same words from the minister when she talked about supporting SCPI. In my riding six out of ten projects have been cut, six out of ten projects for the most vulnerable people in our country.

I want to hear once again that the government is prepared to bring forward a national housing program to make sure that people in our country are properly housed and to tell me, absolutely, that there will be no privatization.

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, we recognize how important it is to take care of those less fortunate in our society. That is why we are spending over $2 billion a year, through CMHC, on affordable housing. That will help over 630,000 families across the country.

That is why we also renewed all of the programming for SCPI and for homelessness. In fact, we confirmed that $37 million for that program, which went unspent by the previous government, was available this year.

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CANADIAN WHEAT BOARD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, that minority government, in its attempt to destroy the Canadian Wheat Board, did the unconscionable in a democratic society. The Minister of Agriculture and Agri-Food, through an order in council, shattered freedom of speech for farmer elected directors. The order stated in part, "It shall not advocate the retention of its powers". This directive goes against every principle in a free society for citizens elected to represent their electors.

Will the minister rescind this order now?

● (1450)

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I can hardly wait for his next question when he asks to put potatoes under the Canadian Wheat Board.

Here is what the Canadian Wheat Board's own Code of Conduct says:

> —directors must remain impartial and retain the perception of impartiality in relation to their duties and responsibilities. Directors must not use corporate facilities, equipment, or resources in support of these activities.

That is what the Wheat Board's own code of conduct says. Our order in council simply reaffirms that.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, this is absolutely nothing but a gag order. This is for the Prime Minister. This gag order is on an independent elected board of directors of a marketing institution.

The list of infractions of that minority government continues to grow, from fake letters, manipulation of the media, stacked government task forces, circumventing Canadian laws and now a gag order violating freedom of speech.

Is this the Prime Minister's definition of ethics and accountability?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, there is nothing in the order in council that prevents individual directors from speaking out. They are perfectly free to speak out on any issue they want. Neither the pro marketing choice nor the monopoly people are prohibited from speaking out. Everyone is welcome to get right at it.

What we will not do is encourage the Wheat Board to spend its time on partisan activities. We want it to get on with the job of selling wheat for farmers, and it is about time it got on with that job.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, there is obviously one rule for the government and one rule for the board.

The government of Saskatchewan says that destroying the Canadian Wheat Board's marketing system would slash grain incomes in Saskatchewan by at least $300 million a year. The law enacted by Parliament gives western farmers the legal guarantee that before any marketing change, prairie farmers must be given the opportunity to vote on that specific change in a fair and democratic plebiscite.

Will the minister commit himself today to fully respect the farmers' democratic right to vote on this specific issue?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, while that member was the minister of agriculture, farmers went to jail for trying to market their own product, and we do not want to see that happen any more. We think farmers should have the choice to market their grain in a way that best benefits their farms and their individual corporate choices.

There was testimony before the agriculture committee last week that the Canadian Wheat Board actually cost farmers money.

Most important, we want to give marketing choice to farmers. This is something we campaigned on. We like to keep our campaign promises, something that is a foreign concept to the party opposite.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, then let the farmers vote. It is unbelievable that the minority Conservative government would plan to kill the Wheat Board and kill the farmers' right to vote all at the same time. Gone would be the single desk marketing system and producer cars and short line rail systems and the port of Churchill and anyone to stand up to the anti-farmer market power, the grain companies and the railways. So much for transparency and accountability.

Why does the minister fail to respect the farmers' legal right to vote? What is he afraid of?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, he forgot to add to that list getting rid of the Crow rate. Wait a minute, he did that. I forgot that.

In addition, we are involving the farmers in this process. We have appointed a task force to give options to what we campaigned on openly. We look forward to the day when Canadian farmers have the choice on how they market their grain. We look forward to a strong Canadian Wheat Board in a multi-choice world.

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[*Translation*]

GOVERNMENT PROGRAMS

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the government severely cut spending in literacy programs, thus seriously jeopardizing initiatives to reach users, including a number of workers hurt by the softwood lumber crisis.

Why is the government stubbornly cutting funds for literacy programs, which help workers laid off in the softwood lumber, textile and clothing industries? Why go after these people?

● (1455)

[*English*]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, we recognize that Canadians need to know how to read, write and do their numbers. That is quite simple. That is why we are investing over $80 million in literacy.

We are going to invest it in programs that deliver real results to Canadians. We are not going to invest that money in advocates and lobbyists who do not get any literacy results on the ground.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the government also drastically reduced the budget for Status of Women Canada.

What can possibly lead this government to slash by 30% the budgets to promote equality for women, considering that these budgets have already been significantly reduced and are totally inadequate?

[*English*]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the government has not cut any program spending on women, none. We have cut administration because that does not help women on the ground. Our programming is going to continue.

The government is delivering real service for women. Where the previous government talked about protecting women, we are doing it. That is the difference.

* * *

INFRASTRUCTURE

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, last week the Treasury Board president improperly inserted himself into a municipal election by withholding $200 million in previously committed funding for Ottawa's light rail project. The minister could have taken action on the file, but instead he waited weeks after the contract was signed to announce, through the media, that the government was withholding funds.

Did the Prime Minister approve of the minister's decision to withhold the funding? Does the Prime Minister believe that all current infrastructure agreements with municipalities should be put on hold until after all municipal elections?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I have been reading a significant amount on this. I can tell the member opposite that we strongly support public transit. It is important for our environment. It is important for our public servants to get to work. It is also very important to reduce congestion.

I read the *Ottawa Sun* editorial on October 4 entitled, "Feds on right track". It said:

> Too often in the past we have seen governments, at various levels, toss around tax money without taking adequate care that it's well spent.

There was an *Ottawa Citizen* editorial that said:

> —the unprecedented scope of the investment...makes a final, ratifying endorsement entirely appropriate.

* * *

JUSTICE

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, headlines read, "Crimes and lives," "Shatters families" and "Frightens communities". With gun, gang and drug crime on the rise, Canadians are demanding action. One of the main platform commitments of the government made during the last election was to get tough on crime and work toward making our communities safer.

Could the justice minister update the House on the status of the new government's crime agenda?

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I thank the hon. member for his continued work on this issue.

Since assuming office, Canada's new government has moved swiftly to tackle crime and protect Canadians. Our bills will keep dangerous criminals off the street. We have moved to protect children from sexual predators and to crack down on street racing. Tomorrow I will be introducing legislation dealing with dangerous offenders.

However, for the House to make this happen, the opposition parties must support these bills. They must come on board and help protect Canadians' safety.

* * *

[*Translation*]

SOFTWOOD LUMBER

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, even the Parti Québécois has finally realized that the minister is incompetent. André Boisclair is condemning the softwood lumber agreement.

So then, where is the Bloc Québécois?

Mr. Boisclair figured it out, as did others in the Abitibi, Saguenay—Lac-Saint-Jean and North Shore regions, when they lost their jobs following this agreement.

[*English*]

The meltdown of jobs by the softwood sellout is total. In Quebec, northern Ontario, Saskatchewan and British Columbia nearly 3,000 jobs have been lost in a week.

Will the minister stop his bungling and stop imposing this bad deal?

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, it is always entertaining for me to listen to the new ways that the member can spew his partisan ideology and venom in the House.

It is about time the hon. member told this House and Canadians what he is really proposing. He is proposing a continuation of lumber trade wars, a continuation of litigation, a continuation of hundreds of millions of dollars into the U.S. treasury and the destruction of the softwood industry in our country.

● (1500)

[*Translation*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Quite the contrary, Mr. Speaker.

[*English*]

Last Friday, as the minister knows, the Court of International Trade ruled that Canadians would get every single penny back that was illegally paid, not give away a billion dollars.

This billion dollar botched sellout by the minister is the only thing stopping Canadians from justice.

We see administrative chaos at the border, double taxation and pages of new text in the sellout that have not been made public. What a mess. What other aspects of this brutal bungling is the minister trying to cover up?

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I really do not know what to say about somebody who refuses to admit the truth.

The truth is that we have been winning legal battles. The truth is that those battles can go on for two or three years. The truth is that new cases can be brought. The truth is that member does not care, he is not responsible and he is promoting a deception on the Canadian people and the workers in the softwood lumber industry.

* * *

INFRASTRUCTURE

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, the President of the Treasury Board did nothing until he realized he could interfere in a municipal election.

It gets worse. The minister's political staff have confirmed that they leaked confidential documents in order to justify the minister's irresponsible and unprecedented actions. The minister received this contract under the strict condition that confidentiality would be respected as required under the Privacy Act.

Did the minister and his staff circulate this confidential contract to the media knowing full well that Canadian taxpayers would be held liable?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, the *Ottawa Citizen* editorial of last Saturday has a good message for my colleague opposite. It states:

> Turns out there are some people who favour secrecy, who are happy to keep the taxpayer in the dark, and not surprisingly they belong to the federal Liberal party — the same party that when in power was hardly famous for openness and transparency.
>
> If the mayor and his Liberal friends want to stand on the side of government secrecy, that's their business. But as a political position, it's hardly a vote-winner....

* * *

ASIA-PACIFIC GATEWAY

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, my question is for the Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics.

Given that Canada's major west coast ports are much closer to the vibrant market and commercial ports of Asia than our American competitors, would the minister please tell the House how the Asia-Pacific gateway announcement made on October 11 will help B.C. ports compete for a greater share of Asia-Pacific shipping and the west coast to become the great economic engine of Canada?

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I thank the hon. member for all the work she has done on the Asia-Pacific gateway and corridor initiative.

The government is committed to a productive, competitive and efficient economy. The gateways and corridors initiative is one part of this program. It is focused. It is efficient. It minimizes bureaucracy. It minimizes decision delay. It accelerates funding of over $300 million with $591 million in total to be spent over the next five or six years.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Mohammadmian Soomro, the Chairman of the Senate of the Islamic Republic of Pakistan.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw to the attention of hon. members the presence in the gallery of the Hon. Loyola Sullivan, Minister of Finance for the Government of Newfoundland and Labrador.

Some hon. members: Hear, hear!

● (1505)

The Speaker: I understand the hon. member for Burnaby—New Westminster has a question of privilege arising out of question period so we will hear him now.

* * *

PRIVILEGE

RESPONSE BY MINISTER TO ORAL QUESTION

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the Minister of International Trade went overboard, although I understand he is desperate, defending a very bad deal, but his comments in question period today were completely unacceptable in a parliamentary context.

He has to respect members of Parliament. Yes, we will be posing tough questions and if he cannot answer them that is his problem, but the personal insults that he just leveled during this question period were inappropriate.

Mr. Speaker, I would hope that you would review the blues and take the appropriate measures.

The Speaker: I will review the answer that the hon. member is complaining about and see if there was anything that was unparliamentary in it, and if there was I will get back to the House in due course.

The hon. member for Nepean—Carleton is rising on a question of privilege also.

FREEDOM OF SPEECH

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I rise today to respond to the question of privilege raised by the member for Mississauga South in the House of Commons on October 5.

The member for Mississauga South has claimed that he was threatened, that he felt intimidated and that his right of free speech was infringed upon.

Let us review the facts. During my October 4 address before the House of Commons, I pointed out that the Liberal Party was soft on crime. The member for Mississauga South, who is also soft on crime, rose on a point of order to interrupt my remarks. It was the 14th time that he had risen on a point of order in this Parliament.

In that interruption he began to refute my arguments and engage in debate. Your Chair, Mr. Speaker, correctly dismissed the member's intervention as a speech which was masquerading as a point of order.

This is nothing new for that particular member. He has a long history of abusing points of order. He has intervened to make 10 false points of order in the House of Commons. Those are 10 points of order that have been summarily dismissed or ruled out of order by your Chair. This occasion was no different at all.

Mr. Speaker, on the date in question, October 4, the member rose again on another false point of order which your Chair ultimately dismissed. After hearing this intervention from the member and after having been interrupted by another false point of order by the member, I strolled over to the other side of the House, as is my right and as is customary in this place as we can see members doing right now, and I told him that if he continued to interrupt me with false points of order that eventually I would need to raise a few of points of order on him.

However, he spun around in his chair very promptly and said that he felt threatened and intimidated. He then rose in the House of Commons the very next day on a question of privilege and announced that his right to freedom of expression had been robbed and that he was being intimidated into silence.

I find it difficult to imagine how he could have been intimidated into silence when he in fact was speaking in the House of Commons, but somehow he felt that was the case.

There is no basis for the member's question of privilege but in any of these the deciding factor is intent and it is clear that I had no intent of intimidating or threatening the member in any way. It is a logical impossibility that the member could have been silenced given that he has lavished us on two separate occasions with interventions in the House since that alleged threat occurred.

Beyond all of the back and forth, Mr. Speaker, the facts are these. I have done nothing to prevent the member from speaking freely. We know that because he continues to speak. There is no way that I could have obstructed him from carrying out any of his parliamentary duties because he continues to carry out those duties regularly.

Mr. Speaker, has the member given you one single solitary example of a parliamentary function that he has not been able to carry out as a result of my conversation with him on October 4? Has he been unable to call a constituent? Has he been unable to respond to a media question? Has he been unable to rise in the House of Commons and make an intervention? Has he been unable to attend a committee?

The answer to all of these questions is no. In other words, in no way, shape or form have I inhibited his ability to function around the House of Commons and, as such, he is rising again, as has become his custom, and is abusing points of order and questions of privilege for partisan gain.

I will say, in the interest of getting on with business around this place, that if my warnings of a future point of order in any way caused the member to become afraid or intimidated or made him feel as though he could not function around this place for fear that he might experience a point of order, then I apologize to him fully and entirely and I ask him to do the same and rise in his place and apologize for having raised 10 false points of order which have been summarily dismissed by your Chair as invalid.

Mr. Speaker, it is in this spirit of non-partisanship that I offer you my remarks and I thank you for your time.

● (1510)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I listened to the member carefully. I will take his points to heart and I accept his apology. Thank you.

The Speaker: It sounds as though the matter may have concluded. I will review the comments of both hon. members and if there is anything further in terms of intervention required from the Chair, the House will hear from the Chair in due course.

ROUTINE PROCEEDINGS

[*Translation*]

DEFENCE CONSTRUCTION CANADA

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I am pleased to table this document.

[*English*]

In accordance with section 8 of the Alternative Fuels Act, I wish to table in this House two copies of the Defence Construction Canada's annual report in both official languages.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to Standing Order 36 (8), I have the honour to table, in both official languages, the government's responses to 39 petitions.

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

OFFICIAL LANGUAGES

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, pursuant to Standing Order 109 of the House of Commons, I am pleased to table in Parliament, in both official languages, the government's response to the first report of the Standing Committee on Official Languages entitled "Application of the Official Languages Act to ACE Aviation Holdings Inc. following the restructuring of Air Canada".

* * *

[*English*]

CORRECTIONAL INVESTIGATOR

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, in accordance with section 192 of the Corrections and Conditional Release Act, I am tabling before Parliament, in both official languages, the annual report of the Correctional Investigator for 2005-06.

The Correctional Investigator raises many important issues. We are committed to reviewing and considering these recommendations.

Having said that, I wish to emphasize that I find there is no empirical evidence to systemic discrimination against aboriginals in the corrections system. I visited personally a number of federal institutions and have spent time with aboriginals themselves, individually and in groups. I am confident in the professionalism of the people who work for Correctional Service Canada.

Canada's new government is committed to ensuring an effective and fair federal corrections system that protects Canadians as the overarching priority.

* * *

WAYS AND MEANS

NOTICE OF MOTION

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, pursuant to Standing Order 83(1), I wish to table a notice of ways and means motion to implement certain provisions of the budget tabled in Parliament on May 2, as well as explanatory notes.

I ask that an order of the day be designated for consideration of the motion.

* * *

COMMITTEES OF THE HOUSE

SCRUTINY OF REGULATIONS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Joint Committee on Scrutiny of Regulations.

● (1515)

NATIONAL DEFENCE

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, there have been discussions between all the parties and I believe you would find unanimous consent for the following motion. I move:

> That, in relation to its study of Canadian Forces in Afghanistan, eight members of the Standing Committee on National Defence be authorized to travel to Afghanistan, and that the necessary staff do accompany the committee.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

JUSTICE

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, in current federal criminal law, an unborn child is not recognized as a victim in respect to violent crimes. A vast majority of Canadians would support laws to protect unborn children from acts of violence being committed against the mother. Studies have shown that violence against women actually increases when they are pregnant.

Therefore, these petitioners are calling on Parliament to enact legislation which would recognize unborn children as separate victims of crime when violent crimes are being committed against the mother.

[*Translation*]

GOVERNMENT PROGRAMS

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I am pleased to present two petitions that call upon the government to immediately reinstate government programs. One demands the immediate renewal of the national homelessness initiative. The other demands that the SCPI and RHF programs be made permanent and strengthened.

The first petition is from the Hébergement Maison de la Paix, a youth shelter in Longueuil. I would like to thank my colleague from Saint-Lambert.

The other petition is from the Auberge du coeur in Victoriaville. I would also like to thank my colleague from Richmond—Arthabaska.

The first petition, which has 95 names, indicates that funds are needed to maintain a minimum of decent resources for the homeless. This would allow for more than just providing shelter; it would also open doors to increase social reintegration for many homeless people.

[*English*]

Mr. Brian Pallister: Mr. Speaker, I would like to ask leave of the House to revert to presenting reports from committees.

The Speaker: Before we do, I see the member for Trinity—Spadina is rising to present a petition. We will then ask for consent requested by the hon. member, if that is satisfactory.

TORONTO PORT AUTHORITY

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have three sets of petitions.

The first one has 32 pages of signatures from people in Toronto. They have a vision of a waterfront that is clean, green and vibrant. Unfortunately, the Toronto Port Authority is an unaccountable and rogue federal agency. It is subsidizing and expanding the island airport. This petition calls on Parliament to abolish the Toronto Port Authority, close the island airport, and return the waterfront to the people of Toronto.

● (1520)

ROAD SAFETY

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the second set of petitions has 33 pages of signatures from people from across Canada, a lot of them from Toronto. If we are serious about clean air, we really must protect the rights of cyclists and their safety.

S. O. 52

The petitioners are asking the Government of Canada to introduce regulations under the Motor Vehicle Safety Act requiring side guards for large trucks and trailers to prevent cyclists and pedestrians from being pulled under the wheels of these vehicles.

IMMIGRATION

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the third set of petitions is regarding the deportation of hard-working families in Canada. Canada needs a lot of skilled labour and many of these people are working here right now.

The petitioners are asking Parliament for an immediate moratorium on the further deportation of families in Canada, to establish a worker permit system whereby families which have been in Canada for a few years would be able to work legally in Canada, and to change the immigration point system to reflect the full range of labour force needs in Canada, particularly the right of a willing employer to hire a willing worker.

