



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, June 14, 2007**

—

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, June 14, 2007

The House met at 10 a.m.

ACCESS TO INFORMATION, PRIVACY AND ETHICS

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*Prayers*

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**Mr. Bruce Stanton (Simcoe North, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Access to Information, Privacy and Ethics.

Your committee has considered the certificate of appointment of Mary Elizabeth Dawson to the position of Conflict of Interest and Ethics Commissioner which was referred to it on June 12, 2007 pursuant to Standing Orders 110 and 111. Your committee has examined the qualifications and competence of the nominee and agreed that the nomination of Mary Elizabeth Dawson as Conflict of Interest and Ethics Commissioner of Canada be concurred in.

\* \* \*

## ROUTINE PROCEEDINGS

• (1005)

[English]

### 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 response to two petitions.

\* \* \*

### ABORIGINAL HEALING FOUNDATION

**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, under the provisions of Standing Order 32(2) I have the honour to table, in both official languages, copies of the Aboriginal Healing Foundation's 2006 annual report.

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### INTERPARLIAMENTARY DELEGATIONS

**Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, pursuant to Standing Order 34, I am here to present a House report from the Canadian branch of the Commonwealth Parliamentary Association dealing with the 56th seminar on parliamentary practice and procedure held in London, United Kingdom, from March 5-16, 2007.

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### COMMITTEES OF THE HOUSE

STATUS OF WOMEN

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the 21st report of the Standing Committee on Status of Women entitled, "Improving the Economic Security of Women: Time to Act"

### PUBLIC SERVICE EMPLOYMENT ACT

**Hon. Wayne Easter (Malpeque, Lib.)** moved for leave to introduce Bill S-201, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes).

He said: Mr. Speaker, I am pleased to sponsor a bill from the other place, Bill S-201, An Act to amend the Public Service Employment Act.

First, the bill would "disallow the establishment of geographic criteria to determine an area selection for the purpose of eligibility and appointment processes".

Second, the bill would "ensure that appointments to or from within the public service are free from bureaucratic patronage".

The bill is as a result of the current public service guidelines that do not allow most good, qualified Canadians to apply for public service jobs within the national capital region. This bill would open up the criteria so that Canadians could apply for those good public service jobs and contribute to the employment in Canada and to the skills development, and to participate in the full range of public service jobs in the country.

*Routine Proceedings*

(Motion agreed to and bill read the first time)

\* \* \*

**DEFENCE CONSTRUCTION (1951) LIMITED**

**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 arrived in the House about a minute too late for tabling of documents and I would like to table in the House of Commons two copies of the annual report on the Access to Information Act and the Privacy Act for Defence Construction (1951) Limited for the fiscal year ending March 31, 2007.

Therefore, I would ask for the unanimous consent of the House to table this report.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

\* \* \*

[Translation]

**PETITIONS**

## COURT CHALLENGES PROGRAM

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, I am pleased to present a petition signed by many Canadians from the Eastern Townships in Quebec about the court challenges program.

[English]

The petitioners call upon Parliament to reverse its decision and re-establish the court challenges program in its entirety, including the necessary funding.

• (1010)

## INCOME TRUSTS

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, I have the pleasure to present an income trust broken promise petition from Robert Farrington of Parry Sound, Ontario, the home of Bobby Orr, on behalf of many people who remember the Prime Minister boasting about his apparent commitment to accountability when he said that the greatest fraud was a promise not kept.

The petitioners remind the Prime Minister that he promised never to tax income trusts and then he broke that promise by imposing a 31.5% punitive tax which wiped out \$25 billion in retirement savings of hard-working seniors in particular.

The petitioners call upon the Conservative government to first, admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions; second, to apologize to those who were unfairly harmed by this promise; and finally, to repeal the punitive 31.5% tax on income trusts.

I would like to thank Mr. Farrington for his dedication.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I also would like to present an income trust broken promise petition on behalf of Mr. Leif Stokkeland from Quebec who remembers that the Prime Minister was reflecting on his apparent commitment to

accountability when he did quote the Gaelic proverb that the greatest fraud is a promise not kept.

The petitioners who signed this petition want to remind the Prime Minister that he promised not to tax income trusts and he broke that promise. He imposed a 31.5% tax, permanently wiping out about \$25 billion of investment value of hard-earned retirement savings of over two million Canadians, and most of them were seniors.

The petitioners call upon the Conservative minority government to, first, admit that the decision to tax income trusts was based on flawed methodology as well as incorrect presumptions; second, to apologize to those who were unfairly harmed by this mother of all broken promises; and finally, to repeal this very punitive 31.5% tax on income trusts.

## VISITOR VISAS

**Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I have the honour to present the following petition from my constituents of Bramalea—Gore—Malton. The petitioners call upon the Minister of Citizenship and Immigration to provide for visa bonds for visitors who apply for temporary resident visas to come to Canada as members of the visitors class, to give the immigration counsellors discretion over creating visa bonds, to establish minimum and maximum visa bond amounts as a guideline for immigration officials and to allow the visa bond to apply to either the sponsor or to the visitor.

## INCOME TRUSTS

**Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.):** Mr. Speaker, I present this income trust broken promise petition on behalf of a petitioner who remembers the Prime Minister boasting about his apparent commitment to accountability when he said that the greatest fraud is a promise not kept.

The petitioners remind the Prime Minister that he promised never to tax income trusts, but he recklessly broke that promise by imposing a 31.5% punitive tax which permanently wiped out over \$35 billion of hard-earned retirement savings of over two million Canadians, particularly seniors.

The petitioners therefore call upon the Conservative minority government to, first, admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions; second, to apologize to those who were unfairly harmed by this broken promise; and finally, to repeal the punitive 31.5% tax on income trusts.

*Routine Proceedings*

**Mr. Borys Wrzesnewskyj:** Mr. Speaker, I rise on a point of order. As the Conservative member for Selkirk—Interlake introduced a private member's bill yesterday, Bill C-459, identical in its intent and outcome to my previously introduced bill, Bill C-450, I would like to seek consent for the following motion that deals with the 75th anniversary of famine genocide in Ukraine: That notwithstanding any Standing Order or the usual practices of the House, Bill C-450, An Act respecting a national day of remembrance of the Ukrainian Holodomor-Genocide, be deemed to have been read a second time, referred to a committee of the whole, reported without amendment, concurred in at report stage and read a third time and passed.

• (1015)

**The Deputy Speaker:** The House has heard the terms of the motion. Is there unanimous consent for the member to move the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[*Translation*]

**Mr. Jean-Claude D'Amours:** Mr. Speaker, I am seeking the unanimous consent of the House concerning Bill C-263, which has to do with eliminating the waiting period for employment insurance. I move: "That Bill C-263 be deemed to have been read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at report stage, and deemed read the third time and passed".

[*English*]

**The Deputy Speaker:** The House has heard the terms of the motion. Is there unanimous consent for the member to move the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** There is no unanimous consent.

[*Translation*]

**Mr. Marcel Proulx:** I heard the point of order of my colleague from Madawaska—Restigouche.

I think this is so important that I am going to actually ask if you heard someone oppose it or if we actually had unanimous consent.

I am wondering, Mr. Speaker.

[*English*]

**The Deputy Speaker:** I asked if there was unanimous consent and I heard members say no. That is all there is to it.

**Hon. Ralph Goodale:** Mr. Speaker, was it your right ear?

**The Deputy Speaker:** I do not remember the Speaker ever being called upon to identify who said no and I am not about to start a new practice in this House.

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#### QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for**

**Democratic Reform, CPC):** Mr. Speaker, the following question will be answered today: No. 206.

[*Text*]

Question No. 206—**Mr. Paul Dewar:**

With regard to the Canadian Heritage Department's decision to place the planned location of the Portrait Gallery at 100 Wellington Street under review: (a) what financial details have gone to Treasury Board to support any other potential sites for the Gallery; (b) was the search for an alternate location publicly tendered; (c) what are the details of negotiations with other bidders for the relocation of the Gallery; (d) what are the details of the analysis for any alternate location options considered by the Department; (e) what are the implications for the holdings in the Archives' collection; (f) what is the outcome of any risk assessment that a piece of work may be irreparably damaged due to any travel; (g) if the exhibit is housed in a private venue (i) how much influence will the landlord have on the exhibitions, (ii) who will be responsible for the cost of storage and conservation of the art work; and (h) where will the curators for the art work be located if the Gallery is located outside of Ottawa?

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, in response to (a), financial information prepared by Library and Archives Canada to address the operating budget and capital requirement needed for the Portrait Gallery of Canada has been shared with Treasury Board Secretariat officials on ongoing and regular basis.

In response to (b), to date, no tender process has been announced.

In response to (c), to Library and Archives Canada's knowledge, there are currently no bidders for the relocation of the gallery.

In response to (d), Library and Archives Canada has provided full functional requirements needed to support any discussions of potential locations for the Portrait Gallery of Canada.

In response to (e), the portrait collection is an important part of Library and Archives Canada's holdings. The collection will continue to be cared for at the Gatineau Preservation Centre. No decisions have yet been made on where the collection will be exhibited.

In response to (f), museums and archives regularly lend and move their collections. There are well-developed and internationally accepted guidelines and practices for the movement of museum collections and objects. All movement of Library and Archives of Canada's collections conforms to these high standards.

In response to (g), (i) in any case, a decision on the location of the Portrait Gallery of Canada would not affect the governance of the program, and the collection would remain the property and responsibility of Library and Archives Canada; (ii) the collection is owned by Library and Archives Canada, which remains responsible for its care.

In response to (h), no decision has been made on the location of the Portrait Gallery of Canada. When a decision is made, all other administrative and operational decisions will be made.

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

[*English*]

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

*Government Orders***GOVERNMENT ORDERS***[English]***CANADA TRANSPORTATION ACT**

The House resumed from June 13 consideration of the motion in relation to the amendments made by the Senate to Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts.

**The Deputy Speaker:** I believe that when the House was last seized with this matter the hon. member for Burnaby—New Westminster had 15 minutes left.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I intend to use fully those 15 minutes.

**An hon. member:** More, more.

**Mr. Peter Julian:** I thank my colleague for encouraging me. I would certainly take more time if I were to have the unanimous consent of the House. I could speak all day on this issue.

As members will recall, last night we were talking about the fact that with the Conservatives and transportation policy it seems to be consistently one step forward and two steps back. Essentially what we have had in this Parliament is the government putting forward pieces of legislation that either make very modest improvements to the transportation system and access to it, or actually gut the principles of safety and access to our transportation system.

I cited Bill C-6, where essentially we have the government turning over safety management to the airline companies themselves, some of which will handle that very responsibly and others that clearly will not.

When we come back to the issue of Bill C-11, we are seeing the same type of very lukewarm progress. It is fair to say that Bill C-11 purported to bring forward improvements to access transportation for shippers, to provide some improvements around clarity of airfares, and as well to make some significant progress on the issue of railway noise, which is something that afflicts many communities, mine included.

I spoke about the testimony we heard at the transport committee, particularly from two individuals, Mayor Wayne Wright of the city of New Westminster, and Brian Allen from the Westminster Quay, who is involved in the residents association there, who very clearly said that what we need to do is make substantial improvements so that communities have tools to deal with the issue of railway noise.

The Senate amendments before us water down the progress that was made in committee through NDP amendments and amendments from other parties to actually bolster Bill C-11. Bill C-11 was weak and insipid to begin with. Through the transport committee process, we were able to make some notable improvements. I am very sad to see now that the Senate, the other chamber, is watering down the progress that was made. It is very clear to me that the NDP members in this corner of the House cannot support that watering down of progress that, although laudable, one might say was insufficient.

I would like to deal with these two issues of railway noise and clarity around airline advertising affairs, because those are the two key amendments that the Senate has watered down. In clause 27

there is an obligation of the Canadian Transportation Agency to make regulations requiring that the airlines include in the price all costs of providing the service. That is what the NDP and other parties working together were able to improve in Bill C-11. That was the bill that went to the Senate.

This is no small issue. This is an issue that Canadians who travel are intensely concerned with. I travel very frequently, twice a week, from Burnaby—New Westminster to Ottawa and back. I most often travel in economy class and talk with people about how they view the airlines and air travel in Canada.

Many Canadian consumers are concerned about the fact that when they see an advertised fare there are a lot of hidden charges. Most notably, Air Canada has attached a whole range of charges. Now we have to pay for meals and pillows. When we boarded the plane the other day, one person jokingly said that soon we are going to have to bring our own chairs to sit on in the plane.

What we have seen is a progression of user fees that Air Canada and other airlines have brought in to increase the price of the ticket. Because of all the hidden fees, what we are seeing is a huge discrepancy between what the advertised fare is and what consumers are actually paying. That is why consumer groups have been standing up for clarity on the advertising of airline fees.

• (1020)

Members of the Travellers' Protection Initiative appeared before the transport committee. They were very clear. The initiative, as far as the lead organizations are concerned, is composed of the Travel Industry Council of Ontario, the Association of Canadian Travel Agencies, and the Public Interest Advocacy Centre.

*[Translation]*

There is also Option consommateurs, a very well-respected organization in Quebec.

*[English]*

This protection initiative was supported by members of the Canadian Association of Airline Passengers, the Consumers' Association of Canada from Saskatchewan, Transport 2000, the Consumers Council of Canada, the Air Passengers Safety Group, the Manitoba Society of Seniors, the Ontario Society (Coalition) of Senior Citizens' Organizations, and Rural Dignity of Canada.

These are all very reputable groups. They were calling for clarity in airline advertising. That is what the transport committee endeavoured to do, even though I would not say the provisions made it all the way to that complete clarity that we are all seeking. What we had at the Senate level was the airlines then wading in and trying to water down the legislation by saying that it would be difficult for them to be honest, open and above board with the fees they are charging for airline tickets.

*Government Orders*

We in this corner of the House simply disagree, in the same way that we disagree with the price gouging we are seeing in the oil and gas sector and in the same way that we disagree with the whole range of consumer items where consumers are not protected by the Canadian federal government. We simply disagree that it is impossible to have clarity in advertising for airline fees, that the cost of the entire ticket somehow cannot be put forward. We simply disagree with that, which is why we are disappointed by the Senate bringing back these amendments that waters it down.

What essentially the Senate is saying is this: let us put it off to some uncertain date in the future and maybe some day in Canada consumers will actually know what the complete and total cost of their ticket is going to be when they purchase their airline ticket.

That is very clearly one area from the Senate that we simply cannot support. We want to see consumers protected. We want to see clarity and honesty in the whole issue of airline ticket costs. The Senate amendment is simply unacceptable and the House should reject it.

Another area that the Senate has amended is taking what was a higher bar around the issue of railway noise. We finally have a process, when Bill C-11 is adopted, for local communities such as the Westminster Quay area of New Westminster that are beset by excessive railway noise. We finally have a way by which those communities can fight back against the railways. They have tried dealing with the railways. Some of them have been good and some of them have been pretty rotten.

As a result of that, it continues to be a problem, with excessive railway noise in the early morning hours, excessive shunting and running of diesel engines all in an area where there is a wide variety of condominium and apartments within a few metres of the railway tracks.

Here is what the Senate did in regard to the requirement that the transport committee put into Bill C-11 to require railway companies to cause as little noise and vibration as possible and to set that bar fairly significantly high as far as what the requirements were of railway companies. The Senate simply imposed a standard of reasonableness.

Reasonableness is not a high standard. If the railway companies believe it is reasonable to shunt in the early morning hours because it is simply more profitable for them to do that, it is a defensible concept, but the concept that the transport committee put into the legislation was the concept of as little noise and vibration as possible. There is where there is a very clear disagreement between the two houses.

As little noise and vibration as possible would mean that railway companies would have to justify their shunting in the Westminster Quay area of New Westminster rather than shunting out in the Port Mann area where there are very few homes and where there is not that urban disruption of the environment. The running of diesel engines might be justified for a variety of reasons as being reasonable from the railway's point of view, but it does not mean that the railways are causing as little noise and vibration as possible.

●(1025)

What we have had is a step back. Even though I think it is fair to say that people in communities who are afflicted with this excessive level of railway noise are happy to see any movement forward, the Senate amendments water down an important bar that was set. That is why we will be rejecting this amendment as well. We hope that the Senate will simply agree that higher standards are the most important way to go as far as Canadians are concerned. This is not a small issue.

I am going to cite a community noise study that was done in the area of the member for Vancouver East. Daily average noise exposures at three monitoring sites near the railways in east Vancouver found that the 24 hour equivalent sound level was beyond the acceptable level of 55 decibels by an average of 10 to 15 decibels. In other words, the noise level was beyond the acceptable level in an urban environment. There is no doubt that in the port lands in east Vancouver the railway noise went far beyond those levels, by ten to 15 decibels, which is roughly twice as loud as the actual limit of 55 decibels that has been established by Health Canada and the CMHC.

It is important to note that the noise monitoring found that railway noise continued, to quote from the report, "largely unabated through the nighttime hours, 10 p.m. to 7 a.m.". That is a problem in east Vancouver and I can tell members that it is a problem in New Westminster as well. We are seeing the shunting and the running of diesel engines right through the night.

At the transport committee, NDP members called for very strict limits as one of a whole series of amendments that we brought forward to improve the legislation. During the evening hours and overnight hours, we suggested that railways be restricted to the type of activities they could do in urban areas. Their shunting would have to take place in more rural or removed areas, away from urban areas, and they would be restricted in the type of high noise level that we are hearing now.

Those are our reasons, what I think are two powerful reasons. There is the issue of making sure that we have clarity, openness and accountability around airline fees and that this is brought in as quickly as possible, not set off for some future agenda. We want to make sure that there is a high level of requirement for the railway companies to make as little noise as possible, that they have to meet that requirement rather than what we have now, which is essentially no process at all. To say that we are subjecting it, as the Senate would have us do, to what is reasonable from a railway point of view, is simply not on.

While I have a few more minutes, I would like to talk a bit more about some of the other amendments to Bill C-11 that were brought forward by the NDP at the transport committee. It is important to raise those issues with respect to what could have been in the bill and what is not.

*Government Orders*

One of the things in Bill C-11 that both the governing party and the Liberal Party brought forward was that members of the Canadian Transportation Agency must come from the national capital region. In fact, there now is a requirement in the legislation that members of the Canadian Transportation Agency, who have an important role to play as mediators in many aspects of this legislation, have to come from the national capital region. What the NDP submitted as an amendment was that each of the regions of Canada, for example, Atlantic Canada, Quebec, Ontario, the Prairies and British Columbia, be represented because of the difference in geography and the difference in transportation requirements from coast to coast to coast.

We think it is extremely important that the regions be represented. People from Ottawa should not be making decisions about transportation policy or mediation in British Columbia. Simply put, British Columbia has different and often very rigorous transportation requirements. It does not make sense, then, to have these members sit in Ottawa. It is important to note that the amendment was refused and that all of the members of the Canadian Transportation Agency have to live in Ottawa. That is unfortunate.

• (1030)

I spelled out why we are rejecting the Senate amendments and we certainly hope that members from all four corners of the House will join with us, so that we can have essentially a better Bill C-11 that goes back to the Senate once we have rejected their amendments.

[*Translation*]

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, my NDP colleague travels by train, so he knows that we must respect the nearby residents when travelling by train. Can he explain why the Senate removed the part that dealt with the possible effect on people living near train tracks? I think that when travelling by train, we should have respect for the nearby residents. I am sure he is respectful.

I would like him to explain why the Senate removed such a provision from Bill C-11.

**Mr. Peter Julian:** Mr. Speaker, I thank the member for his question, but it is hard to explain.

It is hard to explain those two clauses. The only explanation I can give is that lobbyists told the senators that it was more important to uphold their companies' interests than to protect the interests of Canadians. We still have something. We still have the bill. Even though it is far from perfect, this bill represents some progress with regard to the rights of people living in certain communities and the right of consumers to know how much an airplane ticket is going to cost them.

The Senate considered all of these elements and said that they were not what mattered. According to the Senate, what matters is the interests of companies. That is why, for a long time now, the NDP has been in favour of abolishing the Senate. It is important for decisions to be made by the people's representatives, by elected individuals, not by appointees.

• (1035)

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, let me say that my hon. colleague who sits with me on the Standing Committee on Transport, Infrastructure and

Communities did some good work on this bill, as did the Bloc Québécois, of course.

I would go even further. I would like to read him a quote from the debates of the other place, from issue 101, dated May 30, 2007. On that day, Senator Hugh Segal made the following comments:

I point out with great respect that Senator Munson and Senator Dawson, who played such a constructive role, have undertaken that when this chamber, in due consideration, ships this bill, should it decide to do so, back to the other place, they will consult broadly with their colleagues in that other place so that the bill comes back quickly. They have further undertaken on the record that should the other place dither and not approve it, they will move quickly to act with this engaged, non-partisan administration to pass the bill quickly through this chamber. We are grateful on this side for that level of engagement.

I would like to point out that Senator Munson and Senator Dawson are Liberal senators, and that the other place mentioned refers to this House. The Conservative senators decided to let the Liberal senators do as they wish. If ever "the other place" did not accept the amendments it proposed, then they would simply adopt them themselves. I would like my hon. colleague to explain the senators' behaviour. He is quite right. They heard only witnesses from the industry. They did not hear from any citizens, as we did in the Standing Committee on Transport, Infrastructure and Communities. They heard only witnesses from the industry and decided to not consider the potential impact on people who live next to railways, and decided to replace "as little noise as possible" with "reasonable noise". They did this thinking that, if we did not accept it, they would accept it when the bill came back to them. They are testing us. I would like my hon. colleague to comment on the Senate debates of May 30, 2007.

**Mr. Peter Julian:** Mr. Speaker, as the members I have the pleasure of working with in the Standing Committee on Transport, Infrastructure and Communities are well aware, this is about the credibility of the Senate.

The House of Commons Standing Committee on Transport, Infrastructure and Communities heard representatives from New Westminster, Quebec City and other affected communities across the country. People appeared before the committee to talk about this problem. Then the bill was sent to the Senate, where they were only interested in listening to companies to find out what was going on. Clearly, the senators do not have a valid, balanced perspective because they have heard only one side of the story.

That is why the Senate's amendments lack credibility. The senators did not do their homework to find out how rail noise affects communities. They did not do their homework, and I think that is a shame. In my opinion, the amendments they proposed lack credibility.

This is not the first time we have opposed something that the Senate has sent back. For example, the same thing happened with the softwood lumber agreement. In that case, the agreement was approved in this House, but the Senate approved it in mere hours, without meeting to hear witnesses and hence give ordinary citizens the opportunity to talk about the impact of the bill. That is another case where the Senate, the other place, did not do its homework, and I think that is unfortunate.

*Government Orders*

[English]

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, I would like to congratulate the member for Burnaby—New Westminster for his work on this file.

In the last session of Parliament Canadians have been railroaded several times. We have had back to work legislation that was moved in this House. We have also had the discussion around rail safety.

I would like to ask the member with regard to rail safety, how is it possible, given the record of derailments and problems that we have had across this country and the escalation of those problems in recent months and years, that the railways could actually take away some genuine rights from individual citizens who are living next to the railroads without them having some input?

As a former city councillor I can say that one of the first things I learned is that there is the federal government, there is God, and then there are the railway companies. We could not get any cooperation whatsoever without having to fight tooth and nail against the railways.

I would like to ask the hon. member this. What does he think about the Senate watering down provisions at a time in Canadian history where we have seen an increase in rail accidents across this country?

• (1040)

**Mr. Peter Julian:** Mr. Speaker, my colleague from Windsor West is absolutely correct. It is totally unacceptable to have the Senate watering down provisions that would have actually helped communities from coast to coast.

The Senate's action begs a larger question. We have seen an increase in railway accidents, an increase in deaths and injuries that have resulted from SMS, self-managed safety. The railway companies basically manage themselves and we heard that in testimony at the transport committee. Companies such as CN, and remember the employees said they cannot use the word "Canadian National" any more, they have to use the word "CN" since it was acquired by the Americans, simply cutback on basic safety requirements in order to increase their profit levels.

Now we are seeing that the government is moving forward with measures that will do exactly the same thing for the airline industry. It defies description. We have a failed system in the railways. Rather than taking action and the Conservative government saying, "Gee, we've got an escalating accident rate. We have to take action to address railway safety", instead, the Conservatives said, "We'll do the same thing for the airline industry. We'll just hand over lock, stock and barrel safety management to the airlines because we know some of them will be responsible".

Of course, the other companies we know, and we have heard testimony to this effect and we have some Conservatives who are acknowledging that now, such as DaxAir in northern Ontario said very clearly, "If the government diminishes those safety standards, we're in a race to the bottom because we'll have to compete against companies that are willing to cut corners on safety to increase their profit margins".

It is absolutely absurd now that after the failures that we have seen in the railway sector that the Conservatives are now pushing forward to do the same thing with the airlines. It simply defies description.

I think the reaction from the public will be quite another thing. When the public wakes up to the fact that the Conservatives want to do the same thing with the airlines as we have seen done with the railways, there will be a public reaction. It will not be something that the Conservatives are going to like to receive, but they need that wake up call from the Canadian public. What the government is doing is irresponsible.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I am pleased to speak on behalf of the Bloc Québécois about the amendments to Bill C-11, which the Senate has sent back to us. The Senate did not choose to make just any amendment to the bill. I would like all my colleagues—particularly the Conservatives and Liberals—to understand how they are destroying the delicate balance between rail operations and the peace and quiet of people living near marshalling yards or rail lines.

Our country is experiencing major economic development. Rail is growing by leaps and bounds, something some companies but especially the government had not predicted. The government is investing a great deal of money in moving freight, which arrives in every port in Canada and is transported across the country. Rail transportation has therefore grown. This is good news for the railways, and we take pride in it.

But when trains get longer and come more frequently, problems are inevitable. Today, because of environmental concerns, noise pollution must be considered. Countries all over the world have adopted health standards related to noise pollution, and it is time the railways complied with these internationally recognized standards.

This bill was introduced in order to bring the industry in line. Why? Because it did not discipline itself. It turned a deaf ear when people formed associations and filed complaints. It even won in court against Transport Canada. For example, the Canadian Transportation Commission lost its case when the court ruled that it could not intervene in these matters.

This bill had two objectives: to give power to the Canadian Transportation Commission and to set out how the Commission could use that power in dealing with pollution, specifically noise pollution.

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

**Mr. Mario Laframboise:** Speaking of noise, I can hardly hear myself talk because of my colleagues' opposite.

That was the benefit of this bill. We discussed it in committee and weighed the pros and cons. The House of Commons Standing Committee on Transport, Infrastructure and Communities—which you support, Mr. Speaker, as the head of this House—heard both sides, the railways and the citizens' groups.

*Government Orders*

In Quebec, these are not minor problems. We could talk about marshalling yards such as the Moreau yard in Hochelaga, Joffre in Chamy—now in the city of Lévis, in the riding of Lévis—Bellechasse—, Farnham in Brome—Missisquoi, and Pointe-Saint-Charles in Jeanne-Le Ber. We are familiar with all the problems and the legal proceedings in Outremont and the rail transportation problems in Quebec City and Montmagny. All these people affected by the noise came to tell us about their failed discussions with the railway companies, which were not interested in talking to them. They knew very well that no legislation could force them to deal with the noise pollution.

That is why, after discussions among all the parties, the committee was able to table a unanimous report on Bill C-11. Amendments were proposed unanimously and no one opposed the bill as tabled and discussed in committee.

I will read section 95.1 of the bill adopted unanimously by the Standing Committee on Transport, Infrastructure and Communities when it was studied clause by clause. It is worthwhile reading so that those listening will fully understand.

Section 95.1 reads as follows:

When constructing or operating a railway, a railway company, must cause as little noise and or vibration as possible, taking into account

- (a) its obligations under sections 113 and 114, if applicable;
- (b) its operational requirements;
- (c) the area where the construction or operation takes place; and
- (d) the potential impact on persons residing in properties adjacent to the railway.

• (1045)

We all thought it struck a good balance to take into account both the operational requirements of the company and the potential impact on persons residing in properties adjacent to the railway, and we did so by adding, “as little noise and vibration as possible”. All parties were unanimous on this.

Imagine that Bill C-11 goes back to the Senate. It decides to give in to pressure from the industry. That is clear because I have the list of witnesses who were heard in the Senate committee. Not a single citizens' group was heard during this discussion. The Senate heard from the Minister of Transport, Infrastructure and Communities, Transport Canada, the Forest Products Association of Canada, the Western Grain Elevator Association, the Western Canadian Shippers' Coalition, the Railway Association of Canada, and the Canadian National Railway Company. Not a single group of citizens experiencing problems with noise was heard from.

We did not come up with the words, “as little noise as possible”. These terms were used in Bill C-26 tabled by the Liberals in the last Parliament. We used the terms, “must cause as little noise as possible” and we added the word “vibration” because it has come to that. As I was saying, because of the length of the trains, we have to deal with the noise and vibration caused by railway transportation. But we opted for “as little noise as possible”, which was proposed by the Liberals in the last Parliament.

Today, in the Senate, the Liberal majority decided to change that. It decided to hear from witnesses, but not from citizens groups. It gave in to pressure from lobbyists and decided to table the

amendments we are discussing today in this House and which the Bloc Québécois will vote against.

Worse yet, and this is where I have a problem understanding the Conservatives, the Minister of Transport, Infrastructure and Communities said, when he appeared before the Senate committee:

Today, however, I would like to discuss the many benefits of Bill C-11. The Standing Committee on Transport, Infrastructure and Communities made a number of improvements to Bill C-11 during committee review, following almost two months of meetings last fall with witnesses from across the country. I want to thank members of that committee for their diligent work. We now have a very solid piece of legislation that I hope this committee can deal with expeditiously.

He went on:

The bill will require the railway to cause as little noise and vibrations as possible when constructing or operating a railway, taking into consideration the requirements of railway operations, the interests of affected communities and the potential impact on adjacent residents. As well, the Agency would be given authority to resolve noise complaints if a voluntary settlement cannot be reached between parties. This is a long-awaited remedy that we believe will balance the needs of communities with the need for continued rail operations to move ever increasing trade volumes.

In addition, Senator Dawson, one of the people who orchestrated the amendments for the Liberal majority in the Senate, said himself in the Senate:

—the Department of Transport tells us that it can live with the text as it stands. The department is your partner. The minister could have decided to pay us a visit here in the Senate to tell us that he found the amendment tabled in the House of Commons to be unreasonable—let's not mince words—and to ask us to change it. Instead, he came here and told us that he could live with the bill in its present form.

That is why I cannot understand the Conservatives' position today. The minister could live with the bill. The definition came from the old Bill C-26 introduced by the Liberals. The Conservatives did not see what the Liberal majority in the Senate was doing or what all the Liberals in both houses were doing, unbeknownst to the entire House of Commons.

• (1050)

That is the big problem for me. Today the Conservative Party is supporting the amendments that were submitted by the Liberal majority in the Senate. I am going to read the text that I read a while ago to my NDP colleague. It is worth it because, after all, there are Conservative senators in the Senate, too. It is interesting to see how their own Conservative senators operate.

I am going to return to the statement by Senator Hugh Segal, who said, “I point out with great respect that Senator Munson and Senator Dawson [these are two Liberal senators], who played such a constructive role, have undertaken that when this chamber, in due consideration, ships this bill, should it decide to do so, back to the other place, they will consult broadly with their colleagues in that other place [here he is speaking of the Liberal MPs in the House of Commons] so that the bill comes back quickly”.

So I understand the Conservative senator, when he says that the Liberals, are proposing amendments, and asks whether they think that will work. The Liberals then confirm to Conservative Senator Segal that, indeed, when it happens, they will turn around and be in favour of the amendments. However, the Conservative senator never says that he consulted the Conservative members and the minister. He does not say it. He does his work nicely.

*Government Orders*

Of course Senator Segal adds, “They have further undertaken on the record that should the other place dither and not approve it—that is, if we in the House of Commons decided not to approve it—they will move quickly to act with this engaged, non-partisan administration—“speaking of the Senate”—to pass the bill quickly through this chamber”.

Throughout the text, Senator Segal says that the Conservatives want to advance the bill, that they are non-partisan and have only heard the railway companies. They are in favour of what is proposed by the Liberals, who say they have reached an agreement with their colleagues in the House of Commons. Thus the bill will come back to this House and everything will be settled. Still, Senator Segal had a moment of lucidity. At least he took the time to ask himself what the Liberals would do if ever the bill were not passed by the House of Commons? This is not a problem: they will pass it as amended by the House of Commons. This is what the text of the *Debates of the Senate*, Issue 101, of May 30, 2007, tells us.

I do not understand the Conservatives who are voting today in favour of the amendment by the Senate, knowing very well that if they held the line and that if they insisted at any rate on what had been adopted in committee, we would vote against the Senate amendments and the Senate would adopt it because there is already an agreement between the Conservative senators and the Liberals. If we blow hot and cold and are not in favour they will quickly adopt it.

Why not do it as early as possible today? Let us send it back to them and tomorrow they will return it to us. In that way we would have respected the wishes of the public and not just the interests of business.

I will not stop there. The representatives of the City of Quebec and the City of Lévis appeared before the committee. The member for Lévis—Bellechasse, in the Quebec City area, even had his picture taken with all those people and the photo was published in the local weekly newspapers. He was very pleased. The member for Lévis—Bellechasse was not present because he was no longer a member of the committee but when the witnesses appeared before the committee he was in favour. The definition that was contained in Bill C-11 is the definition advocated by the City of Lévis. Yet, this evening or at some other time, the member for Lévis—Bellechasse will vote in favour of the Senate amendments, which are contrary to the position put forward by the City of Lévis.

Conservative colleagues, the public have had enough of this and they want it settled. The balance that we achieved and that was defended by the Minister of Transport, Infrastructure and Communities, is a good balance, and he said it well, because the demands of the public were much greater and a great deal more critical about the railways than what ended up in this bill.

That balance is found in the definition “as little noise and vibration as possible” and the condition relating to the potential impact on persons residing adjacent to the railway. It is simple; it is to balance the power of the railway companies, which for business reasons have no interest in the problems of noise pollution and do not care.

As I said from the start, we can no longer ignore this noise pollution. The public are entitled to have their problems dealt with in

an intelligent way and to come back to the definition of the word “reasonable,” a definition that was in the previous legislation and about which there was much less than unanimous agreement.

Speaking of the witnesses, the residents of Charny, which is now part of the City of Lévis, formed committees and they studied the court decisions, including the Oakville decision.

● (1055)

They are very much on top of this issue. They have organized fundraisers and were ready to go to court over the noise problem. There really is a problem with noise pollution. They are not doing this for the fun of it and do not spend their time in court because they have nothing else to do. When they decide to institute legal proceedings, it is because all the discussions with the railways have gone nowhere. Marshalling yards are hell.

There is a company now that converts old locomotives using truck engines that can be turned off at night. The managers of this company have been trying to meet with CN management, but CN does not want to see them. It does not want to meet with them. It would rather keep its old locomotives in the marshalling yards. Railway cars obviously have to be moved around for maintenance and repairs. Engines are left running night and day. That is how it is done in the winter because if a diesel engine is turned off, it cannot be restarted. That is the reality. They do not want to modernize, do not want to listen, and do not want to know anything about new technologies. What interests them are the profits they pay to their shareholders every three months. They do not give a damn about anything else.

For once we would have a bill that would help citizens achieve a balance because that is what the Transportation Agency is supposed to do. If the company and the people filing complaints cannot agree, the Transportation Agency has the power to impose directives. What directives? They would provide some oversight and say that the railways have to cause as little noise and vibration as possible and consider the possible impact on people residing close to the railway, while at the same time continuing to operate and construct railways in the places where they are. There already were some guidelines that enabled them to say that certain things had to be done, while at the same time they had to take into account the fact that they were located near particular neighbourhoods. The legislation already gave them the ability to say that their facilities were in certain locations and they had certain operational needs. The only balancing required was that they had to take into account the impact on people living in adjacent locations and cause as little noise and vibration as possible.

As the Minister said when he appeared before the Senate, it was a good balance. I agree with that. My problem is that the Conservative members—particularly those from Quebec—are still kowtowing to the railway lobby. Probably the members from the West are pressuring the Quebec members. We will not hear from them today: they are not making speeches. They will listen obediently to what the parliamentary secretary tells them when he tries to make them understand that nothing can be done. If it goes back to the Senate, it will take time, because if the Senators do not agree, the Senate can decide to send the bill back here, and we want it to pass quickly.

*Government Orders*

I will read what Senator Segal said again, since the parliamentary secretary has just arrived. I quote again what he said about his colleagues, Senators Dawson and Munson.

They have further undertaken on the record that should the other place [that is us] dither and not approve it, they will move quickly to act with this engaged, non-partisan administration [the Senate] to pass the bill quickly through this chamber.

I reiterate to my Conservative colleagues that they should not be afraid to stand up for their constituents' interests, once and for all. I say to the members from Quebec—the member for Lévis—Bellechasse, the members for the Quebec City region, and their minister—not to be afraid to stand up for their constituents. Just once, let them rise in this House to stand up for the only defensible tool, the one that was even defended by the Minister of Transport, Infrastructure and Communities before the Senate committee. He said that it was a good balance. Let them stand up and defend the interests of their constituents. Let them stop being doormats for the members from the West. Let them stand up and stand tall. Let them defend the interests of their fellow citizens by saying no to the Senate and to the amendments before us today. And let the Senate make its decision again. That is what it says in the Senate report, in the statement by Senator Hugh Segal, that they already have an agreement: if we send the bill back and do not accept the amendments, they will pass Bill C-11 as it stood when it was unanimously agreed to in committee.

What I am asking the Conservative members from Quebec to do is to stand up, to defend the interests of their constituents and to do what the Bloc members, who were elected solely to defend the interests of the public and not for their personal careers, are doing. That is what we will see at the end of the day.

• (1100)

[English]

**Mr. David Christopherson (Hamilton Centre, NDP):** Mr. Speaker, I congratulate the member on an excellent speech. He touched on a number of issues that are of critical importance.

What I find interesting, and this will culminate in a question, and what angers me to no end, is this. When we get to this order of government, we tend to get a little further away from the people. Having been a former member of a provincial parliament and on city and regional council, when we talked about things like noise, vibrations and trains affecting residences, that it was politics hitting us where we lived.

It is great that we are dealing with issues of such magnitude in the House. However, we are dealing now specifically with things that affect people. If people want to have their quality of life go through the basement, try having a train by their homes idling and vibrating all night long, for hours on end.

The fact that place would actually give further power or reinstate power to the railway companies angers me. Believe me they are like an order of government unto themselves. When my colleague from Windsor West commented about the order of how the world was created, it is true it was tongue in cheek. Try to find somebody who can be held accountable for a simple thing like trying to get the grass cut around a fence beside the railway line.

Speaking of accountability, that is the other thing that angers me. I want to know who the senator is from Hamilton to whom I can send

my constituents. That individual is accountable to my constituents for these decisions. I do not even know if there is somebody designated as a member of the Senate from Hamilton, and I have been in elected office for over 20 years now.

To have the senators send something to the House that negatively affects the quality of life of my constituents is unacceptable. I hope, if for no other reason, that we tell them that they have no business dealing with issues that are rightfully in front of people who are elected, accountable and responsible. For that alone, we should stop this. This is the wrong thing to do.

Is it the hon. member's experience that railways are like a government unto themselves when he has tried to deal with them on behalf of his constituents? How does he feel about this coming from that place and the inability of anyone to hold senators accountable for the decisions that affect the lives of Canadians?

• (1105)

[Translation]

**Mr. Mario Laframboise:** Mr. Speaker, I thank my colleague for his impassioned remarks about the Senate. Indeed, we have already offered up similar comments but for a very long time we, in the Bloc Québécois, have believed that the Senate should be abolished, especially in light of the things that we are seeing today. My colleague is right to ask why the senators should be disturbing the quality of life of our fellow citizens.

For once, there was unanimity in the House of Commons about what the railways should do to counter noise pollution, a pollution caused by the fact that their business is doing very well. As a matter of fact, we were pleased about this.

The problem is that the growth in their business creates problems of noise pollution, which is unacceptable in 2007. For once, a committee of the House of Commons agreed on that point and was unanimous during clause-by-clause review. The minister made a presentation to the Senate to tell them that it was a balanced bill; and the senators replied that no, it was not balanced. It did not satisfy the railway companies and they decided not to support what the House of Commons had proposed.

What I have a problem with is that the Conservative members allowed themselves to be taken in by the Liberal majority.

The City of Quebec, the City of Lévis, the residents of Pointe-Saint-Charles and other citizens groups came to speak and to tell us that they had had enough and it was time that there was some balance. That is why I find it very difficult to accept the fact that the members from Quebec have decided, once again, to bow before the members from the west and especially before the Liberal majority in the Senate. I said earlier, there is already an agreement. If we do not agree, they will fast-track it and will send it back the way they want. There is already an agreement, but the Conservatives are going along with this. I find it hard to follow but the Conservatives are yet again making a real political error. We just have to watch them do it. It is fun to watch, at least for us.

*Government Orders*

[*English*]

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I listened to my friend and sat with him on the committee. I thank him and the other members of his party who helped us move this along.

I want to confirm with him that I did have the opportunity, in relation to one of his comments, to tour the constituency of Lévis with the Conservative member for Lévis—Bellechasse, who is working very hard for his people. I had an opportunity to see the Quebec Bridge and some of the rail yards in the area.

From the government side, we have taken great consideration on noise and vibrations and we have added vibrations to the test itself. Under section 95.1, it states:

When constructing or operating a railway, a railway company must cause as little noise and vibration as possible, taking into account...

It seems very clear that there are three different issues, three different tests, on what is reasonable and what is not. First, how would that act to restrict the amount of noise so people could live in that area with comfort?

Second, there is the Constitution Act of 1867 which clearly lays out that the Senate does have some authority in this place and for the Government of Canada. If the opposition would support Bill S-4, it would clearly bring some accountability to the Senate and it would change the way government takes place. That is why the government is moving forward with this initiative, and we would ask members from the other parties to support this so we do not have these discussions about lack of accountability in the future.

• (1110)

[*Translation*]

**Mr. Mario Laframboise:** Mr. Speaker, first of all, I would once again urge my colleague, the parliamentary secretary, to do as I did and read the blues of the record of the Senate meeting on May 30. If he does, he will see that if he votes against this amendment today, the senators will still pass the bill the way the House wants it right away. There is already an agreement. I have trouble understanding him because when his minister gave his presentation to the Senate, he had this to say about Bill C-11 as tabled by the House and supported unanimously in committee:

This is a long-awaited remedy that we believe will balance the needs of communities with the need for continued rail operations to move ever increasing trade volumes.

Back then, the minister found that it struck a good balance, and now the member is trying to convince me that it did not, in fact, strike a good balance, and that the Senate's amended version strikes a good balance now.

He mentioned the Quebec bridge, which gives me an opportunity to note that this is just like what happened with the Quebec bridge. That is the Canadian federation for you. That shows how much influence a governing federal party has over a railway company. None. The Quebec bridge will not be painted by 2008. It will never be painted. What was it that the Conservatives said when they were elected? They said that they would get the Quebec bridge painted. They did the same thing the Liberals did. They set aside the Liberals'

case against Canadian National to make the railway paint the bridge, then they had to start a new case against Canadian National. In the end, all they did was waste a year.

That's Canada for you. Nobody is in control. You no longer control the railways, and once again, you have shown that the railways control you, the rail lobbyists control you. They control the Conservatives, just like they controlled the Liberals. People in Quebec are really fed up with this.

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, I would like to congratulate my colleague from Argenteuil—Papineau—Mirabel on his concern for citizens and his dedication to the Standing Committee on Transport, Infrastructure and Communities.

Today I am very disappointed. I have been anxiously awaiting Bill C-11. In Trois-Rivières, just like in Farnham, Quebec, based on what I have been told, this is a major problem for our citizens. What we have here is a balanced and reasonable bill. Respecting the environment is important. We are well aware that we are going to be seeing more and more rail transportation, but it should certainly not ignore what our fellow citizens want.

When we talk about making as little noise as possible, and adding the element of vibrations, it seems to me that this is crucial. Every day in Trois-Rivières there are citizens living with this problem, with trains zipping by their yards. This brings down their property values and is truly unbearable.

Who are we as members of Parliament? We must work for our fellow citizens, for our electors. I am calling on the Conservatives to change their minds and to move forward so that we can resolve this problem, especially since we have heard that their minister would agree with this. I really do not understand their position.

I would like my colleague to talk a little bit about public reactions if we do not resolve this problem with Bill C-11. What can we expect from these citizens back home who will tell us over and over all summer long that we have failed, that we were not able to resolve this problem? Yet, the solution is right here in front of us.

**Mr. Mario Laframboise:** Mr. Speaker, I would first like to thank my hon. colleague from Trois-Rivières who, incidentally, is doing an excellent job defending the interests of the citizens of Trois-Rivières. Her work speaks for itself.

The problem is that the railway industry is a growing industry. Business is good. Trains are getting longer and longer. This is precisely why we had to add the word "noise" and the word "vibration", because it takes time for the train to pass. It is good for business, but that is as far as we have come in our society. It is good for business, good for the railway companies, but now they have to concern themselves with the damage they could be causing to citizens, with pollution from the noise and vibration. This is where things stand.

*Government Orders*

Now, the Conservative government is backing off. And this is only because—according to what I have been told in the backrooms—it intends to go through this all over again by introducing a new bill. Just think, we are in the process of solving the problem, but since the government does not wish to frustrate the Senate, it will introduce a new bill. That makes no sense. Here is what the government is going to do. It is going to wait for the Canadian Transportation Agency to hear the case. It will find that this is not working. That will take a few years. The government will have stalled for time and the railway companies will have saved some money. That is what they are thinking.

Meanwhile, our citizens are not getting anywhere and will not be happy with the work that has been done. One thing is clear, however; they will see that the Bloc Québécois worked hard on their behalf. The problem is the Conservatives and the Liberals. In that regard, once again, I am having a hard time understanding where the Conservative members from Quebec are on this. Not one of them has anything to say.

• (1115)

[*English*]

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to rise in the House today to speak to the Senate amendment concerning Bill C-11. I do not think I can drum up as much steam as the member for Hamilton Centre did. That was quite the performance. I agree with everything he said. I certainly agree with the concerns my colleague from the Bloc outlined about this amendment.

For me, my riding and the communities that I represent in east Vancouver, this issue goes back to the day that I was elected. In fact, as I am sure the Speaker will remember, even a former member of Parliament for Vancouver East, Margaret Mitchell, a great member of Parliament who represented east Vancouver in the House, she herself dealt with the issue of excessive train noise, vibration and disruption for residents in the Burrardview and Wall Street areas of east Vancouver. This is an issue that goes way back.

Over the 10 years that I have been here I have met with local residents on numerous occasions to respond to their very legitimate concerns. I have attended community meetings. I have met with railway officials in Ottawa and Vancouver to put forward those concerns and demand that there be a response not only from the railway company but also from the government.

I actually rode the tracks. I forget the name of that little vehicle that goes up and down the tracks, but I rode on that to see firsthand what was going on in the marshalling yards that was causing so many problems. We have approached it from a health point of view and have laid complaints with the medical health officer in Vancouver. We have pursued legal options. I have worked with local residents and the saga goes on and on.

As recently as April of 2007 I wrote to the Railway Safety Act Review Advisory Panel pointing out that I regularly receive letters, e-mails, faxes, phone calls and visits from local residents, all of whom vociferously protest against prolonged and excessive train noise. They feel they are under constant siege from the noise by trains and they have not been able to find any recourse. All the complaints are remarkably similar and focus on noise in the early

hours of the morning from whistles and horns, idling, shunting, et cetera. That was just in April.

Before that, in July 2006 I wrote to the then minister of transport with the same issues, concerns and complaints. I actually received a reply from the minister at that time. Lo and behold, the minister of transport said, “You may be interested to note that Bill C-11, which will enable the Canadian Transportation Agency to address issues such as noise levels, received first reading in Parliament in May 2006”. We finally have a bill that is going to address these long-standing systemic concerns from local residents.

Prior to that, in June 2005, I wrote to the Canadian Pacific Railway articulating the concerns that I had heard. In 2003 I wrote to the then minister of transport, who basically took no action. In 2002 I wrote to the minister of transport, as I had in 2000. This is just a sampling of letters that I have written.

It is very illuminating to hear the debate on this bill after the various readings it has gone through and hear members, even at this stage of the bill, coming forward with a sense of frustration that this bill still does not adequately respond to the legitimate concerns of local residents. That is coming from across the political spectrum. We have heard members from the Bloc today articulate very well the ongoing nature of these concerns.

In my own community, it has been the outstanding vigilance, neighbourhood spirit and activism at the local level that has kept this issue on the political agenda. It has been the work of local residents such as the member for Vancouver—Hastings in the B.C. legislative assembly, Shane Simpson. When he was a resident activist before he was elected, he was very active with the Burrardview residents association in pressing this issue. There are people like Barbara Fousek, who is now with the Burrardview residents association, who have never given up and have always addressed the concerns of local residents.

To be frank, people have tried to work within the system. They have tried to use processes and avenues they believed were available to them. Whether it has been the City of Vancouver with the whistleblowing, whether it has been the railway company itself, whether it has been the federal government, people have used all of these avenues to the absolute fullest.

• (1120)

I would like to quote from a few of the e-mails and letters that I have received, for example, from Robert who has focused on a particular engine. People actually identify the number of the engine that is causing the problem while it might be idling in the marshalling yards at 2 a.m. or 3 a.m. disrupting people's sleep when they have to go to work the next day.

*Government Orders*

Bonnie wrote at great length to the transportation committee. She pointed out that this issue in east Vancouver goes back to 1991 with the closure of the rail yard in Vancouver's Coal Harbour. There were operational changes that increased the length and the weight of trains. This has had a significant local impact. She points out that the CPR began the marshalling of trains below Wall Street in the Burrardview neighbourhood. The operational change was made without any public consultation or consideration of the impact that the change would have on local residents. This change has had a drastic effect on neighbourhoods and has increased noise and vibration to industrial levels.

In fact, the residents went so far as to ensure that a study was done of the noise levels. Our party's transport critic, the member for Burnaby—New Westminster, in his speech quoted briefly from that study dated December 2005, entitled, "East Vancouver Portlands Community Noise Study". As he pointed out, what was found was excessive noise levels that were far beyond anything that could be considered reasonable or standard for people living in a high density residential area.

I have other letters, for example, one from the Pacific Terraces strata council, which states:

Also, the drone of trains idling have often kept me from falling asleep. On occasion, I have incurred ear damage, with severe symptoms lasting for days. Again, I see no reason why trains need to idle for hours in areas where one can only surmise that many people are being denied their natural right to respect, peace and tranquility.

This should not be seen as just an issue of inconvenience, but one of health and mental well being. It is my opinion that the disrespect railway yards seem to show neighbourhoods crosses the line of abuse. I hope this situation can be resolved soon.