The Speaker: The hon. member for Portage—Lisgar has asked that we revert to presenting reports from committees. Is it agreed?

Some hon. members: Agreed.

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

OFFICIAL LANGUAGES

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Finance.

[*English*]

This is requesting an extension of 30 sitting days from the hard-working committee to consider Bill C-294, An Act to amend the Income Tax Act (sports and recreation programs).

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if Questions Nos. 10 and 22, supplementary, could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 10—**Mr. Joe Fontana**:

> How much money has the government paid out (including federal grants, disbursements by granting councils and by the Business Development Bank of Canada) for science and technology projects undertaken at all Canadian colleges and universities since 2002-2003, and, in each case: (*a*) how much was disbursed; (*b*) which departments were involved; (*c*) who received the funds; (*d*) where are the recipients located; (*e*) what was the specific purpose of the disbursement; and (f) how long did the funding last?

(Return tabled)

Question No. 22—**Mr. Joe Fontana**:

> What projects has the government undertaken, or does it plan to undertake, in the fields of science and research from 2002-2003 to the forecasted fiscal year of 2007-2008, and, in each case and for each ministry or department involved: (*a*) how much was disbursed; (*b*) were the projects partnered with (i) private firms, (ii) public firms, (iii) academic institutions; (*c*) what was the specific purpose of the disbursement; and (*d*) what is the projected duration of the project, and, if the program has been discontinued, cancelled, suspended or not renewed since February 1, 2006, what is the reason for the action taken?

(Return tabled)

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

REQUEST FOR EMERGENCY DEBATE

CANADIAN WHEAT BOARD

The Speaker: The Chair has received a request for an emergency debate from the hon. member for Malpeque.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I have given notice seeking an emergency debate on an urgent matter relating to the Canadian Wheat Board.

The Minister of Agriculture has taken measures in his attempt to undermine the Canadian Wheat Board and the consequences of his actions are serious. He has set out on a course of action which has not been sanctioned by western grain farmers as is their democratic right under the Canadian Wheat Board Act, an act of Parliament the minister has a responsibility for respecting.

The minister has engaged in a secretive process, beginning with a by invitation only closed door meeting in July at which the provinces of Saskatchewan and Manitoba were excluded due to their support for the Canadian Wheat Board.

In September the minister convened a task force whose objective was to undermine the board and take away single desk selling. That task force has been holding discussions with undisclosed parties at undisclosed locations. The task force is stacked with people who are strongly opposed to the Wheat Board and some representatives from the grain trade.

Also in September it came to light that a communications firm in Regina, in response apparently to contacts from government, MPs and others, was asked to assist in developing a propaganda campaign against the Wheat Board. On the list of recipients of that email was a member of the minister's task force which calls into question the integrity of that process.

Last week the government, in an effort to further intimidate the Wheat Board, issued an unprecedented order in council instructing the Wheat Board and those affiliated with it not to engage in any activity advocating for the Wheat Board.

Finally, the minister has refused to state at any time that it is his intention to respect the Canadian Wheat Board Act and allow producers the right to the vote they are entitled to. In fact, he did not answer that question today during question period. The government has demonstrated a willingness to advance to the very line of legality in its ideological effort to destroy the Wheat Board.

Any of these measures in themselves demand immediate repudiation, but given the haste with which the government is moving, I believe the matter constitutes the need for an emergency debate.

● (1525)

SPEAKER'S RULING

The Speaker: The Chair does not normally hear interventions on points except for the member who has asked for the emergency debate in these cases, interesting though it might be to hear the Minister of Agriculture and Agri-Food on the matter, and I know he is rising.

I have considered the matter. The hon. member for Malpeque has of course given the proper notice to the Chair in respect of this request.

My understanding of the order in council of which he is complaining, and which he says is the basis for the emergency, directs the Wheat Board not to "expend funds, directly or indirectly", and I will quote from the document:

> —on advocating the retention of its monopoly powers, including the expenditure of funds for advertising, publishing or market research: and
>
> It shall not provide funds to any other person or entity to enable them to advocate the retention of the monopoly powers of the Canadian Wheat Board....

So it does not appear to affect the powers of the Wheat Board in respect of its principal mandate, that is, the selling of grain. It simply prevents it from being in the advocacy position in respect of this matter.

In the circumstances, I am not sure I am convinced that the hon. member has raised something that is an emergency in that sense. He may feel it is an important issue, but that does not necessarily make it an emergency.

I feel more comfortable in my ruling when I look at the fact that last June the Standing Committee on Agriculture and Agri-Food presented its second report to the House, which dealt with the very issue of the Canadian Wheat Board and its mandate, and I note that the hon. member for Malpeque has notice of motions for a motion for concurrence in that report standing on the order paper, which would in my view enable a lively debate on the subject should he choose to move that motion during motions at some future opportunity, not that I would necessarily encourage that, but it is an available route for him. In my view it would allow for a vigorous debate on this point and might satisfy his urge to have a debate on the subject, which in my view does not meet the contingencies of the standing order in respect of emergency debates at this time.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), be read the second time and referred to a committee.

The Speaker: Order, please. Before the debate was interrupted for question period, the hon. member for Scarborough—Rouge River had the floor for questions and comments. There are two minutes remaining in the time allotted for his questions and comments period. I therefore call for questions or comments for the hon. member for Scarborough—Rouge River.

There being none, resuming debate. The hon. member for Argenteuil—Papineau—Mirabel.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak to Bill C-23 which is before Parliament today.

I am going to read the title of Bill C-23 for the benefit of the members of the public listening to us. Bill C-23 is an Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

Our party, the Bloc Québécois, takes a favourable view of this bill, because it amounts to a broad set of changes to revise and modernize the Criminal Code. That is the objective. It is in response to a broad consultation undertaken by the Department of Justice involving Crown counsel and police services in every province, the public service, and federal and provincial justice departments. As I said, it is an instrument for revising and modernizing the code. Given that this balance has been achieved by the various specialized players in the justice system, the Bloc Québécois supports these amendments.

Among the excellent things that Bill C-23 will do are to clarify the provisions of the Criminal Code, simplify certain judicial proceedings such as improper appeals and clear up unintended meanings to mention but a few.

The Bloc is particularly pleased with the amendments that will help to improve the work of the judiciary by giving judges greater discretion. The public must understand that this bill comes after negotiations and discussions that were undertaken, in part, by the previous government and at the request of stakeholders in the justice system: Crown counsel, police services and officials of various government departments. Why is there a balanced position in this bill? It is not the right-wing, Conservative position being imposed on us by this government. Other bills brought forward by the current Minister of Justice will in fact reflect Conservative ideology.

The bill that is before us now is a bill that was originated largely with stakeholders in the justice system from all provinces of Canada, from the public service and from the various departments of justice. It is therefore a much more balanced position. One of the things it will do is provide judges with better tools for doing their job properly, that job being to determine the most appropriate sentence, the sentence that will best serve the objectives of deterrence, reparation and rehabilitation—a factor too often forgotten by the Conservative government.

The bill that is before us has passed through the mill of the justice system and its stakeholders, and this has produced a balanced bill. That is not the case for the bills introduced by the Conservative government that reflect a Conservative and Republican ideology modeled on American positions. That is what the Conservative government is getting us accustomed to and will get us accustomed to in upcoming justice-related bills to be introduced in this House, with the exception of this one, Bill C-23. This bill comes to us from the previous Parliament. It is therefore a bill that the government has taken over from the previous government and that was supported by the Bloc Québécois during the previous Parliament.

For those of us in the Bloc Québécois, improvement of the law is consistent with efficiency. Adapting our legislative structures to new technology and new situations should be a continuing concern for all lawmakers. The men and women who belong to this magnificent party called the Bloc Québécois believe we must continually modernize our laws to apply them to new technology. The Criminal Code, among others, calls for this type of updating. People see new technology in their own homes. In this House, the members of the Bloc Québécois say to the government it is time to adapt new technologies to be in a position to use them in criminal investigations carried out by various police forces in Quebec.

Advances in terms of information technology, along with the changing values of Quebeckers, must be reflected in our legislation.

● (1530)

The obvious message is that the values of Quebeckers are changing and our laws must change as well. Among other changes, new technology must be integrated into the judicial system.

In addition, the Bloc Québécois believes that such revisions should be done on a regular basis. Too often, the government puts off these amendments or revisions. Or, we have to wait for a right-wing conservative government with republican values and ideologies borrowed from the Americans to make changes.

The best way to protect against that, in the opinion of the men and women of the Bloc Québécois, is to regularly revise the Criminal Code so that it is always balanced legislation and so that we do not allow political parties with ideological values of the republican right to impose their changes. Let us establish a regular process for amending the Criminal Code to adapt it to new technology and to new values that we ourselves can defend. Bill C-23 is among those new values.

I will now deal with this measure in greater detail. Although it sometimes appears a bit technical this is really a worthwhile bill, considering that it has been called for by different stakeholders in the legal community, from crown attorneys to police services, and various officials in the Quebec justice department and other provinces as well. Still, it is somewhat technical.

One of the amendments is a harmonization of procedures for service of documents. The first clause of Bill C-23 would provide that the service of documents may be proved in accordance with the laws of a province relating to offences created by the laws of that province. As a consequence, the bill deletes several sections of the Criminal Code that now set out methods for proof of service. These deletions would harmonize criminal procedures in terms of proof of service.

This is simply to say that provincial methods for proof of service have evolved with new technology, something that has not been done by the federal government.

We, in the Bloc Québécois, therefore ask the federal government to allow the provinces, who are quicker to harmonize and to follow the changes in technology, to act and to remove itself from this manner of proof of service. That is what is now being done with Bill C-23. It will fall into line with the methods for proof of service that are in effect in the different provinces.

The second amendment extends the application of the court order. Clause 4 of the bill amends section 164.2(1) of the Criminal Code. It gives the court, in addition to the existing power to seize material used for child pornography, the power to order the forfeiture of the computer of a person convicted of luring a child under section 172 (1) of the Criminal Code, and to dispose of it.

Simply put, luring a child is a crime that consists in communicating with children in discussion forums, through instant messaging or electronic mail, for the purpose of sexual contacts.

Since we already have the power to seize pornographic material, it goes without saying that this bill should also allow us to seize the technology in which this material is stored. So, this is an improvement.

I should point out for the benefit of those young men and women who are watching us that we do not always pass laws to punish people, or to prevent them from doing things. All too often, members of Parliament are perceived as legislators who prevent people from having fun. On the contrary, we want people to have fun, but in a safe way. Unfortunately, all too often, the Internet and this whole new technology are used by sexual predators who try to corrupt our young generation.

I hope people realize that the men and women who form this great political party, namely the Bloc Québécois, are here to protect the public interest. We want people to have fun using the Internet and all the other electronic gadgets available, but we want them to do so safely, so that our children will not be corrupted or led to commit illegal or criminal acts, and so that we can punish the individuals who commit such crimes, by forfeiting all the material they use to do such deeds.

The purpose of the third amendment is to reflect the new communication technologies. Clause 6 of the bill amends section 204(2) of the Criminal Code, dealing with gaming and betting. It amends the Criminal Code to include new communication technologies, such as the Internet, since the existing section does not provide for any means of communication other than the telephone.

● (1535)

Bill C-23 would opt for a much less restrictive definition that would include all possible means under the term "means of telecommunication". Hence, bets placed over the Internet with the race-course, an association or a betting theatre, in accordance with the regulations, would be deemed to have been made at the race-course and would not be treated as an indictable offence.

This measure is included to liberalize the industry's means of doing business so that the actions of those who might place bets by Internet directly with the race-courses are not considered indictable offences.

This does not mean that those who place illegal bets are authorized to do so. It remains against the law to place such bets. The Bloc Québécois members will always be there to prevent some people from getting rich at the expense of the weakest and most disadvantaged members of our society. We will always stand up for the latter. However, those who have licences and are authorized by the law to make these types of bets, those who enjoying betting, may place bets over the Internet with organizations who have the right to do so and have the requisite permits. These individuals may use the Internet to place bets. It could not be done previously. You could place bets by phone but not by Internet.

Judges have more latitude in terms of sentencing and timing. That is the fifth amendment. Several sections of Bill C-23 seek to give judges more flexibility when handing down sentences. This is the case of clause 8.2 of Bill C-23 which permits a judge to make an order against an individual found guilty of a designated crime, for example manslaughter, to prohibit the offender from operating a motor vehicle during any period deemed appropriate.

Previously, the judge could not impose this condition unless the offender were sentenced to life imprisonment. It is important to point out that the judge can only impose this new condition when the accused is found guilty of an offence punishable by life imprisonment.

Once again, as mentioned earlier, judges ought to be given some latitude. We have set up an entire judiciary system and asked magistrates and judges to make laws. In fact, we are the ones passing legislation while judges set sentences. In our wisdom, we have put them in charge of that. This was done by our predecessors in this House. Such is the judiciary system that was established. Essentially, decision makers and legislators before us created a judicial system based on legislation contained in the Criminal Code, the enforcement of which was put in the hands of the judiciary, which means competent human beings responsible for making balanced decisions, that is, to make the punishment fit the crime.

It is therefore important to be able to assist them in their task and to allow them to rely increasingly on their wisdom and insight. Indeed, each crime is unique and no two crimes are committed the exact same way or under the same circumstances. The judiciary, the judges, have to be able to form an opinion and, naturally, the accused have to be able to defend themselves with lawyers. Our judicial system is the envy of a number of societies around the world. They look at us and find that our criminal system is one that is balanced and which, hopefully, allows the real criminals to be punished and the innocent to defend themselves and argue their case.

That is how our criminal justice system works. It is important that we be able to strengthen it and to give judges every opportunity to select sentences based on their wisdom and insight. Of course, one way of doing so is through this clause of the new bill.

Another amendment is in the same vein and shows the same kind of vision. Clause 42 of Bill C-23 allows the sentencing judge to issue an order prohibiting the offender from communicating with any person identified in the order—victim, witness or other—during the custodial period of the sentence, in order to protect that person. Anyone who does not comply with the order is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

This extends even more power to the judges. If ever an individual who commits a crime is a danger to others, witnesses or other persons, the judges require that individual not to contact those witnesses. The judges are given the latitude to designate persons with whom the accused must not come in contact.

It is a choice, yet again, in the same vein as the philosophy the Bloc Québécois defends. In other words, leave it up to the judges—who are the best suited for this—to decide the sentences, among other things, and also to designate the persons with whom the accused cannot come in contact.

● (1540)

That is how we advance society.

Bill C-23 also introduces the power for judges to delay sentencing proceedings when they deem it appropriate so that an offender can participate in a treatment program, detoxification program or other provincially recognized programs. Such a measure is useful because in the rehabilitation process it is important not to hinder the efforts made outside the legal system.

If a judge in his or her great wisdom decides that the accused must undergo treatment first, the sentence can be delayed, awaiting the results of treatment. The judge decides to consider the whole context of the crime. It is important to see whether the person can be rehabilitated and to allow him to undergo treatment to see how he progresses before handing down the sentence. I think this leaves some flexibility to the judge.

As I say, we are not the ones who invented everything in Bill C-23. It is an initiative of the entire legal community. All the stakeholders, the crown attorneys, police forces and public servants in different justice departments in both Quebec and the other Canadian provinces, got together. They have been asking for a number of years now for the Criminal Code to be modernized. These are amendments to modernize the situation. Among other things, we want to judges to have more latitude in certain specific cases. That is one way to modernize the justice system.

Today's therapies are not the same as those 20, 15 or even 10 years ago. Things have changed. There are new approaches. What we want, in the end, is not to have as few citizens as possible but as many involved in the development of our society. If people commit a crime, therefore, the first thing to do is to enable them to rehabilitate themselves through appropriate punishments and sentences. Give them a chance, and if they can be rehabilitated, that is what should be done. One of the ways of doing this, embodied in the bill, is to allow judges to ensure that appropriate treatments are provided before handing down the sentence.

The Bloc Québécois has always advocated rehabilitation-based justice and flexible rules to give judges the ability to determine the most appropriate penalty. We believe that judges are the people who are best placed to decide the penalty that will best meet the basic sentencing objectives. The basic sentencing objective is that the sentence should be proportionate to the seriousness of the offence.

It is important to understand that when a reprehensible act is committed, there will be a punishment. But what punishment? The punishment has to be proportionate to the offence. All too often, the punishment is not considered in relation to the offence that was committed. That is the philosophy that the Conservative government is busy instituting with minimum sentences, mandatory sentences, etc.

What we are saying is that this is not the way our parents, our grandparents and our great-grandparents conceived of the system. The society we have today is the society that we inherited from our ancestors and it is a society based on justice, balance and fairness. That was our ancestors' wish. So why today try to take the place of judges as the Conservative Party wishes to do, following in the footsteps and inspired by the values of the American Republican right. Why do that? That is not what our ancestors wanted for our society. They did not want to have a society like the Americans'. That was the choice our ancestors made. Why, today, would we wish to change this completely by imposing sentences that follow the example of American decisions. That is not what we want.

That is what the men and women of the Bloc Québécois are defending here, in this House. These are values given to us by our ancestors. That is what we are defending today. That is why Quebeckers elected members from the Bloc Québécois to defend their values. That is what we are doing.

One of the best ways, one of the great values that we can defend is the value of justice. The justice that our ancestors who founded the Quebec of today wanted is a justice based on fairness and balance between the offence committed and the punishment. The only way of doing this is to entrust these duties to magistrates, to independent persons. Too often in this House we hear of judicial appointments being made by a political party. The judiciary must really be independent of politics so as to be able to make decisions that are consistent with what our ancestors wanted, that is, a fair and just society. We must have punishments that truly fit the crime, whatever crime has been committed. These are the values that we are defending.

● (1545)

Bill C-23 was not proposed by the members of this House. Parliamentarians apprised the House of this bill, since we are the legislators, but it was proposed by the whole legal community, the crown attorneys, the police departments and the employees of the departments of justice in the various provinces.

Mr. Speaker, I thank you for the time you have given me. Quebeckers have yet one more reason to vote for members of the Bloc Québécois to defend their values.

[*English*]

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.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Andrew Scheer): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the yeas have it.

I declare the motion carried. 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)

* * *

● (1550)

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

Hon. Diane Finley (for the Minister of Health) moved that Bill S-2, An Act to amend the Hazardous Materials Information Review Act, be read the second time and referred to a committee.

Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, it is a pleasure to introduce legislation that has the full support of all stakeholders.

The amendments to the Hazardous Materials Information Review Act will benefit workers exposed to hazardous materials in the workplace, employers in whose businesses these materials are used, suppliers of hazardous materials to Canadian industry and provincial and territorial governments in their responsibilities for occupational health and safety. All of these interested parties see the amendments as very positive. There is no opposition to their adoption.