In an email, Finn points out:

The Alberta wheat pool is close to our house and we are subjected to, among other things, shunting of trains which occurs at all hours of the night causing extreme noise levels, Freight trains travelling from West to East working so hard and travelling so fast that the vibrations shake our whole house and wake anyone who may be sleeping.

I do not want to use the word "complaints" when referring to these issues, because that would imply that people are just complaining. These are very severe impacts on people's quality of life. The documentation that I have on these issues is endless.

I want to get back to the bill. Before us today is a Senate amendment and I want to retrace the steps of where this amendment came from.

I want to thank the NDP transport critic, the member for Burnaby—New Westminster, for his very strong work in bringing local residents to the committee so that they could be heard and for receiving the issues that people have pressed.

The NDP member brought forward amendments to this bill. We supported the bill in principle. We said that maybe there finally could be some resolution. The member brought forward amendments at the committee that would have, for example, prohibited trains from performing certain activities such as shunting in high density residential areas between the hours of 5 p.m. and 9 p.m. Those amendments were shot down in committee, regrettably, because they did not have the support of other members. In fact, we ended up with a compromise proposal from the government side which said that at least there could be as little noise and vibration as possible.

●(1125)

We went along with that. We wanted to get through as much as we could in order to respond to people's concerns. We agreed finally to that amendment. The NDP amendment, which I think was far superior, was lost.

Where are we now? The bill was approved by the House. It went to the Senate. Now there is a Senate amendment that is watering down the government amendment which watered down the NDP amendment. The 10th report of Standing Senate Committee on Transport and Communications states:

Finally, the House of Commons Standing Committee on Transport, Infrastructure and Communications amended clause 29 of Bill C-11 to require railway companies to cause "as little noise and vibration as possible"...Canadian railway companies believed that the new standard could present a significant threat to their economic viability as there is no jurisprudence on its interpretation. As such, the railway companies recommended that the standard of "reasonableness" be restored to the provision.

That is exactly what the other place did. It went ahead, put forward its own amendment in the unelected Senate, which is what we are now debating in the House.

That is why we in the NDP feel we have to take a stand, that we have to say that this is unacceptable on two grounds. One is the amendment from the Senate is not reasonable and is actually watering down a provision so much that it will have very little effect which to us is really undermining the value and the intent of what the bill was intended to do in the first place. The bill was to provide real relief to local residents who have been suffering for years. On those grounds alone we feel we cannot support the Senate amendment.

In addition, as has been pointed out by the member for Hamilton Centre and other members of the House, it seems to us completely unacceptable that we are now debating an amendment from the Senate that is based on accommodating what the railway companies consider to be reasonable from a place that has no accountability to those local residents. Here we are with this amendment that is not really going to respond in any fashion to the very legitimate concerns that I have documented exist in my own community and we know exist right across the country. I find it very offensive that we are now having to respond to this amendment.

On those two grounds we are saying today that we want to reject that amendment. We believe that this should go back and that the government should be very clear that this is an unacceptable practice. We have seen it on other occasions when the government has taken issue with the Senate and has said that what the Senate has done is not legitimate and so on, but on this issue the government seems to be quite willing to go along with it.

I wanted to speak in the debate today just to lay out what this has meant for the thousands of people in my community who are still suffering from the impacts of excessive train noise. I want to make one thing clear. They are local residents who are well aware that they live adjacent to a working port. The history of east Vancouver is built on port activity and train activity. We understand that. It is part of our history. It is part of the history of our community. There are many people who work at the port and in the rail yards who live in east Vancouver and the Lower Mainland. We understand the importance of the economic activity of our rail operations and the port generally.

*Government Orders*

However, there is a significant issue about the interface and the conflict that can arise. What I find problematic is that often those issues are presented as somehow being mutually exclusive, that we have to say that everything the port or the railway company wants for their economic viability we have to go for or somehow we are on the side of the residents.

● (1130)

I believe, and I think many members in this House believe, that our job is to ensure that there is a balance between those things, that they are not mutually exclusive, that we can protect the economic viability of the port of Vancouver and the rail operations. Our job is also to ensure that we address the concerns that residents have in a meaningful way.

Some residents have lived in that neighbourhood for three, four, five decades and some have moved in more recently. Some of the letters I get are from recent residents. I always ask them if they were aware that they were moving into an area next to the port, and they always tell me they were. In principle, that is not the issue.

People are very respectful of those who work in the port and those who work on the rail operations. There is a legitimate case here about the excessive noise. People were not consulted when operational changes were made 15 years ago. I find that railway officials listen to us, but they really feel that they have no mandate and do not have to respond to these concerns. I have had that experience myself, which points out why this legislation is so needed.

Overall, we support Bill C-11. We want to see it go through. The bill has gone through the House, but I am very disappointed and frustrated that it has now come back to us with this Senate amendment that will undo the very premise on which it was advanced by the government. I am sure the House is going to hear the same thing from other members today.

I hope that we can convince enough members of this House to send a strong message back to the Senate saying that this is not acceptable. We have to tell the Senate that we have to do a better job and that we are not prepared to water the bill down and weaken the already weak provisions to protect those local quality of life concerns. That is what we in the NDP hope will happen today. We believe that we have one last shot at this.

I thank the members of the transport committee who worked very diligently on this bill. I especially thank our transportation critic, the member for Burnaby—New Westminster, who has pressed this issue very well and has worked hard to get the best possible arrangement.

Now we have to respond to the other place that has no accountability to those local residents. Let us do the right thing and stand up for their quality of life. Let us make sure that the bill is not undermined and weakened.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I thank my colleague for her remarks. It is important for the citizens who are listening to understand that the problem exists outside of Quebec. Vancouver is experiencing the same difficulties.

The fact that the industry is presently experiencing significant economic growth also results in other nuisances. We are no longer dealing with noise alone, but also with vibration and the length of trains. That is the message that members from all parties wanted to deliver in committee. I repeat that, at clause by clause consideration of the bill, everyone was on the same page and wanted to find a balanced solution. The message delivered to the Senate by the Minister of Transport, Infrastructure and Communities, when he appeared, was that Bill C-11 was a good bill. We found a balance between railway operations and the disturbance to those living nearby. The Senate merely wished to favour one group over another. The Senate only heard from industry representatives. It did not hear testimony from citizens or citizen groups. I am certain that citizen groups are just as organized in Vancouver as they are in Quebec. These problems have dragged on for decades in Quebec.

I would ask my colleague what she makes of the conduct of Liberal and Conservative members who, in committee, supported Bill C-11, a balanced bill, and who now are yielding to the Senate and the railway industry lobby? They are attempting to backtrack on this bill, to the detriment of the peace and quiet of citizens.

● (1135)

[*English*]

**Ms. Libby Davies:** Mr. Speaker, I certainly appreciate the comments from my colleague from the Bloc. To respond to his question I can only say that I am very disappointed. There was good progress made on Bill C-11. The concerns of residents were heard. People appeared before the committee.

The bill has gone through its full democratic process in the House of three readings and was passed. The bill was a collection of the best that we had to offer from all parties. It was bundled off to the Senate and then it started to fall apart. I think that is why we are here today and that is why we are hearing some very strong pleas from members in the House who are saying this is not right.

Members say that the Senate in examining this bill has taken, and I was going to use the word “partisan”, but it is not partisan in a political sense. It is partisan in a sense that as the member points out, the Senate has chosen to listen to the concerns of the rail companies and not respond to the concerns of local residents to find the appropriate balance.

The Senate has now sent us back a bill that I and other members believe is flawed. We have an opportunity here to accept or reject the amendment. That is still part of our work and part of our duty.

I am extremely disappointed that it appears that today the Conservative members and the Liberal members are going to vote for this Senate amendment. The NDP members and the Bloc members will vote against the amendment. However, there will not be enough votes and the bill will now be approved with the Senate amendment which does set us back.

*Government Orders*

I can predict with all certainty that we will continue to receive complaints, not only in my community but in other communities across Canada. In a few years the pressure will build and maybe we will see some other kind of legislative process. I don't know what it will be. We had an opportunity here under Bill C-11 and that is what the government told us. We had an opportunity to actually correct a very longstanding problem that needed attention.

We were so close to getting it done. The bill was passed in the House. Now we are dealing with something different that will undermine the bill and undermine the ability of the federal government within its mandate to deal with these concerns because it wanted to appease the concerns of the rail companies.

Perhaps other members have other opinions on that. I really feel that is a huge letdown. If local residents feel sold out, then I would agree with them.

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, when I moved to British Columbia from Nova Scotia 25 years ago, the very first thing I heard about was the concern about the rail yards because we have rail yards in Surrey.

James Karpoff, who was the member of Parliament for Surrey North from 1988 to 1993, has a pile of speeches, letters and so on where he deals with this very concern. In my neighbourhood in particular, the rail yards are right below where we live. Did we know that when we moved in? Of course we did, but we were told that the railway was working on changes so that we would not feel the vibrations, not hear the noise in the same way, we would not hear shunting at 3 o'clock in the morning, that all those things were changing and that people were working hard on that.

It is now 2007 and I do not know what to tell my neighbours. That is part of my question. We have people who have spent tens of thousands of dollars literally on their homes, patching cracks in the foundations because of the vibrations of the rail yard. It is perhaps half a mile down the hill from us.

We have people who have not been able to afford to double glaze their windows. I know they should because it is energy efficient, but it is also about the money to do it. They are awake walking babies at night. People say the baby will go back to sleep. If the person who is a mom or dad who has just spent two and a half hours to get a baby to sleep, having that baby wake up again is not a small matter.

We have had people on our street under palliative care at home who have great difficulty getting any kind of peace and quiet at all, even with the medications they are on. Then they are awakened again by the shunting noise in the middle of the night. It is unconscionable.

People have come to me as their elected MLA, councillor and elected MP to ask, what could I do to help them? I ask my colleague, what do I now go back and tell the people in my neighbourhood? Who do they ask? Do they find every senator and ask them? What do I tell them that they need to do next? If the amendment passes, what is it that they can do next? It would never have occurred to them to go to an unelected body to have changes made to their quality of life. Perhaps my colleague could help me with what I can say to my neighbours at a community meeting which is actually next week.

● (1140)

**Ms. Libby Davies:** Mr. Speaker, I could think of two responses. The first is for the member to tell her residents that the members of the NDP fought tooth and nail to the very end to make sure that the bill went through intact and that we opposed this really terrible Senate amendment and the process that it went through. She should tell her constituents that we will not give up on the issue because we know that there will still be complaints. We will continue to press, as we do on many issues. We are not going to abandon this because we know it is a very real quality of life issue. It is an issue about the environment, noise pollution, and the issue of the interface between residents, residential neighbourhoods and industrial activities. We will not let go of that. We will continue to press that.

The second response that I would give is that I think we should encourage our constituents to flood the Conservative members. They can write to senators, but they are unaccountable. They are not elected. They do not have to respond to anybody, but the Conservative government is accountable for what it does and it made a decision today to support the Senate amendment.

Our job is to hold the government to account and if constituents have concerns they should certainly let us know as local members, but they should hammer the government as to why it was willing to let the bill go through with the Senate amendment knowing full well that it was going to undermine the very purpose for which the bill was brought in, in the first place.

[*Translation*]

**Mr. Robert Carrier (Alfred-Pellan, BQ):** I will not begin my presentation by saying that I am pleased to rise and speak today because today I do not feel any pleasure, but rather shame, before the amendments that have come to us from the Senate. These amendments defeat the significant amendments that were made to Bill C-11 and passed unanimously in committee.

I am ashamed because the Senate did not do its job properly. It only met with railway companies, which told it all about their dissatisfaction with the bill. The Senate report even quotes their arguments. We read there that the Canadian railway companies claimed that a new standard could have considerable economic consequences in the absence of a standard based on the reasonableness of noise.

So the companies played the economic argument, but we must not lose sight of the purpose of the bill, which was not to try and make railway companies as profitable as possible. That would have been studied by the House of Commons Standing Committee on Industry, Science and Technology.

Rather the bill was designed to deal with numerous complaints from our citizens who live close to railways. These citizens are penalized by the operations of these companies, which as a rule do not listen to the citizens' complaints. If you are an MP, you represent all your fellow citizens. MPs contribute by developing bills in our fine parliamentary system in order to improve the living conditions of their fellow citizens.

*Government Orders*

The members of the Senate said themselves they held five meetings to study this bill, which is so important to us. I sit on the Standing Committee on Transport, Infrastructure and Communities. We held 15 sessions just to meet with witnesses. Of these 15, some 10 were an opportunity to meet with citizens, groups of citizens and representatives of cities who told us about the problems they have been experiencing for a very long time. Representatives of the department and railway companies also shared their comments with us on the bill, and answered our questions.

In addition to the 15 sessions we had with witnesses, we held six sessions specifically to do a clause-by-clause study. After meeting with all the witnesses, each of the parties studied the problem and proposed amendments with a view to improving the bill. The committee was unanimous in passing the amendments adopted at third reading.

I am relatively new as an MP and I was pleased to see that we could draft a useful bill that would improve life for my constituents. I have talked about this bill in my riding to illustrate my work as an MP. I do not know how I am going to explain to my constituents the situation we are in right now, but depending on the result of the vote on this bill, I will have to say a few words about those who are undoing the democratic work that we undertook.

It is important to point out, as my colleague from Argenteuil—Papineau—Mirabel said earlier, that members of the Senate are saying that if their amendments are not accepted by the House, they could nonetheless pass the bill quickly.

The fact that the government party seems to want to give in so easily and destroy everything that was done in committee and in drafting the bill, adds to the frustration and shame I feel about the way the Senate operates. The Conservatives seem to be saying that this will all work out.

● (1145)

This eliminates any possibility of making these improvements. The official opposition party seems to want to do the same thing, since it has the majority in the Senate and was lobbied by the railway companies.

We are in an incredible situation where organized pressure groups, companies that have lobbyists, can interfere with a major bill to improve living conditions, by approaching members of the Senate to influence them during specific meetings and make them change their minds.

I find this hard to swallow, especially since, as the Bloc knows, the very existence of the Senate has been criticized. These are people who were not elected and we do not know to whom they are accountable. The way in which we are currently receiving the report shows they are not improving matters or the impression we have of them. In my opinion, they did not conduct a defined study that allows us to achieve the objectives of the bill.

I find this surprising, especially as the purpose of the amendments we proposed to the provision on noise was to respond to all the testimony we had heard. These amendments were not made out of the blue. We conducted a long review, provision by provision, because we had received various proposals from different parties. We reached a consensus, even though we had been asked to show

even greater determination on the noise issue. We said, therefore, that the companies have to cause as little noise and vibration as possible. We opted for this formulation rather than prohibiting any unreasonable noise. Who can say what is reasonable or not and on what basis would it be judged? We wanted every possible solution attempted, therefore, in an effort to resolve this problem.

We know that there can be various different ways of resolving the noise problem, especially in marshalling yards. There are the hours of operation, but also the machinery, the engines, and better locomotives that make less noise when they operate.

We also required the railway companies to take into consideration the possible impact on people residing close to the railway. Initially, the bill did not mention these people. It just said that the operational and construction needs of railways had to be met. When we received a number of representations on the impact of the noise on local people, we decided to add something in order to achieve this objective and make the companies ultimately responsible for the impact on the local population and not just for the physical operation of their equipment.

The involvement of the Conservative members from Quebec could be seen most clearly in the riding of Lévis—Bellechasse where there is also a very large marshalling yard. The Conservative member for Lévis—Bellechasse was very pleased to meet with the sector president in his region who came to voice his complaints.

Since the Senate members did not even make the effort to meet with these people, I would like to quote an excerpt from the testimony of Mr. Jean-Pierre Bazinet, president of the Chute-de-la-Chaudière sector in Lévis. If people take the time to re-read the discussions, they will see what the concerns of the City of Lévis were.

● (1150)

As part of its activities, Canadian National operates a switching yard within the boundaries of Charny and Saint-Jean-Chrysostome. Given the elevated noise levels generated by switching operations conducted by Canadian National, numerous complaints have been laid by residents of the three former neighbourhoods that existed prior to the merger in 2000, as well as by residents of the other neighbourhoods that I mentioned earlier.

These residents believe that the noise pollution caused by CN's operations, particularly in the evening and at night, is affecting their health and impedes their peaceful enjoyment of their property. This situation came about in 1998—and that date is important. Previously, the switching yard and the residents lived in harmony. The new situation coincided with the privatization of the company, which streamlined its operations not only in Quebec, but throughout Canada.

In that respect, the problems experienced by the residents of Charny are similar to those encountered in other cities in Canada. The preceding testimonies are compelling.

When CN failed to take action, a large number of affected residents signed a petition that was presented to the council of the former City of Charny in 2000. The municipality also received letters from home owners describing the situation as unacceptable and intolerable.

In 2001, the Public Health Department of the Chaudière-Appalaches Health and Social Services Board conducted an analysis of the situation and produced a report entitled "Assessment of the public health risk associated with environmental noise produced by operations at CN's Joffre switching yard in Charny". The study concludes, and I quote:

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“Based on the available noise measurements, the literature review and the specific context, we find that the environmental noise to which many of the people living in the residential area adjacent to CN's Joffre switching yard are exposed adversely affects their quality of life and potentially their health. Such noise levels are therefore a nuisance to the peace, comfort and well-being of the residents near the Joffre switching yard in Charny.

From a public health standpoint, these noise levels are likely to have an adverse affect on health by disturbing sleep, which in turn has a number of side effects.

These noise levels are in our view incompatible with residential zoning unless special measures are taken to reduce the noise”.

This is part of what Mr. Bazinet, from Lévis, said in his testimony. It was very important and was much appreciated by the Conservative member in that riding. However, he has not been seen at all during the current debate period. I think that he is not happy with his party's position, or he is not proud of what the parliamentary secretary said, about how the proposed amendments were satisfactory and it would still be a good bill.

I call on all the Conservative members, especially those from Quebec, to take a stand for once and vote in favour of this bill, which offers a solution to the noise problem. We heard from at least five or six citizens' groups from Lévis, whom I mentioned, and also from Quebec City. Quebec City and Lévis are major areas and the noise problem is causing many problems for people. There are certainly Liberal members who are also concerned about this problem in their ridings. I think it is important to show that a realistic bill, unanimously agreed upon by the parties in parliamentary committee, can move forward, and to not show the public that despite what we have been discussing for weeks and months in the House, and despite our best efforts, a few senators can decide what is best for the public. Senators do not have to answer to the people afterwards.

I invite everyone who is even remotely aware of the importance of democracy to vote against these amendments. The Senate must recognize that the House of Commons stands firm, that it has examined the bill, and especially, that it has taken into account the public's arguments in order to improve the situation.

• (1155)

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, I want to congratulate my colleague for his excellent speech, which accurately covers the chronology and tells us how we got where we are today. I understand that he is sad, and rightly so.

Can my colleague tell me, as an engineer—because my colleague was an engineer by profession before he was elected as a member—whether there is an important reason to add vibrations to this bill?

I am not an engineer myself, but I thought that vibrations were not the same on all types of soil. For instance, the needs are not the same when the train is travelling over rocky soil as on clay or sand. As well, some types of soil can transmit vibrations when there are numerous cars. We have never been told why that was worse. When numerous railway cars are hitched together, one after the other, they develop a vibration.

I would like it if my colleague could talk to us about the importance of putting the word "vibration" in the bill.

• (1200)

**Mr. Robert Carrier:** Mr. Speaker, I thank my colleague for his question. Although I am an engineer, we cannot go into this too much today. The word "vibration" was added to the question of noise

primarily at the request of citizens' groups who complained about vibration in some cases, and not just about noise.

We had ultimately concluded that most of the time there are two interconnected phenomena: when there was noise, there was also vibration, in some cases. Obviously, the vibration will be felt more, the closer the houses are to the railway. However, the type of soil itself also has to be examined for each location, because some qualities of soil transmit more vibration than others.

When you are very close to rock, obviously you feel less vibration. It depends on the subfoundation. Depending on whether the soil is clay or sandy, and depending on the depth of that layer of soil, it can produce more vibrations, according to the distance of course. There again, in terms of the soil, if any attention is paid to this issue in a bill, I think that those calculations will have to be done so that it can be determined, for each location, how far away the houses must be located from the railway, and vice versa, to avoid the vibrations being felt in the homes.

[*English*]

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, could the member tell me whether the wording change from “as is deemed minimal” to “reasonable” would significantly impact the ability of residents, or diminish their ability, to reduce significantly, or in an appreciable way, to actually improve their quality of life from now till then in terms of the noise and vibrations?

I ask this question as this issue has been an ongoing one in my community over a long period of time. I and the local councillors have been working very hard with residents who have been very frustrated in trying to work with the proper authorities. They have seen some periods of improvement but there have been many steps backward. They have long awaited what appears to be a real significant opportunity or mechanism that will actually help them to improve the situation that affects them at so many levels.

Therefore, I would ask the member's opinion on whether this wording change, which appears to me to be the case, would diminish their capacity to reduce the severity of this problem.

[*Translation*]

**Mr. Robert Carrier:** Mr. Speaker, I thank my hon. colleague from the official opposition for her question. Obviously, the aim of the amendment proposed in committee was to acknowledge the position of people living near railways. Indeed, the intent was to require companies to cause as little noise and vibration as possible, taking into account the potential impact on people who live next to railways.

*Government Orders*

That was lacking in the legislation. People living nearby were not mentioned. It was somewhat abstract. This is precisely why these residents could never win their cases against the railway companies. Indeed, it was a simple question of the operational requirements of the railways. However, this also has an effect on people's health. For instance, the testimony I read earlier clearly outlined all the repercussions on the health of the people who live near the marshalling yards causing problems.

It is therefore important to retain this amendment. We do not have to accept on bended knee the amendments from the Senate that would have us remove this, taking into account only the arguments offered by the railway companies, who, of course, made their views known. After all, the fewer legal obligations they have, the easier it is for them and the more profits they can generate, without having to think about their social responsibilities. We, as parliamentarians, need to consider these responsibilities. That is our role.

• (1205)

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I would like to commend the hon. member who sits with me on the Standing Committee on Transport, Infrastructure and Communities, on his excellent work and excellent presentation.

The last question from the Liberal member is typical of the Conservatives and Liberals when it comes to this bill. In the Standing Committee on Transport, Infrastructure and Communities, we heard from witnesses, both from railway companies and community groups who were experiencing problems. We arrived at a balanced position. The wording proposed by the citizens groups was much more draconian than what we came up with, which is "as little noise as possible". That was the wording in a bill previously tabled by the Liberals.

Today, a Liberal member is wondering about this change in wording. Yes, it is important. And it is also important to add "neighbouring communities" among the things that should be taken into account by the Canadian Transportation Agency. By eliminating this, we are taking power away from the neighbouring communities. And for that I am upset with the Conservatives: they are caving in to the Liberal majority in the Senate, especially the members from Quebec.

This brings me to my question. What does my colleague think of the behaviour of the members from the Quebec City area? Both Quebec City and Lévis were represented in committee. All the Conservative members represent Quebec City and the Chaudière-Appalaches area, the two sectors where are located the cities who had witnesses before the committee. These witnesses came to tell us that we were not going far enough. Lévis proposed the same definition as the one in Bill C-11. As far as Quebec City is concerned, its definition was much stricter than what we came up with: the balance achieved in Bill C-11.

I take issue with the Liberals today. The hon. member just said that she did not think the wording was so bad, but the entire issue of the problems in the neighbouring communities was dropped.

What does my colleague think of the behaviour of these Conservative and Liberal members?

**Mr. Robert Carrier:** Mr. Speaker, I thank my colleague from Argenteuil—Papineau—Mirabel. That definitely shows that the Conservative members, who boast about doing good work because they are in government, are at the mercy of a primarily western based Canadian majority. I know that, during our committee discussions, the Quebec Conservative representative seemed to agree with all the arguments put forward by the groups. In particular, those from his own riding of Lévis—Bellechasse came to present their grievances, of which I read a portion earlier on.

That really shows that in important matters, the Quebec contingent, who find themselves in a large Canadian group, readily fall silent to let the so-called big blue machine move on. The Bloc Québécois, however, continues to examine each bill on its merits in order to obtain the best outcome for our citizens. We have retained our freedom of speech, and express ourselves in accordance with our conscience and the will of the people.

**Mr. Christian Ouellet (Brome—Missisquoi, BQ):** Mr. Speaker, at present we have before us an amended bill that flies in the face of current trends and that truly does not make sense. Throughout the world, there are now more and more trains, travelling faster and faster and governed by more and more regulations imposed by governments with regard to noise, safety and quality of railway traffic.

In this House, we are moving in the opposite direction. We are trying to pass a bill—a modest one at that—and we are being blocked by a lobby of large railway companies. I emphasize that point because, in my riding, a small railway line known as Montreal, Maine and Atlantic Railway, seemed prepared to make changes and to cooperate when I met with it about two weeks ago to discuss this matter. The large companies, not the small ones, wanted these changes.

It is unacceptable for the big companies to demand that they be subject to absolutely no instructions or constraints, although they are subject to those things when they arrive in the United States, and they accept them and deal with it. As you know, in the United States, noise and pollution regulations are much stricter than in Canada. In fact, the Canadian companies have to have locomotives that are completely adapted to meet the requirements of the American standards in order to cross the border. On the other hand, we have old, noisy and polluting locomotives travelling Canada's east-west corridor. It is hard to understand why this lobby is looking at history in its rearview mirror.

Myself, I was very proud to see this bill moving forward. In the riding where I live, the Farnham switching yard, located in the town of Farnham, is getting bigger and bigger. The fact is that this yard has been causing problems, not for two or three years, but for decades. It is an old switching yard, and the people who live right nearby are the ones enduring the growing noise. At one time, rail transportation was very seldom used, and people found it acceptable. Now, however, with business booming and plans for passenger trains to pass through Farnham—and we are working on this—people have to expect that the noise and vibration will be reduced.

*Government Orders*

And so when I saw that the bill was moving ahead and was going to pass, following the normal procedure, I could not have imagined that an unelected body like the Senate would tell us that we had to do what the train lobby said and backtrack. Frankly, this could not have been expected.

I therefore went out to meet with the public, and there were only two topics raised, one of which was trains. The residents of Farnham and the mayor and city councillors were invited, and I explained the bill to them. I read them sections 95.1 and 95.2, and they were overjoyed. At first, people in the room were saying that the government would never pass a law to limit noise, because there had never been one. As well, in the last Parliament, the Liberal member who was elected in my riding had told them that his government was not really in favour of proposing measures to reduce noise, and he ignored them and did not want to help them.

● (1210)

I, on the contrary, thought that it was entirely reasonable for rules to be made by the government about how the companies must behave, like good citizens, toward the public which they serve. This is not simply a matter of them saying we will make our profits and then leave.

I met with the public and I read them the sections and they were very happy. They were persuaded that at last there would be changes. Imagine, now, how it will be when they learn that the bill has been amended by the Senate, under pressure from lobbyists.

Who is going to explain to them that the bill was not passed as it was proposed by the committee and as it was passed in this House? Will it be the Conservative members, who would in fact love to take my place? Will they be the ones who will come and explain it to the residents of the town of Farnham? I would suggest that they come in a well armoured car, because they might get a bad reception. Will it be the senators? No, because we know that senators never leave home. They are not accountable, in any riding. So they will not be coming to explain it.

I will personally have to explain the situation to them. Imagine the situation I will be in when I go to tell people: "The Liberals did not want it and the Liberal senators proposed some amendments". To cap it all, I will have to tell them that Bill C-11 was a government bill but the government members voted to destroy it. Frankly, it is the height of ridiculousness. They say that in politics, six months is a long time but they can count on me to remind them of these events in the next election and they will remember it. The people of Farnham will be very happy to vote for a candidate who wants to reduce vibrations.

Earlier, I raised a point about vibrations and, as it happens, in Farnham, that is a very important factor because of the clay soil. If there are vibrations, the sound of the vibration can be heard very far away, as is the case at Farnham.

So, the matter of vibrations was vital. It was not just a matter of noise but also of vibrations. This means that a company must ensure that the trains reduce speed when they are in the marshalling yard, that shock dampers are installed on the rails and that there is a layer under the rails to absorb vibration. This is the case all over the world, except here. We do not understand why.

We know about the technology, but we do not apply it. Thus, at some point, faced with a modest bill, someone came forward and said, "No, that is going to upset my routine and cost me money. Let us leave things as they are". That is a complete anachronism.

As I have said, the railway industry is now moving towards faster and safer trains, and much longer trains. Moreover, the Americans who send trainloads of merchandise to Canada, and who receive trainloads as well, are becoming more demanding about how those shipments are handled in Canada because they do not want any accidents and they do not want any complaints either.

It is only the lobby here in Canada that is holding us back. If we had American-style lobbying with American standards, everything would be satisfactory for our fellow citizens. We are here to act for our constituents.

I do not understand how we are supposed to say to the municipalities that it was in the bill but it was taken out. I read as follows: "The Agency must consult with interested parties, including municipal governments, before issuing any guidelines."

● (1215)

That is what I did in my riding. I consulted the various municipalities and they totally agreed and were happy finally to have some rules imposed. The rules were not very hard to comply with, but at least there would be some. Now there will not be any at all and we will be back to square one. What is reasonable and what is unreasonable is not very specific. When this bill arrived, I suggested that there should be a standard for decibels, which represent the loudness of the sound at a certain distance. If we had done that, things would be very clear. But we did not. All we said was that the noise would be reduced, as appeared in the wording. We said as well that the noise adjacent to the railway could be harmful to people.

Now they are going further and withdrawing this proposal. It defies understanding. Why? To please a few railway companies, but not even all of them. It is important to know that not even all the companies wanted this, just a couple. They must have managed to lobby the current government very quickly to get it to change its mind. It used to be in agreement. It changed its mind at the last minute and is dropping the amendments, which would have been really destructive for the future of trains.

I want to tell the House about Farnham in my riding. Other hon. members have spoken about various marshalling yards, but in my riding there will be trains to other places as well: to Bromont, to Magog and maybe to Sherbrooke. We will be able to have trains to these places because the tracks are there, but they are hardly ever used. Some companies are interested in using them for passenger trains, and they will be, if people accept them. People will only accept them, though, if they make less noise. It is perfectly obvious that if there is noise pollution, if there are vibrations and other kinds of incessant pollution, people will not be interested. They are willing to travel by train, but they do not want the trains to upset their lives. There are already people living close to the tracks.

*Government Orders*

When people go to Japan, France, Italy or the Scandinavian countries, they see how quiet trains can be, even freight trains. They are made up in marshalling yards at low speeds, with much more flexible, less noisy couplings.

We are not asking for something that does not exist. We are just asking for something that exists everywhere but in Canada. Why take a step backward? This is not 1890, when people had to put up with steam trains. Now, we have technology, so why not use it? This was a long-term solution, not something that would last two or three months. It was a tailor-made solution that would have produced an acceptable sound level. Once it became part of rail culture, it would have lasted a very long time. But no, we are going back to the way things were before and changing absolutely nothing about the archaic, accepted technique that dates from a time when train use was dropping dramatically. Today, rail transportation is enjoying a resurgence.

We should have responded to this recovery of the rail sector by embracing new techniques. The government will have Bill C-11 on its conscience for a very long time, especially since Bill C-26 was never adopted.

• (1220)

This time, it could have been adopted, but they will have it on their conscience and bear the responsibility for it.

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I would like to begin by congratulating my colleague from Brome—Missisquoi on his speech. I am the Bloc Québécois transport critic, and the fact that the member has often questioned me about this issue shows that he is concerned about problems that affect his citizens.

Therein lies my question. In committee, Quebec City and Lévis officials tabled various recommendations accompanied by legal texts that were even stricter than what we managed to agree on unanimously. How can a Conservative member from Quebec not rise in this House to protect the interests of his constituents, and, worse yet, how can he vote for a motion introduced by a majority Liberal Senate?

Can my colleague comment on what Conservative Senator Hugh Segal said, as recorded in the Hansard, No. 101, from May 30, 2007? He said:

I point out with great respect that Senator Munson and Senator Dawson [two Liberal senators], who played such a constructive role, have undertaken that when this chamber, in due consideration, ships this bill, should it decide to do so, back to the other place [that's us, here; the Liberal senators consulted Liberal members of Parliament], they will consult broadly with their colleagues in that other place so that the bill comes back quickly.

Apparently they agreed because the Conservatives sat back and watched the train go by. They said the Senate would only hear from industry. My colleague is right: they did not hear from citizens groups. Furthermore, if the Senate were to send amendments to the House, the Conservatives asked the Senate whether these amendments would be adopted in the House. The Liberal senators said that they spoke to their Liberal colleagues in the House of the Commons and that the amendments would likely be adopted.

However, Conservative Senator Segal was smooth, because he added:

They have further undertaken on the record that should the other place dither and not approve it, [if we in the House of Commons do not approve it, which we should not, in other words, we should vote against this bill, as the Conservatives should], they will move quickly [there is already an agreement in the Senate between the Conservatives and the Liberals] to act with this engaged, non-partisan administration to pass the bill quickly through this chamber.

There is already an agreement. If we vote against the Senate amendments, the Senate will approve this vote by saying they tried to defend the indefensible and did not succeed.

I would like my colleague to say a few words about the behaviour of the Senate and of the Conservative members from the Quebec City and Chaudière-Appalaches areas that include the two cities, Quebec City and Lévis, who sent officials before the committee to propose written amendments that were much more significant and much harsher than ours. What the representative from Quebec City suggested and hoped for was to include the term “decibels” in the bill, since municipalities have the right to regulate decibels.

Obviously the Conservative members from Quebec did not rise in this House, but later on they will rise to vote against the interests of their constituents. What does my colleague think about that?

• (1225)

**Mr. Christian Ouellet:** Mr. Speaker, I thank my hon. colleague from Argenteuil—Papineau—Mirabel for his very relevant speech and question. Indeed, this bill has already required some compromises. It is more lenient than our citizens had hoped. I am referring not only to Quebecers, but also to Canadians who have marshalling yards in their municipalities. We are using Quebec as an example, because that is where we are from and because we know our constituents and their needs. The same needs are felt everywhere, however.

How is it that compromises have already been made regarding the original text of the bill and that the few things that were added are now being removed, the few things that people agreed to add? Everything is now going to be wiped out, until the bill is of no use to anyone and will do nothing to achieve the intended goal, after years of hard work on Bill C-26, which then became Bill C-11. We worked on that bill for months, nearly a year, only to take the easier route in the end, the route that was imposed on us by the lobbyists and the large companies.

How can any member who truly cares about their constituents vote against this? Can one vote against this bill at the outset and then accept the amendments? I find that unbelievable and I cannot help but wonder, how are the members across the floor going to explain this to our citizens?

• (1230)

[English]

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, it is a pleasure to rise today to speak about an important bill, Bill C-11, and the amendments that have been put forth to it.

Two amendments from the Senate are causing considerable problems, and I hope to contribute to derailing those amendments because they go against consumer interest groups.

*Government Orders*

One Senate amendment relates to airline industry accountability and information that would be provided on an airline ticket purchased by a consumer.

The other Senate amendment waters down the rights of residents who live adjacent to railroad properties and the ability of them to interact with some fairness with the rail operators and have them provide some accountability when it comes to their operations, particularly with respect to noise and vibrations. These problems are persistent across the country.

I want to speak about the railroad operations first. I will provide a couple of examples as to why it is so important that the amendments be defeated and how they are counter to the needs and wishes of people.

I cannot understand the Senate doing this, unless it does feel it is accountable to ordinary Canadians and their ability to enjoy of their residences next to railroads. There has to be a balance in this type of an equation. The balance is often against them by governments and the railway operations. Bill C-11 would have at least rectify some of those injustices they have faced over the years. We have heard in the debate today that there are many examples of this across the country.

I first became involved in one of the original railroad disputes in my political career back in 1997 when I was on city council. The federal government had a program at the time to eliminate rail operations that blocked roads. The government was to build bridges and overpasses.

That program was killed by the previous minister of finance, the member for LaSalle—Émard. It was a good infrastructure project, which has not been brought back. There would have been contributions by the federal government to create this separation of rail and traffic. It was very expensive, but very beneficial for the economy, productivity and also the environment. The program would eliminate idling and would have expedited rail and trucking operations.

Wellington Street in Windsor went down into what some people would call a ditch and a rail operation went over the top of the road. The road underpass was not tall enough to allow transport trucks to pass. Oftentimes many U.S. truckers drove down this roadway and would end up having the top of their truck ripped off. It became known as the Wellington can opener.

When the project finally received some funding of about \$22 million, construction was to be undertaken to build around the site. First a bridge would be built to get the rails over top of a new span and then create the actual infrastructure underneath for the future. Adjacent to this area was a derelict rail yard. There had been a station there at one point. It had become a dumping ground of which the railway company never took care. It allowed the weeds and grass grow out of control. It had also become a dumping ground for tires and so forth. The area was never cleaned up and the city was constantly fighting over it. It is important to note that the railway was complicit with the city at that time.

While I was on council, I lost a vote ten to one to allow concrete recycling for the construction to take place on that site. The site was the size of a football field and filled with material and concrete that

was ripped up and dumped in the field. The waste was about four stories tall.

Adjacent to that was one of the poorest neighbourhoods in Windsor West. It had modest homes and working class families. The neighbourhood had pools and parks. A number of houses were adjacent to this site. Originally the city had agreed to set up a temporary four storey tall concrete recycling operation across the street and down wind. As a community group, we had to fight to reverse council's decision and get the railroad to agree to stop the dumping at this site. It was a big battle.

● (1235)

It was unfair to the constituents of that area because for years they had fought about that. This is another issue not only in terms of pollution, with diesel engines sitting on the tracks for hours and not moving, but also in terms of the vibrations that affect their homes.

I want to point out another example, a more recent one that happened while I was in the House of Commons. It proves the arrogance and unbelievable neglect in terms of community consultation.

In 2003 the VACIS, a gamma X-ray technology, was introduced in the city of Windsor along the rail corridors. At that time, the Liberal government was in power. It did not even consult with the municipality. In consultation with CP Rail and the Department of Homeland Security, it was unilaterally decided to put this X-ray technology system right next to the football field of a local high school.

Further compounding that, as the trains went through the gamma X-ray technology, they had to slow down from 25 to 7 kilometres an hour. Also, about 200 yards before that was a rail crossing with no separation of grade. Trucks, cars, buses and people going to and from the school and the shopping malls were having to wait longer and longer. It was amazing. The city of Windsor had to file a lawsuit against CP Rail to stop it.

At that time, I asked the Liberal minister, Minister McLellan, about this and it was denied altogether. I had my constituency assistant take photographs of the actual equipment on site as it poured cement and graded the original infrastructure for this project. We had to fight the system. It was amazing that there was no consultation whatsoever, and the consequences are significant.

That is why these amendments fly in the face of the type of things that need to happen to make rail operations more accountable to people. We only have to talk to different people in different ridings to understand that conflicts routinely happen. It is the citizens who generally feel, even though the circumstances are different, powerless and helpless. Finally, when Bill C-11 came forward, we had an opportunity to inject a bit of justice.

It is important to note that the recent history of some of the rail operations has been rather disturbing and troubling. This accountability is very much a significant step forward. It could have had a net benefit across the country.

*Government Orders*

It is fine that we had a debate in the House of Commons about back to work legislation. We have had a debate in the House about safety regulations. Now that we finally get an improvement, it is being taken away from us by the unelected senate. I find that unacceptable.

In my riding, and in many ridings, people probably do not even realize the amount of hazardous materials involved in rail operations and the different types of substance involved. They can affect the residents nearby.

Other countries have different practices for bringing greater accountability, and a good example is the United States. Railways were shipping chlorine gas through Dade county, Florida, which goes through our corridors as well. The country fought this and successfully had the chlorine gas rerouted to a non-urban area. Then later on, because of that whole debate, it eliminated the chlorine from the destination, which was a pollution control plant that did water treatment, for a more environmentally friendly product.

There are cases where some laws have been changed. Some of the cities across the United States have succeeded in having certain chemicals rerouted because of their concerns with the ecosystem and also the environment.

In fact, the Department of Homeland Security has declared some of these rail containers of chlorine to be weapons of mass destruction because they can literally, within a 15 mile radius, poison everybody in that area if there were an accident or a terrorist attack. That is why there has been this progression in the United States to move it away from urban areas or to look for other types of materials that would not have the type of danger associated with them.

• (1240)

My constituency has had to fight to get access to rail yards for first responders training and so forth. When we talk about very significant issues like that, which are still causing concern for people, and compare it to the minor step forward for which we are looking, a reasonable one, to establish a process so there will be greater accountability for noise and vibration and empowerment for citizens through mediation, why would we take that away? It is unbelievable and unacceptable.

This is something residents across the country really need to get their heads around. I cannot understand why we would allow an unelected body, which does not have to respond to the concerns of individuals, to decide to usurp a change that would have effectively provided residents a voice. I cannot understand why the government is going on along with that.

This is very much an issue that relates to people's personal property and their values. That is supposed to be the party that claims it has the high ground, understands personal wealth and that people should have protection. At the same time, it is taking away a very modest tool for people to fight back to ensure they can protect themselves, their property value and their communities.

On the issue of rail, it is really important that the amendment is put in the proper context. It is coming from an unelected body that will take away the rights we have fought for over a number of years. More important, I believe it will take away greater accountability on the rail system that would lead to less conflict between neighbour-

hoods and rail operations. There would be a mandate to try to solve those problems before they became larger issues. That would seem a more progressive approach, in my opinion, in dealing with this.

Rail operations have been in communities for many years without changing. They do not go away. The shunting, the noise and their operations continue. Residents and businesses also continue.

I want to touch briefly on the issue of the commercial airline tickets amendment. When we look at the Competition Bureau, the record of the previous administration and now this one with regard to updating the Competition Act, is based upon a 1969 philosophy.

The minister's briefing book, which I was able to obtain through the Freedom of Information Act, identified specifically that 40 years ago things were quite different and it needed to be updated. That was at the time of the Woodstock festival. The Competition Bureau and the Competition Act need a mandate that is more modernized.

Consumers should have more opportunity to see the real information about the price of a ticket. What they will receive should not be hidden by other charges, fees and expectations of service that are never delivered when they purchase their tickets.

I do not understand why there cannot be a set of rules around that which allow consumers to know this, especially given what has happened now with the Internet and other types of technology specific to the tourism industry. People are shopping more and more on the Internet for airline and vacation destinations. They do that with the openness and hope that there will be comparable factors. Why the Senate would buckle under the lobbying efforts and allow the industry to continue to hide charges, fees and so forth is beyond me.

What we want to do is create some openness so people can shop around for the best air carrier, knowing what they will get and selecting the price based upon that. If they want greater or reduced service, or if they want to know if there are any extra fees or charges, they should be available so they can make their selections based upon that.

Why would we want to take that away from consumers, especially in an industry where there have been a lot of complaints in the past about competition? We want the consumer to have the opportunity to make some decisions and have some authority and power.

These two amendments are very interesting in the sense that I believe they come about through lobby efforts. They come at the expense of civil liberties, which allow individuals to have more consumer protection, information and awareness. This is at a time when personal information is being harvested by many companies and organizations to be used against people in marketing and so forth. However, we cannot allow consumers to have the same openness that companies, which allows them to target individuals in their marketing. We are not going to allow that provision.

*Government Orders*

•(1245)

The second part is with regard to the railway system and that is extremely offensive. Bill C-11 is very important in that we do want to have some improvements but, at the same time, when we take away those two elements from the bill, it becomes much weaker. For that reason I believe we need to defeat the Senate amendments because it is important that consumers and neighbourhoods and communities are protected and, unfortunately, that is being reversed by the Senate amendments.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I do not know whether my colleague from Windsor West thinks like me, but at present we can see that the Conservatives and the Liberals are in cahoots with one another to try and please the rail industry and the large railway companies. We can feel it and see it.

The Liberal Senate is proposing suitable amendments. We need only read about the appearances by the big railway companies before the Senate committee to understand that the committee was against the definition judiciously negotiated by all parties. It was also especially opposed to anything to do with neighbouring communities being taken into consideration so as to avoid causing them any harm. There is some kind of connivance going on.

I wonder whether they are not trying to correct an error. At least that is what the Liberals and Conservatives must be saying to each other. Indeed a major error was made under former Parliaments with respect to VIA Fast. If VIA Fast had come into being, this would have created a high-speed Quebec-Montreal—Montreal-Windsor rail system, and that would have made it possible to have a dedicated passenger train track and thus relieve traffic in the freight train corridor.

It was the Liberals themselves, who could not agree among themselves, who killed VIA Fast. Nor did the Conservatives want VIA Fast to see the light of day. It looks as though today they realize that they cost the industry an opportunity. No longer having passenger trains on its tracks would have been a major advantage for the freight train industry. It looks as though today the Liberals and the Conservatives want to make up for this by trying to put as little pressure as possible on the industry regarding the harm it will be causing citizens.

In the end everyone is a loser. The whole population loses in relation to the Conservative and Liberal MPs and to the Liberal and Conservative Senate. Citizens and users of rail transportation who do not have a dedicated line in the Quebec-Montreal—Montreal-Windsor corridor are also losers.

And then the citizens who live along these railway lines will have to battle it out with the railway companies and they will not have the means they would have had under Bill C-11. Once again everyone loses out and once again Liberal-Conservative connivance is trying to make up for a mistake. To my mind, the fact that the VIA Fast project never materialized was a mistake. Today they are trying to compensate for that mistake by putting less pressure on the railway companies regarding noise pollution.

I ask my colleague what he thinks of what I have just said.

[*English*]

**Mr. Brian Masse:** Mr. Speaker, the Quebec City to Windsor corridor is important and it is something that I and many people across southern Ontario and Quebec have supported for years. It is important for our national economy and for our environment. It is a great element in terms of job creation, building infrastructure with our own natural resources and then we could turn around a new element that would provide opportunity, growth and development in a much more sustainable way.

When we go back and look at this file it is interesting to see that the first thing the member for LaSalle—Émard, the former prime minister, did was cancel this. It is ironic because the Liberals in Windsor, where the member for LaSalle—Émard was born, were bragging about the home town prime minister, although the prime minister at that time claimed that he came from several towns, and the first thing he did was to cancelled one of the most important projects for our area. I could not believe it.

I sat on the plane with David Collenette the day after he made the announcement and he talked about the fact that there would be high speed rail, rail separation grades and good infrastructure, not only for the trains but also vehicles, be it trucks or cars and the conflicts there, and an improved rail bed that would be supportive of the passenger rail that would be moving much quicker.

If people were to take the train down to the Windsor and Chatham area right now the train would need to slow down because the bloody thing is about ready to fall off the tracks. It rocks back and forth like an amusement ride. The Quebec City corridor would have been a benefit to building an opportunity to actually doing greater sustainability.

The reason this is could be going on is because of this debacle that I think people recognize was a missed opportunity. When we look at these amendments, we see that they would take away people's civil liberties in terms of their empowerment as consumers having information so they can make the best judgment on how they want to spend their own money. They also would take away the opportunity for individuals to protect their personal property. Why Liberals and Conservatives are against those ideals I do not understand.

•(1250)

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**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.

*Government Orders*

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Andrew Scheer):** Call in the members.

*And the bells having rung:*

**The Acting Speaker (Mr. Andrew Scheer):** Accordingly, the vote on Bill C-11 will be deferred until the end of question period later today.

\* \* \*

**OLYMPIC AND PARALYMPIC MARKS ACT**

The House proceeded to the consideration of Bill C-47, An Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act, as reported (with amendment) from the committee.

**The Acting Speaker (Mr. Andrew Scheer):** There being no motions at report stage, the House will now proceed without debate to the putting of the question on the motion to concur in the bill at report stage.

**Hon. Greg Thompson (for the Minister of Industry)** moved that the bill be concurred in.

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

**Some hon. members:** Agreed.

(Motion agreed to)

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

**Some hon. members:** Agreed.

**Hon. Greg Thompson (for the Minister of Industry)** moved that the bill be read the third time and passed.

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, it is a pleasure to begin third reading debate on Bill C-47. This bill is a little different from most in that its passage is needed to ensure the success of a single momentous event, the 2010 Olympic and Paralympic Games in Vancouver and Whistler.

The size and scope of this event defies the imagination, with over 5,000 Olympic and 1,700 Paralympic athletes and officials, hundreds of participant countries, 10,000 members of the media and three billion television viewers worldwide. To ensure Canada takes full advantage of this tremendous opportunity to showcase itself to the world, it is imperative that the games be properly supported by government, including financial support.

During committee examination of Bill C-47, John Furlong, the chief executive officer of the Vancouver Olympic and Paralympic organizing committee, Vanoc for short, estimated that approximately \$1.87 billion will be needed to ensure the success of the games.

Canada's new government will do its part in this regard by providing \$552 million, \$290 million of which will be devoted specifically to sport and event venues. However, the government's

financial contribution is only one part of the funding puzzle. As with most events of this magnitude, the participation of the private sector is absolutely crucial if the games are to be financially viable.

For this to happen, Vanoc estimates that nearly 40% of the games' funding, \$725 million to be precise, must come from partnerships and licensing agreements with the private sector entities.

In order for Vanoc to reach this objective, Canada needs to live up to the commitment it made to the international Olympic committee during the bid phase of the 2010 games to have marketplace framework laws in place to protect the Olympic brand. Bill C-47 fulfills that commitment.

I would like to talk about the partnership context. In 2006 alone, Vanoc reported signing partnership agreements worth \$115 million. Under Bill C-47, when a person or company seeks to profit improperly from the 2010 Winter Games, the legal framework will be in place for Vanoc to protect its rights and the rights of its partners and licensees quickly and effectively.

The current Trade-marks Act offers some of that protection, however, there are concerns that the current legislation does not allow emerging threats to be dealt with. This is particularly true for so-called ambush marketing in which companies find ways to falsely associate their business with the games in the public's mind.

Bill C-47 responds by making the will of Parliament very clear on the protections that we want Vanoc to have and the legal remedies that Vanoc should be able to use when necessary.

I would like to now take a few minutes to remind my hon. colleagues of some key measures in Bill C-47. What is in Bill C-47? The Olympic and Paralympic marks act explicitly identifies the Olympic and Paralympic words, symbols and other indicia that they are to be protected.

The bill protects the rights of Vanoc, the Canadian Olympic committee and the Canadian Paralympic committee with regard to these marks. They have recourse to seek the remedies that the bill provides and may consent to assign those rights to their various partners where appropriate.

Bill C-47 goes on to set out two main types of conduct that would be prohibited.

First, no one can use an Olympic or Paralympic mark in connection with a business without the agreement of Vanoc until the end of 2010 and after 2010, without the agreement of the Canadian Olympic or Paralympic committees.