In particular, the net result will be earlier delivery to workers of full and accurate information on the safe handling of hazardous materials. As everyone will appreciate, the outcome is welcome for all those involved in the use of hazardous materials in Canadian workplaces.

Before discussing the provisions of Bill S-2, I would like to outline the responsibilities of the Hazardous Materials Information Review Commission in order to provide context for the amendments. The commission is an independent, quasi-judicial agency of government which, while it may not have been in the public eye, plays an essential role in the protection of workers' health and safety and of industry's trade secrets.

The commission is part of the workplace hazardous materials information system, or WHMIS, a joint undertaking of labour, industry and the federal, provincial and territorial governments. Under the authority of the federal Hazardous Products Act, WHMIS is the mechanism by which the health and safety information needed to handle hazardous products safely is disclosed to workers using those products.

The information which must be provided to workers identifies the hazardous agreements in products, the specific risks to the health and safety of those using those products, the precautions that must be taken in handling the products and the appropriate first aid measures in the event of accidental exposure to hazardous ingredients.

When WHMIS was established in 1987, industry was concerned that there were situations in which the full disclosure of information on the hazardous material would betray trade secrets. This in turn would result in financial losses to companies holding trade secrets or financial gain for a company's market competitors.

For example, a company might find through its research a new application for a hazardous ingredient in a manufacturing process. If the full chemical identity of that ingredient was made available to workers, it would be available to that company's competitor and the company making the discovery would lose a competitive advantage that it has gained. The commission was created with a mandate to grant exemptions from disclosure for bona fide trade secrets while at the same time ensuring that documentation on the safe use of hazardous products provided to workers is accurate and complete.

I also draw the House's attention to the fact that the Hazardous Materials Information Review Act has been incorporated by reference into the occupational health and safety legislation of the provinces and territories. The mandate of the commission to balance the rights of employers and workers to full information on the use of hazardous materials with the right of an industry to protect its trade secrets is, therefore, carried out on behalf of the federal, provincial and territorials governments.

This means that whenever a business wants to protect information it considers a trade secret, it makes application to the commission for an exemption from disclosure and with that application includes the required health and safety documentation. The commission reviews the economic documentation in support of the claim for exemption from disclosure and determines whether the information meets the regulatory criteria for trade secrets.

The commission also determines whether the accompanying health and safety information is in compliance with the federal, provincial and territorial requirements with respect to providing the information needed to protect the health and safety of those working with the product.

● (1555)

If the commission determines that the information being provided to the worker is not in compliance with the applicable federal, provincial or territorial health and safety regulations, the claimant is ordered to make the necessary corrections and to provide the commission with a copy of the corrected health and safety documentation.

The decisions and orders of the commission are published in the *Canada Gazette* so all parties have full information on the corrections the claimants have been required to make. If the corrections are not made within a specific time period, there are measures at the commission's disposal, including steps leading to the restriction of the sale of the product in question.

A key part of the national program delivered by the commission is a tripartite Council of Governors. The governors represent organized labour, industry, the federal government and all provincial and territorial governments. The council acts as an advisory body to the commission and provides strategic advice and guidance. It is through the council that concerns of stakeholders are expressed and it is through the council that appropriate means of resulting concerns are identified.

With the full support of the Council of Governors, the commission undertook a competitive and comprehensive renewal program with the objective of making its operation more transparent and efficient, with a focus on early compliance with the health and safety standards.

Through an extensive consultation process, many improvements in the operations of the commission were identified. Most of these improvements have already been implemented administratively or through changes in regulation. For example, the commission changed its procedures to make the scientific basis for its decision available to applicants early in the process. With a better understanding of the reasons of the decisions, applicants will have less incentive to appeal. Because appeals take time, this means that full and accurate information is in the hands of the workers much earlier if there is no appeal than if there is an appeal.

The legislative changes set out in Bill S-2 complete the renewal process and further the goals of making the commission more efficient and transparent and shortening the time required to get full and accurate health and safety information into the hands of the workers.

There are three changes set out in Bill S-2.

First, the bill amends the act to allow claimants to declare that the information for which they are seeking an exemption for disclosure is confidential business information. That documentation in support of this claim is available and will be supplied on request. Currently, claimants are required to submit detailed documentation on steps they have taken to protect the confidentiality and on the potential financial implications of disclosure. This is an administrative burden on claimants and on all of the commission. The commission has found nearly all claims for exemption to be valid.

While this amendment will generally allow claimants to declare that information is confidential business information, the commission will collect full documentation when affected parties, such as labour organizations, challenge a claim or when a claim is selected through the validation scheme set up to ensure the integrity of the decision making process.

This change will simplify procedure for industry claimants and reduce the administrative burden for both industry and the commission. This efficiency will facilitate getting complete and accurate health and safety information into the hands of workers. It should also be stressed that the protection from disclosure of confidential business information in no way affects the requirement that workers be provided with full information on the safe handling of hazardous materials.

The bill also amends the act to permit claimants to make the corrections needed to bring the accompanying health and safety information into full compliance without the issuing of a compliance order.

Currently, if the commission finds that the health and safety documentation is not compliant with legislation, it must order the claimant to make the necessary corrections and publish the order in the *Canada Gazette*. A large portion of the claimants are prepared to make all necessary corrections as soon as they need to be identified and feel these orders reflect badly on the commitment to workplace health and safety.

● (1600)

The amendments would allow the commission to enter into an undertaking with the claimants to make the required corrections to the health and safety information on a voluntary basis. If the claimant fulfills the conditions of the undertaking, the commission will confirm compliance and, for transparency, will publish the corrections which have been made in the *Canada Gazette*.

If the undertaking is not fulfilled, the commission will order the claimant to comply. This will speed up the process of getting health and safety information into the hands of workers because it will avoid the delays built into the current process.

The act now requires that when an order is made it must be published. There is then a period of 45 days in which appeals can be filed and a further 30 days after the appeal period before the claimant must have the changes in place. After adding the inevitable delays in publication, there are very significant advantages to workers in pursuing the amendments to permit the voluntary correction of health and safety documentation.

Finally, the bill amends the act to improve the appeal process. The amended act would allow the commission to provide actual clarifications to appeal boards when these are needed to facilitate the appeal process.

Appeals of the decisions and orders of the commission are heard by independent boards with three members drawn from labour, industry and government. Most appeals heard to date would have benefited from additional explanatory information from the commission but this is not permitted under the current legislation.

As I previously mentioned, the improvements already put in place through the commission renewal process have significantly reduced the number of appeals filed. With the proposed amendments, the process of dealing with any future appeals will be facilitated. As with the other two amendments, this would speed up the process of getting accurate health and safety information into the hands of workers.

Those are the proposed amendments to the Hazardous Materials Information Review Act. I stress again the full support of all those affected: the workers using hazardous materials, the employers of those workers, the suppliers of hazardous materials and the provincial and territorial governments as guardians of occupational health and safety. There is no opposition.

The prime attraction of these changes is that they would be vital for the health and safety of workers as they provide information more quickly. The amendments would also provide more efficient and transparent processes and would benefit all the interested parties.

Given the unprecedented support and in light of the fact that the overriding objective of the amendments is to speed up the process of getting complete and accurate information on the safety of hazardous materials into the hands of workers, I have no hesitation in most strongly urging the support of the passage of this bill.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, I thank the hon. member for providing some insight into this important legislation, which is an act to amend the Hazardous Materials Information Review Act.

I listened intently to what the member had to say and was quite surprised that a substantive part of his speech, word for word, was actually written and given by a member in the Senate, the hon. James Cowan, during second reading to amend the bill.

I also realized that the senator was not recognized during the member's speech. I do not know if that would be a form of plagiarism taking place in the House but I would be interested in finding out from the member whether he had any new insights into this particular debate on some of the other important issues versus reading a speech, word for word, from Senator James Cowan that took place in the Senate?

● (1605)

Mr. Steven Fletcher: Mr. Speaker, certainly if there was redundancy, I would acknowledge the senator's speech if that was indeed the case.

The fact is this is a pretty straightforward issue. I hope the member opposite will not cause undue delay or become partisan in the debate just for the sake of becoming partisan. There are times when we can work together here to pass important legislation. This is not exciting legislation, but it is important to the workers who have to deal with hazardous materials.

I will acknowledge the senator's comments. I hope the member will work with the government to ensure the safety of workers.

I will also take a moment to point out that it is not uncommon to find very similar comments in the Senate and the House of Commons. I believe we could find dozens of examples where this was the case with the previous government.

More important, we want to ensure the safety of workers, and this government will do that.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, we are talking about hazardous materials and this bill would make some improvements to the Hazardous Materials Information Review Act.

In my area of Windsor West, approximately 42% of the nation's daily trade goes across the border to the United States. Hazardous material is routinely shipped through this corridor. The material is supposed to go through a number of different procedures, but we have not really seen enforcement of those procedures. We do not have a regional border authority that could actively monitor the way hazardous material goes across the border.

A pre-authorized barge system is supposed to be used for transporting hazardous material, This follows a series of different procedures as opposed to the system of simply going across a bridge and getting into the United States before an inspection takes place. There have been cases in the past of drivers removing from their vehicles placards identifying the material and the procedures to be followed if a spill occurred.

I would ask the hon. member if his government is committed to actually cracking down on the different types of illegal procedures that are happening on the border in the transportation of hazardous materials. Is his government committed to ensuring public safety? The Ambassador Bridge spans the Detroit River where our ecosystem is very much in line with Lake St. Clair and the Great Lakes. We are concerned about them.

What is the government doing to enforce the proper transportation of goods across the border to the United States?

Mr. Steven Fletcher: Mr. Speaker, there were several components to the member's question.

With regard to the question of safety, the member will know that this government has made substantial commitments toward increasing border security. Not only will we increase the resources to maintain border security, but over time we will also allow our guards to be armed, which the previous government would not allow.

What the member is talking about is more of a transportation issue. When we are dealing with trade, there are a variety of systems around the world to assess the safety of material. The Canadian approach ensures that workers will have the health and safety information they need, even if the exact ingredients of the products are not disclosed. In this bill, regardless of where the product comes from, the safety of the worker is assured and that is really the main issue.

The issue of transportation and border security is outside my realm, but I am very proud of the work that Minister Day has done and the investment this government has put into the importance of cross-border security. I think the workers at the border appreciate the investment that this government is making to their heroic and tremendous contributions to the safety of our country.

● (1610)

The Acting Speaker (Mr. Andrew Scheer): I would just remind the hon. parliamentary secretary that we do not refer to ministers by their name, but by their title instead.

Resuming debate, the hon. member for Brampton—Springdale.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, I want to take this opportunity to express the support of our party, the official opposition in the House, for Bill S-2, An Act to amend the Hazardous Materials Information Review Act. It is very similar to Bill S-40 which was introduced in the previous Parliament by the Liberal government. The bill seeks to change the process whereby manufacturers of hazardous materials can become exempt from providing full disclosure of the nature of their products where that disclosure would force them to reveal trade secrets.

I know the Parliamentary Secretary to the Minister of Health has very eloquently put forward some of the changes that would take place, but perhaps I could also divulge some information in regard to this piece of legislation.

As was mentioned by the member opposite, the Hazardous Materials Information Review Commission is an independent quasi-judicial agency of government. It plays a very important role in ensuring that we protect the safety of our workers in Canada. Ultimately that is what this legislation is about; it is about protecting workers, both their safety and their health in Canada.

The commission is part of the Workplace Hazardous Materials Information System which provides workers with information about health and safety. There are product labels which are available to employees and workers who handle hazardous materials, along with material data safety sheets. They provide workers with information that is important for their protection, such as the different types of hazardous ingredients that they perhaps are working with, the specific risks that may be encountered when utilizing those products, and precautions on how to store and transport those products, and also how to ensure the proper disposal of those products. The labelling sheets and the data safety sheets also provide information on first aid measures that one can take if there is any type of accidental exposure.

The commission has played a vital and important role in terms of educating workers and ensuring their safety. The legislation that is before us wants to implement three amendments. The first amendment reduces some of the administrative burden that one requires for documentation. The second amendment deals with the voluntary correction of material safety data sheets and product labels. The third amendment improves the appeals process.

With respect to the first change regarding reducing the amount of administrative burden, when employers put forward information on how to provide for an application for hazardous materials, they must apply for an exemption. One of the difficulties with the exemption is that when they reveal what the chemical compounds are in those hazardous materials, they may end up revealing trade secrets and therefore, they apply to the commission for an exemption. However, the commission has only denied two of the 2,200 applications that have been put forward to the commission. There is an amendment to allow individuals to label their applications as confidential and the commission would only then review those applications if they were challenged on the basis of confidentiality.

The second amendment being put forward is the voluntary correction of material safety and data. As the Parliamentary Secretary to the Minister of Health told the House, if a correction is required to the product labels or the material safety data sheets, it has to appear in the *Canada Gazette* through a formal order and it is not binding until 75 days after it has been publicized. Thus workers cannot receive the appropriate information until 75 days after it has appeared in the *Canada Gazette*. This bill would ensure that workers would receive information in a timely manner because instead of having to go through the *Canada Gazette*, one could make a voluntary undertaking.

The third improvement is in regard to improving the appeals process. Right now the commission cannot have any type of interference. However, if it were able to provide some sort of factual clarification it would actually speed up the whole process.

● (1615)

In conclusion, we support this piece of legislation. It would provide definite improvements to the whole process. It would absolutely ensure that workers in this country had access to safe and effective information that would ensure their health and safety. Also, the information would be made available in a timely manner.

We will be supporting Bill S-2.

[*Translation*]

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, I am especially pleased to speak to Bill S-2, since the area of hazardous materials was my concern for several years in my career as a health and safety engineer for Hydro-Québec. I even brought with me the guide my colleagues and I prepared on managing hazardous materials.

The Hazardous Materials Information Review Act is governed by a board. This large board is made up of 18 members, including 2 workers, a supplier, an employer, a federal government representative and 4 to 13 representatives from the provinces and territories.

This large board is part of the framework of WHMIS, which stands for Workplace Hazardous Materials Information System. WHMIS participants and stakeholders can be divided into four main categories. First are the suppliers and manufacturers. Next are the workers who handle the products. Third are the employers or industries that purchase the products. Finally, there are the provincial, territorial and federal governments that monitor the system.

WHMIS, the information system, must provide workers with all the health and safety information they need to handle hazardous materials without any risk to themselves, their neighbours, friends or colleagues, and in order to avoid all dangerous situations for pregnant women.

Information on the use of hazardous materials in the workplace is provided in two ways. First, information appears on the label. All containers must have an identification label. If a label identifying a product is damaged, covered or illegible, the worker has the right to refuse to handle the container and its contents, and can have the contents verified by the manufacturer, if the manufacturer is identified on the label. Otherwise, the product is disposed of in a safe manner.

The second is the material safety data sheet, which must be kept in a catalogue accessible to everyone at all times. It is important to emphasize “at all times”. Regular drills must be conducted to verify the storage location of the binder or catalogue. The MSDS must also be kept up to date and must be accessible to workers. This means the catalogue or MSDS cannot be locked up in a supervisor's office or someone else's office. All of these details must be discussed regularly during mandatory workplace health and safety meetings.

Careful attention must be paid to making new employees aware of health and safety regulations because they must know where catalogues are located and be familiar with all of the products they will be using in the workplace.

What information does the MSDS provide? First of all, it lists dangerous ingredients and, if applicable, toxic products. Second, it details the health and safety risks associated with using the product. Third, it describes product-handling precautions. Fourth, it recommends the first aid to be given in cases of accidental exposure, such as ingestion, skin contact or inhalation.

Anyone who cares about the environment will be careful when disposing of large quantities of these products and will know how to respond appropriately in case of accidental spills in sewer or storm drains or in sensitive environments, such as lakes and reservoirs, wetlands or other vulnerable ecosystems.

● (1620)

Bill S-2 proposes three changes. I have read the speeches given by the senator and other senators during debate in the Senate. I hope that there will be no questions insinuating that I have cribbed from the senators.

Trade secrets represent the first major change. In my opinion, there has to be a certain balance between the right of workers and employers to have complete information about the use of hazardous products and the industry’s right to protect trade secrets, patents, contents and components, which competitors could use to their advantage.

The Hazardous Materials Information Review Commission will therefore have the power to grant exemptions to protect genuine trade secrets of manufacturers and distributors of hazardous products. The commission will review claims for exemption. As well, the required health and safety documents will be filed, and manufacturers will also be asked to provide documents of an economic nature. Those measures will protect the confidentiality of the information and will also eliminate the financial consequences of disclosure of the documents.

The second amendment to the existing act allows for voluntary correction of material safety data sheets and labels where the Hazardous Materials Information Review Commission determines that they do not comply with the act. This is a new procedure. There is also a third amendment proposed in the bill, to improve the appeal process.

The Bloc Québécois supports the principle of Bill S-2 and believes that when it comes to hazardous materials it is crucial to keep worker safety in mind. We also believe that this essential effect must be the basis of all decisions made. The Bloc Québécois notes that there is unanimous support for the amendments to the Hazardous Materials Information Review Act set out in Bill S-2 among the members of the commission's governing council, that is, among the participants I identified earlier: industry, workers and governments.

The Bloc Québécois supports Bill S-2 so that the amendments that the leading stakeholders in those groups have called for can be enacted. In everything it does, the Bloc Québécois seeks to protect working men and women, and that is why it has introduced Bill C-257 to ban the use of replacement workers. There is also a bill on preventive reassignment on the order paper, the purpose of which is to provide women in Quebec who work in undertakings under federal jurisdiction with the same benefits in respect of preventive reassignment as other working women in Quebec.

A third bill, Bill C-269, to improve the employment insurance system, is one such law that affects working men and women. I would remind you that the Bloc Québécois also had the throne speech amended to incorporate an income support program for older workers.

The Bloc Québécois will be supporting Bill S-2.

● (1625)

[*English*]

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the hon. member from the Bloc mentioned the issue with regard to replacement workers, informally known as anti-scab legislation. The legislation is important to this debate on hazardous materials.

A number of different points were raised about the safety of workers. If working with hazardous materials, it is very important that people have the opportunity to get the appropriate training with subsequent follow ups to ensure that procedures are properly followed.

I know fire departments in Ontario municipalities have to request permission to even go onto CP and CN rail property to do the proper inspection of a number of different chemicals that go through our transportation hubs. It is important to note that chlorine gas, which is transported on railroads, has been classified by the U.S. Department of Homeland Security as a weapon of mass destruction. In fact, there are now laws in the U.S. It is moving some hazardous materials travelling by rail away from larger urban centres because of the threat they pose to the population. Canada should be looking at that as well.

My question for the member of the Bloc has to due with replacement workers. In my previous work as a job developer on behalf of persons with disabilities and new Canadians, often there was not the appropriate training provided at work places. Sometimes it was because they did not have the appropriate procedures in place. Sometimes it was because there was no organized workforce and safety issues were lax. However, hazardous materials can be quite dangerous, everything from subtle compounds to other types of chemicals have lasting impacts on an individual.

Could the member comment on the importance of protecting workers, not only individuals who are at a regular work place at a regular time, but also replacement workers who are thrown into situations that can be more dangerous and have an effect upon them and their co-workers?

[*Translation*]

Mr. Marcel Lussier: Mr. Speaker, I thank the hon. member. In my speech, I did allude to new workers, but that could also include casual and replacement workers.

Because of the way occupational safety and health meetings are regulated, such meetings can take place once a month or once a week, which means there is a potential risk that a new worker may lack proper training. So, perhaps it would simply be a matter of replacing this meeting, where various issues are discussed, with the introduction of a new worker to the work site.

In Quebec, a special procedure is in place to welcome new workers on a work site. It involves providing information on health and safety. Moreover, new workers are informed of the dangers that their work or actions might involve. This could be extended to include information on the products that these workers will have to handle as part of their work.

● (1630)

[*English*]

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, it is a privilege to stand and give my commentary on this important legislation. It speaks to the important subject of hazardous materials and the use of them by the citizens of Canada and its industries. It is important for people to have the information so they can deal with this material in a way which is safe as well as productive.

First, I compliment those who have worked so hard to produce the three amendments, not only the labour sector that on day to day work with these materials in many different ways. I also compliment the industry and federal, provincial and territorial governments, which came together collectively and brought forward some of these recommendations. It is important we applaud their efforts.

I look forward to looking at this proposed legislation further when the House votes on it and sends it to the health committee. At committee we will examine it and bring forth witness to discern how perhaps we can make the legislation better. We will certainly give it a full review so we can pass laws in this chamber that are in the best interest of Canadians.

We are looking at three amendments. The first one is to reduce the time it takes to require the review of confidential information that may be covered under patent law. We respect and understand the full amount of wealth, money and investment that it takes to create a product and we want to ensure that proprietary information is protected. At the same time, we must ensure, first and foremost, the safety of the citizens of Canada. We also must ensure that individuals know that the formulations they are working with are appropriate.

One example I can think of that more explains the first amendment is the products that are very familiar to all Canadians. They are not necessarily hazardous, but they drive the point of what the proposed legislation would do. It is protecting formulations and yet ensuring that those citizens who are engaging in these products are safe.

One that comes to mind is Coca-Cola. That product has been on the market for many decades, yet no one really knows what goes into the formula. It is important that Canadians know that the product they drink, if they drink it in moderation, will not be harmful, but the formulation is protected. It is important that we understand that. Moderation also goes to another subject we are talking about in the health committee and that is obesity in a country.

Another product I can think of is Colonel Sanders' secret recipe for his chicken. We do not know what products go into the recipe, but we need to know they are safe.

It is the same thing for hazardous material. We need to know that the formulations which go into be products are safe if they are handled according to the recommendations on the package, but also that they are protected, and in the process we protect patent law.

In essence that is where we are on the first amendment, which I applaud. I think it reaches that golden balance between the two. It is important, as we look at the proposed legislation, that we recognize this. I do not think people have many arguments with the first amendment, as long as we strike that balance.

The second amendment deals with speeding up any corrections of the formulations for the workers who are handling the hazardous materials to ensure they are safe. If we are handling a product and we know there is a problem with it, we need to have the opportunity to correct the information and get it to the person who uses the material as fast as we possibly can. It is important that we streamline the red tape so this can happen.

● (1635)

When it comes to labelling of a hazardous product, it is very important that not only are we absolutely accurate in the product label, which is just part of it, but we also have to be absolutely clear in how that accuracy of information is delivered so that it is understood by the person reading the label. We can be absolutely accurate in the product label and still not accomplish what needs to be done to make sure that those individuals who are using the product understand that it is a safe product. This goes back to my years in agriculture, when I handled a significant amount of hazardous products in the pesticides we used on our farm.

I remember when we changed from the imperial system to the metric system and went from acres to hectares and from ounces to grams and kilograms. Not only was it important for us to understand that the formulation on the label was accurate, but it also was important that we, the people using the products, understood the hazards if we did not read properly and really understand the labelling.

So when it comes to labelling, on both sides of it, it should be absolutely precise and accurate but it should also be understood. We find this not only with hazardous materials. There is actually a piece of legislation about the labelling of foods that has been brought forward by a member of this House. I would say the same thing: when a piece of information is given and is put on a label it has to be absolutely accurate. If it is not absolutely accurate, then it is deceptive. If it is deceptive, it is bad information. We have to make sure these labels are right. When they are not right, we have to make sure that we correct them very quickly. We also have to make sure that they are very much understood by those using them.

On the second amendment, if we find that a correction needs to be made, we can accelerate the process so that the individual or industry using a hazardous product, whoever it might be, gets the information sooner rather than being held up in red tape after the 75 days of articling happens.

I think these first two amendments both are very important and very worthwhile. This House should consider them in improving this piece of legislation as it is laid before this House and as it goes out as far as changes to the laws in the country are concerned.

When it comes to the third amendment, we are really talking about the idea of an appeals process and making sure it is there. I believe that is the way we should be with all pieces of legislation or anything we do as far as government is concerned. We need to make sure we are a government that is transparent and accountable and does things in a timely fashion, that we do not bog down our citizens in red tape when it comes to legislation or these types of things. It is an area that we absolutely have to accelerate in to make sure that everything is done in a way that is all of those things.

When we look at this legislation, we look at three things. We look at making sure that we disclose the claims and that the formulations are safe for Canadians to use. We look at making sure that we speed up any corrections that have to be made so individuals can make informed choices when they use these products. We look at making sure that appeal processes are not bogging down the system in red tape.

These are the three amendments I see in this piece of legislation. When we examine Bill S-2 in committee, we will examine these amendments more thoroughly and bring witnesses forward in a more fulsome way and have a debate on it. I am looking forward to that.

I would say to this House that from what I see so far in this piece of legislation at this stage, we should pass this piece of legislation here in this House and get it into committee so we can take a more fulsome review. That is what is in the best interests of Canadians. That is what this House should be concerned about as we move forward with this piece of legislation and all pieces of legislation for the betterment of Canadians.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I appreciate the intervention of the hon. member, who is the chair of the health committee. As we are at second reading, his committee will have the opportunity to look at this in a little more detail. Since it is a bill that includes amendments to an existing piece of legislation, it is extremely difficult for members who are not familiar with that legislation and the intent. It is going to take a little work to do that.

I noticed that in one of the sections it refers to the "Chief Screening Officer" finding that there is something to report which must be reported in the *Canada Gazette*. One of the things the officer may report is "a notice containing any information that, in the opinion of a screening officer, should have been disclosed on any material safety data sheet or label reviewed by the screening officer".

The bill goes on to say in the legislation that no order made under the act, particularly paragraph 3(b), "shall have a retrospective effect". I raise this just as a point of interest. The member might find an opportunity to have this dealt with at committee, but in terms of the principle of the law, if someone is aggrieved or incurs damages with regard to a matter, the intent of the law usually is to put them back in the position they would have been in had things happened the way they should have.

So if there was a label that misinformed or they knew or ought to have known but did not put it in, damages may have occurred. I simply would question this. I do not know if the member would agree, but I would appreciate his comments about whether or not limiting matters on a prospective rather than a retrospective basis might in fact impinge upon the rights and the condition of an aggrieved party.

● (1640)

Mr. Rob Merrifield: Mr. Speaker, I do not want to supersede any court cases that might come forward in this sort of situation, but I take my hon. colleague's perspective on this. I am sure the committee will examine it more closely. That is really why we have the process we do. We have first and second reading and a fulsome debate in committee, bringing forward the best witnesses we can possibly find to discern how these kinds of issues and others in the piece of legislation will impact Canadians. Then we tweak it to make sure we have an appropriate balance.

Now, as for even after we implement the law, my hon. colleague has a hypothetical, which will work its way out one way or the other, but we also have a court system that allows individuals who feel they have a grievance because of the legislation to state their case before court and a judge and to have it handled in that way. I think that is appropriate for a country that believes in the rule of law.

I will take my hon. colleague's comments to heart. I think they are valid. There may be not only this situation but others that the committee will discern as we move the bill into committee.

I will say, however, that we have a consensus on the legislation from labour, industry, and provincial and federal governments right across this country. I believe the amendments put forward are something we should consider very carefully and consider supporting at this stage. I would ask my hon. colleague to vote for this piece of legislation in that respect.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the hon. member spent part of his speech talking about trade secrets and what I guess is the balance between knowing the contents of the different types of hazardous materials and also knowing the trade secrets that make the actual chemical products in the market different from competitors' products, the trade secrets that also prevent them from being duplicated, either legally or illegally, so they have an opportunity to have their information protected properly.

Does the hon. member think that during the committee process there should be a review of this whole procedure of how to define what information is going to be there and where the catch-point is in terms of protection? Does he have any thoughts about how closely we should err on the side of caution for this documentation in the labelling? We could have different circumstances and not only in terms of literacy and languages. It is so important to have that on the labels so that people and workers know exactly what they are dealing with. I wonder whether or not the committee would even look at those aspects to find out whether there are some new procedures and techniques that would be helpful so workers of different types of languages, for example, could be protected.

I know that different communities, especially manufacturing ones in urban centres, do have a great deal of diversity. One of the barriers that we have often worked on in terms of labour and management issues in those manufacturing centres has been in getting the appropriate training, in having people routinely understanding not only English but French in the labelling. I am interested in knowing whether or not the committee should be looking at that as one of the potential prevention issues in hazardous material storage.

● (1645)

Mr. Rob Merrifield: Mr. Speaker, that is a very good question. I believe I alluded to it in my comments. Not only is absolutely imperative that the information on these hazardous materials be accurate, but it has to be clearly understood by those who are using it. If it is not understood clearly by those who are using it, then really it is obsolete and altogether misses the intent of labelling. The member's point is whether we should have it in other languages and more clearly read. Absolutely.

We are going to be dealing with this when it comes to food labelling as well. Just because we have a Canada health guide, does that mean that people who read it really understand it? If they do not understand it, how good is it, really? It is only complied with and safe to the degree that it is understood by those who are using it, by the people of Canada.

I think the member's points are well taken. I am sure the committee is going to examine both sides of this issue because they are absolutely important as we move forward in the committee to deliberations on this piece of legislation.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

FINANCE

The Acting Speaker (Mr. Andrew Scheer): Before moving on to the next speaker, I note that earlier today the third report of the Standing Committee on Finance, requesting an extension of 30 days to consider Bill C-294, was tabled. Pursuant to Standing Order 97.1 (3)(a), a motion to concur in the report is deemed moved, the question deemed put and a recorded division deemed demanded and deferred until Wednesday, October 18, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

[*English*]

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

The House resumed consideration of the motion that Bill S-2, An Act to amend the Hazardous Materials Information Review Act, be read the second time and referred to a committee.

The Acting Speaker (Mr. Andrew Scheer): It is now my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Cape Breton—Canso, Fisheries; the hon. member for West Nova, Agriculture; the hon. member for Gaspésie—Îles-de-la-Madeleine, Economic Development.

Resuming debate, the hon. member for Notre-Dame-de-Grâce—Lachine.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is a pleasure and an honour for me to be here in this House as Deputy House Leader of the Official Opposition.

In the 38th Parliament, this bill was Bill S-40. At the time, the Liberal Party of Canada formed the government in power. The bill that is now before this House was introduced under that previous government.

This bill is crucial to occupational health and safety. As I said, it was introduced by the previous government during the 38th Parliament. Bill S-2, which is the reincarnation of that bill, amends the Hazardous Materials Information Review Act. This act governs the activities of the Hazardous Materials Information Review Commission, an independent, quasi-judicial government agency. The commission plays an essential role in protecting workers' health and safety and also protects trade secrets.

The commission forms part of the Workplace Hazardous Materials Information System, also known as WHMIS. This information system was developed jointly by unions, industry and the federal, provincial and territorial governments. This is extremely important, because it is not every day that all the parties to an issue decide of one accord on the amendments that must be made to a bill or an existing law.

The role of WHMIS is to ensure that information on hazardous products is conveyed to the workers who use those products. A list of all the hazardous ingredients in the products is therefore available, as is information on how to handle those products safely: information on health and safety, first aid in case of contact with the product, how to dispose of the product, and so on. This information is essential to protect the health and safety of workers who have to use this type of product and these hazardous materials and handle them safely in their work.

This information is provided on a data sheet or a label affixed to the product. When WHMIS was introduced, the industry stated that there were cases where the full disclosure of hazardous materials ran the risk of disclosing industrial secrets and making them available to business competitors. To ensure that Canadian industry and our economy continue to grow and that new jobs are created, it is very important that companies that create this type of product have an assurance that confidential business information will not be communicated to or made accessible to their competitors.

If the complete chemical composition of ingredients were listed on a data sheet, a competitor could use that information in unfair competition and gain an advantage. Therefore, the Hazardous Materials Information Review Commission intervenes by examining the claim for exemption. That means that a company can file a claim for exemption so that the list of dangerous products does not appear on the label. However, the commission still provides documentation concerning the risks and dangers of the product.

● (1650)

In that case, it means that the competitive advantages of a company and its industrial secrets are protected. However, at the same time, sufficient information must appear on the label or in the data sheet to ensure that the health and safety of workers who are involved in the production or handling of this type of hazardous products or materials are protected.

The commission's mandate consists in establishing a balance between the rights of the employers and the right of employees to obtain information about the dangerous products that they handle.

When a company wants to protect information concerning dangerous ingredients within a product, it must file a claim for exemption from the requirement to disclose the information, and submit the required documentation relating to health and safety.

The Hazardous Materials Information Review Commission determines whether it is an industrial secret and whether the information provided concerning health and safety is satisfactory.

If the information in the data sheet or on the label does not comply with the law, the commission orders changes to be made and calls for submission of a corrected data sheet.

If the corrections are not made within the required time limit, the company is subject to corrective action or the commission can simply prohibit the product.

That is very important. It is up to the commission to determine whether the hazardous materials information is sufficient to ensure the protection of the health and safety of workers who have to handle products containing that kind of hazardous materials.

If a company files a claim for exemption but fails to provide sufficient information to ensure that the health and safety of workers are protected, the commission has the authority to order corrective action or to simply ban the product in question from the market.

The claim for exemption forms have to be corrected 95% of the time because of missing information. On average, eight or nine pieces of information have to be added on each form.

In 1998, the commission undertook a renewal process designed to streamline its administrative operations and better meet the needs of stakeholders.

Many changes have been made to better meet the needs of stakeholders. Three, however, require legislative amendments, hence the need for Bill S-2, which, under the previous government, during the last parliament, was known as Bill S-40.

These three changes requiring legislative amendments correspond to the amendments to the Hazardous Materials Information Review Act contained in Bill S-2.

This act has to be amended to allow claimants to make, with a minimum of substantiating information, a declaration to the effect that the information in respect of which an exemption is claimed is indeed a trade secret.

At present, claimants are required to submit detailed documentation concerning the financial implications of the possible disclosure of the chemical components. This places an administrative burden on claimants and on the commission as well.

The majority of claims for exemption are valid. To date, only four out of 2,400 have been rejected.

● (1655)

Second, the amendments proposed by Bill S-2 will enable companies to voluntarily correct any safety labels the commission deems are not compliant.

Under current legislation, the commission must issue a formal order for compliance even if the claimant is completely prepared to make the necessary correction after being notified that some information is missing. Companies must then undertake a long administrative process, even if they voluntarily agree to change the health and safety label.

The second element is the amendment enabling companies to voluntarily correct safety labels, which is a good thing. I think that all of us in the House agree that this is a good thing.

If it is possible for corrections to be made voluntarily, the process can be speeded up. Workers can thus have faster access to any health and safety sheets that have been changed.

It should also be pointed out, however, that in cases of non-compliance with the rules and lack of undertaking by the claimant respecting the corrections requested, the commission can always issue an order to ensure compliance with the requirements, as exists now.

Workers' health and safety is therefore not at all compromised by this amendment. It only speeds up the administrative process, making information accessible to workers much more quickly than the current system allows.

Third, the amendments will improve the appeal process by allowing the commission to provide the appeal boards with factual clarifications.

The appeals are heard by independent boards composed of three members who represent workers, industry and government. Up to now, 16 appeals have been heard and they would have benefited greatly from additional information from the commission. But to date the law does not allow this. The three parties concerned, that is, government, industry and workers or unions, all agree that this amendment should be made so that the commission can provide factual clarifications or information to the independent board with the authority to hear the appeals.

Representatives of industry, as well as unions in the provinces and territories, have unanimously supported the three amendments proposed in Bill S-2. The amendments to this act are very positive for the health and safety of workers and will simplify administrative procedures. There are of course significant economic impacts for companies, which will no longer have to deal with lengthy administrative procedures.

To recap, the three amendments will enable companies that have claimed an exemption to put their product on the market more quickly, while complying with health and safety requirements. In addition, workers will have access to corrections to health sheets faster since the administrative burden will be considerably reduced.

As I have already mentioned, this enables industry to access the market more quickly, while complying with the requirement to inform workers of any safety precautions to be taken.

In conclusion, I would simply say, as I have already mentioned, first that Bill S-2 is what was called Bill S-40 during the 38th Parliament. Second, these three amendments to the act have the shared support of industry, unions, the provinces and territories, and government.

● (1700)

I think that this is something good and that the members of this House should support it.

On that note, I conclude my remarks.

[*English*]

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to ask a question about an important subject related to workers' rights and safety.

A hazardous material is one that can be about prevention. By having knowledge and the proper information appropriately on display, as well as documented and provided for the workforce, it allows the opportunity for people to be educated about their handling of chemicals. Some chemicals, whether they are mixed or not with others, can be corrosive for hands. As well, other types of mixtures could create odourless gases and significant problems for not only the individual dealing with the chemicals but also other individuals in the area affected.

One of the interesting things the commission found is that since 1988 95% of the data sheets that provide information on dangerous and hazardous materials were not compliant with legislation. I would like to ask my colleague whether this should be a time as well to review the penalty system with regard to the neglect of the existing data system. Workers have a right to have that information in front of them not only in terms of their health but also how hazardous materials affect their families' health. Improper exposure to chemicals can have effects well beyond the individual by bringing it home.

I come from an area that has a lot of environmental toxins. In fact, there was a motion in the House that was narrowly defeated that would have created an action team, so to speak, to go to areas that have higher rates of cancer and other types of diseases related to environmental and human health to start providing remedial action to those communities so they could actually have some solutions to offset it and produce some prevention strategies.