Second, the bill would prohibit so-called ambush marketing behaviour that I mentioned earlier. It would prohibit people and companies from actions that are likely to mislead the public into believing that they or their products or services are linked to the games, Vanoc, or the Canadian Olympic or Paralympic committees.

Beyond that, the bill provides a number of exceptions and sets out the various remedies available in the event it is not respected.

*Government Orders*

I will now briefly touch upon some of these areas, the first being exceptions. As we have seen, Bill C-47 would give the designated Olympic organizations the authority to protect the Olympic brand from unauthorized and illegitimate use but the government has been very careful not to bring in legislation that is too broad or oppressive.

Bill C-47 would exempt businesses that had and were using trademarks before March 2, 2007 that might possibly be in conflict with some Olympic marks or works. The provisions apply only to businesses that suddenly start using an existing mark for the new purpose of cashing in on the Olympics.

● (1255)

The bill also protects businesses that are using legitimately what would otherwise be a protected term, such as a business address if it happened to be 2010 Olympic Avenue, for example.

As well, the bill allows athletes to use protected words such as “Olympian” and “Paralympian” to promote themselves.

It is important to remember that Bill C-47 applies only in a commercial context. Thus, the bill contains a “for greater certainty” clause, which serves to confirm that it is not intended to curtail freedom of the press or to muzzle those who wish to criticize or parody the games, nor are artistic endeavours on a non-commercial scale prohibited by Bill C-47.

Finally, Bill C-47 is time limited. All the special enforcement measures it confers lapse by December 31, 2010.

One important area in which this legislation differs from the Trade-marks Act is the test Vanoc must meet to obtain an interim injunction against a suspected offender. The court normally applies a three-part test in deciding whether to grant this type of relief. The party seeking the relief must establish that there is a serious issue to be tried, that it will suffer irreparable harm if the offending conduct continues pending trial, and that the balance of convenience is in its favour.

Bill C-47 waives the onus on Vanoc to prove the second part of the legal test and often the most difficult to establish: that of having to prove irreparable harm. This will greatly facilitate Vanoc's ability to quickly enforce its rights and will provide a degree of comfort to businesses contemplating entering into a partnership agreement in anticipation of the games.

However, this is not an unlimited power under the bill. It will last only for the duration of the games. When the Olympic flame goes out in 2010, this aspect of the legislation will soon follow. The reality is that few of these situations will end up in court precisely because of the impact of this legislation.

Bill C-47 will give Vanoc the authority it needs to deal with people and businesses that are using marks they do not have the right to use. It gives Vanoc the authority to deal with companies or organizations that try to link themselves to the Olympics without having earned that privilege as others have.

In conclusion, as I mentioned earlier, the Government of Canada is a committed partner in making the 2010 winter games a big success. Some of our contributions are obvious. As I mentioned earlier, we have committed \$552 million to the winter games,

including \$290 million for sport and event venues. Some contributions are less tangible but no less valuable. Bill C-47 certainly falls into that important category.

Bill C-47 is a reasonable, balanced piece of legislation that is in line with what other countries have done and are doing when they host similar kinds of international sporting events. This legislation is necessary to ensure that the winter games will be a success and that the games provide an enduring legacy to Vancouver, British Columbia and Canada as a whole.

The world is waiting to rediscover Canada. Our communities are looking forward to the economic boom and the new facilities. Our children deserve their share of the Olympic dream. We should not disappoint them.

● (1300)

**Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Mr. Speaker, as the member of Parliament for West Vancouver—Sunshine Coast—Sea to Sky Country, which includes 6 of the 11 venues for the Vancouver 2010 Olympics and Paralympic Games, it gives me great pleasure to rise in support of Bill C-47, an Act respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trade-marks Act.

I am very proud to speak to the bill today. The Olympic Games are more than just a sporting and cultural event. They will show to the world and to ourselves what Canadians can do. In less than three years, Vancouver, Whistler and the whole Sea to Sky corridor will host the world's largest event.

More than 20,000 employees and volunteers will put on the games. We will welcome more than 6,000 athletes and officials and more than 80 countries, and the competition will be covered by 10,000 members of the media and witnessed by more than three billion people worldwide.

The 2010 games will showcase our province, our culture and our people to the planet. They will create a lasting legacy of facilities for our athletes and immeasurable goodwill around the globe. They are Vancouver and Canada's time to shine.

Vanoc has delivered a business plan that will give us the games on time and on budget, despite being hit with skyrocketing construction costs and facing massive logistical, strategic and diplomatic challenges. Vanoc's accomplishment is a tremendous testament to Canadian know-how and business savvy and will not pass unnoticed abroad.

This sort of project requires a great deal of fiscal management. For Vanoc, this means that it has to be as careful as possible about the Olympic and Paralympic brands. There is no better branding than the Olympic brand and, without appropriate safeguards, many would try to take advantage of the goodwill created by the games.

*Government Orders*

We need to protect the words and symbols of the Olympic brand with special legislation to ensure that Vanoc has the tools it needs to prevent abuse. The confidence created by strong protection for the Olympic brand will improve Vanoc's ability to negotiate sponsorship agreements with businesses interested in associating themselves with the Olympic brand and provide important funding for the games.

This protection also will create the confidence which will ensure that sponsors are committed to the Canadian Olympic and Paralympic movement for years and years to come.

The Liberal Party support for the Olympics has been long-standing. The Liberal government of the Right Hon. Jean Chrétien was there at the very beginning and we championed the bid from its earliest stages. We supported the games with our words and, unlike the Conservative foot-dragging, Liberal governments have always provided the resources that were required on the federal side to support our athletes and support these games.

Long before I was a candidate for the Liberal Party, I took a leadership role in securing the Olympics for Canada by organizing the 2010 rally on Robson Street. Working directly with Mr. John Furlong and the 2010 bid committee, we organized a grassroots movement rally on the streets of Vancouver that was attended by over 50,000 Vancouverites in support of our bid and, as everyone knows now, we were lucky enough to secure it.

Providing enhanced protection for the Olympics has become a standard part of hosting the Olympic Games. The United States, Australia, Greece and Italy all have strengthened the legal protection for Olympics-related intellectual property rights. The upcoming games in Beijing and London are already the subject of such protection in those host countries.

Although existing intellectual property law in Canada arguably could be used to protect Olympic symbols and marks, the sheer volume of possible violations within the short period of the games creates a need for extra protection.

Ambush marketing, which has been spoken of here in the House, is a major concern for the host of any international sporting event. It is simply too easy to take advantage of the goodwill created by the games and mislead consumers into thinking that a company has a business association with the games when in fact it has nothing of the sort.

Bill C-47 would prohibit persons from using the Olympic and Paralympic marks for anything that could be mistaken for those marks in connection with a business without the permission of Vanoc or, after the games are over, the consent of the Canadian Olympic and Paralympic committees. It would also prohibit people from promoting or advertising their business in a way that misleads the public into believing that they are officially associated with the games.

• (1305)

With normal trademarks, the courts apply a three-part test in order to allow an interim or interlocutory injunction against a suspected offender. The plaintiff must establish, first, that there is a serious issue to be tried, second, that it will suffer irreparable harm if the offending conduct continues pending a trial, and finally, that the balance of convenience is in its favour.

Bill C-47 waives the onus on Vanoc to prove the most difficult part of the legal test, that of proving irreparable harm. This will allow Vanoc to act quickly and effectively to stop abuse of its brand. John Furlong and his team have emphasized that this speed is essential because the impact of ambush marketing is immediate and the response has to be immediate as well.

I believe that there is widespread support in the House for the aims of this bill. The devil, of course, is in the details. My colleagues and I have examined the bill see if it meets the critical test of basic common sense and fairness. Let me speak to several points on fairness.

The bill grants specific and clear exemptions to allow for freedom of speech, freedom of expression and freedom of commentary. Some news reports have suggested that it would be used to crack down on dissent. These reports are wrong. Bill C-47 specifically exempts news, criticism and parody from the restrictions.

The aim of this bill is limited, of course, to commercial uses. Bill C-47 will not affect the non-profit community at all.

It is also particularly important that the bill not adversely affect our athletes. I welcome an amendment by the committee which ensures that companies sponsoring our Olympic athletes are able to advertise that fact. Being an Olympic athlete is part of who one is and the amendment ensures that these athletes will be able to say who they are, even in the commercial context. Former Olympian Jeff Bean testified before the Standing Committee on Industry, Science and Technology that the spirit of the bill does not impede the rights of athletes.

The bill also has a grandfathering provision to prevent existing businesses that use an Olympic or Paralympic mark from being unfairly disrupted. Anyone who adopted and began using such a mark before March 2, 2007, will be able to continue using that mark for the same purpose and will not have to change the name of the business, but if someone wants to open a business today and use that mark, that individual would have to come up with a new name.

The terms safeguarded are well chosen in that they are limited to terms that refer directly to the games. There has been some confusion over whether words like "winter" or "Vancouver" are prohibited, but this is not in fact the case.

Bill C-47 also contains a number of safeguards that will protect the legitimate use of the Olympic or Paralympic mark in a business context. For instance, businesses will be able to use geographic names to describe their market or to explain their services.

The Intellectual Property Institute of Canada has expressed concern that the bill gives sponsors the right to sue independently, arguing that Vanoc or the Canadian Olympic Committee and the Canadian Paralympic Committee are the ones that grant sponsorship and so they should be the ones to control access to the courts. The institute worries that this will lead to inconsistent applications of the bill. This is an issue that will have to be monitored closely as time goes by.

*Government Orders*

With these sensible features, Bill C-47 has found widespread support. Vanoc, the Canadian Olympic Committee and the Canadian Paralympic Committee support it. So do the Canadian Federation of Independent Business, Own the Podium, Athletes CAN, and others.

It is time for the House to stand up for our athletes and champion and support the tremendous efforts of the Vancouver Olympic Committee to get this bill passed. It will protect the Olympic and Paralympic brands for Vancouver and the revenues that will benefit all hard-working Canadian families.

Let us make these the best winter games the world has ever seen.

• (1310)

[*Translation*]

**Mr. Luc Malo (Verchères—Les Patriotes, BQ):** Mr. Speaker, after a serious study of Bill C-47 in committee and after hearing stakeholders including companies, athletes and lawyers, we are here to debate Bill C-47, the Olympic and Paralympic Marks Act, for the last time.

This new legislation meets the International Olympic Committee's requirements and will be the responsibility of VANOC, which from our first meetings in February promised to make judicious and sparing use of the legal remedies at its disposal. No one wants this new legislative tool to hamper anyone who wants to be part of this common effort.

After all our work, I still have some slight reservations about using the criminal courts to punish small businesspeople who inadvertently violate the law. I wish that, during her testimony before the committee, Susan Bincoletto, director general of Industry Canada's marketplace framework policy branch, had been able to tell me how many small businesspeople in other countries had been prosecuted using legislation similar to Bill C-47. Ms. Bincoletto was unable to say, and that concerns me a little.

However, as the CEO of VANOC, John Furlong, explained when he appeared before the Standing Committee on Industry, Science and Technology, 85% of businesses that want to get involved in the events around the Vancouver and Whistler Olympics do not have malicious intentions.

Ultimately what we must realize is that the vast majority of businesses that believe in the Olympic values are motivated by the desire to do something constructive for athletes, communities and youth in general. We presume that there will be no lawsuits launched. After all, what advantage would there be to sacrificing one's reputation for the passing satisfaction of being fraudulently associated with the Olympic Games? Talk about this with athletes who have lost their medals after a positive drug test: would they not do otherwise if they had it to do over again?

We must also realize that VANOC's reputation is at stake when legal action is taken. Consequently the image of the Olympic movement must not be tarnished by unwarranted legal action. It is all a question of balance.

That is why it is up to VANOC, to the Canadian Olympic committee or the Canadian Paralympic committee, to take legal action, and not up to businesses that may feel they are harmed by the unauthorized use of Olympic marks. These businesses will have to

apply in writing to VANOC, which will have 10 days to render a ruling, determine whether or not there was harm and if there is cause for legal action, and inform the business. If, and only if, VANOC does not reply within 10 days, the business may take legal action itself.

Important clarifications and additions were made to the bill in committee and I would now like to point them out.

First, the bill does not apply to an artistic work. The work of creation must be able to be carried out with peace of mind as indicated in clause three of the bill:

For greater certainty, the inclusion of an Olympic or Paralympic mark or a translation of it in any language in an artistic work, within the meaning of the Copyright Act, by the author of that work, is not in itself a use in connection with a business if the work is not reproduced on a commercial scale.

The second important point is that athletes with sponsors other than the official sponsors may maintain their relationships with these businesses that contributed in no small way to their success. Athletes were concerned about this aspect of the original bill. However, VANOC officials reassured them by stating that their intention was not to compromise their personal sponsors. The legislator included in the new version of Bill C-47 an explicit guarantee modelled after that found in the Australian legislation passed for the Sydney Olympic Games.

Long-term relationships between sponsors and athletes make it possible for athletes to develop their talents every day. Sponsoring athletes gives them the means to achieve their goals and also helps to give people positive and inspiring role models. It is important not to discourage sponsors who, without being official Olympic partners, have participated in the development of Olympic athletes.

It is important to remember that athletes who are members of a federation are often economically vulnerable and unfortunately do not all benefit from sufficient financial support. Support from sponsors enables young people to concentrate on what they have to do rather than scrounging around for funding between training sessions or competitions.

• (1315)

The support provided by the sponsor enables athletes to pay for training and travel expenses. What is more, it is quite often both partners of the agreement, and not just the sponsoring company, that benefit from increased visibility.

Members will recall that at the Olympics in Athens, McDonald's, sponsor of Alexandre Despaties, launched an advertising campaign which no doubt greatly contributed to making him a household name. He has since become a favourite and has found his way to the big screen.

*Government Orders*

A relationship between a sponsor and an athlete can extend over a number of years, and may even continue after the athlete retires from competition. This is important, since we know that for many athletes, the transition into retirement can be difficult to manage. Sylvie Fréchette, Olympic champion synchronized swimmer, was sponsored for a number of years by the National Bank, which even offered her a job after her sports career ended. Just one year ago she once again participated in an activity organized by the National Bank as part of its diversity week, which shows the extent of the relationship still maintained between the institution and the Olympic champion.

However, the National Bank has not sponsored any athletes directly since 1998. Instead, it decided to create a scholarship program to help promising young athletes and to help athletes return to their studies when they are ready to retire from sports. This is another way, and one that is just as praiseworthy, I think, to contribute to the development of organized sports.

Closer to home, RONA, which is one of the official partners of the Vancouver Games, has also established the “growing with our athletes” program, through which the company will provide financial support for five years to 100 Olympians and Paralympians, including Meaghan Benfeito, Roseline Filion and Émilie Heymans, all divers who are Quebec's Olympic hopefuls for the upcoming summer games in Beijing.

Alcan and wheelchair racing champion Chantal Petitclerc are another example of a lasting partnership. Alcan has been Chantal Petitclerc's sponsor since 1998 and has contributed significantly to her success. In exchange, Chantal Petitclerc has paid many visits to the employees of Alcan and represented the company at numerous public events. In 2001, when the company renewed its commitment to the champion until 2005, that is, one year after the Athens Games, Chantal Petitclerc stated:

It's unusual for a company to have such a long-standing association with one athlete. But even more remarkable is a sponsorship agreement signed so far in advance of the Olympics. Athletes must have access to financial assistance for years, not just during the six months prior to the Games, in order to train well enough to be competitive.

Chantal Petitclerc made it abundantly clear: a long-term relationship between an athlete and a sponsor is a precious thing. As such, it is important to reiterate that Bill C-47 does not call into question that kind of relationship, even if it involves a sponsor other than the official partners of the Vancouver-Whistler games, as clarified in this clause, which the committee added:

Nothing in subsection (1) or (2) prevents [among other things,] the use by an individual who has been selected by the COC or the CPC to compete, or has competed, in an Olympic Games or Paralympic Games, or another person with that individual's consent, of the mark “Olympian”, “Olympic”, “Olympien” or “Olympique”, or “Paralympian”, “Paralympic”, “Paralympien” or “Paralympique”, as the case may be, in reference to the individual's participation in, or selection for, those Games.

When building a society, we need citizens to get involved. Of course, volunteers and individuals help our society move forward, but businesses also have an essential role to play. We must encourage them to participate in sporting events because events like these have a positive impact on participation in sports and good lifestyle habits.

We have to create the kinds of conditions that facilitate this. As I have already said in this House, it is not enough to put the ball in an

individual's court and expect him or her to find long-term solutions to problems of poor physical fitness and obesity. It is high time we took action right in people's environments, and that means that we have to encourage businesses to get involved. Sponsorship is not the only way for businesses to contribute.

• (1320)

From a broader perspective, in order to remedy the harmful effects of physical unfitness, we have to make sure that the companies that want to adopt good practices and put in place conditions enabling their employees to incorporate physical activity into their daily lives are not discouraged.

I am thinking here about the good practices adopted by many employers to help their employees acquire healthy lifestyles. Employers are now aware of their responsibilities and many of them are proposing concrete solutions.

I am thinking, for example, of Sainte-Justine hospital, which since 2002 has been making gymnasiums available to its employees for the modest fee of \$10 a year, offering them very affordable classes and organizing activities for them. According to the head of health and safety at the hospital, these measures have done a lot towards improving the work atmosphere and decreased the stress levels felt by employees.

Likewise, all Mouvement Desjardins divisions now offer sports and physical activity programs for their employees, and those who join athletic clubs or sign up for physical activities can count on their employer's financial support. These measures have notable positive effects on the staff turnover rate, absenteeism and smoking.

Ubisoft offers a voucher worth up to \$500 a year to its employees to help them purchase sports equipment, in addition to providing them with free access to a gymnasium. Employees who are in better shape work better and the action taken by Ubisoft also works to the company's advantage.

Louis Garneau Sport, a well-known Quebec company headed by the former cycling champion, also stands out for its sense of initiative. A few days before Environment Week, Louis Garneau Sport held an activity to encourage its employees to bike to work, thus contributing to an improvement in their physical fitness and to conservation of the environment.

I will end my list of inspiring examples here since, although work may continue until 10 o'clock tonight, your role, Mr. Speaker, is also to remind me that I only have a few minutes to state my point of view, and I would also like to have the time to talk about the third major aspect of the bill, pertaining to freedom of expression.

As clause 3 of the bill now states, following the passing of a motion moved in committee, and I quote:

For greater certainty, the use of an Olympic or Paralympic mark or a translation of it in any language in the publication or broadcasting of a news report relating to Olympic Games or Paralympic Games, including by means of electronic media, or for the purposes of criticism or parody relating to Olympic Games or Paralympic Games, is not a use in connection with a business.

*Government Orders*

However, I must point out that when I asked in the standing committee whether special editions of certain magazines that run during the Olympic Games could fall under the new legislation, no one was able to give me a clear answer. On that matter, it seems we have to look at this on a case by case basis and editors will have to remain vigilant, as always.

In closing, I would like to come back to some of the concerns I have already expressed in this House during debate at second reading. I am talking about respecting bilingualism. Last May, I referred to some of the findings in the report of the Senate Standing Committee on Official Languages, entitled, *Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity*.

According to members of the committee, there is still a lot of work to do to make sure we fully and equally take into account both official languages in organizing the 2010 Games. During the June 4 meeting of the Standing Committee on Industry, Science and Technology, the hon. member for Trois-Rivières referred to the same findings and asked John Furlong, the CEO of VANOC, whether any progress had been made. Mr. Furlong told her that for now, 25% of the employees working on the Games spoke French and that a significant effort was being made to ensure bilingualism. What areas of VANOC do these employees work in? Is there francophone or bilingual staff in every one of the divisions that take part in the Olympic adventure, in the offices, and in the stadiums?

Sometimes time runs out before we can get answers to all our questions. However, we will remain vigilant and lend our support to VANOC and wish it all the best in realizing this colossal project and pulling off the Olympic Games.

• (1325)

[English]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am proud to rise on behalf of the NDP caucus to speak in support of Bill C-47 as amended by the NDP.

We raised some concerns when the bill was initially brought forward. I will come back to that in a moment. Subsequent to that, we had yeoman's work done by our industry critic, the member of Parliament for Windsor West. As a result, some of the issues about the bill have been addressed. The bill has certainly been improved through the intervention of the NDP which offered the most amendments in committee.

Bill C-47 is something that touches people from British Columbia, but also touches people from coast to coast to coast across Canada. We are all impressed with the principles of the Olympic movement. The athletes train for many years through extenuating circumstances and often are impoverished while working to attain that ideal in sport. We have seen from the Olympic movement the principle of athletes driving themselves to perform at their maximum. This is something that all members of this House admire and respect.

In particular, one of the improvements in the Olympic movement in the past few years has been the involvement of Paralympic athletes. Increasingly we see people with disabilities who in a very real sense show their competitive spirit and show to what extent they

can push themselves to excel. The Olympic movement has clearly been improved by the inclusion of people with disabilities in the Paralympic movement. That is something which over the last few years has deepened the respect that people around the world and across Canada have for the principles of the Olympic movement.

We believe in the principles of the Olympic movement. We believe in the principles of the Olympic movement as expressed by Paralympians. We believe in the principles of the Olympic movement that we see expressed through athletes pushing themselves to be the best possible. We are extremely proud of the athletes from Canada from coast to coast to coast who have excelled in the winter Olympics and the summer Olympics. We have much to be proud of in Canada, particularly our Olympic athletes who prove through every Olympic Games to what extent they are willing to push themselves to their maximum to excel for their country.

We support those principles, but our role as New Democratic Party members in this House is also to closely scrutinize legislation and to make sure that what is proposed is actually achieved. That has been the role of the NDP historically since the foundation of our party. We have always been the party of sober second thought.

That is why when Bill C-47 came forward we supported the principle, of course, for reasons I will come back to later. We had concerns about Olympic cost overruns, but we wanted to see clear improvements made to the legislation itself.

We believe that the legislation should have exempted electronic media for example. We also believe that a sunset clause had to be very clear about the extent of the number of terms that are used. The Vancouver Olympics, the 2010 marks, are quite extensive. Seventy-five terms are included within that very broad use of copyright terms. We wanted to make sure as well that there is a very clear sunset clause that would take effect at the end of the year 2010.

We also wanted to make sure that aboriginal and not for profit groups would have an opportunity to have no cost licences through the Olympic movement. In that way they would be able to contribute in some way and receive some benefit from the Vancouver 2010 Olympic Games. We also wanted to make sure there was an appeal process in place.

We brought forward those amendments, more than all other parties put together. We closely scrutinized the legislation. My colleague from Windsor West, very eloquently as always, brought forward those amendments in committee.

We were able to achieve two of the four improvements that we wanted to see in this legislation as a result of the NDP's interventions in the industry committee. Now as we bring this NDP improved legislation into this House, we see that electronic media is exempted from the bill.

• (1330)

We also have achieved the sunset clause, the date of December 31, 2010, to make sure the protections that are offered through Bill C-47 are temporary in nature only.

*Government Orders*

We are hoping as well, and we certainly directed the Vanoc committee to do this, that the regulations take into consideration the fact that there are many local businesses that have existed for many years in the Lower Mainland and throughout British Columbia. We anticipate that Vanoc, the Vancouver Olympic Organizing Committee, will respect those historic trademarks and those historic presences through the regulations that will be drafted after the bill is passed into law. We expect that will happen.

We are disappointed that the amendment regarding aboriginal and not for profit groups that was co-authored by the NDP was not accepted by other parties in the House. We certainly believe it would have been an improvement to Bill C-47. We offered it and unfortunately it is not before us today.

We also wanted to see an appeal system to make sure that individuals and small businesses were not caught in the kind of bureaucratic machinery we often see as members of Parliament. We have in Bill C-47 some real improvements brought forward by the NDP.

Let me get back to the principle. This is an important element. We believe there must be some copyright protection because we are concerned about the extent of Olympic cost overruns. The B.C. auditor general spoke to this just a few months ago, in September 2006. I will read into the record the CanWest news service article on the B.C. auditor general's report into Olympic spending.

It is very relevant and pertinent that we seek to ensure that Vanoc has the ability to get the sponsorships that will reduce the taxpayers' burden of the Olympic Games. In the B.C. legislature, Harry Bains, who is the provincial NDP Olympics critic, has been front and centre in ensuring there is that accountability and that we try to reduce what could be a substantial taxpayers' burden if things are not handled with due diligence.

As we all know, the NDP has the best fiscal management record of any party in Canada. I am not the one saying that, it is the federal Ministry of Finance. It did a 20 year study and compared from actual fiscal year end returns how Conservatives managed money, how Liberals managed money, how the Parti Quebecois in Quebec and Social Credit managed money and how NDP provincial governments managed money.

It came up, after 20 years, with the conclusion that the worst fiscal manager was actually the Liberal Party. Most of the time Liberal governments actually finished their year end, regardless of what their projections were, with a deficit.

Conservative administrations, be they provincial or federal, were actually the second worst. Two-thirds of the time Conservative administrations actually showed up in deficits.

The best by far were NDP administrations. Most of the time when surpluses or balanced budgets were projected, they actually came out as balanced budgets or surpluses in the year end fiscal returns.

The NDP has a proud history of being the best financial managers in the country. That is understandable. We are a party composed of ordinary working families and working Canadians who have to manage with fewer resources. As a result of that, they are much better at managing resources than anybody else. A single mother

who is trying to raise children, that Canadian woman knows how to manage with very few resources. As a result of being a party of ordinary Canadians, we have achieved what is undoubtedly, according to the federal Ministry of Finance which is certainly not an NDP affiliated organization, the best record of financial accountability.

We are providing the same oversight that we do in this Parliament and in provincial legislatures across the country to the issue of the Olympic Games.