One of the things we can control is the conduct of the data sheets in terms of being up to date and relevant. I ask my colleague whether the penalties should be looked at in terms of being increased because it is completely irresponsible not to have up to date information sheets and to have 95% of them in disrepair is not acceptable and a message has to be sent.

● (1705)

Hon. Marlene Jennings: Mr. Speaker, I find it interesting that the member from the NDP talks about hardening or making more severe penalties when the three elements of the legislation for which amendments are being proposed in Bill S-2 come as a result of unanimity among the unions that represent the workers, the governments and industry. Obviously these three principal actors, if I can use that word, came to an agreement that these were three elements in the legislation which required amendment and modification in order to better ensure the health and safety of workers who must precisely manipulate hazardous material.

Had the issue of strengthening penalties been discussed, obviously there was no agreement. I am not aware of any discussions on that particular issue. It may be something that one or more of the parties wish to discuss, and they are more than free to do so, but right now I have no indication that the penalties need to be made more severe. What is needed, however, are these three amendments.

The member spoke of 95% of the cases, demande de dérogation, and I apologize that I do not know the term in English.

[*Translation*]

The data sheets must be updated because the information is incomplete. I have not seen any evidence that the missing information places the health and safety of workers at greater risk. If that were the case, the unions would be in a very good position to lead the fight and they would have asked for more severe penalties.

I leave it to the union representatives to take up that fight.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to enter the debate on Bill S-2. I have great personal interest in this legislation dealing with the WHMIS, the Workplace Hazardous Materials Information System.

In 1988, when I was a journeyman carpenter, WHMIS came into effect and all of us had to be trained on a 40 hour WHMIS course. We were not allowed to go back on the job until we had our WHMIS certification.

Since that time I became the leader of the carpenters' union in Manitoba. It was our job to ensure all of our membership had passed WHMIS. I therefore am very aware of the value of this right to know legislation, which is how we phrase it. WHMIS is the right to know and, flowing from that, the right to refuse unsafe work is the next logical step to the right to know. It is based on the premise that workers have the right to know that the materials they are being asked to handle as an aspect of their job are in fact safe. They also have the right to know if they need to take any safety precautions in terms of a mask or gloves.

However, the workers also has the right to know some of the complex things that my colleague from Windsor West tried to raise in that sometimes there is a perfectly benign chemical or compound and another perfectly benign chemical but when those two are added together they create a third product that can be very hazardous.

The WHMIS data sheets need to be very accurate and they are very complex. Workers need to be well versed to understand the complicated chemical language that is sometimes on these material safety data sheets.

I was shocked to hear my colleague from Windsor West point out something that I had never heard before. He said that roughly 95% of all the material safety data sheets reviewed by the commission had been found to be non-compliant with the legislation. Ninety-five per cent is a pretty appalling figure. Many of these shortcomings, in fact typical violations, they found were not minor in terms of misspelling the name of a chemical or something. Many of the violations included the failure to identify the effects of acute or chronic exposure to a product and the failure to identify that a hazardous ingredient in a product is a known carcinogen. Those are serious shortcomings in the WHMIS data sheet regime as we know it.

However, I take some comfort in the fact that we are addressing this, that Parliament is seized on the issue of workplace safety and health as it pertains to material safety data sheet. I only wish that we could extend that same interest in the rights of workers to know hazardous products to our international activities because what WHMIS is to the Canadian workforce, the Rotterdam Convention is to the international workforce. The United Nations has come together under the auspices of the Rotterdam Convention to identify hazardous products and to require labelling of these products when prior informed consent of the user is deemed to be necessary.

The most graphic illustration of Canada's failure to take into account the long term health effects of foreign workers is asbestos. Canadian asbestos continues to pollute and contaminate most of the free world. The legacy of the contamination from Canadian asbestos is still being realized in places like Europe but it has had the common sense to ban asbestos completely. However, Canada continues to be the third largest producer and exporter of asbestos in the world and we dump it all into developing nations and third world countries because no one else will buy it anymore.

Where the Rotterdam Convention comes in and where this contradiction comes in is that just last week in Geneva, Canada barred the inclusion of asbestos on that list of hazardous materials which would require the PIC, prior informed consent of the user. This is appalling. I personally hang my head in shame that Canada is acting like international globe trotting propagandists for the asbestos industry.

● (1710)

I do not know what we owe the asbestos industry but we are doing the industry a great favour by fighting its battles when we send teams of Department of Justice lawyers half way around the world to Geneva to argue against having asbestos listed as a hazardous material. They are serving some master in the asbestos community and it is beyond reason as far as I am concerned.

The Rotterdam Convention does not even seek to ban asbestos, although I personally believe the world should ban asbestos. The Rotterdam Convention only says that if asbestos is going to be sold and used that it at least should be mandatory that the users at the other end be cautioned that the material is hazardous to their health and safety and that safety precautions should be taken.

Canada opposes that as a nation. For the third time in a row Canada has gone to COPs, the committee of parties that form up the Rotterdam Convention, and we have done more than resist this. We have been an international bully. We have arm twisted. We have used every diplomatic means that we know of to convince other countries to follow our lead and not allow asbestos to be listed.

In the context of debating WHMIS and a workers' right to know, I wish somewhere in Bill S-2 we could require that what we want for ourselves we should extend to our business activities internationally. This is a concept of corporate accountability that was introduced in the last Parliament by the former member for Ottawa Centre, the hon. Ed Broadbent. Ed felt that some of our activities internationally were an embarrassment in terms of labour standards, human rights standards, health and safety standards and environmental standards. He felt that what we do in Canada, where we are guided by certain principles of fairness, of ethics and of a commitment to workplace safety and health, that by extension we should be propagating those principles in the third world and in developing nations because we want to bring them up to those same high standards that we enjoy in this country.

For all those people who think asbestos is banned in this country, I am here to say that asbestos is not banned in this country at all. I used to work in the asbestos mines as a young and foolish man. I can say that they were lying to us about the health hazards of asbestos then and they continue to lie to us about the health hazards of asbestos today.

I call the asbestos industry corporate serial killers. I do not hesitate to do that. The asbestos industry is the tobacco industry's evil twin because both of them have made a fortune in the last century by pushing a product that they know full well kills people and hiding behind fabricated research, tainted research, cover-ups, falsehoods and lies about the health hazard.

It is bad enough that the asbestos industry itself is lying to workers, its own employees, its own industry and to people around the world, but the Government of Canada feels some obligation to be the handmaiden to the asbestos industry and, as I say, to be globe trotting propagandists and spending millions of dollars artificially supporting and subsidizing an industry that is killing millions of people nationally and internationally.

Now that the government has done its dirty work for the asbestos industry in Geneva last week, it will be another two years before we have the chance to get asbestos back on that list. I am concerned that there will not be a Rotterdam Convention in two years when the next biannual meeting is convened because we have seriously jeopardized the integrity of the whole convention by allowing commercial considerations to override the health considerations around which that convention was first established.

Of the 90 countries that were in attendance in Geneva last week, only 8 countries supported Canada's position. The chair of the Rotterdam Convention introduced the subject on day one saying that chrysotile asbestos was a sensitive issue and that there have been difficulties with it before. He suggested that we follow the four point framework to assess the health hazard and to review the science.

Before the chair of the committee could even finish speaking, the Canadian delegation rushed to the microphones and said, "we don't need to waste our time. We move that asbestos not be put on the list". Because that international institution runs by consensus, everyone has a veto. As soon as Canada set the tone by being rude and ignoring the international diplomatic protocols of courtesy at one of those conferences, that set the tone.

● (1715)

Then all of our customers went to the microphones too because we had twisted their arms: India, Thailand and Senegal. These are countries where we are dumping 220,000 tonnes, not pounds or kilos, per year of Canadian asbestos. It is being dumped into the third world creating a legacy of illness that is of epidemic proportions.

It is not an exaggeration to state that we are exporting misery on an astronomical scale because one single asbestos fibre is a carcinogen. We in Canada rank asbestos as a class A listed carcinogen. One errant asbestos fibre finding its way into the mesothelium of the lungs, heart or internal organs can trigger mesothelioma, the cancer that is caused only by asbestos.

No doubt some people will try to argue that Quebec asbestos is somehow benign, that it is different from other asbestos. The Institut national de santé publique du Québec did a study in 2005 and found that of the people who live in the asbestos region of Quebec, the men have the fourth highest incidence of mesothelioma in the world and the women of that region have the highest incidence of mesothelioma in the world. There is nothing benign about Quebec asbestos.

Quebec asbestos kills the same way that Yukon asbestos kills. I worked in the mines there. Newfoundland asbestos kills because that mine was shut down, too. There is Timmins, Ontario. Everywhere where they mine asbestos they have merchants of death. I can say it in no other way.

The asbestos industry, the tobacco industry's evil twin, continues to pollute the world with a product that should never have taken out of the ground.

As we are debating Bill S-2, which originated in the Senate as the workplace hazardous material information system bill, we should try to contemplate at least that what we wish for ourselves we wish for all. We should contemplate the fact that there is no business case for pushing asbestos.

There is an enormous scientific case for banning asbestos altogether, but we have to ask ourselves, by what convoluted pretzel logic is it in anybody's interest to keep pushing a product that kills people and to keep subsidizing that industry to this degree?

The Asbestos Institute, paid for solely by the federal and provincial governments of Canada and Quebec, pushes asbestos around the world. Our foreign missions and embassies host these trade junkets for them, 120 trade junkets in 60 countries around the world in recent years by the Asbestos Institute trying to find new markets for Canadian asbestos and trying to quell the overwhelming body of scientific evidence that illustrates clearly that asbestos kills.

That is the dual function of the Asbestos Institute, to come up with phony science. It just paid for a research study recently by Dr. David Bernstein. It paid $1 million to add a question mark beside asbestos, so that it can safely say that the scientific community is not unanimous in its condemnation of asbestos. The one scientist who we just bought and paid for clearly has a question about whether Quebec asbestos is good for us or bad for us.

I am here to say that asbestos is the greatest industrial killer the world has ever known and 100,000 deaths a year are directly attributed to asbestos, and hundreds of thousands more are never diagnosed because of the long incubation period. Parts of the world where Quebec asbestos is killing people today do not have the diagnostics and treatment centres that can accurately diagnose that asbestos in fact is killing these people.

There is an additional twist that I have to add to Bill S-2 and the workplace hazardous material information system because there is a mill in Kamloops, British Columbia, that is just about to close. It is owned by Weyerhaeuser. It has developed a product using the cellulose fibre from Douglas fir that is a perfect substitute for asbestos in ferrocement. It has a perfect substitute, but yet it cannot break into the market because the cement pipe manufacturers and the cement building material tile manufacturers all use asbestos from Quebec as the binding agent in their material.

There is a better product that grows in British Columbia. We have all these standing dead forests that are killed by the beetles et cetera, but the Douglas fir byproduct cellulose is the perfect substitute for asbestos in asbestos cement.

● (1720)

We could save that mill in Kamloops, British Columbia, if it could only find a market for the material it is willing produce. Instead, we are inexplicably married to the idea that we have to support asbestos and that Canada has to push asbestos.

I cannot believe the fact that we send teams of Department of Justice lawyers around the world to represent the asbestos industry. I do not know what they have done to deserve that level of public support. I do not know what they have done to deserve that kind of corporate welfare. Here we have corporate welfare for corporate serial killers. Corporate welfare, in any sense, should be condemned. In actual fact, we are aiding and abetting this industry that is knowingly and willingly killing workers.

Thailand is the world's second largest importer of Canadian asbestos. I went to Thailand this summer to speak at a conference of the medical community and the industry about the hazards of Canadian asbestos. I believe we had them convinced. Speaker after speaker from Japan, Australia, the European Union, all those countries that have banned asbestos, stood up and spoke. I think we had the government of Thailand convinced except when one very honest diplomat went to the microphone and apologized. He simply said his country was under enormous pressure internationally to buy Canadian asbestos. It is as if buying Canadian asbestos is tied to other aid, although he did not go that far and suggest that. It seems to me that the Canadian government will stop at nothing to promote this material.

Gary Nash, the assistant deputy minister of Natural Resources Canada, was the founder and first president of the Asbestos Institute.

● (1725)

The Deputy Speaker: Order, please. The hon. member was in the habit of returning to the subject at hand every once in a while, but he has fallen out of that habit and it has been a long time since he has said anything about Bill S-2. I wonder if the member could remember the rule of relevance.

Mr. Pat Martin: You are right, Mr. Speaker. I was taking the long circuitous route to bring me back to my original point which was dealing with workplace health and safety issues. The connection was so plain and so obvious in my mind.

What I am advocating here is an amendment to Bill S-2. I believe there should at least be a reference in Bill S-2 to our international obligations. The type of workplace safety and health conditions put in place in Canada in 1988 are admirable. They are some of the best in the world. There are some hiccups and some problems with the material safety data sheets, but the intent is laudable and honourable.

There is a glaring contradiction though in the fact that we do not extend this beyond our own shores, and as such, we are doing a great disservice to other underdeveloped countries. Part of our overall development aid in recent years has been building the administrative capacity of countries as well as brick and mortar development in terms of digging wells or infrastructure.

With the globalization of capital, one of the things that is terribly lacking is the fact that there has not been a globalization of harmonizing workers' rights. We have globalized the free movement of capital, but we have not globalized things like a commitment to human rights, and a workplace safety and health standard. I wish Bill S-2 dealt with these things.

I think there would be broad interest in the general public's point of view. Canadians would be horrified to learn that we continue to be the third largest producer and exporter of asbestos in the world. Canadians do not realize that asbestos is not banned in this country and we need to caution them about this fact.

Just because we will not let a Canadian be exposed to a single fibre of the stuff does not mean it is banned. It certainly does not mean that we are doing anything to stop pushing this material into underdeveloped countries in the third world.

We have put the Rotterdam Convention in jeopardy. At the same instant that we are debating WHMIS in this country, the international equivalent of WHMIS, the Rotterdam Convention, is near collapse because of the corporate greed of the asbestos industry and Canadian government officials who are handmaidens to that industry. They have put the integrity of the Rotterdam Convention at serious risk. I predict they have jeopardized its very future.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, my honourable colleague opposite, the member for Winnipeg Centre, got sidetracked somewhat since Bill S-2 does single out asbestos, and I think he used the bill to talk about the era when he worked in the mines. I agree with him that it was actually dangerous at the time. He is correct, back then it was called long fibre asbestos.

However, the asbestos produced at that time is not the same fibre as the cryolithe being produced today. That is a lie. It is not the same fibre, it is not the same thing, it is not as dangerous and does not even come close to posing the same risks.

My colleague stated that he was a carpenter, and so was I. I imagine that we worked at similar workplaces. At the time, we knew very well what it involved.

He stated that asbestos was extremely dangerous. It was a hazard for the workers, for those who mined it and those who carried out renovations. This fibre remains dangerous. However, it was never dangerous when properly installed in walls, around beams or when properly contained or hardened.

Asbestos cannot be readily replaced in high temperature areas. Contrary to what my colleague stated, it cannot be replaced with cellulose, which can be used as insulation but not for anything else.

I would like to ask my colleague for Winnipeg Centre why he did not once mention cryolithe?

● (1730)

[*English*]

Mr. Pat Martin: Mr. Speaker, chrysotile asbestos kills in the same way that all types of asbestos kill.

The mine that I worked at mined chrysotile asbestos, long-fibre chrysotile asbestos. That is the same material that is currently being mined in Thetford Mines, in the Jeffrey mine and the LAB Chrysotile mine. Both mines were recently bought by Warren Buffet, I should point out.

We are really putting Canadian workers at risk in these mines to make foreign capitalists rich. We are exploiting Canadian workers in these dangerous workplace conditions. I pointed out that the incidence of asbestosis and mesothelioma is among the highest in the world in the Asbestos region of Quebec. No one can ever tell me that chrysotile asbestos is in some way benign or in some way healthy because chrysotile asbestos causes cancer the same way all asbestos do. There are five different kinds. Chrysotile is deadly.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, a funny thing happened to me on the way to S-2. That was the member's speech. However, we should probably give him some credit for being so tenacious on this issue that he feels very strongly about. It does raise a question though.

In Bill S-2, when the chief screening officer has to make some changes, the bill prescribes that they have to be gazetted. I would suspect, if we asked the 308 members of the House whether or not they have ever scanned the *Gazette* and followed it to see what was in there, there is a very high proportion of members who have not even had a look at the *Gazette*. It is a formality of sorts. However, the question really becomes: How does this link in to the health and well-being of Canadians?

I must admit, other than asbestos, that I was thinking of the recent study and report that on farms the likelihood of women developing breast cancer is significantly higher than women who are not in agricultural sites. Perhaps, here is yet another example that hearkens home to a lot of members about the importance of this information when it comes up.

I wonder if the member has any thoughts about how this process of having this hazardous materials information review act in place which gazettes information, whether or not the rubber really hits the road in terms of making sure that all of that gets down to ordinary Canadians, would ensure that Canadians are also made aware of the health risks associated with certain chemicals and other dangerous materials.

Mr. Pat Martin: Mr. Speaker, the member's helpful question gives me the opportunity to point out that the proposed amendments in Bill S-2 will permit the voluntary correction of material safety data sheets and product labels when the commission finds them to be non-compliant. We can save that burdensome step.

At present, the commission must make formal correction orders even if the manufacturer or the person distributing whatever material claims it is fully prepared to make voluntary corrections. Therefore, there is some room for optimism that we can benefit the situation in workplaces around the country if it is not such an onerous task to make orders to correct deficient workplace safety and health data sheets.

One of the figures my colleague, the member for Windsor West, pointed out, which we should all be well aware of or take note of and be concerned about, is that 95% of those data sheets examined by the commission were found to be non-compliant and not just in immaterial ways. On average eight or nine errors were in those sheets examined. Therefore, clearly the WHMIS regime in the country is sorely lacking and it needs correction.

I hope I did not overstay my welcome by arguing about asbestos, but I would like to see the material safety data sheet on Quebec asbestos, on chrysotile asbestos. That safety data sheet would say that there is no safe level of asbestos, that we should not handle the product and that our wives and children should not be exposed to it because it will kill them. This would be the only fair WHMIS data sheet on asbestos that we could put because there is no safe level of asbestos. There is no control or safe use of asbestos. Exposure to one single fibre can and in many cases has caused life threatening disease.

● (1735)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I congratulate my colleague, the member for Winnipeg Centre on not only his work on asbestos but also on Zonolite. We are talking about the right to know, not only for workers and consumers, but also about our ability to have an opportunity to know the product and its effect upon us and the environment. That is what the member for Winnipeg Centre is talking about in his crusade on asbestos and on other issues around human health. The prevention aspect is not only good for human health, but it also saves the economy and significantly affects planning issues for the environment in the future.

The House has had the opportunity to act on these issues in the past. The subamendment to my motion on environmental contaminants and human health passed through this chamber. Then some Alliance members and Liberal members switched their position and killed it.

Similarly, we had another tragedy recently when the Bloc voted against banning pesticides. This is amazing because Quebec has some progressive laws on pesticide use and they could have been applied across the country. However, I guess children across our country are less important if they are not in Quebec. There is no reason that should not have passed in this chamber. It was a solid legislation and it would have had real results.

How can we use the data sheets to the fullest extent to ensure that prevention will be at the forefront so people can make educated decisions about the use of the product in their workplace and also have their rights respected?

Mr. Pat Martin: Mr. Speaker, asbestos is the single greatest industrial killer the world has ever known. There is no safe level of asbestos exposure and no material safety data sheet will protect us if we are exposed to it. Asbestos kills. It should be banned globally. At the very least, the Government of Canada should stop being a globe trotting propagandist for the asbestos industry and it should stop handing out corporate welfare to corporate serial killers.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I am very pleased to rise in this House today to speak to Bill S-2.

Of course, as always, the Bloc Québécois agrees with what tends to be reasonable. We are very responsible. This is why we thoroughly examined the changes proposed by Bill S-2. If this can help businesses to improve their performance and their effectiveness, we agree. However, we must also be careful, because, even through we agree with what makes sense, we know that errors can sometimes happen. Because we agree with Bill S-2, we would not want Health Canada to think that we agree with everything that is related to the hazardous product problem.

Hazardous products have caused, many times in the past, incidents and major accidents that have left some people handicapped for life and that have even killed others. We only have to think about the case of Produits chimiques Expro inc. in Quebec. We are being very careful and very vigilant in the implementation of this bill.

I had the opportunity to speak with my colleague from Beauharnois—Salaberry about this bill and hazardous materials. She used to work in a hospital setting. She had the responsibility of explaining to people under her direction how hazardous products had to be used. Of course, when we talk about hazardous products, we are talking about products that may be very toxic. She thinks that this approach is working very well; it is very easy to explain to people. However, she was also telling me that there was not enough time. There was not enough time and, very often, unfortunately, the French versions of WHMIS data sheets were very slow in coming. Businesses should solve this problem, because, when one works in a hospital setting, one is in contact with people who are often very vulnerable and cannot always defend themselves against invasions of bacteria that might come from certain products.

One of her tasks was to explain how to use those products. She was responsible for health and safety but found that employees did not have time to inform themselves. She had to give them the information in the corridors, between two rooms. She regretted that because those dangerous products caused considerable damage. However, I find the amendments to the original act very valuable and legitimate. We can understand the desire to help companies; it was not really necessary to provide the government with the information requested by companies, as long as the companies respected appropriate confidentiality. That way, we know that they will act with full knowledge of the facts and very responsibly.

In comparison, the present legislation forces the HMIRC to give an official compliance order, even if the company which requests an exemption is ready to respect its obligations and to make the necessary changes after being served notice. The process in the present legislation is time consuming and strict. The order sent to companies must be published in the *Canada Gazette* and is enforceable 75 days later. There are further delays to allow the company to appeal the order and to produce a new data sheet. Once again, in many companies in Quebec and Canada the most obvious language is English. As the sheets must be translated, that unfortunately adds a little too much time. That is regrettable because if the people who have to work with the products cannot read the sheets and understand them correctly they will be at risk.

The HMIRC will also be in a position to give information and to clarify the cases under appeal. Right now, the independent appeal boards cannot consult the commission.

● (1740)

Nonetheless, some aspects worry me, as far as hazardous materials are concerned, and I am not just talking about their composition. We know that often accidents occur in the transportation of these materials. I think we must ensure, for the transportation of hazardous products, that every appropriate safety measure is taken to avoid accidents from happening to people who earn their living under difficult circumstances and who work very hard; people like truck drivers and their helpers, who unfortunately do not always have the luxury of defending themselves because they are not part of a union.

We also know that many questions remain on the choices made by firefighters. There are also many questions about the choices made by transport companies. They have to keep increasing their productivity and efficiency. The cost of gas is so high they have to keep their trucks on the road day and night to earn a decent income, which—even at that—is not guaranteed. Anything that allows companies to put their products on the market in a more diligent manner is fine by us. However, it is important to ensure that these trucking companies and other transport companies are just as diligent in the application of safety measures for their products when it comes to dangers and difficulties.

I also want to note that a number of times now, institutions, even schools, have had to be evacuated because of problems with toxic and hazardous materials.

Take for example an incident that occurred in May 2005 when the handling of nitric acid forced the evacuation of a thousand or so people from the chemistry and biochemistry department at the Université du Québec à Montréal. The incident occurred in a lab when a researcher was busy pouring nitric acid in a recycled container and a chemical reaction ensued. It is very dangerous. A lot of students and other people on site could have suffered extremely unfortunate consequences. Fortunately, this was not the case. The incident was classed as a true accident because the product was not defective. The problem was in the way the product was handled by the professor. The company was not at fault.

There was also the release of a toxic cloud in Valleyfield. Environment Canada monitors 585 facilities in Quebec that may pose a risk, because they store substances deemed hazardous, such as the sulphuric anhydride that was released at Noranda's CEZinc plant, in Valleyfield. That plant is not governed by Health Canada and Environment Canada's regulations. In fact, it does not store that product. The sulphuric anhydride is merely transiting through the plant in its pools. That plant is not deemed to be a facility that stores toxic and hazardous products, and it is not subject to the same regulations. This is why accidents such as the one that occurred in Valleyfield, on the evening of August 12, 2004, can happen. People living close to the plant had to be evacuated, because an extremely toxic product had been released, thus creating a very dangerous situation.

A chemical product also caused a number of people to faint at a flea market. Flea markets are very popular in Quebec and families enjoy going there on Saturdays and Sundays. So, when incidents like that occur in such locations, we are concerned about people's health and safety. When people faint because of a chemical product, it means that the substance is really very potent. We do not always know the origin of that chemical product, and we may also not know what it is exactly.

● (1745)

People try to find out where the product came from, but to no avail. This raises some important questions.

I know the companies that make these products are very competent and do as much as they can to ensure that such incidents do not occur. However, humans being what they are, unfortunate things sometimes happen.

I completely agree that we should give companies the opportunity to get their products to market faster and more efficiently. I am pleased with this move to amend the act because it is a little restrictive.

We have strong environmental convictions. Even though some members and government ministers claim that the environment is responsible for a number of plant and business closures, we know that is not true. We know that this is not the principal cause of plant and business closures.

We do not put much stock in such simplistic explanations. We try to do our homework and study the issue in its entirety before making a decision about whether to support this or that bill.

This bill is not a problem for us because its implementation does not directly put anybody's life in danger. The change that is requested is minimal and only speeds up a process that we know is very long. In all departments, the approval processes are very long.

For example, just in the area of natural health products, some companies have to wait as many as two, three or even four years to get a product evaluated and recognized by Health Canada. These waiting periods are senseless because, after all, some of these products are used by a lot of people all over the world and have very conclusive effects on their health. I myself have been taking some for a number of years, and as you can see, I am in excellent health.

All of this to say that there is not much in the bill that would cause us to oppose it. We cannot be against virtue itself. Unlike the governing party, which seems to be against all environmental virtue, we do not think that a bill like this has any environmental effect at all.

We will therefore be very much in favour of the bill in principle. We hope that hon. members of all parties will also support it because we think that the passage of this bill will make all our companies in Quebec and Canada more efficient. We also believe that the committees charged previously with assessing hazardous products have done a good job of evaluating the implications of this amendment.

This is an amendment, therefore, that will in no way compromise the safety or all the precautions that should be taken to ensure that hazardous products are properly stored, used and provided to customers, as well as properly transported. We also believe that the owners of the companies that produce these hazardous products are competent people who ensure that their products are used properly and who will do even more in the future to ensure that their products include data sheets translated into French as well as English ones so that people who use the products have the information they need more quickly.

● (1750)

[*English*]

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Speaker, I am very pleased to rise in the House today to speak in support of Bill S-2, An Act to amend the Hazardous Materials Information Review Act.

I would begin by noting that the primary objective of these amendments is to facilitate the earlier delivery to workers of the health and safety information essential to the safe handling of hazardous materials in the workplace. Further, all stakeholders, workers handling hazardous materials, their employers, suppliers of those materials, and provincial and territorial officials responsible for worker health and safety are all aware of the proposed amendments and all of them are in full support.

The work of the Hazardous Materials Information Review Commission may not be highly visible to the general public, but it is to those whose health and safety depend on the commission and to those who rely on the commission to protect the trade secrets on which the competitive advantage of their business rests. This reflects the commission's dual role.

The unique part of that role is the protection of information which is truly confidential business information, a trade secret. Without such protection, products which may be key to the competitive position of industry could very well not be made available for use by Canadian businesses.

The second part of the commission's role is to ensure that those working with the hazardous materials for which trade secret protection is sought have full and complete information on the hazards posed by these materials and on the measures that they must take to handle those materials safely. I stress that the hazards faced can involve threats to their immediate safety, threats to their long term health, or indeed, risks which are life threatening either immediately or in the longer term.

The protection extended by the commission to workers' health and safety is not trivial. I have been provided with information which shows that over the past 15 years roughly 95% of the accompanying health and safety information reviewed by the commission was found to be non-compliant with legislation and that in recent years there have been on average nearly nine violations on each health and safety submission that the commission has reviewed. Many of these shortcomings pose a potentially major threat to the health and safety of workers.

Typical violations include failure to identify the effects of exposure to a product, failure to identify risks of fire or explosion, and failure to provide adequate information on the appropriate first aid measure if a worker is accidentally exposed to a hazardous material. It is the commission's responsibility to ensure that the health and safety information related to trade secret claims is complete and accurate. Workers will then know the risks they face and will be able to use hazardous materials in ways which do not endanger their health and safety.

The trade secret facet of the commission's role in balance with the protection of workers' health and safety is of substantial financial benefit to the businesses whose trade secrets are protected. Those seeking an exemption from disclosure of confidential business information must provide the commission with an estimate of the actual or potential value of that information to their businesses or to their competitors. The estimates provided with the claims reviewed by the commission in 2005-06 show the aggregate value of the trade secrets protected to be in the range of $624 million annually.

The commission is also unique in that it carries out its dual function of protecting workers' health and safety and protecting trade secrets on behalf of not only the federal government but also the provincial and territorial governments. That is, if a business has trade secret information, for example, the full chemical identity of a hazardous ingredient in a product, it makes application to the commission regardless of whether it might normally be subject to the occupational health and safety legislation of the federal government or of one or more of the provincial or territorial governments. In all cases the commission decides whether the claim for exemption is valid and makes sure that the accompanying health and safety information is in full compliance with the relevant federal, provincial or territorial legislation.

● (1755)

In addition to its responsibilities to government, the commission also draws advice and guidance from those most directly affected by its operations: those working with the hazardous materials, suppliers of hazardous materials and employers using hazardous materials in their operations. The main vehicle for obtaining the input of stakeholders is the commission's council of governors, which has representation from organized labour, industry, the federal government and all provinces and territories.

It was through the council of governors that the commission initiated its renewal process. This involved extensive consultations and resulted in the identification of many modifications which would improve the operations of the commission, with the focus being on early compliance with health and safety legislation. Many of these changes could be made administratively or through regulations. These changes are already in place. There were, however, three changes which could be implemented only through amendments to the Hazardous Materials Information Review Act. Those amendments needed to effect these final changes are contained in the bill that we have before us.

In brief, the three changes required to complete the renewal program are: a provision to permit claimants to make a declaration that they believe that the information for which they are seeking protection from disclosure meets the regulatory criteria for confidential business information; a provision to allow the commission to enter into undertakings with claimants through which the claimant would make the necessary corrections to the health and safety documentation without the issuing of a formal order by the commission; and a provision to allow the commission to provide the boards hearing appeals of the commission's decisions and orders with factual clarifications of the record. Let us consider each of these in turn.

Under the current act, a claimant seeking an exemption from disclosure of what the claimant considers to be confidential business information must file a detailed justification for that claim. This includes information on the steps taken by the claimant to maintain the confidentiality of the information and estimates of the financial value of the confidential information to the business of the claimant or to the claimant's competitors. This information must be reviewed by the commission to determine whether the information meets the regulatory criteria for confidential business information, and a decision is then rendered on the validity of the claim.

This is an administrative burden on claimants and on the commission. The reviews carried out by the commission since its inception have shown no tendency on the part of claimants to make frivolous or false claims of confidential business information. In fact, nearly all of the claims for exemption that have been reviewed by the commission have been found to be valid.

The amendments we are considering will allow claimants to submit a declaration to the commission that the claimant believes the information is confidential business information as defined in the regulations and that information substantiating the claim is available and will be provided on request.

To guard against false claims, the amendments require full substantiating information to be provided when an affected party makes written representations regarding the claim, when the information contained in the summary provided with the claim must be verified, and when a claim is identified as requiring full documentation through a validation scheme established to protect the integrity of the system.

The benefits of this change are simplified procedures for industry claimants and a reduced administrative burden for both industry and the commission. This increased efficiency will expedite the delivery of health and safety information to workers who are handling the hazardous materials.

The second change will again shorten the time required to make the necessary corrections to the health and safety documentation provided to workers.

As the act now stands, when the commission finds that the documentation is not compliant with legislation, it must order the claimant to make the necessary corrections. Many claimants are prepared to make the necessary corrections without an order being issued and see these orders as questioning their commitment to workplace safety.

● (1800)

The amendments set out in this bill allow the commission to enter into an undertaking with a claimant to make the required corrections to the health and safety documentation on a voluntary basis. If the claimant fulfills the conditions of the undertaking, the commission will confirm compliance and, for transparency, will publish the corrections that have been made in the *Canada Gazette.* If the undertaking is not fulfilled, the commission will revert to the current process and order the claimant to comply.

Aside from the increased satisfaction of claimants, this amendment will avoid delays built into the system currently and will therefore significantly speed up the process of getting full and accurate health and safety information on the handling of hazardous materials into the hands of the workers.

The last change deals with appeals of the commission's decisions and orders. The act does not now provide for any participation by the commission in appeals. This has meant that the commission cannot respond to requests of appeal boards for clarification of the record. The amendments we are considering would rectify that situation. This will facilitate the appeals process and, again, speed up the process of getting accurate health and safety information into the hands of workers.

In summary, then, the amendments set out in the bill are very positive for workplace health and safety and they will simplify and streamline processes to the benefit both of workers and of industry. I cannot stress too strongly that those amendments have the full and unanimous support of all affected parties. There is no opposition. I most strongly support the passage of this bill.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I thank my colleague for her speech. She was very well prepared, and it showed. But I would like to ask her a question about the responsibility of companies that make hazardous products. We know that the Hazardous Materials Information Review Commission conducts ongoing evaluations to determine whether these products are always properly used, properly packaged and properly transported.

In the past four years—2003, 2004, 2005 and 2006—there were fairly serious problems that, I think, deserve our attention. For example, there were 92 very serious violations where the concentration ratio of hazardous ingredients was missing or incorrect; 147 violations in 2004-05 involving preparation information, where the preparer's name or telephone number was missing; 101 violations concerning reactivity or incompatibility with other products; 119 violations regarding the effects of acute exposure, that is, toxicological properties; 127 violations pertaining to the effects of chronic exposure; and 85 violations regarding exposure limits. Products therefore had no documentation on the effects they could have on the people who use them. With respect to first aid, there were 80 instances where manufacturers of first aid products even removed the advice to administer water in cases of ingestion and 84 instances where there was no description of how to treat people in the event of skin contact with a product.

In my opinion, this is very important. In the years covered by the commission's report, roughly 45% of all violations regarding "effects of acute exposure" for all routes of entry involved failure to disclose that the product has harmful effects on the central nervous system.

I would like my dear colleague, who works with me on the health committee, to give me her opinion of these data and statistics. In my opinion, even though we are giving companies permission to be more efficient, we must also ensure that products that are sold are safe.

● (1805)

[*English*]

Mrs. Patricia Davidson: Mr. Speaker, the member opposite certainly brings up some issues that are of prime importance to all of us, whether we are the workers involved with using the hazardous materials, the industry involved with developing them, or the commission that is involved with regulating. Those certainly have been issues in the past. We know that. We also know that the amendments we have before us in Bill S-2 have been developed in consultation with all those involved, whether it was the workers or the industry and so on.

There has been a consensus that we need to move forward to do this. Over the history of its operation, the commission has ordered corrections to health and safety information in a very high proportion. In roughly 95% of the claims that have been filed, there has been some type of inaccuracy. The commission has acted on them. In 2004 and 2005, we saw a total of 2,103 inaccuracies. It was ordered that they be corrected. On average, eight to nine corrections to health and safety information have been required for each claim. In most instances, it has not been just a single issue. There have been several different issues identified.

A significant number of those inaccuracies result in a potential threat to the health and safety of workers, so it is extremely important that the commission is on top of this, that it continues to order these corrections and that it includes things such as first aid measures and the danger of fire and explosion. Certainly the amendments to this act in no way diminish the role of the commission. In fact, they enhance that role. The member has brought up very important issues in her question.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I congratulate my colleague from Sarnia—Lambton for her documentation and for knowing her file well.

I would like to get an answer about something that puzzles me a lot. We always talk about industries, but an agricultural business such as a big farm can be seen and is seen as an industry.

On farms, whether small or big—but mostly the big ones—all kinds of very dangerous materials are used. Some materials even come from far away, for example, building maintenance materials. I remember seeing creosote on farms recently. This product is extremely dangerous. It is there, as if it were nothing and it is not a worry. No one feels the responsibility of treating it as a dangerous product. I also saw products that were used to sanitize and clean farm buildings and even products for cleaning animals.

I ask my colleague from Sarnia—Lambton when a farm is considered to become a big enough industry that the regulations that the government wants to pass are applicable?

Second, I would also like to ask her whether, on farms, the implementation of ISO 14000 could help to make toxic and dangerous products more safe.

● (1810)

[*English*]

Mrs. Patricia Davidson: Mr. Speaker, certainly we all know that in today's world, in many cases, farming or agriculture is industry, and large industry. Farming, like anything else, comes in all sizes and shapes these days. In some instances, there is still the small family farm. In other instances, we have very large corporate operations that are industries for all intents and purposes.

In those areas, we know that a lot of chemicals and hazardous materials are handled. There are also regulations that apply to those hazardous materials, the same as they do to any other hazardous materials. There are certainly a lot of training programs already in place for persons who work in the agricultural community. Certifications have to be held by many of the farm owners and workers in order to use many of these chemicals.