I come back to the CanWest news service article. It is dated September 15, 2006 and states:

The 2010 Olympic Games will cost B.C. taxpayers nearly \$1 billion more than the provincial government previously indicated, according to the province's acting auditor general.

In a hard-hitting report released Thursday, Arn van Iersel pegs the true cost of the Olympics at a minimum \$2.5 billion, of which \$1.5 billion will come from the province.

• (1335)

The B.C. government insists its total commitment to the Games is \$600 million. But van Iersel says that figure ignores key Olympics-related costs....

The government, he says, needs to come clean with the public.

"Given the province has the ultimate responsibility for the financial outcome of the Games, we feel there should be regular and complete reporting of the total Games costs to the taxpayers," the report states. "To date, the province has only reported to taxpayers on the \$600 million envelope it established; however, there are many other Games related cost[s] that are not being reported as such by the province."

The 65-page report also highlights significant problems with the management and marketing of the Olympics, and warns that costs could go even higher. Van Iersel found, for instance, that the province lost \$150 million in projected revenue from broadcasting and international sponsorships by failing to adopt a routine "hedging strategy" that would have protected them against fluctuations in the dollar.

He found, too, that the government will have to wait six years longer than expected to launch a marketing campaign, because it didn't realize the International Olympic Committee restricts such campaigns until the previous Olympics are over. B.C. had planned to start its campaign in 2003, but now will have to postpone it until after the 2008 Olympic Summer Games in Beijing. Van Iersel said the delay could hurt the province's plan to reap \$4 billion in economic spin-offs.

The auditor's report also notes that the Vancouver Organizing Committee (VANOC) has transferred construction risks for many of the venues to other partners. But if rising costs make it impossible or those partners to finish the job, "there is a risk the province will have to contribute more funding to VANOC to get the projects completed," the report says.

The province has set aside \$76 million for such unexpected costs, but the auditor general also questions whether that emergency fund will be enough.

NDP critic Harry Bains said the report shows B.C. risking a financial disaster on par with the 1976 Olympics in Montreal.

"All you have to do is go back to what happened in Montreal, and then go back to what happened in Athens," he said. "We don't want to see that kind of stuff happening here, but the way this government is going, the direction this management is going, I think there's a real risk of going in that direction if we don't stop it now."

A federal report, also released Thursday, confirms the auditor general's warnings about rising construction costs....

"Escalation continues to run rampant in British Columbia as a result of higher material and labour costs, and the lack of competitive bids and skilled trades people, especially in the Lower Mainland," the report says.

That comes from the *Victoria Times Colonist*. It underscores our concerns.

*Government Orders*

We are profoundly supportive of the ideals and the principles of the Olympic movement and Paralympic movement. We are profoundly supportive of our athletes. In fact the NDP throughout its history has called for more support for Canadian athletes, there is no doubt about that. However, we balance that off with real concerns about the cost overruns that are apprehended with these Olympic Games, and both at the provincial legislature in Victoria and here in the federal Parliament we are raising those issues on a regular basis.

We saw Bill C-47 as a bill that would help to address in part those apprehended Olympic cost overruns. We want to make sure that the Vancouver Olympic Committee can do what it needs to do to ensure that there are as few obligations imposed on taxpayers as possible.

We would like to make sure that the B.C. provincial government does its job to ensure that additional funds are not required. However, we are generally concerned, as is B.C.'s auditor general, with the direction the provincial government is taking.

We support in principle Bill C-47 and we constructively brought forward amendments that improve the bill, so that the bill actually does address some of the concerns that people have raised about it perhaps going too far.

There is no doubt that the sunset clause will make a difference. The exemption on electronic media will make a difference, and there is no doubt about that. We have certainly sent a very clear message to the Vancouver Olympic Organizing Committee that we want to make sure the regulations keep with the spirit of what the NDP offered at the industry committee and what we are saying here in the House.

We want to make sure that these games proceed smoothly and that in the end all Canadians and all British Columbians will be happy and content with how the games actually came about and will feel some sense of pride that we had in the Vancouver-Whistler area in 2010 an Olympic Games that really showed the ideals of the Olympic movement and also the ideals that we all have as Canadians.

• (1340)

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I am a little disappointed to hear my colleague from Burnaby—New Westminster speak about all of the doom and gloom, how terrible things are going to be, and all the budget overruns.

I was encouraged by my colleague across the floor, the member for West Vancouver—Sunshine Coast—Sea to Sky Country, because he spoke with great optimism, which is exactly what our government is doing. The Winter Olympic Games in 2010 in Vancouver and Whistler are going to be a huge opportunity for Canadians. It is not about doom and gloom. The only doom and gloom we had from the NDP was 10 years in the wilderness in British Columbia when successive NDP administrations drove the provincial treasury into the ground.

It is my pleasure to speak to Bill C-47 which actually protects the trademarks and licensing rights for the Vancouver-Whistler 2010 winter games.

As we know, the 2010 winter games will be an event with enormous impact in British Columbia but also in Canada and around the world. Consider these numbers. There will be 5,000 Olympic athletes and 1,700 Paralympic athletes and their officials. More than 80 countries will participate in the winter Olympics and 40 countries will participate in the Paralympic games. There will be 10,000 media representatives present at those games and over three billion television viewers around the world.

To ensure the success of the winter games the Vancouver organizing committee, which we refer to as Vanoc, needs a solid legal and financial foundation. Bill C-47 will meet our government's commitment to the International Olympic Committee to protect the Olympic and Paralympic brands. It will allow Vanoc to raise the sponsorship money from the private sector necessary to complete the games and to make sure that they finish within budget, are successful and leave a significant legacy for Canada.

Consider the Calgary Winter Olympics of 1988. Even today, almost 20 years later, athletes from around the world still descend upon Calgary to use its Olympic facilities, which are an abiding legacy of those games.

Is this bill important? Of course it is. John Furlong, who is the chief executive officer of Vanoc, has said that the organizers need resources of about \$1.87 billion to stage the games. One of the most important sources of funding for those games are corporate sponsorships. In fact, approximately 40% of revenues will come from partnerships and licences.

The value in those partnerships and licences comes from two main factors. First, the sponsors and licensees need to receive great public exposure and marketing advantages from their association with such a positive, high profile public event like the 2010 Winter Olympics in Vancouver and Whistler. Second, the nature of the 2010 winter games is unique. There is no other event like it in the world. There is no other event in the world that year that is likely to draw as many TV viewers or capture as much of the world's attention and that is value. That is why we get sponsors for the Olympic games.

Under Bill C-47, if an unauthorized person or company tries to profit from the 2010 winter games, Vanoc will have the legal tools to protect its rights and the rights of its partners and licensees effectively and quickly. The current Trade-marks Act provides some protection, but it is not enough. There are concerns that it may not fully address the legitimate needs of the organizers of the Olympics in responding to threats against their marketing rights.

There are also concerns that the current legislation does not allow emerging threats to be dealt with. This is particularly true of so-called ambush marketing, in which companies find ways to falsely associate their business with the winter games in the public's mind. Bill C-47 addresses these concerns by allowing Vanoc to use legal remedies when necessary, yet maintaining a balanced approach to the issue.

I do not have time to comment on each part of this bill, but I do want to take a few minutes to remind my colleagues in the House of some of the bill's key measures.

*Government Orders*

First, the Olympic and Paralympic marks act explicitly defines the words, symbols and other marks that are to be protected against fraudsters. The bill protects the rights of Vanoc, the Canadian Olympic Committee and the Canadian Paralympic Committee to defend these marks. They can use the remedies under the bill and can consent to assign those rights to their various partners, where appropriate.

• (1345)

What are some of those marks? I have a list of well over 60 here. Canadians will be familiar with the five Olympic rings and also the Olympic torch, or the official symbol of the 2010 Olympic games, the inukshuk. There are many more words and symbols that are synonymous with the Olympic games and these are officially being protected under the bill we have before us today.

The bill goes on to set out two main types of conduct that will be prohibited.

First, no one can use an Olympic or Paralympic mark in connection with a business without the agreement of Vanoc. That lasts until the end of 2010.

Second, the bill prohibits so-called ambush marketing, which I referred to before. It prohibits people or businesses from doing business in a way that is likely to mislead the public into believing that those businesses or those persons and their products and services are linked to the winter games, when in fact they are not and they have not paid for that right.

Beyond that, the bill also provides for a number of exceptions and sets out the various remedies available in the event that these rights are not respected.

One of the reasons we have introduced this bill is to specifically address ambush marketing. Some of our viewers may wonder what that is exactly. It is an attempt by an unauthorized person or business to act in a way that causes the public to believe that they are connected to the 2010 games. As I mentioned before, that will now be prohibited.

Unfortunately, the courts can often take a long time to adjudicate those kinds of disputes. In fact, it is very difficult to convince a court to issue an injunction and to stop the alleged illegal use of a trademark before a trial is finished. Such delays would be a huge problem for the 2010 games in Vancouver-Whistler, since the games would be over by the time the trial is complete. The damage to the games would already have been done and there would be little, if any, chance of recovery of those damages.

That is why Bill C-47 allows Vanoc to put a stop to ambush marketing without having to prove that the games will suffer irreparable harm. That irreparable harm standard is the greatest obstacle to convincing a court to grant an injunction in trademark cases. Our legislation removes that obstacle until the 2010 games are over. When the Olympic flame goes out in 2010, this aspect of the legislation will also be extinguished.

The reality is that very few of these situations will actually end up in court. This bill actually gives Vanoc the authority it needs to deal with these kinds of fraudsters.

Bill C-47 also gives the designated Olympic organizations the authority to protect the Olympic brand from unauthorized and illegitimate use, but we have been careful not to bring in legislation that is too broad or oppressive.

As members know, this bill has gone through many amendments to reflect the concerns of key stakeholders and committee members. For example, Bill C-47 exempts Canadian businesses that were using trademarks before March 2 that could possibly be in conflict with the Olympic marks. They cannot suddenly start using an existing mark for a new purpose to cash in on the Olympics, but they can continue their existing uses. For example, if people have an "Olympic Pizza" in their town, we are not going to shut them down unless they suddenly start using the word Olympic to promote other services and products.

We are not targeting mom and pop shops. We are not targeting Canadians who have been using these marks in the past. We are simply being reasonable.

The bill also provides clarification that this bill is not intended to curtail freedom of press or to muzzle those who are critical of the games. My colleague from West Vancouver—Sunshine Coast also made that point. We do have protections in Canada. We as Canadians pride ourselves in the freedoms that we enjoy and defend in our country, and those freedoms will continue to be protected under our bill.

As I mentioned earlier, our new Conservative government is a committed partner in making the 2010 winter games a big success. The big winners will undoubtedly be the people of British Columbia and the rest of Canada, and some of our contributions are quite obvious. We as a government have committed \$552 million to make the winter games a reality, including \$290 million for sport and event venues.

Some of the contributions we are making are less tangible but not less valuable, and this Bill C-47 to protect the Olympic trademarks certainly falls into that category.

• (1350)

The bill is a balanced piece of legislation that is in line with what other host countries have put in place in the past. It is a necessary piece of legislation to ensure that the winter games are a huge financial success and that we as a country, and the organizers, can leave behind an enduring legacy for generations to come.

The world is waiting to rediscover Canada. Our communities across British Columbia and Canada are looking forward to the economic opportunities and new sporting facilities that the 2010 winter games will deliver. Let us not disappoint them. I encourage all members of the House to ensure quick passage of this very important bill.

**The Acting Speaker (Mr. Andrew Scheer):** Questions and comments? Resuming debate. 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.

*Statements by Members*

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

**The Acting Speaker (Mr. Andrew Scheer):** I declare the motion carried.

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

\* \* \*

**QUARANTINE ACT**

The House proceeded to the consideration of Bill C-42, An Act to amend the Quarantine Act, as reported without amendment from the committee.

**The Acting Speaker (Mr. Andrew Scheer):** There being no motions at report stage the House will now proceed without debate to the putting of the question on the motion to concur in the bill at report stage.

**Hon. Tony Clement (Minister of Health, CPC)** moved that the bill be concurred in.

(Motion agreed to)

• (1355)

**Hon. Tony Clement** moved that the bill be read the third time and passed.

**Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I am pleased to speak to Bill C-42, An Act to amend the Quarantine Act.

In December 2006 we brought the 2005 Quarantine Act into force. It replaces the previous Quarantine Act, which contained outdated authorities. The new Quarantine Act aims to prevent the introduction and spread of communicable diseases through points of entry into Canada, such as airports and marine ports. It is an essential tool for responding to public health emergencies that may be international in scope.

In December 2006 we also introduced Bill C-42, An Act to amend the Quarantine Act, in the House of Commons. Bill C-42 seeks to amend the wording in section 34 of the 2005 Quarantine Act in order to address certain implementation problems, which relate to the advance notification by operators of conveyances coming into Canada, such as aircraft and ships.

As enacted in May 2005, section 34 requires advance notification by conveyance operators to an authority to be designated by the Minister of Health at the nearest entry point into Canada.

There are implementation issues related to the wording of this section. One issue relates to the need to report at the nearest entry point into Canada. In the event of a public health emergency on board, conveyance operators may be unable to determine which of the many points of entry into Canada was actually the nearest to them at the time of reporting.

Another issue relates to the need to designate an authority who is situated at the nearest entry point. The most appropriate authority to designate, such as a customs or a quarantine officer, is not actually located at every entry point, including all airports and all small ports receiving international traffic. Designating an authority who is at these entry points is therefore not workable.

Bill C-42 addresses all these implementation issues by requiring conveyance operators to notify a quarantine officer before they

arrived in Canada if they have reasonable grounds to suspect that: (a) a person or a thing on board could cause the spread of a communicable disease, or (b) a person on board has died.

For land conveyances, this would generally be the first customs officer who they see when they cross the border.

When Bill C-42 was developed, a decision was taken to remove advance notification by land conveyance operators, such as buses and trains, and to focus on air and marine conveyances. Advance notification by land conveyance operators is not required under revised international health regulations. As well, advance notification by land conveyances could be prescribed under regulations at a later date, if a later assessment indicated that it was necessary.

Bill C-42 was debated at second reading and referred to the Standing Committee on Health on March 29. The members of that health committee commented on the issue of advance notification and whether it should also apply to land conveyances, such as buses and trains.

We have heard the views of the committee. We are determined to take every measure possible to get advance notification of potential communicable disease risks from all conveyance operators, including those operating on land. Canadians expect no less.

Under Mr. Clement's leadership, the government—

**The Acting Speaker (Mr. Andrew Scheer):** Order, please. I remind the hon. parliamentary secretary that we do not refer to members of ministers by their name but by their title or riding. This is a good opportunity for me to break into his speech and he can ponder that while we move on to statements by members.

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**STATEMENTS BY MEMBERS**

[*Translation*]

**MONUMENTS TO LA FRANCOPHONIE**

**Mr. Royal Galipeau (Ottawa—Orléans, CPC):** Mr. Speaker, tomorrow at the Orleans Cultural Centre, the third in a series of six monuments will be unveiled as part of Monuments de la Francophonie. I would like to salute the creators, including Richelieu International.

MIFO, the Orleans francophone involvement movement, opened the cultural centre in 1985 because it wanted to make French services available. I was there. Over the years, many programs and organizations got their start thanks to the dedication of the centre's members, volunteers and employees and the francophone and francophile communities.

MIFO's mission is to promote French culture and to meet our artistic, cultural and educational needs. This tool creates new torchbearers.

The monument, which is a huge Franco-Ontarian flag, will be raised on a 25 metre flagpole in a place that celebrates our community's vitality.

*Statements by Members*

●(1400)

*[English]***MANUFACTURING INDUSTRY**

**Mr. John Maloney (Welland, Lib.):** Mr. Speaker, there is a crisis in the manufacturing industry in Canada. During the past 20 years, Canada has lost more than 200,000 manufacturing jobs as companies downsize, move operations abroad, or simply close due to declining profit. In my region of Niagara alone, we have lost 4,400 jobs during the last five years and more are imminent. Canada's manufacturing sector is in dire need of attention.

This loss poses a major threat to the economy and the future of social programs. Manufacturing jobs generate over \$20 million in real taxes that help maintain publicly funded health care, education and our country's infrastructure. More important, it pays mortgages, puts food on the table and clothes on backs.

Our country needs to set short term priorities and a long term plan to strengthen our manufacturing sectors. By focusing on fair trade, investment in research and development, the introduction of innovative technologies and continuous skills upgrading of our workforce, we will create a positive climate within Canada to lead the wave of new global manufacturing strategies, but we must act now.

\* \* \*

*[Translation]***LONGUEUIL'S 350TH ANNIVERSARY**

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, Longueuil is celebrating its 350th anniversary. It was founded by Sieur Charles Le Moyne, who named his new seigneurie after a village in his native Normandy.

Throughout 2007, Longueuil's history will be celebrated in style by citizens, organizations and municipal authorities who have come together to offer people a variety of festive events and highly original activities.

Longueuil is now Quebec's fifth largest city. Now that we are just days away from adjourning the work of Parliament and from celebrating Quebec's national holiday, I would like to highlight this event of national historical significance and offer the people of Longueuil my best wishes for a wonderful summer. I invite them all to take part in the activities commemorating Longueuil's 350th anniversary.

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*[English]***ABORIGINAL AFFAIRS**

**Ms. Catherine Bell (Vancouver Island North, NDP):** Mr. Speaker, after 140 years of attempted assimilation, being stripped of their lands, their rights, their hopes and their dignity, we understand the frustration of first nations communities. For too long the Government of Canada has broken its promise to address this injustice.

First nations communities are challenged with high unemployment, inadequate housing and the effects of the residential school

system. They are looking forward to the day when the Prime Minister apologizes for residential school tragedies. They are looking forward to signed treaties and the recognition of their languages and history. They are looking for an end to poverty and social injustice.

Next Thursday, June 21, is National Aboriginal Day. On Vancouver Island, first nations people will be celebrating their heritage and culture, and they have much to celebrate. Their roots are strong and their will to succeed is unwavering.

I will be there to celebrate with them, to assure them that the NDP is committed to working to ensure fairness and equality for all first nations in Canada.

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**OTTAWA SENATORS**

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Mr. Speaker, last week the Ottawa Senators' great Stanley Cup run ended after a tough series against the Anaheim Ducks. The Sens were led in the trenches and on the bench by 28-year-old right winger Chris Neil.

Chris was born and raised in the town of Flesherton, in my riding of Bruce—Grey—Owen Sound, and has played for the Senators since 1998. He is a power forward who plays with the heart of a lion.

Chris was an integral part of the Sens run in the 2007 playoffs and made his presence known both on the bench and along the boards.

Chris Neil is a fan favourite, both in Ottawa and in Flesherton. During the Stanley Cup finals, hundreds of fans, including his father Barry and brothers Jeff, Dan and Jason packed the hometown arena to watch their hero. The town of Flesherton was red, covered in ribbons and other decorations to show its support.

Congratulations to Chris Neil on a great season and for being a great ambassador for the riding and the sport of hockey. We are all proud of him.

\* \* \*

**MEDAL OF BRAVERY**

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, tomorrow is a very proud day for my constituents of Newton—North Delta. One of our finest police officers and one of my constituents, Constable Gerald Proctor, will receive the Medal of Bravery from the Governor General.

He is receiving this medal for rescuing a woman from her car, which plunged into the Fraser River after a collision. Constable Proctor, like so many of the outstanding police officers in our community, did not think twice about putting his own life on the line. He dove into the freezing waters and pulled her to safety.

I am sure I speak for all my constituents and the House when I congratulate Constable Proctor on this well deserved honour. Please join me in congratulating him on this great honour and his contribution as a great Canadian.

*Statements by Members*

●(1405)

**MEDAL OF BRAVERY**

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Mr. Speaker, tomorrow Daniel Peacock from Rimbey, Alberta will be awarded the Governor General's Medal of Bravery.

While camping with his church group last June, 15-year-old Daniel risked his life to save a friend from drowning in the strong current of the Ram River. Daniel reacted instantly when a fellow camper lost his footing and fell into the deep, raging water. Battling the strong undertow with his frightened friend on his shoulders, Daniel swam to the surface and helped the struggling young man back to shore and waiting rescuers.

Daniel's maturity, ingenuity and courageous efforts likely prevented a tragic drowning. He showed his selflessness when he said, "My life is not more important than Jeromy's and I could not live with myself if I watched him drown to death".

Daniel Peacock is a hero. On behalf of the constituents of Wetaskiwin, I want to thank him for his noble action and congratulate his parents for raising such a remarkable young man.

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[*Translation*]**WORLD BLOOD DONOR DAY**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, since it is World Blood Donor Day, I would like to thank blood donors in Quebec and around the world, but I would particularly like to stress the importance of transfusion safety in universal access to blood donations. The Canadian tainted blood scandal was one of the last century's worst medical tragedies.

In fact, on June 7, the Superior Court of Quebec approved the Settlement Agreement between the Government of Canada and all those infected with hepatitis C before 1986 and after 1990.

This initial legal settlement should be applauded, but it is unfortunately too late for the 500 individuals who were excluded from the Liberals' first compensation package, and who died waiting for one from the Conservatives.

Let us hope that that this settlement will offer some form of relief to their families and to the 5,500 people infected, some of whom have lost everything.

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[*English*]**ABORIGINAL AFFAIRS**

**Mr. Rod Bruinooge (Winnipeg South, CPC):** Mr. Speaker, it is my great pleasure to rise today to recognize the right hon. Prime Minister's historic announcement Tuesday afternoon in a new and progressive approach to the resolution of specific claims.

We are all aware of the negative fallout from unresolved specific claims, the frustration, the tension, the erosion of the goodwill that exists between first nations and other Canadians. When the Minister of Indian Affairs and Northern Development was appointed to the office, he made it a priority to fix this broken system. With the

announcement of this new approach, this government has made a huge step forward.

I extend my congratulations to the Prime Minister, the minister and National Chief Phil Fontaine for this significant accomplishment. It is an impressive example of what can be accomplished when we pledge to work together, governments and first nations, to make a difference in the lives of the first nations people and communities in Canada.

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**KURT WALDHEIM**

**Hon. Mark Eyking (Sydney—Victoria, Lib.):** Mr. Speaker, when great contributors to our society and our world pass away, it is important that we recognize them for what they did right.

Kurt Waldheim passed away earlier today at the age of 88. He was the fourth secretary-general of the United Nations, serving from 1972 to 1981. In 1956 he was ambassador to Canada and he returned to the ministry in 1960. Then he became the permanent representative of Austria to the United Nations in 1964.

Beginning in 1968, he was the federal minister of foreign affairs in Austria. Then he returned as permanent representative to the UN in 1970. Waldheim served two terms as UN secretary-general, during which he oversaw disaster relief in Bangladesh, Nicaragua, and Guatemala, as well as peacekeeping missions in Cyprus, the Middle East, Angola and Guinea. He returned to Austria and was elected as president in 1986 and served until 1992.

He contributed greatly to his country and the world as UN secretary-general, and we commend him for that.

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**VETERANS AFFAIRS**

**Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, Canada's new government is strongly supportive of veterans and their widows.

Instead of trying to score cheap political points, the member for Pickering—Scarborough East should encourage his Liberal colleagues on the veterans affairs committee to focus on the veterans independence mandate.

The Conservative government has increased spending on veterans by \$523 million a year. In contrast, in 1995 and 1998 the old Liberal government cut a collective \$69.7 million.

The Conservative government added 12,200 new clients to the veterans independence program. The Liberals cut VIP entitlement to allied vets.

We have introduced the veterans bill of rights. On their watch, the Liberals cut the burial program for veterans.

We have established a veterans ombudsman. The Liberals cut veterans travel rates and treatment benefits.

*Statements by Members*

Canada's new government has invited the official opposition to be a part of the process of improving the veterans independence program at committee. This new government supports and values the men and women who sacrificed and fought for our freedoms. They are our priority. The Liberals—

• (1410)

**The Speaker:** The hon. member for Victoria.

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**ACCESS HEALTH CENTRE**

**Ms. Denise Savoie (Victoria, NDP):** Mr. Speaker, I rise today to speak about an innovative and valuable project in my riding, the Access Health Centre.

In partnership, AIDS Vancouver Island and the Victoria Cool Aid Society plan to create a comprehensive health centre providing care to the homeless and those affected by HIV-AIDS and hepatitis C, groups that typically face barriers to accessing mainstream medical care.

The centre is designed as part of a preventive health and drug strategy. It will provide effective services while reducing the costs to government and society.

Support for this project crosses all party lines. All MPs in south Vancouver Island recognize its value and its potential in assisting homeless people to rebuild their lives.

This much needed project requires the participation of all levels of government. I urge the Conservative government to collaborate and to commit financial support to make this a reality.

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**BETH SHALOM ANNIVERSARY**

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, I rise today to highlight the 50th anniversary celebration of the Congregation Beth Shalom, located in Ottawa-Vanier.

On Sunday, May 27, I was pleased to take part in the kickoff ceremony of these celebrations. On that occasion, a very lively concert entitled "A Musical Odyssey" was presented. It was great fun.

The congregation is very active, dynamic and open to all ages. It brings joy and happiness to many constituents. On its 50th anniversary, I wish to congratulate the congregation.

This congregation has embraced a vision shared by many Canadians that Canada is an open, pluralistic and democratic society. It is an integral part of our social fabric and has contributed in endless ways to Ottawa's development and to our collective Canadian identity.

I extend my most sincere best wishes to the members of the Jewish community and in particular to the Beth Shalom congregation on this joyous occasion.