So yes, regardless of the workplace, I firmly believe that if a hazardous material is being used there needs to be education and people certainly need the same protection as workers in any other kind of industry.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I would like to put a question to the hon. member. We support the bill and we expect the Conservatives to do likewise.

Does the hon. member not see a contradiction in the fact that she supports a bill that seeks to ensure greater public safety regarding the handling of hazardous materials, while one of her government colleagues, who is a minister and the member for Jonquière—Alma, just condemned environmentalists and accused them of being responsible for the demise of the softwood lumber industry?

The government's objective with this bill is to better monitor plants that use or make such products, while also helping the public and creating a safer environment, particularly for workers who handle these hazardous materials. Similarly, the objective pursued by some environmentalists is also to help the public. They want renewable energy to be available, and they want future generations to have a better quality of life.

Therefore, does the hon. member believe that her colleague is being irresponsible and disrespectful, considering what has already been accomplished? Should he not instead fall into step and help the companies that are also suffering because of the previous government's inaction? Now that the Conservatives are in office, it is up to them to show that they are proactive and to help the companies that are suffering.

[*English*]

Mrs. Patricia Davidson: Mr. Speaker, there is no question at all that this government is certainly in favour of improving the environment. There is no question about that. When it comes to the purpose of the amendments to Bill S-2, I think the first and foremost and prime purpose of the bill is to improve the health and safety of everyone in this country.

I think that is what this bill is going to do. I certainly look forward to the support it deserves. The sooner we can have this improvement put in place for the workers of this country, the better it will be for all of them.

● (1815)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a privilege to speak to Bill S-2. This is an important bill and it does have consensus among industry and labour organizations. Bill S-2 would update the Hazardous Materials Information Review Act. It would provide an opportunity for chemicals and their contents to be registered in a much more appropriate fashion. Some of the problems we have right now would be corrected by Bill S-2, such as updating current data sheets. Ninety-five per cent of the current data sheets have not been updated.

It is important to note that this debate on Bill S-2 is about prevention. It is about controlling the appropriate regulations documenting chemicals and their contents and their effect upon human health.

I was privileged to be in the House when the member for Winnipeg Centre gave his speech. I listened to his great remarks relating to the asbestos industry and the issues that he has been dealing with in his attempt to raise attention to the problems with asbestos. Prevention is very much a part of the solution to many of our problems. The fact that we could head off some of the problems in terms of spills or chemical use in a general sense and the rights of workers is very important.

I would like to congratulate the labour community for its dogged determination to ensure that the law is updated. This community does not just work for itself, but it works for all workers across this country. It ensures that standards are met and that workers who are not represented know about the chemicals they are working with and how those chemicals will affect them and their co-workers. This is an important point to note because these chemicals do have an effect on all of us.

My previous occupation was that of a job developer for persons with disabilities. I worked at Community Living Mississauga and I worked at the Association for Persons with Physical Disabilities. I also worked at the Multicultural Council of Windsor and Essex County as a job developer and an employment specialist.

WHMIS training and data sheets are very important, not only in terms of the content descriptions labelled on the sheets and on the products, but also the visual pictures. I have had the privilege of working on behalf of individuals with learning disabilities or literacy problems. These individuals did not have the ability to understand some of the terminology on the data sheets but they did understand some of the visuals. It is important for people with disabilities to understand chemical labelling because chemicals do affect their health.

I have a passion for eliminating the unnecessary chemicals and taking remedial action to deal with their effect on humans. The simplest thing to do is to have appropriate training in place so accidents can be prevented. Data information sheets are important, not just in terms of understanding the use of a chemical, but whether that chemical is being used in a way that it is not supposed to be used. If there has been a leak or if there has been a spill, it is important that there be an immediate response by employees and management to contain the situation.

On behalf of the people with disabilities, we were able to use a number of different techniques to associate the labelling with necessary action and they were also able to understand how to handle the chemicals properly.

The reason chemicals need to be identified and appropriately marked is that one chemical by itself may not have a severe consequence if it is spilled, but if that chemical is mixed with another chemical it could create a toxic cocktail so to speak that could cause greater damage. It is important for an individual to know how a chemical is being used and how to dispose of that chemical. It could create a huge health problem if these chemicals are disposed of through our sewer systems or our ordinary plumbing systems. This could have a causal effect on our water systems. Windsor and the surrounding area has had to fight some of the environmental problems. It is amazing to think how far we have come.

● (1820)

It was an NDP amendment that actually ceased the elimination of corporate tax deductions for polluting our Great Lakes system and our environment.

An hon. member: It used to be tax deductible.

Mr. Brian Masse: It was tax deductible. It is unbelievable. While other organizations in North America were fighting to increase those penalties and fines, if we poisoned the water that our children drink, at tax time we could get up to 50% of that money back. We found that unacceptable, which is why this party in this corner of the House fought to end that diabolical practice. It was unfair to ordinary citizens and to other companies. Other companies, which were practising the right procedures, doing the right things by labelling their chemicals, by having the proper disposal practices and by living up to the bargain that has been part of the law of our country, had unfair competition from those that actually could subsidize their industry by polluting and not paying those fees.

It is important to note that Bill S-2 would provide us an opportunity to update those types of chemicals and materials. I believe we need to go further. I think that if, for example, we are going to have a continued non-compliance of 95% of the data forms and updating, there have to be significant consequences. These are known factors. We have seen the continual effects on human health in our society.

Most recently, because of the chemicals, the toxins and the pesticides in their environment, we have seen that people in farming communities are experiencing much higher degrees of breast cancer. We are trying to eliminate the pesticides that are not necessary. My municipality has worked very hard on this. Why our legislation to ban pesticide uses that were unnecessary failed is unconscionable. It has an effect. The prevention issues that this bill has and what we can do would not only improve our economic development through ensuring that we have a higher productivity value, it would also lessen our costs for health and other types of problems that emerge by neglect.

When the laws of the land that define the responsibility and the use of those products are not being administered and not being followed, then I believe there needs to be greater consequences. These products affect society as a whole.

My colleague from Winnipeg Centre skirted around the issue of asbestos quite well. In his recent press release, "Canadian officials are acting as globe-trotting propagandists for the asbestos industry", is about as straightforward as one can get.

It is important to note that this type of advocacy and prevention, similar to Bill S-2, is how we can actually eliminate some of the tragedies. The member went into great detail about the asbestos industry but I would hammer home the fact that prevention is really a lot of the solution to some of our problems here and it is one that we can control. Why we would be sending trade delegations abroad to push a killer industry is unacceptable and unconscionable.The member has done justice to this file and it is one that can apply to the fact that we need to start examining our responsibility internationally.

A number of different chemicals and hazardous materials are transported on a regular basis between Windsor and Detroit and we are supposed to have specific laws to do so. However, the regulations and laws do not always match up with the United States. The situation on the Ambassador Bridge which runs between Windsor and Detroit is that the Americans can come into Canada some types of chemicals and hazardous materials but some Canadian chemicals cannot go to the American side. The chemicals still cross on the same bridge no matter what but it all depends on which regulation is being used as to where the chemical ends up. We can do some work on those regulations because there are a series of potential problems with hazardous materials.

We have a ferry service that actually does pre-clearance. This is important with regards to the data sheets. Greg Ward and the ferry service receive the information on the hazardous materials. It is cleared by customs before it even gets on the hazardous materials barge and then the barge goes across to Detroit.

● (1825)

We have a system in place where the information is necessary for entry into and exit from the United States but it also has to be provided correctly. This operation has been in existence for over 11 years and there has not been one accident. The Department of Homeland Security supports the operation and has given it a number of different accolades. It is a model that has been very good.

While that was happening on the U.S. side, as the U.S. government was dealing with supporting the ferry service and its management of hazardous materials across the Detroit River and the ecosystems that are so delicate in that area, the previous Canadian government tied the Americans up in the courts for years because they provided free customs officials to the Ambassador Bridge but then they charged the customs people and the ferry service.

The safer route that has enjoyed the support of the Department of Homeland Security on the U.S. side, being touted as a responsible mover and administrator of these types of materials, was being unfairly treated by the Canadian government and still is to this day. They had to settle in court and I know they have to pay for some of their customs officers. It makes no sense because it is unfair that one business would have an actual subsidy of customs officials and another one, a competitor, that is supposed to be providing the hazardous material waste movement for the region, is being attacked in a sense by having to pay for their customs officials. It raises the price and costs.

What we would have would be similar to what we have now where truckers take off their placards, placards that are supposed to go on the back and sides of a truck to show that chemical materials are being transported across a different region. We know that the price of the ferry is a little bit more.Truckers were taking off those placards and then using other means to get to the U.S. side, and that has been done openly. Why the government has not cracked down on that has been very disappointing. We have not seen the proper action.

The materials identified in the bill are very serious. I will give another important example. Chlorine gas is being transported on rail systems through my region as well. The Department of Homeland Security in the United States has classified those containers of chlorine gas as weapons of mass destruction because they can kill up to 100,000 people in a 15 mile radius if there were an accident or an attack on one of those types of containment vessels.

Several jurisdictions in the U.S., and I believe Washington is one, Cleveland is another and Dayton county in Florida, have come up with specific strategies to re-route those chemical materials outside of those jurisdictions which ensures that large urban areas are not exposed to this.

It is also important to note that our first responders, the police and firemen, but in particular firemen, who need access to the rail yards to deal with the issue in case of an accident, need permission first. We need to get Bill C-3, which deals with the bridges and tunnels act, passed by the Senate. The Senate is dealing with it and I believe it will be going to committee. However, until that bill is actually passed, the Ambassador Bridge will continue to be considered private property. We will have the same jurisdictional problems, which must change.

These are all things we can control and these are issues on which we can actually have a positive impact. I believe this bill will get wide support to move forward because it is a first step. It contains a number of different prevention strategies that are important. I would urge all members to consider what we can do on the other fronts, whether it be asbestos management and Canada's international relations or other types of human health and toxic chemicals that are in our environment. We should be thinking of ways to take remedial action and find prevention techniques to offset their harm so people do not get sick from those materials because they have been exposed either improperly, by accident or by design.

● (1830)

The Deputy Speaker: There will be a question and comment period, which follows the hon. member's speech, the next time the House returns to the subject at hand.

* * *

[*Translation*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—OLDER WORKERS INCOME SUPPORT

The House resumed from October 5 consideration of the motion.

The Deputy Speaker: It being 6:30 p.m., pursuant to order made on Thursday, October 5, the House will now proceed to the taking of the deferred recorded division on the motion of the member for Chambly—Borduas relating to the business of supply.

Call in the members.

● (1900)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 40)

YEAS

Members

Alghabra	André
Angus	Arthur
Asselin	Atamanenko
Bachand	Bains
Barbot	Barnes
Beaumier	Bélanger
Bell (Vancouver Island North)	Bell (North Vancouver)
Bellavance	Bevilacqua
Bevington	Bigras
Black	Blaikie
Blais	Bonin
Bonsant	Boshcoff
Bouchard	Bourgeois
Brison	Brown (Oakville)
Brunelle	Byrne
Cannis	Cardin
Carrier	Chamberlain
Chan	Charlton
Chow	Christopherson
Coderre	Comartin
Comuzzi	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
D'Amours	Davies
DeBellefeuille	Demers
Deschamps	Dewar
Dhaliwal	Dhalla
Dosanjh	Duceppe
Easter	Eyking
Faille	Folco
Gagnon	Gaudet
Gauthier	Godfrey
Godin	Goodale
Graham	Guay
Guimond	Holland
Hubbard	Jennings
Julian	Karetak-Lindell
Keeper	Kotto
Laforest	Laframboise
Lavallée	Layton
LeBlanc	Lee
Lemay	Lessard
Lévesque	Loubier
Lussier	Malhi
Malo	Maloney
Marleau	Marston
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Martin (Sault Ste. Marie)	Masse
Mathyssen	Matthews
McCallum	McDonough
McGuinty	McGuire
McKay (Scarborough—Guildwood)	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Merasty
Mourani	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Nadeau
Nash	Neville
Ouellet	Owen
Pacetti	Paquette
Patry	Perron
Peterson	Picard
Plamondon	Priddy
Proulx	Ratansi
Regan	Robillard
Rodriguez	Rota
Roy	Savage
Savoie	Scarpaleggia
Scott	Sgro
Siksay	Silva
Simard	Simms
St-Cyr	St-Hilaire
St. Amand	St. Denis
Steckle	Stoffer
Stronach	Szabo
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thibault (West Nova)	Tonks
Vincent	Wasylycia-Leis
Wilfert	Wilson

Zed– — 155

NAYS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
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	Del Mastro
Devolin	Doyle
Dykstra	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
Lauzon	Lemieux
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Manning
Mayes	Menzies
Merrifield	Miller
Mills	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
Obhrai	Oda
Pallister	Paradis
Petit	Poilievre
Prentice	Preston
Rajotte	Reid
Richardson	Ritz
Scheer	Schellenberger
Shipley	Skelton
Smith	Solberg
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Trost
Turner	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Williams	Yelich– — 124

PAIRED

Members

Freeman	Mark– — 2

The Speaker: I declare the motion carried.

* * *

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE ACT, 2006

The House resumed 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, and of the amendment.

The Speaker: The House will now proceed to the taking of the deferred division on the amendment moved by the hon. member for Beauséjour at second reading of Bill C-24.

The question is on the amendment.

● (1910)

[*English*]

Before the Clerk announced the results of the vote:

Ms. Libby Davies: Mr. Speaker, I rise on a point of order. Before you determine the vote, the NDP had clearly intended to vote for this amendment, so all NDP members present would seek the consent of the House to be recorded in favour of this amendment.

Hon. Jay Hill: Mr. Speaker, I am rising on a point of order to say that as far as parliamentary tradition is concerned, I believe there are no points of order, including this one of mine, until after the vote is taken. I would hate the viewing public to consider that it was the clerks who made the error. Clearly the NDP did not intend to vote for this amendment or members would have risen when they had the opportunity.

The Speaker: I appreciate the intervention of both the hon. member for Vancouver East and the hon. chief government whip. In the circumstances, what happened is the hon. member stood up before all the yeas in fact had been counted and was obviously getting up on a point of order because she said she was not counted that way. I recognized her because I thought there was some irregularity.

Having pointed out what happened, the votes have been taken. We will hear the result of the vote and then I will hear the hon. member for Vancouver East if she wishes to make a submission that there be additional votes counted. I think that is the normal way we would do this. I am sure the House will look favourably on her request in the circumstances.

[*Translation*]

(The House divided on the amendment, which was negatived on the following division:)

(Division No. 41)

YEAS

Members

Alghabra	Bains
Barnes	Beaumier
Bélanger	Bell (North Vancouver)
Bevilacqua	Bonin
Boshcoff	Brison
Brown (Oakville)	Byrne
Cannis	Chamberlain
Chan	Coderre
Cullen (Etobicoke North)	Cuzner
D'Amours	Dhaliwal
Dhalla	Dosanjh
Easter	Eyking
Folco	Godfrey
Goodale	Graham
Holland	Hubbard
Jennings	Karetak-Lindell
Keeper	LeBlanc
Lee	Malhi
Maloney	Marleau
Martin (LaSalle—Émard)	Matthews
McCallum	McGuinty
McGuire	McKay (Scarborough—Guildwood)
Merasty	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Neville
Owen	Pacetti
Patry	Peterson
Proulx	Ratansi
Regan	Robillard

Rodriguez
Savage
Scott
Silva
Simms
St. Denis
Stronach
Temelkovski
Tonks
Wilson
Rota
Scarpaleggia
Sgro
Simard
St. Amand
Steckle
Szabo
Thibault (West Nova)
Wilfert
Zed– — 76

NAYS

Members

Abbott
Albrecht
Allison
Anders
André
Asselin
Baird
Batters
Benoit
Bezan
Blackburn
Blaney
Bouchard
Bourgeois
Brown (Leeds—Grenville)
Bruinooge
Calkins
Cannon (Pontiac)
Carrie
Casey
Chong
Comuzzi
Cummins
Day
Del Mastro
Deschamps
Doyle
Dykstra
Epp
Fast
Fitzpatrick
Fletcher
Galipeau
Gaudet
Goldring
Gourde
Guay
Guimond
Harper
Harvey
Hearn
Hill
Jaffer
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kotto
Laforest
Lake
Lavallée
Lemieux
Lévesque
Lukiwski
Lunney
MacKay (Central Nova)
Malo
Mayes
Ménard (Marc-Aurèle-Fortin)
Merrifield
Mills
Moore (Fundy Royal)
Nadeau
Norlock
Obhrai
Ouellet
Paquette
Perron
Picard
Poilievre
Preston
Ablonczy
Allen
Ambrose
Anderson
Arthur
Bachand
Barbot
Bellavance
Bernier
Bigras
Blais
Bonsant
Boucher
Breitkreuz
Brown (Barrie)
Brunelle
Cannan (Kelowna—Lake Country)
Cardin
Carrier
Casson
Clement
Crête
Davidson
DeBellefeuille
Demers
Devolin
Duceppe
Emerson
Faille
Finley
Flaherty
Gagnon
Gallant
Gauthier
Goodyear
Grewal
Guergis
Hanger
Harris
Hawn
Hiebert
Hinton
Jean
Keddy (South Shore—St. Margaret's)
Komarnicki
Kramp (Prince Edward—Hastings)
Laframboise
Lauzon
Lemay
Lessard
Loubier
Lunn
Lussier
MacKenzie
Manning
Ménard (Hochelaga)
Menzies
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Mourani
Nicholson
O'Connor
Oda
Pallister
Paradis
Petit
Plamondon
Prentice
Rajotte
Reid
Ritz
Scheer
Shipley
Smith
Sorenson
St-Hilaire
Storseth
Sweet
Thompson (New Brunswick Southwest)
Tilson
Trost
Tweed
Van Loan
Verner
Wallace
Warkentin
Williams
Richardson
Roy
Schellenberger
Skelton
Solberg
St-Cyr
Stanton
Strahl
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thompson (Wild Rose)
Toews
Turner
Van Kesteren
Vellacott
Vincent
Warawa
Watson
Yelich– — 174

PAIRED

Members

Freeman
Mark– — 2

The Speaker: I declare the amendment lost.

[*English*]

Ms. Libby Davies: Mr. Speaker, I rise on a point of order. Clearly the NDP had intended to vote for this amendment. Sometimes things happen very quickly and I believe in the past we have taken this into consideration. The NDP members are here and we are in support of this amendment, so we would ask the House to consider that the NDP be recorded as having voted in favour of this amendment. We would ask that of the House.

The Speaker: Is it agreed?

Some hon. members: No.

The Speaker: I am afraid there is no consent. I think it would be difficult in the circumstances to make other arrangements, so I am afraid the request is denied.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1915)

[*English*]

FISHERIES

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, on June 12 I asked a question of the Minister of Fisheries and Oceans. That question concerned the plight of older workers within the fishery. When he was on the opposition bench the minister was a member who showed a great deal of concern for this issue and he brought it up a number of times.