[Translation]

**PALESTINIAN AUTHORITY**

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, by weakening the Palestinian Authority, did the international community not reinforce the position of those who claim that only an armed struggle will free the Palestinian people from their miseries? Instead of taking this opportunity to show the Palestinians that democracy is the best path to take, the international community marginalized those who would have preferred a democratic route.

We can see the results. The Palestinian Authority appears to be losing all control over the Gaza Strip. Furthermore, we are hearing allegations of war crimes committed by the Palestinian parties involved. No one can be happy about this worrisome situation that not only complicates the revival of peace talks, but also makes the security of Israel even more problematic. The Palestinian Authority must be reinforced immediately, while there is still time.

Canada, the first country in the world to cut funding to the Palestinian Authority following the last election, cannot wash its hands of the current situation. The government now has the opportunity to show that it is able to promote peace. The Mecca agreement sent a message of reaching out, and we must respond to it.

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[English]

**FOREIGN AFFAIRS**

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, within hours Mr. Din Ahmed could be deported from the United States to Bangladesh, where he faces execution. This follows a trial in absentia that was severely flawed, a trial the member for Mount Royal called "a political trial without due process".

A number of NGOs, such as Amnesty International, the Catholic bishops, the CFS, the United Church and the Quaker committee, urge Canada to accept Mr. Ahmed to our country, where he would be welcomed by family who live here, including a niece in my riding.

Other MPs, including the member for Halifax, support that call and have worked for his freedom.

Canada is a humanitarian nation that opposes the death penalty and supports due process. It would be unconscionable for Mr. Ahmed to be sent back to Bangladesh to be executed.

If he is sent back, we ask the Government of Canada to monitor Mr. Ahmed, ensure he is not tortured and do everything possible to ensure that the death penalty is not carried out.

His Canadian family and many Canadians across this country ask that Din Ahmed be spared.

\* \* \*

• (1415)

[Translation]

**BUDGET 2007 IMPLEMENTATION ACT**

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Mr. Speaker, the Liberals do not recognize the fiscal imbalance, and now they are voting against Bill C-52.

The bill is now before the Senate, which is comprised of a majority of unelected Liberal senators. If the bill is blocked by the Liberals in the Senate, it will result in the loss of more than \$4 billion in tax breaks and funding for programs to the end of the 2006 fiscal year, including more than \$1 billion to help provinces reduce patient wait times and \$1.5 billion for provincial environmental initiatives in support of projects that reduce greenhouse gas emissions.

The Leader of the Liberal Party should show a bit more leadership by urging irresponsible Liberal senators to make the interests of Canadians their priority, to respect the will of the House of Commons and to vote for bill C-52.

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## ORAL QUESTIONS

[*Translation*]

### AFGHANISTAN

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, today the Prime Minister would have had a lot of explaining to do concerning his handling of Afghanistan.

Let us start with the Red Cross. Last Monday, the Minister of Foreign Affairs made a number of claims that were contradicted by the head of the International Committee of the Red Cross in Kabul, who confirmed that the Red Cross is not conducting an inquiry into allegations of torture in Afghanistan.

Will the Prime Minister admit that the only people really investigating allegations of torture in Afghanistan by Afghan authorities are the Afghan authorities?

[*English*]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the International Committee of the Red Cross has a right to visit detainees at any time. That right, of course, derives from international law.

I think everybody in the House is now well familiar with our supplementary agreement that we entered into with the government of Afghanistan and which reaffirms within that agreement that role for the Red Cross.

Of course, that agreement, as everybody knows, and it was tabled in the House, sets out quite clearly that the onus is on the government of Afghanistan to advise Canada, the Afghanistan Independent Human Rights Commission and the Red Cross about any corrective action with regard to complaints about treatment of prisoners.

[*Translation*]

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, so much for the Red Cross and this government's attempts to manipulate the situation. Now let us talk about censorship in the Department of Foreign Affairs.

On April 25, the Prime Minister stated that ministers are not consulted about documents prepared under the Access to Information Act. That is not true. We now know that the famous report on allegations of torture that the minister claims he never saw was, in

fact, sent to his office "for review", and that the government prohibited the public servant who has information about this issue from appearing before the parliamentary committee.

Will the Prime Minister let this person talk? What is he trying to hide?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I am sorry to have to say it, but the Liberal Party leader's accusations are totally false.

[*English*]

Everybody knows that the Department of Foreign Affairs reports annually on human rights and they are internal reports intended to help inform policy.

On the question of the redactions, everybody in the House knows and has heard repeatedly that those redactions are done by officials who are charged with that responsibility. It is done without any political interference and that is the case with these reports as well.

There is absolutely no truth to the allegations being levelled by the leader of the Liberal Party right now and he should apologize for them.

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, there is an easy way to know. We just have to let public servants testify at the committee. This interdiction is showing that there is something to hide.

There is another cover-up. The Prime Minister's own department produced a report last November showing that the Taliban resurgence is so dramatic that the country may split in two. This report has never been published. Instead, the government published a very rosy report last February. Why? To hide the truth is not a way to support our troops or to help Afghanistan.

How could the Prime Minister let his ministers table a report that he knew was false?

● (1420)

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, one would have to be living under a rock not to realize that our troops are facing real challenges in Afghanistan. We are very proud of the work they are doing. I am quite sure that the Liberal leader is aware of it as well.

Something he never talks about is the progress we are making in Afghanistan, such as how over 4.6 million refugees have returned to the country, per capita income has doubled and the Afghan economy has tripled. Our intervention is making a real difference for the people of Afghanistan. It is something the leader of the Liberal Party never wants to tell Canadians about.

[*Translation*]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the Privy Council Office report clearly indicates that the Taliban made a dramatic resurgence in 2006. Suicide bombers and improvised explosive devices had unpredicted success, according to the report. Yet the Minister of Foreign Affairs tabled a report in Parliament saying that everything was fine.

*Oral Questions*

Why is this Conservative government continuing to lie to Canadians about Afghanistan?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, everyone knows the challenges our troops are facing in Afghanistan, and unfortunately, there have been some regrettable incidents involving injury and loss of life.

But there are many positive things that the Liberal Party is ignoring. For example, 7.2 million children have been vaccinated against polio, 4.3 million children have been vaccinated against other childhood diseases, 77% of Afghans now have access to medical clinics, compared to less than—

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

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the Prime Minister's own department produced a report documenting a dramatic increase in the Taliban insurgency, which could split the country in two.

In February, the Minister of Foreign Affairs, the Minister of National Defence and the Minister of International Cooperation tabled a report in this House indicating that everything was just fine.

Why did this government choose secrecy and deception to hide the truth about Afghanistan from Canadians?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, we are completely open. I think the member for Notre-Dame-de-Grâce—Lachine knows Canada faces challenges in Afghanistan.

The greatest obstacle to the reconstruction of Afghanistan is the continuing violence and the constant threats from the Taliban and al-Qaeda, whose main goal is to prevent Afghan men, women and children from leading normal lives. We want to help the Afghans. I am now inclined to think that the Liberals do not.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, once again the Red Cross has contradicted the government in the matter of Afghan detainees. A senior Red Cross official confirmed that he knew nothing about the investigation by Afghan authorities of allegations of torture. Yet, according to the government, the latest agreement between the Afghan and Canadian authorities requires that the Red Cross be kept informed of the investigation. Once again it is a case of complete and utter bungling. We are in the land of deception.

Can the Prime Minister set the record straight and tell us whether or not the Red Cross is kept informed of the investigation into allegations of torture?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I believe that everyone is aware that we reached an agreement with the Afghan government to confirm the role of the International Committee of the Red Cross. This additional arrangement does not create any obligations for the International Committee of the Red Cross. However, it does require the Afghan government to inform Canada, the Afghanistan Independent Human Rights

Commission, and the International Committee of the Red Cross of corrective action taken.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, that is completely ridiculous. Everyone knows that the Red Cross is a party to the agreement, except the Red Cross itself. That is really something: the Red Cross is party to an agreement without knowing it. Senior officials at the Red Cross do not lie to us.

Could the minister not follow their example?

• (1425)

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, this is an interesting issue. In my opinion, the agreement works well. Canadian representatives continue to have open and constructive dialogue with the International Committee of the Red Cross in the matter of detainees in Afghanistan. This is obviously working well.

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, the desire to conceal the real situation in Afghanistan is so strong that the Minister of Foreign Affairs simply cut the following sentence from the report: “Extrajudicial executions, disappearances, torture and detention without trial are all too common.”

How can the Minister of Foreign Affairs go on making more and more reassuring statements about the treatment of prisoners, when he is deliberately censoring facts as disturbing as these?

[English]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I have answered this before. We have heard it many times and it is getting a bit dull. The fact is that the minister was not personally involved, nor were any of his political staff, in any review of any reports. All redactions that occur are done by staff within the department who have the responsibility to exercise their obligations under the access to information law and to apply that law and their best judgment when they make those redactions. That is exactly what happened.

The allegations again made by my friend opposite are totally false. I would really ask that she kindly withdraw them because she has no basis for them.

[Translation]

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, the government started by serving up a smorgasbord of inconsistent versions. Then, we were kindly given a report that had been censored by the Minister of Foreign Affairs. And then, on two occasions, they used the Red Cross to back up falsehoods.

For a country that has pretensions to inspiring democracy and transparency in Afghanistan, what example does it think it is giving to Afghans by disguising reality in this way, and by not telling the whole truth in this House?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, we are not concealing the truth, but I want to talk about the truth in Afghanistan today.

*Oral Questions*

As of today, 4,000 new medical clinics have been opened there. In 2006-07, nearly five million children were enrolled in school, a third of them girls, while in 2001 there were only 700,000 children enrolled in school and none of them were girls. This is a remarkable improvement.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, we can no longer have confidence in this Prime Minister or his government.

There has been no transparency about the prisoners in Afghanistan; there has been no action on Bill C-30 and climate change; there has been nothing done about ATM fees and the banks continue to rake in profits; the Accountability Act is meaningless when we have ministers concealing their travelling expenses; and the Minister for la Francophonie and Official Languages now has her very own sponsorship scandal.

How can Canadians have confidence in this government now?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, Canadians have great faith in our government because we have delivered on the commitments we made to them.

We have a strong economy with the lowest unemployment rate in 33 years. This is a great success and I believe that even the leader of the New Democratic Party will agree.

[*English*]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, I could offer a small list of why I am not prepared to agree with what the hon. member is saying because during this session the Prime Minister and the Conservatives have very clearly shown why Canadians simply should not trust the government.

We see cover-ups, according to the Red Cross, on stories about detainees. We have seen cover-ups of the travel expenses of ministers. We have heard promises to deliver a plan on climate change and cleaner air but we have not received anything that will work. The Prime Minister promised to do something about wait times but we have seen nothing. He broke his promise to Atlantic Canadians and betrayed Saskatchewan—

**The Speaker:** The hon. the government House leader.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** That is a long list, Mr. Speaker, but let me tell the House about it.

We are talking about a new and better agreement that deals with detainees in Afghanistan. We are talking about a better economy that is producing more jobs. We are talking about ministers who spend way less than their predecessors in the Liberal Party. We are talking about more results for working Canadians, lower taxes and more jobs.

It is a great result for Canadians and we are all proud of that. Those members should be proud of that for a change.

● (1430)

**EQUALIZATION FORMULA**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, the anger in Saskatchewan about the Conservative broken promise on equalization has forced the province to launch court action. All of Saskatchewan's political leaders agree, including the Conservative opposition leader. Even the Minister of National Revenue now admits that the promise was broken but no one over there will stand up for Saskatchewan.

The Prime Minister has been ducking Saskatchewan's premier for more than six months. Will he now meet the premier and offer him too an insurance policy, just like he is negotiating with Nova Scotia, to protect Saskatchewan against Conservative dishonesty?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the member for Wascana did nothing for Saskatchewan in all the years that he was representing Saskatchewan here in the House of Commons.

Unlike this government, which, this year alone, will transfer in budget 2007 more than \$800 million to the province of Saskatchewan, the budget that the member for Wascana and his colleagues voted against three times in this place. The largest per capita payments in Canada are going to the people of the province of Saskatchewan and the member for Wascana is opposed.

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, the Prime Minister once called the Atlantic accord “Premier Hamm's greatest accomplishment”.

Jane Purves, former Nova Scotia Progressive Conservative cabinet minister and the chief of staff to John Hamm during the Atlantic accord negotiations, has withdrawn her name for the Conservative Party nomination in Halifax because the Prime Minister is “dismantling Dr. Hamm's legacy”.

If the Prime Minister cannot convince his own star candidates that he is telling the truth about the Atlantic accord, how can he convince Nova Scotians?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, as all members know, the premiers had many meetings with the Council of the Federation and they were unable to come to an agreement with respect to the equalization.

The premiers, including all the premiers of the receiving provinces, have been asking for more than two decades for fiscal equity in terms of equalization in Canada and for a 10 province, principle based formula. That is what we have been able to arrive at.

There are some unique situations in Nova Scotia because its accord runs to 2019 and we have had some constructive discussions with the premier on that subject.

**Hon. Joe McGuire (Egmont, Lib.):** Mr. Speaker, the government continues to carry out its policy of institutionalizing poverty in Atlantic Canada. The report by the Atlantic Provinces Economic Council shows all four Atlantic provinces losing huge amounts of money because of changes made to the equalization program.

*Oral Questions*

P.E.I. will lose \$196 million due to the changes and that is not even counting the millions we will lose because we are going to per capita funding for the Canada social transfer.

Why has the government totally undermined the purpose of the equalization program and why is the Prime Minister pursuing the depopulation of Atlantic Canada?

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

**The Speaker:** Order, please. Question period started out very quietly. I think we should resume that trend now. The hon. the Minister of Finance has the floor to answer a question.

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the minister of finance in New Brunswick said the following about the report:

So far Premier Graham has had a very positive working relationship with [the] Prime Minister...and we intend to continue on that same route.

Indeed, the premiers have been asking for a principle based, predictable, long term formula for equalization in Canada. We had an experts panel look at that. Yes, it is necessary that the national government act on this because the premiers could not agree. We have and we are continuing—

**The Speaker:** The hon. member for Madawaska—Restigouche.

[*Translation*]

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Speaker, we have heard a lot of things in recent months about promises to Saskatchewan, Newfoundland and Labrador and Nova Scotia being broken. All of it was justified.

Now we have independent proof that the four Atlantic provinces have been had by this budget. My province, New Brunswick, is losing \$1.1 billion, according to a report by the Atlantic Provinces Economic Council. We know it, and New Brunswickers know it.

Why will this incompetent minister not admit that his budget ignores Atlantic Canada, and that it will be a disaster for New Brunswick?

• (1435)

[*English*]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, as I just pointed out, the Liberal minister of finance for New Brunswick does not agree with the suggestion that was just made.

Let me say that under the new formula all provinces will be better off in Canada to the tune of \$39 billion over seven years. That is \$39 billion in transfers for health care, for education, for infrastructure and for environmental progress in all the provinces and territories in Canada. It is a great step forward as we move away from the mess that was created by the Liberals over 13 years.

\* \* \*

[*Translation*]

**THE ENVIRONMENT**

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, as with the Standing Committee on Official Languages, the chair of the Standing Committee on Environment and Sustainable Development unilaterally changed the order of business. After the

chair stepped down, all the Conservative members refused to serve as chair, which meant that the committee was unable to address the government's environmental record at the G-8.

Can the Prime Minister assure this House that no instructions were issued by his office or that of the Minister of the Environment in order to derail the work of that committee?

**Hon. John Baird (Minister of the Environment, CPC):** Yes, Mr. Speaker.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, we are entitled to ask some questions here today.

Are the Conservatives' efforts not ultimately aimed at simply silencing the opposition in order to cover up Canada's part in killing the Kyoto protocol at the G-8 summit?

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, I did not hear the question.

However, I will say that no instructions were issued by the Government of Canada, not by the minister or the Prime Minister's Office. I have known the hon. member for Red Deer for quite some time. He is a very honest fellow, who has a great deal of experience in this House of Commons, and I am happy to say he is a good friend.

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**CANADIAN HERITAGE**

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Speaker, yesterday, in the Standing Committee on Public Accounts, the Bloc Québécois brought forward a motion calling on former Lieutenant-Governor Lise Thibault to appear before the committee, but to everyone's surprise, the NDP took to defending the monarchy.

To avoid being told, as Lise Thibault said, that some of the money received constituted supplementary pay, does the government not think it would be appropriate to have the lieutenant-governors and the Governor General appear before the Standing Committee on Canadian Heritage to justify their expenses?

[*English*]

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, the government took quick action recognizing that taxpayers' dollars have to be used responsibly. We called for the Auditor General's report and received it yesterday.

We announced that we were going to be calling in the RCMP. We will be working with the Quebec government authorities to identify the ineligible expenses and work with them to recuperate those dollars illegally spent on behalf of all Canadian taxpayers.

[*Translation*]

**Mrs. Vivian Barbot (Papineau, BQ):** Mr. Speaker, beyond what the RCMP will investigate, does the government intend to call for an investigation into those at the Department of Canadian Heritage who turned a blind eye when a red flag was raised that something was not right about the former lieutenant-governor's expenses?

*Oral Questions*

[English]

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, as I indicated, I will be meeting with Minister Pelletier. We will be working collaboratively with the government of Quebec. Both levels of government intend to review the processes and ensure there is accountable, transparent and good management of public funds.

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**ABORIGINAL AFFAIRS**

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, Conservative government policy, contrary to that of the previous Liberal government, is to actively lobby other countries to block the passage of the UN declaration on the rights of indigenous people. This is despite the fact that officials within the departments of foreign affairs, defence and Indian affairs have urged the government to support the declaration.

How can the government justify its solidarity with American and Australian foreign policy rather than with the first nations aboriginal people of this country?

• (1440)

**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 should be pointed out that the member and the former Liberal government had never at any point supported the UN draft declaration. In fact, there are many issues with the draft declaration. Our government wants to look for ways to improve it, so that we have a declaration that works for Canada.

However, let us talk a bit about human rights. The Liberal Party, the Bloc and the NDP all voted to actually put off extending human rights to first nations people until after this summer. They have to head home to their cottages, but they will not extend human rights to first nations people.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, that is another reinvention of reality. National and local aboriginal organizations have asked Canadians for solidarity with them.

According to a letter to the president of the UN General Assembly, the government is standing side by side with countries such as Russia, Colombia and Suriname that are known for their flagrant human rights violations against indigenous people in their opposition to the declaration.

How can aboriginal Canadians trust that the government wants human rights for aboriginal people here at home when the government is undermining their efforts globally?

**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, I find it bizarre hearing this logic from the member opposite. We have before the House of Commons Bill C-44 which actually extends human rights to first nations people in Canada. This is something that has been historically unjust.

We have the opportunity today to move forward and extend human rights to first nations people. I would ask that the opposition parties come on board with the government and bring human rights to first nations.

**Ms. Tina Keeper (Churchill, Lib.):** Mr. Speaker, first nations and aboriginal communities have once again been ignored by the dishonest, minority Conservative government. The government failed to consider, when doling out \$300 million for cervical cancer vaccinations for Canadian women and children, that aboriginal women and their daughters are not included in that group.

Will the Minister of Health admit that his incompetent handling of this file puts the health of aboriginal women and girls at risk?

**Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, nothing in fact could be further from the truth. Just last Friday I signed a historic agreement with British Columbia first nations leaders which is going to transform and revolutionize first nations health in that part of the country and hopefully for the rest of the country

We are putting our money where our mouth is. We are adding more resources for first nations health. We are in fact transforming the system so that it actually delivers better health care. After 13 years of Liberal indifference, that is an improvement.

**Ms. Tina Keeper (Churchill, Lib.):** Mr. Speaker, first nations fall under federal jurisdiction, not provincial or territorial. The government has not provided a single dollar to protect aboriginal women and girls from cervical cancer. First nations women and girls have been left out. The government knows it and the health minister has done nothing to fix it.

Will the minister take immediate steps to ensure aboriginal women and children receive the same screening and protection as every other Canadian?

**Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, I do not know what the hon. member is talking about. This kind of program is still being negotiated with the provinces and territories, and in fact, we have \$300 million more in place for the vaccine against cervical cancer, but it can only happen if the Liberal dominated Senate actually passes the budget bill. When are the members on the other side going to help to make sure the budget actually passes?

\* \* \*

**CANADIAN HERITAGE**

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, I read with great interest another press release from the member for Timmins—James Bay about Canada Day funding. The member of misinformation is constantly attempting to make two plus two equal five.

I represent the riding of Stormont—Dundas—South Glengarry, the most patriotic riding in Canada. My community will be celebrating our country's 140th birthday on July 1 and this event should not be slighted by false allegations by the NDP member.

*Oral Questions*

Could the Minister of Canadian Heritage please clarify this issue for the House and for the member of sound and fury?

• (1445)

**Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC):** Mr. Speaker, the government is proud to support Canada Day celebrations with \$7.3 million this year. It is the same amount that has been allocated for the past three years.

The government is also very proud to support celebrations like Quebec's 400th anniversary celebrations which are part of the founding of our country. I would also point out that we support celebrations such as Saint-Jean-Baptiste Day, Aboriginal Day and Multiculturalism Day.

In fact, it is too bad manipulation of the facts demonstrates that the NDP members do not join in celebrating parties.

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**TAXATION**

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, first the government destroyed public affordable child care. Then at tax time it clawed back its own \$1,200 benefit. Now it is asking women to prove they are single after a change in marital status while withholding the child tax benefit.

Last week alone five women came to my constituency office asking why they had to go to food banks and crisis centres to survive. The government needs to do what is right by putting a woman's advocate in all government departments.

When will the government direct the Canada Revenue Agency to stop humiliating women and have their child tax benefits—

**The Speaker:** The hon. Minister of National Revenue.

**Hon. Carol Skelton (Minister of National Revenue, CPC):** Mr. Speaker, we do no such thing. When people come to the office, they must verify the living conditions they are in and no one under any circumstances is denied their basic rights.

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**HUMAN RESOURCES AND SOCIAL DEVELOPMENT**

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, that is pretty lame after a year.

Over and over again the government continues to fail ordinary working Canadians. Today's Conference Board report tells us Canada is failing citizens in all kinds of areas including poverty eradication. It is failing because women and children have to rely on food banks and crisis centres because of unnecessary paperwork. The government is failing because it does not have a strategy to protect and create manufacturing jobs.

How many more reports and studies does it take for the Prime Minister or his representatives to stand up and tell workers when they will have a made in Canada strategy—

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

**Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC):** Mr. Speaker, while the NDP want to talk about studies we are acting.

The government moved immediately upon coming to government by putting in place the universal child care benefit which supports 2 million children and 1.5 million families.

We have moved to provide \$500 million a year to the provinces so we can reach out to people who have never been in the workforce and help them get the training they need to succeed. We have helped with a \$1.4 billion housing trust. We are acting while the NDP sit and snipe, complain, and see the glass as only 90% full.

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**CITIZENSHIP AND IMMIGRATION**

**Mr. Omar Alghabra (Mississauga—Erindale, Lib.):** Mr. Speaker, this dishonest Conservative government has been caught breaking yet another promise.

During the election campaign the Conservatives promised to create a Canadian agency for assessment and recognition of credentials. Then in budget 2006 they pretended they were moving forward on that promise. Now the minister has admitted that they have no plans in implementing that agency after all.

Will the Prime Minister explain if he was dishonest when he made that promise or just—

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

**The Speaker:** The hon. member knows that there is no such thing as a dishonest member. The member in making that kind of suggestion is out of order.

The hon. parliamentary secretary is rising though to answer the question.

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, nothing could be further from the truth. The previous government said it would tackle the issue. It failed to tackle it for 10 years. It said it would do it and it never did.

We did do something about that. We created an office that will in fact deliver on our commitment to help foreign trained individuals and their families with the launch of the first phase of the foreign credentials referral office. It is in place and it is working.

**Mr. Omar Alghabra (Mississauga—Erindale, Lib.):** Mr. Speaker, talk about revising the truth. Not only—

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

**The Speaker:** Order, please. The hon. member for Mississauga—Erindale has the floor. We will have to be able to hear what he is saying.

**Mr. Omar Alghabra:** Mr. Speaker, I hope this time we are going to get a real answer.

Not only does that referral office duplicate the work of the previous Liberal government's going to Canada immigration portal, but it offers no additional value to those who seek help. This is a far cry from what the Conservatives promised during the last election.

Why will this parliamentary secretary not admit that the government broke another promise and it is incapable of delivering what it promised?

• (1450)

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, once again, nothing can be further from the truth. The office is functional. It is working. It is a task finding and referral service through a dedicated phone line. It has in person service centres in various places: Vancouver, Calgary, Winnipeg, Toronto, Montreal and Halifax.

There are pilot orientation sessions overseas in China, the Philippines and India. We are training more officers, more personnel, 320 in service centres, that will be operating by the end of 2007. We are getting the job done.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Speaker, my question is for the Prime Minister. On May 29, 2007, the Minister of Citizenship and Immigration with much fanfare announced her solution to the issue of lost Canadians.

According to the minister, this magic date is January 1, 1947. The second world war ended in 1945. The war babies, children of Canadian servicemen who fought for our freedom, were born before 1947.

When will the Prime Minister instruct this incompetent minister to withdraw the appeal of the Joe Taylor case and recognize Joe Taylor and others like him as Canadian citizens?

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, the issue of lost Canadians goes back for a long time. For at least 13 years it was in existence and that member and other members did nothing about that.

This particular minister has indicated in a practical way what will be happening and has said there will be legislation coming in the fall to deal with this issue.