When I posed the question, the response that came back from the minister was very disappointing. What he shared with me was that as Minister of Fisheries and Oceans he had nothing to do with any kind of program for older workers within that fishery. I will not use the blues, but to paraphrase he said, “It is not my file. That issue is up to the Minister of Human Resources and Social Development”.

We saw the stark clarity of how the minister perceives older workers in this country. We have just seen it executed here in a vote on a motion that was put forward that could have supported older workers across the country. It was not supported by the Minister of Human Resources and Social Development, it was not supported by the Minister of Fisheries and Oceans and it was not supported by the government.

Fish plant workers in this country, certainly on the Atlantic coast, are experiencing some very tough times. Some people in the industry say they are the toughest times since the cod closure in 1992. There are a number of factors and they certainly are beyond the control of the workers in this industry. These factors include the value of the Canadian dollar, the competition from the Chinese markets, and tariffs placed by European nations. The lion's share of that burden has been taken up by the older workers in the industry.

In the former government, we made provisions for retraining workers in this industry. There have been some success stories. People have gone into other trades and have gone on with their lives.

It is certainly understood on this side of the House that not all can take advantage of those training opportunities. Many of those people have worked in this industry for their entire lives. The fishery is a tough industry. People often work in cold, damp and very inclement conditions. There is heavy lifting. It takes a toll on one's body. It is an industry that is meant for younger workers. For the good of the industry, some type of adaptive program for older workers is much needed.

I want to talk about the workers. There are people who are 57, 58 and 60 years old who have worked their entire lives in the industry. For what should they be retrained? They are tied to that industry. They are tied to their communities. They want to retire with some dignity.

That is what the motion we voted on this evening was about. That is why this side of the House supported the motion.

When I asked the Minister of Fisheries and Oceans about this, his response was, "It is not my file". He hid behind the Minister of Human Resources and Social Development. He was nowhere to be found on this file.

That is not the first time the minister has responded in that way. When that group across the way cut a billion dollars out of social programs, when it made cuts to adult literacy and CAP site investments, the Minister of Fisheries and Oceans, when questioned on DFO cuts, turned it over to the Minister of Veterans Affairs.

The parliamentary secretary will be answering on behalf of the minister. I ask the parliamentary secretary, when will the government move to implement a retirement program for older fish plant workers?

● (1920)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I thank the hon. member for Cape Breton—Canso for his ongoing interest in these issues that are of great importance to Canada's rural fishing communities.

After record landed values in 2004, Canada's commercial fishing industries are facing significant challenges that continue to affect the viability of both the fish harvesting and processing sectors, particularly in Atlantic Canada.

Globalization of rural fisheries is generating significant competition from countries such as China, as the member says, where labour is both abundant and cheap. This is rapidly squeezing out the ability of Canadian processing companies to compete in an international market.

The high Canadian dollar and the rising cost of fuel are also having a significant impact on the industry. Coupled with this are the declining prices for some of our more lucrative species such as crab and shrimp. For example, crab fishers enjoyed a price of close to $3 per pound in 2004 and this year faced prices as low as $1 per pound.

In light of these challenges, many commercial fishers and fish processing workers are struggling day to day to make ends meet and maintain their jobs.

I should note, though, that there are some signs of encouragement. Prices for fuel have dropped from recent highs. As well, the decline in prices for landing crab has slowed and has, in certain areas, rebounded. These are positive signs, but as we know they can change again, for the worse, and we need to help industry so it can better respond to these pressures.

Canada, like all countries around the world, is facing continuous economic adjustment pressures. Our population is aging. While some of our industries are in decline, others are experiencing labour shortages. The impact of these challenges has not been evenly distributed across communities, regions or provinces in Canada and there is no easy solution.

In Canada older workers have become the principal source of labour force growth in recent years. As the Canadian population ages, encouraging their participation will play an important role in ensuring growth and rising living standards. However, some unemployed older workers face special difficulties in today's labour market. For example, some do not have the education or transferrable skills needed for today's jobs and many older workers are employed in declining industries.

As my hon. colleague knows, the federal government announced in budget 2006 that it would conduct, in partnership with provinces and territories, a feasibility study to evaluate current and potential measures to address the challenges faced by displaced older workers, including the need for improved training and enhanced income support, such as early retirement benefits. This feasibility study will provide recommendations on how to best assist older workers over the long term.

However, our work does not stop there. Earlier this spring the province of Newfoundland and Labrador hosted a summit that included federal and provincial ministers alike as well as industry representatives and stakeholders to discuss these important issues and seek to identify possible solutions. Federal and provincial officials continue to work with industry and stakeholders on all aspects of the industry, harvesting and processing, to establish an ocean to plate approach that will ensure an economically viable industry. As we know, a similar summit was held in Prince Edward Island.

I can assure my hon. colleague that we are committed to continuing our important work with provinces, industry and other stakeholders toward our goal of an economically viable and sustainable industry that will continue to benefit our vibrant coastal fishing communities.

● (1925)

Mr. Rodger Cuzner: Mr. Speaker, we know the situation with the industry and we know the challenges it has gone through. My point today is the Minister of Fisheries and Oceans stood in the House, as an opposition member, and set himself up as a champion for older fish plant workers. Now he has the opportunity. He is in cabinet and he has the power of a cabinet position to sit down with his colleague, the Minister of HRDC. Let us take that to the cabinet table.

Many of these workers, as was said by the parliamentary secretary, do not have the confidence nor the transferrable skills to move forward. We need a program that can accommodate them so they can retire with dignity within their communities with their families.

I ask the Minister of Fisheries and Oceans to do his job, to do as he proposed to do on the opposition bench, to take that forward to cabinet and let us get this done for the older workers in the fishery.

Mr. Randy Kamp: Mr. Speaker, I hope the hon. member will agree that the problems facing displaced older workers cannot be tackled by any single department nor even one level of government.

Cooperation and commitment among governments is key. That is why the government is taking action on two fronts. As I said earlier, we are pursuing options with our provincial and territorial colleagues to help displaced older workers. We are looking into a variety of measures and we are looking forward to the recommendations that come from this feasibility study. In other words, we are ensuring that older, displaced workers receive the best help possible.

The second part of the strategy has to be to build a stronger and more sustainable fishery and we have already had constructive discussions to that end as well.

I can assure my hon. colleague that we are committed to building on this momentum and toward a healthier and more vibrant fishing industry for the coastal communities of Canada.

[*Translation*]

AGRICULTURE

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, my topic of discussion today is supply management.

On June 7, I questioned the Minister of Agriculture and Agri-Food with a view to ascertaining how he planned to protect the supply management system in Canada.

[*English*]

Last week, like colleagues, I was in my riding and had a chance to speak to a lot of people, in particular to poultry and dairy farmers who are concerned about supply management and how we will protect them going forward in the future. One of the interesting questions they asked me was about how we saw the government's position on the Wheat Board and how the government was reacting to the Wheat Board. This is very interesting. This is the barometer that the Atlantic supply management people are watching, because it shows them how the federal government is going to—if it will—protect supply management.

Dairy farmers, chicken farmers and egg producers in Atlantic Canada do not want to tell western wheat producers how they should market their wheat and whether they should have a single desk or multi-desk system. That is not their intention. What they are concerned about is how the government is dealing with the western wheat producers.

They want to know if the government is listening to the producers or if it is starting with the preconceived idea of what it is going to do. These farmers see this as their barometer of how supply management will be dealt with. They remember the terms of the leader of the Conservative Party in 1998, the current Prime Minister, the terms denouncing the supply management model as a "government sponsored, price fixing cartel".

What these farmers would like to know with respect to the Wheat Board is whether the Prime Minister is going to let each farmer vote. Is he going to follow the laws of our country and give a free vote to each farmer, not weighted in accordance with protection but everybody with a permit book having one vote in a democratic system? We know there is 73% support for the Wheat Board across the western prairies. Is the Prime Minister going to test that?

The second question they asked me was whether the government is committed and ready to use article 28 of the General Agreement on Tariffs and Trade. Members will remember this question coming to the House before, under the previous government, and the answer at the time was that we were not ready to use article 28 to protect against blended dairy products, sugar, all sorts of products, because we were negotiating at the WTO through the Doha round.

The discussion at that time was that it was probably dangerous to do this while we were in negotiations. The agricultural community agreed. However, those negotiations have failed. The current government and the international community have not been able to level the playing field around the world. The current government has not been able to protect supply management in Canada as it sought to do. The G-6 countries could not agree. The gaps were too wide. The discussions were called off.

Now is the time to step up and protect our supply management system by using article 28 and making sure that all definitions of the import of dairy products are covered. Now is the time to step up and protect our supply management industry. Our communities depend on it. Rural communities depend on dairy producers, feather farmers, chicken producers and egg producers as the economic base of their communities. They will not survive without them.

If we go with what the Conservative leader always has said in the past—that we should have a competitive model, no "government sponsored, price fixing cartel"—then the industry will certainly fail and consumers will lose, because now supply management protects consumers as well.

My two-part question is simple. Is the government committed to using article 28 to protect supply management? Will it give all wheat producers equal votes and all of them a vote before making any changes to the single desk marketing system?

● (1930)

[*Translation*]

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I am pleased for this opportunity to address this government's strong commitment to the success of the WTO Doha round, and to advancing Canada's interests—including with regard to the defence of our supply management system.

As a trading nation with an agriculture sector which will benefit enormously from a more fair and rules-based international trading system, Canada has a major stake in the success of the Doha round. That is why the Government of Canada is disappointed at the impasse reached in the Doha negotiations.

Canada wants the WTO agriculture negotiations to resume so that we can continue to press for the elimination of all forms of export subsidies, the substantial reduction of trade-distorting domestic support, and real and significant market access improvements.

Our agriculture and agri-food industry knows that it will benefit from the achievement of these objectives. This government agrees, and we have been working hard on their behalf to achieve these outcomes. Canada stands ready to re-engage actively in the WTO agriculture negotiations, if and when key WTO members are able to find a way forward.

Like every other WTO member, Canada has both offensive and defensive interests at the WTO. Canada is not alone in this circumstance. Like all WTO members, our negotiating position reflects the diversity of interests in our agriculture sector. And so, as we seek to expand opportunities for our exporters at the WTO, this government also very strongly supports Canada's supply management system.

As the Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board has indicated, Canada has faced very strong pressure at the WTO on key issues of importance to our supply managed sectors. It is true that, in the market access negotiations, all 148 other WTO members agreed to accept at least a degree of tariff cuts and tariff quota expansion for all sensitive products.

Nevertheless, the minister has made clear that this government will continue to stand in support of supply management, and that we will continue to aggressively defend our interests. At the same time, he has also made clear that Canada will remain committed to the WTO and will continue to press for the best possible outcome for all of Canadian agriculture.

Hon. Robert Thibault: Mr. Speaker, perhaps one day we could ask the member to explain that WTO discussions failed. The time has come to take other measures, to be proactive and to ensure that Canada is protecting its interests.

I asked him a simple question: Is the government prepared to invoke article 28 to protect our dairy products? Are we ready to do that?

I have a second, very simple question, this one regarding the Canadian Wheat Board. Will we guarantee a vote to all wheat producers who sell individually through that board before making any decisions? We are all familiar with the Prime Minister's study group or task force, whose members are predisposed to eliminate the board. Those individuals have decided. Before even conducting the studies, they know the results.

During today's Question Period, the Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board refused to answer this question, as to whether these farmers will be allowed to vote under Canadian legislation.

● (1935)

Mr. Jacques Gourde: Mr. Speaker, the suspension of WTO negotiations in July 2006 represents a real step backwards given the economic advantages for Canada had it attained its ambitious objectives, particularly those for the Canadian agricultural sector. We will continue to work with the WTO Director General, Mr. Pascal Lamy, and other members of the WTO in order to find a solution to the impasse.

Canada stands to gain a great deal from the WTO agriculture negotiations. We will continue to work hard to achieve our objectives and defend our interests.

This government has clearly indicated that Canada cannot quit the WTO. The outcome of Doha round negotiations will have international repercussions and, consequently, affect Canadian agriculture. It would be unrealistic for Canada to leave the negotiating table or to act as though the negotiations will have no impact on Canadian agriculture. That is why this government is determined to liberalize trade, to establish a system of multilateral trade based on rules and to achieve the objectives of the Doha round.

The government will continue to consult the provinces and industry representatives regarding the preferred approach to defending our interests and it will continue to exert pressure in order to negotiate the best possible outcome for our sector, which includes industries that export as well as those subject to supply management.

ECONOMIC DEVELOPMENT

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, over the past few days, I have had the opportunity to ask a relatively simple question that is nevertheless a heartfelt plea concerning the region I represent and the portfolio I am responsible for: fisheries. This is the reality of the situation.

My question was for the Minister of the Economic Development Agency of Canada for the Regions of Quebec. Unfortunately, his answer was anything but satisfactory, and I hope that the member for Beauport—Limoilou, who is preparing her response to this adjournment debate, can shed some light on the very concrete reality that fisheries sectors, such as lobster, crab, groundfish, shrimp and pelagic species, need concrete, serious help from the federal government.

I am sure you will agree that the federal government is responsible for fisheries. We should therefore automatically be hearing from the Minister of the Economic Development Agency of Canada for the Regions of Quebec that real help is on the way for this sector in particular, which is experiencing its own unique problems.

Last year a program was announced by the Liberal government, but it did not respond to all the problems in a concrete manner. Nonetheless, at least it gave a response, which was circumstantial in a way, but also specific to the fishery and covered the regions in particular, the Gaspé and Magdalen Islands region and the North Shore region. You will agree that these two regions in Quebec are affected by the fisheries. It was entirely natural for the government to have these regions in its sights for providing assistance.

A $34 million subsidy was allocated over five years. It was a done deal. In the five-year program announced last year, we can presume there is still a lot of money left. We would have been satisfied or, at least, we would have been grateful if this new government, which fortunately is in a minority, also had a little sensitivity to the fisheries.

Unfortunately, we see this story a lot differently because the answer from the Minister of the Economic Development Agency of Canada for the Regions of Quebec was that programs would just be recycled; six new programs were announced without new money and they completely left out the fishery and the forestry sectors.

The fishery sector was very specifically left out. As for the $34 million over five years, previously reserved for companies or projects that would help these people in crisis, it has been dropped.

It is for this reason that I am saying that the hon. member for Beauport—Limoilou need not present us with these programs again because it would be extremely disappointing to the people of the region that I represent and to people in the fisheries in general.

● (1940)

Mrs. Sylvie Boucher (Parliamentary Secretary to the Prime Minister and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, in the absence of Jean-Pierre Blackburn, my teammate in the House of Commons, I would like to provide a more detailed answer to my friend from the Bloc Québécois.

The hon. member wrongly believes that the Government of Canada no longer cares about the fishing industry. He said, among other things, that the budget envelope of $34 million over five years allocated to the fishing communities economic development initiative for the Gaspésie, Îles-de-la-Madeleine and Côte-Nord regions had disappeared.

That is incorrect and totally inconsistent with reality, as evidenced by the new regional economic development measures recently announced by Minister Blackburn.

[*English*]

The Deputy Speaker: The hon. member keeps referring to the minister by his name. I ignored it once; it happened again. I would ask the hon. member not to do that.

[*Translation*]

Mrs. Sylvie Boucher: In fact, the government announced that it would provide six new tools to strengthen the economies of the Gaspésie—Îles-de-la-Madeleine region and of Quebec.

One of these tools, called the Community Economic Diversification Initiative–Vitality (CEDI-VITALITY), will be particularly useful. Unlike the initiative mentioned by the hon. member, Fishing CEDI, which helped only the fishing industry, the new measure is aimed at a broader public and comes with a larger envelope. In other words, with CEDI-VITALITY, Economic Development Canada has improved on its previous initiative. In fact, in order to be more efficient, the government has merged Fishing CEDI and CEDI–Coulombe Report, combining them into a single, more effective and better-funded program.

In its new format, this measure covers more communities—a total of 795 municipalities—and groups together all of those previous covered by Fishing CEDI and CEDI–Coulombe Report.

The new funding, $85 million, is available for the next four years in order to complete projects in the seven regions of Quebec: Abitibi-Témiscamingue, Bas-Saint-Laurent, Côte-Nord, Gaspésie, Îles-de-la-Madeleine, Mauricie, northern Québec and Saguenay—Lac-Saint-Jean. Added to those regions are 21 regional county municipalities, which are also covered by this initiative.

The CEDI-VITALITY targets 21% of Quebec's population and gives the government much greater flexibility in terms of financial assistance.

The previous initiative provided for repayable or non-repayable contributions. With this new initiative, we can now make a non-repayable contribution, up to a maximum of $100,000, and pair it with a repayable, but interest-free contribution. I repeat: what is new is that we can make a non-repayable contribution, up to a maximum of $100,000, and pair it with a repayable but interest-free contribution.

This new measure therefore lets us contribute more to a project and yet remain able to provide funding in the form of non-repayable contributions.

The CEDI-VITALITY will support activities aimed at diversifying the economy and assisting SMEs, such as consultants' studies, projects involving the development of strategies and action plans, business startups and much more.

As the government and as a stakeholder in economic development, we have a duty to provide our SMEs and our communities with tools and resources to strengthen, renew and stimulate their economies.

Regarding assistance—

● (1945)

The Deputy Speaker: The hon. member for Gaspésie—Îles-de-la-Madeleine.

Mr. Raynald Blais: Mr. Speaker, I thank the Chair for putting a stop to this string of statements which, unfortunately, reflect the insensitivity of this government towards what coastal communities and fisheries are going through.

When people are faced with a crisis, the first thing we expect from a responsible government is to acknowledge that there is indeed a crisis.

But when the government vehemently denies the existence of this crisis, removes the exclusive nature of a program that could have helped fisheries and decides that subsidies will now replace loans, it comes up with an inadequate solution that completely ignores the problem in the fishing industry.

This is why I am going to give the hon. member one last chance to get back on track and to recognize that there is indeed a crisis in the fisheries and that we need an adequate and specific program for that industry, not a program that is lost among other ones.

Mrs. Sylvie Boucher: The answer to my friend from Gaspésie—Îles-de-la-Madeleine is that, in a crisis, we did what no other previous government was able to do. We are stimulating the economy with programs that work.

The tool provided at this time combines both, which is much better for those in the fisheries sector who need more money as their projects take shape. More money is always needed in difficult times. Previously, they paid interest; this is no longer the case. By juxtaposing these initiatives we are providing better tools for our fisheries.

The Deputy Speaker: The motion to adjourn the House is deemed to have been adopted. The House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:48 p.m.)

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