Mr. Chapman, who is a champion of lost Canadians, said, "Obviously there are a lot of things in there that please me. Overall it's a wonderful start. This is a jump start forward. There's no question about it, we're starting down the road on a much better path than we were before". Those issues will be addressed.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Speaker, we just heard from Tweedledum. Maybe now we will hear from Tweedledee. In her announcement the minister stated:

—anyone born to a Canadian citizen abroad...is a Canadian citizen and will have their citizenship confirmed if they are the first generation born abroad. But no further.

This dishonest government is denying the birthright of Canadian children if they and their parents were born outside Canada.

When will the Prime Minister recognize that a Canadian is a Canadian is a Canadian, and stop playing with our children's birthright? When will the Prime Minister instruct this—

### Oral Questions

**The Speaker:** The hon. Parliamentary Secretary to the Minister of Citizenship and Immigration.

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, the Minister through proposed legislation is saying: —anyone born in Canada on or after January 1, 1947, anyone born to a Canadian citizen abroad, mother or father, in or out of wedlock on or after January 1, 1947, will be given citizenship, it will be confirmed, notwithstanding the losing provisions under the act.

In addition, she said she would use her discretionary powers under section 5(4) for those cases that require it. Here is what Mr. Charles Bosdet said, "It is the most extensive proposal by far of anything I know of proposed for citizenship in the last few years, short of actually rewriting the entire Citizenship Act".

Just be patient—

**The Speaker:** The hon. member for Chicoutimi—Le Fjord.

\* \* \*

[Translation]

### CFB BAGOTVILLE

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, on the weekend, Colonel Pierre Ruel, Commander at CFB Bagotville, said that the restoration of the primary runway was his top priority since the structure has almost reached the end of its operational life. He went on to say that the future of 3 Wing Bagotville depended on it.

Why did the minister responsible for regional development announce that the work would begin in 2009, when the base commander said that for safety reasons the work needs to start right away?

[English]

**Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, the member raises the issue of recruitment and training. I want to emphasize for the House and for the member opposite that we are having a great deal of success when it comes to recruiting and training. One of our commitments in the last election was to increase the regular forces by 13,000 and the reserve forces by 10,000. We are making great progress in achieving that goal.

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[Translation]

### MARINE TRANSPORTATION

**Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Mr. Speaker, the disappearance of the winter marine link between the Magdalen Islands and Prince Edward Island has really complicated the lives of Magdalen Islanders. The people of the islands have bemoaned this situation year after year, yet the Minister of Transport, Infrastructure and Communities does not seem to care. Last week, a delegation from the Magdalen Islands met with Transport Canada representatives to work on bringing a permanent marine link into service.

What will the Minister of Transport, Infrastructure and Communities do to respond to their demands?

*Oral Questions*

●(1455)

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I would like to thank my hon. colleague for his question.

He is right in saying that last week, I had the pleasure of meeting with the delegation from the Magdalen Islands, including, of course, Mayor Arseneau. We agreed to take a close look at the changes that have taken place in the years since the last study. We agreed to meet again to decide on a plan of action.

\* \* \*

[English]

**NATURAL RESOURCES**

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, on Monday, North Dakota turned on the tap to drain Devils Lake into Canadian waters for the first time in over two years.

Two years after Canada and the United States reached an agreement to install an advance filter to prevent invasive species and pollutants from entering our waterways, we are still waiting for the installation to be done. When I asked about this issue in the House last month, the Minister of the Environment laughed and brushed off my concerns.

Why has the government not asked the United States to turn off the tap until it honours its agreement?

**Hon. John Baird (Minister of the Environment, CPC):** Mr. Speaker, I did no such thing. We take this issue of Devils Lake incredibly seriously.

With the President of the Treasury Board, I met earlier this week with Christine Melnick, the minister of water stewardship. She asked two things of the federal government. I was happy to agree to do both within 24 hours.

\* \* \*

**HEALTH**

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, yesterday the Liberal MP for Bramalea—Gore—Malton made a statement in the House praising Rick Hansen for his dedication to raising research funding to treat spinal cord injuries. Yet this week the member voted against a budget that gave the Rick Hansen Foundation \$30 million to continue its important work.

Could the Minister of Health convey to the House what will happen to that funding if the Liberal Senate delays the adoption of Bill C-52?

**Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, I want to add my voice to those in the House, including the hon. member for Bramalea—Gore—Malton, to pay tribute to the Man in Motion, a true Canadian hero, Rick Hansen.

The fact is in our budget bill is a \$30 million amount for spinal cord injury research, transition research, which is necessary to bring Canada to the forefront when it comes to this kind of research. If that budget bill is not passed by the Liberal dominated Senate, that will not be part of Canada's legacy. If the senators will not do it for us and for Canadians, they should do it for Rick.

**CANADA-U.S. RELATIONS**

**Ms. Denise Savoie (Victoria, NDP):** Mr. Speaker, the United States coast guard is firing live ammunition in Canadian waters off the B.C. coast. These exercises have been recently conducted in the vicinity of the famous J pod of orcas, with whale watching boats of tourists and biologists nearby. Gun boats and whale boats do not belong in the same waters.

When will the government stand up for Canada and stop American live fire exercises that endanger our orcas, our visitors and our tourist industry? Will the Minister of Public Safety—

**The Speaker:** The hon. Parliamentary Secretary to the Minister of National Defence.

**Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, the military has these exercises on a regular basis to provide training opportunities for our forces. At every opportunity, especially those related to the training exercises offshore, we do our best to address environmental concerns.

I can assure the member opposite that this has in fact happened in this instance. She can put her concerns to rest about this issue.

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**FOREIGN AFFAIRS**

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, in spite of the fact that Omar Khadr was a 15-year-old teenager at the time he was accused of being a terrorist, in spite of the fact that Australia, Germany, France and the U.K. have all mounted successful opposition to the unjust military tribunal system, in spite of the fact that he is the only Canadian at Guantanamo Bay, not once has the government, has Canada protested the use of the military commissions, nor done anything to get him home.

If the British, Australians, French and Germans could get protection from the government, why will the Conservatives not do something for a Canadian in need at this time?

●(1500)

**Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, I think the House knows the allegations against Mr. Khadr are very serious. The question of accepting a repatriation of Mr. Khadr is premature and it is speculative at this time.

My colleague, the Minister of Foreign Affairs, has spoken directly to the Secretary of State about Mr. Khadr's well-being and has requested greater access to both his family and legal counsel and educational material for him. Foreign Affairs officials have carried out several welfare visits with Mr. Khadr and will continue to do so.

### FISHERIES AND OCEANS

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, once again Prince Edward Island fishers have been dealt a devastating blow by the Minister of Fisheries and Oceans. Yesterday the minister announced this year's total allowable catch for the Gulf of St. Lawrence Atlantic halibut, including changes that will practically eliminate island fishers the opportunity to participate in this fishery.

When will the Minister of Fisheries treat Prince Edward Island like a province and when will the minister treat the island fishers like other fishers across this nation?

**Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, one of the places in our great country, which is very near and dear to my heart, is Prince Edward Island. I have spent a lot of time there dealing with the fishermen.

I have a number of letters, including three "thank you" cards, signed by hundreds of fishermen for helping them out. I even helped put some wharves in the member's riding.

The quotas were set based upon history. That is the right and proper way to do it.

\* \* \*

### THE BUDGET

**Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC):** Mr. Speaker, unelected Liberal senators continue their open defiance against the Liberal leader, saying they intend to delay passing the budget bill and may even amend it, creating a longer delay and resulting in the loss of critical funding. The opposition leader himself said that at the end of the day, a budget would be the budget the House had voted.

Could the Minister of International Cooperation give the House an example of funding that will be lost if the unaccountable Liberal Senate decides to undermine democracy and its own self-proclaimed influential leader by delaying the passage of this budget?

**Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC):** Mr. Speaker, this is an important issue.

[Translation]

In the Budget Implementation Act, 2007, we committed to giving \$135 million to reconstruction and development in Afghanistan. Unfortunately, unelected Liberal senators are delaying Bill C-52.

We hope that the opposition members will support our development efforts for the Afghan people. Were they not the first to demand more money for reconstruction and development in Afghanistan and Kandahar?

\* \* \*

### INTERNATIONAL TRADE

**Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.):** Mr. Speaker, to the detriment of Quebec and Canadian companies and citizens, the Conservative government keeps accommodating the United States: a sellout agreement on softwood lumber; the implementation of new CFIA standards that penalize our beef producers, while their U.S. competitors will benefit slightly from the situation; and, finally, the U.S. government's

### Government Orders

announcement that its nationals will only need a simple piece of identification with a small receipt, while our nationals continue to line up at Passport Canada to satisfy U.S. requirements.

When will the Conservative government stop agreeing to be a slave to the U.S. government and start defending the interests of the public—

[English]

**The Speaker:** The hon. Minister of International Trade.

**Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC):** Mr. Speaker, the hon. member will know that without the softwood lumber agreement, the lumber industry in Canada would be flat on its back, even worse than it is today. We are working closely with the United States to improve cross-border travel to ensure that identification requirements are secure as well as facilitative of cross-border traffic. We will continue to do that.

We will work constructively with the United States.

## GOVERNMENT ORDERS

[English]

### CANADA TRANSPORTATION ACT

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts

**The Speaker:** It being 3:05 p.m., the House will now proceed to the taking of the deferred recorded division on Bill C-11 and the Senate amendments.

● (1510)

[Translation]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 206)

### YEAS

#### Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Ambrose
Anders	Anderson
Baird	Barnes
Batters	Beaumier
Bell (North Vancouver)	Bernier
Bevilacqua	Bezan
Blackburn	Bonin
Boucher	Breitkreuz
Brison	Brown (Oakville)
Brown (Leeds—Grenville)	Bruinooge
Byrne	Calkins
Cannon (Pontiac)	Carrie
Casey	Casson
Chan	Chong
Comuzzi	Cullen (Etobicoke North)
Cummins	Cuzner
D'Amours	Davidson
Day	Del Mastro
Devolin	Dhaliwal
Dhalla	Dion
Dosanjh	Dryden

*Business of the House*

Dykstra	Easter
Emerson	Epp
Eyking	Fast
Fitzpatrick	Flaherty
Fletcher	Folco
Galipeau	Gallant
Godfrey	Goodale
Goodyear	Grewal
Hanger	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Hubbard	Jaffer
Jean	Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karygiannis
Keddy (South Shore—St. Margaret's)	Keeper
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
LeBlanc	Lee
Lukiwski	Lunn
MacAulay	MacKenzie
Malhi	Maloney
Marleau	Mayes
McCallum	McGuinty
McGuire	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	Nicholson
Neville	Oda
Norlock	Pacetti
Owen	Paradis
Pallister	Pearson
Patry	Poilievre
Petit	Proulx
Preston	Redman
Rajotte	Reid
Regan	Ritz
Richardson	Rodriguez
Robillard	Russell
Rota	Scarpaleggia
Savage	Schellenberger
Scheer	Sgro
Scott	Simard
Shipley	Skelton
Simms	Solberg
Smith	St. Denis
Sorenson	Storseth
Stanton	Sweet
Strahl	Thibault (West Nova)
Szabo	Thompson (Wild Rose)
Thompson (New Brunswick Southwest)	Trost
Toews	Van Kesteren
Tweed	Vellacott
Van Loan	Volpe
Verner	Warkentin
Warawa	Wilfert
Watson	Wilson
Williams	Yelich
Wrzesnewskyj	
Zed— 163	

**NAYS**

## Members

Asselin	Atamanenko
Bachand	Barbot
Bell (Vancouver Island North)	Bellavance
Bevington	Bigras
Black	Blaikie
Bonsant	Bouchard
Bourgeois	Brunelle
Carrier	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	Demers
Deschamps	Dewar
Duceppe	Faille
Freeman	Gagnon
Gaudet	Guay
Guimond	Julian
Kadis	Kotto
Laforest	Laframboise
Lavallée	Layton

Lemay	Lessard
Lévesque	Lussier
Malo	Marston
McDonough	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Nadeau
Ouellet	Perron
Picard	Priddy
Roy	Savoie
Siksay	St-Cyr
St-Hilaire	Stoffer
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)	
Vincent	
Wasylcyia-Leis— 61	

**PAIRED**

Nil

**The Speaker:** I declare the motion carried.

(Motion agreed to, amendments read the second time and concurred in)

*[English]***The Speaker:** I wish to inform the House that because of the deferred recorded division, government orders will be extended by eight minutes.

\* \* \*

**BUSINESS OF THE HOUSE****Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, I have a very precise question. I wonder if the government House leader is today in a position to deal with Bill C-62, the wage earner protection program?**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I will be happy to address that in the affirmative in a moment but there is more that we should know about in terms of the business we are doing.

We will continue today with Bill C-42, the quarantine act, Bill C-58, the railway transportation bill and Bill C-21, An Act to amend the Criminal Code and the Firearms Act (non-registration of firearms that are neither prohibited nor restricted).

Tonight we have the emergency debate pursuant to Standing Order 52 that the Speaker has determined should proceed.

On Friday we will call Bill C-33, the income tax bill and Bill C-6, the aeronautics bill.

Next week is got the job done week when the House has completed the nation's business for this spring's session. During the got the job done week we will continue and hopefully complete the business from this week, as well as some new legislation and legislation that will be out of committee or the Senate.

The list of bills that are currently on the order paper, in addition to those I have identified for this week that I would like to see completed by the House before the summer recess are: Senate amendments to Bill C-31, An Act to amend the Canada Elections Act and the Public Service Employment Act.

*Routine Proceedings*

[Translation]

There are also the following bills: Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts; Bill C-44, An Act to amend the Canadian Human Rights Act and Bill C-53, An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention).

[English]

Another bill includes Bill C-54, An Act to amend the Canada Elections Act (accountability with respect to loans).

By the end of next week, Canadians expect that the Senate will have completed its consideration of budget Bill C-52 without any amendments so that they can relax for the summer with the knowledge that \$4.3 billion in the 2006-07 year end measures will be in play.

If there are amendments, we will have to be here in the House to respond and protect measures that might otherwise be lost, such as a \$1.5 billion for the Canada ecotrust for clean air and climate change; \$600 million for patient wait times guarantees; \$400 million for the Canada infoway; \$100 million for the CANARIE project to maintain the research broadband network linking Canadian universities and research hospitals; \$200 million for protection of endangered spaces; and much more.

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## GOVERNMENT ORDERS

• (1515)

[English]

### BANKRUPTCY AND INSOLVENCY ACT

(Bill C-62. On the Order: Government Orders:)

June 13, 2007—Second reading of Bill C-62, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005—the Minister of Labour

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, there have been consultations with respect to the wage earner protection bill, to which the Liberal House leader referred, and I believe you would find unanimous consent of the House for the following motion. I move:

That, notwithstanding any Standing Order or usual practices of this House, Bill C-62, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005 shall be deemed to have been read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

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

[Translation]

**Mr. Michel Guimond:** Mr. Speaker, I rise on a point of order. Was that Bill C-62? I did not hear the terms of the motion.

**The Speaker:** I will read the motion:

That, notwithstanding any Standing Order or usual practices of this House, Bill C-62, An Act to amend the Bankruptcy and Insolvency Act, the Companies'

Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005, shall be deemed to have been read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Speaker:** I declare the motion carried.

(Motion agreed to, bill read the second time, considered in committee of the whole, reported, concurred in, read the third time and passed)

[English]

**Mr. Paul Zed:** Mr. Speaker, I rise on a point of order. Discussions have taken place among members and parties with respect to Bill C-440, An Act to amend the Canada Post Corporation Act, which, as members know, is for mail free of postage to and from members of the Canadian armed forces, that was introduced in the House of Commons on May 8.

Mr. Speaker, I believe that if you were to seek it you would find consent for the following motion to support our troops and their families: That notwithstanding any Standing Order or usual practice of the House, Bill C-440 be deemed to have been read a second time, referred to a committee of the whole, reported without amendment, concurred in at report stage and read a third time and passed.

**The Speaker:** Does the hon. member for Saint John have the unanimous consent of the House to propose the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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## ROUTINE PROCEEDINGS

[English]

### COMMITTEES OF THE HOUSE

#### GOVERNMENT OPERATIONS AND ESTIMATES

**Hon. Diane Marleau (Sudbury, Lib.):** Mr. Speaker, the Standing Committee on Government Operations and Estimates met earlier today to consider the certificate of nomination of Christiane Ouimet to the position of Public Sector Integrity Commissioner and the committee agreed that said nomination be concurred in.

Therefore, we seek unanimous consent that the ninth report of the Standing Committee on Government Operations and Estimates dealing with the certificate of nomination of Christiane Ouimet to the position of Public Sector Integrity Commissioner be deemed tabled and concurred in.

• (1520)

**The Speaker:** Is it agreed?

**Some hon. members:** Agreed.

*Government Orders*

(Motion agreed to)

**GOVERNMENT ORDERS***[English]***QUARANTINE ACT**

The House resumed consideration of the motion that Bill C-42, An Act to amend the Quarantine Act, be read the third time and passed.

**Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I was only a couple of minutes into my speech before members' statements and oral questions, and I was just getting to the good part of it too. As I was saying, under the leadership of the Minister of Health, the government decided to put forward two amendments to Bill C-42. One requires advance notification by land conveyance operators. The other addresses potential confusion with respect to the availability of a due diligence defence for all operators. These amendments reflect the commitment of the minister and this government to protect the health and safety of Canadians.

The first amendment would revert to the original definition of conveyance operator as found in the Quarantine Act. This means that all conveyance operators in the business of transporting cargo and passengers, including buses, trucks and trains, would need to alert a quarantine officer in advance of their arrival in Canada should they suspect a person or thing on board could cause the spread of a listed communicable disease, or if a person has died.

Land conveyance operators, like air and marine, would only be required to inform a quarantine officer of a public health problem on board as specified in section 34. They would not have to perform health assessments.

This advance notice is critically important as it permits an appropriate response to health emergencies on board conveyances and permits the minister to divert conveyances before arrival, if required, to protect the health of Canadians. This would be over and above what the international health regulations require for advance notification, as member states need only to impose this obligation on air and marine conveyances.

As a signatory to the international health regulations, Canada fully intends to meet its international obligations under the instrument. In addition, Canada is prepared to go a step further. The obligations for land conveyance operators will be the exact same as those for air and marine conveyance operators engaged in the business of carrying passengers or cargo.

For conveyances travelling to Canada, conveyance operators will be required to notify a quarantine officer in accordance with the requirements in section 34, even before they arrive in Canada. The obligation to provide this advance notification continues until the conveyance "lands", so to speak, at its first destination in Canada. For air and marine conveyances, this will be the first airport or port at which the conveyance touches down or docks.

We will also work to make it relatively easy for industry to meet its obligations under section 34.

To implement this requirement in a simple fashion, the quarantine program will develop an information bulletin that will explain what to look for in terms of symptoms, and provide a 1-800 number to call to reach a quarantine officer 24 hours a day, seven days a week. As well, an awareness campaign will be undertaken to inform land conveyance operators of the requirements in Bill C-42. Taken together, the use of a 1-800 number and the awareness campaign will make notification as simple as possible for conveyance operators.

Further, by having early warning of communicable disease threats approaching our borders, we may be able to ease the flow of cross-border traffic. Traffic flow could be eased, as early warning would allow authorities to direct travellers who are suspected of having a listed communicable disease to areas where they could be looked at quickly, while other border traffic continues unimpeded.

This amendment therefore strikes a balance between protecting Canadians from the threat of dangerous communicable diseases, and facilitating the movement of persons and goods across our international borders.

We are also proposing a second amendment to Bill C-42 to clarify that the common law defence of due diligence applies to all conveyance operators. This common law defence was always intended to be preserved in the Quarantine Act.

● (1525)

When we examined the language of subsection 34(4) in Bill C-42, we realized that our intention to preserve the due diligence defence was not entirely clear. Under the charter an accused person has the right to invoke such a defence if facing the possible penalty of imprisonment.

For an offence under section 34, conveyance operators could face up to six months in jail as a potential penalty. Clarifying that all conveyance operators have access to the common law due diligence defence will ensure that the charter rights of those who have made all reasonable efforts to comply with the law are protected.

It is important that we make sure that conveyance operators who make all reasonable efforts to comply with the advance notification requirements know that the defence normally associated with such efforts remains available to them.

Consequently, the second amendment will ensure it is clear that a reasonable effort defence remains available to all conveyance operators that make all reasonable efforts to comply with the requirements in section 34.

We are constantly striving to give Canada the best public health system in order to protect the health and safety of all Canadians.

Through these amendments, Canada will have the most complete advance notification requirements in the world for quarantine purposes.

*Government Orders*

I feel very strongly that a comprehensive set of legislative tools needs to be available with the intent to protect the health of Canadians so as to avoid the human tragedy and economic and social disruption that would inevitably accompany another event such as SARS.

Consequently, I am seeking hon. members' support to provide Canadians with a greater standard of protection from the threat of dangerous communicable diseases spread via land conveyances. I am therefore asking today for members' support for Bill C-42, as reported from the Standing Committee on Health.

I want to congratulate the Standing Committee on Health for its hard work with respect to Bill C-42. The committee's work on Bill C-42 is a fine example of what parliamentarians can accomplish through the spirit of cooperation and mutual respect for one another's opinions and points of view.

I call upon my hon. colleagues in this House to support the amendments and ask for their cooperation in securing speedy passage of the bill.

Again, it was a great pleasure working with the Standing Committee on Health on this important bill. It was a pleasure to have worked hand in hand with members from across the country from coast to coast to coast, and from each party to ensure that these amendments were brought forward and ensure successful passage of the bill.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, certainly it is a very important bill. The reporting requirement under the bill is restricted to aircraft and commercial watercraft only. That means truck traffic and rail traffic, cargo that crosses our border every day is exempt from the reporting requirements.

I think Canadians and parliamentarians would be interested to know what the relative magnitude and historic risk indicators have been to convince the government that these exemptions would be appropriate.

• (1530)

**Mr. Steven Fletcher:** Mr. Speaker, I encourage the member to read the amendments. In fact he is completely wrong.

Section 34 now reads to include land conveyances. That is what the committee came up with. The government and all committee members had a very thoughtful discussion on this issue. We were able to come up with wording that addresses the member's concern, and more important, meets the health and safety of all Canadians.

The Minister of Health's leadership in this area was tremendous. I would also like to thank the opposition health critic, the member for Oakville, for her help in this matter and the Bloc health critic and the NDP health critic as well.

This is an excellent example of how the parliamentary process can work in a minority Parliament. I am very pleased and honoured to have had the opportunity to work with the committee.

**Ms. Bonnie Brown (Oakville, Lib.):** Mr. Speaker, I seek unanimous consent to split my time with my colleague, the member for Thornhill.

**The Speaker:** Is there unanimous consent?

**Some hon. member:** Agreed.

**Ms. Bonnie Brown:** Mr. Speaker, I am pleased to rise in support of Bill C-42.

Through the cooperation of all members on the health committee, we have together managed to amend and reach consensus on the bill and have done so in a timely fashion. I commend the committee chair, the parliamentary secretary and all the members of the committee for their efforts in this regard.

As has been mentioned, we amended the bill in committee and our amendments will bring section 34 of the Quarantine Act into force. Section 34 deals with reporting requirements of those persons entering Canada who have knowledge or suspicion that they or their passengers or cargo are carrying communicable diseases that could pose a health risk to Canadians. It imposes similar reporting requirements on those leaving Canada as well.

When the first Quarantine Act was passed in 2005, section 34 was not brought into force pending the development of appropriate regulations to deal effectively and efficiently with the act's reporting requirements.

Bill C-42 addresses these regulatory needs. It does so primarily by requiring those subject to the reporting requirements of section 34 to make their reports as soon as possible before arriving in Canada and that their reports be given directly or indirectly to a quarantine officer.

It is interesting to note that Bill C-42 as originally introduced by the government presented an odd dichotomy. On the one hand certain provisions of the bill constituted a slight strengthening of the reporting requirements, yet at the same time, the original bill sought to exclude those who enter Canada by land from any reporting requirements whatsoever.

Given that the majority of passengers and cargo entering Canada come across land via the United States, the net effect of Bill C-42 as originally tabled was to reduce the safety of Canadians. We would have been at heightened risk of exposure to communicable diseases when the entire purpose of the Quarantine Act is to protect Canadians from such risks.

Why would the government propose a regulatory change that threatened the safety of Canadians? It turns out that it is the same reason that the government has decided to harmonize the allowable limits on residual pesticide levels on our foods with the limits of the United States and Mexico.

Big business considers regulatory differences between Canada and the less restrictive American regime to be a trade irritant. In other words, our health might be jeopardized because our current health standards are impinging upon the seamless operations of transnational corporations.

In the case of pesticide residue on our food, we have been assured by the Minister of Health that Canada's new harmonized limits will be based on science and therefore ensure the safety of Canadians. However, one is left wondering what our current limits are based on if not on science.

*Government Orders*

The minister also assures us that Canada has and will maintain the highest standard of safety for pesticides and other toxins. However, Canada's current standards only seem appropriate when compared to the United States where 40% of regulated pesticide limits are higher than ours.

America's standards are set by the Environmental Protection Agency, an agency that was reorganized by the Bush administration and which has since been condemned by scientists within the United States for its "inappropriately cozy relationship with industry".

A quick glance at Europe reveals a different view of Canada's standards. For example, our current limit on permethrin is 400 times higher than in Europe, and the Canadian cap on methoxychlor is 1,400 times higher. Canada's current pesticide limits are "middle of the pack" at best and now are about to be compromised further.

As Bill C-42 also demonstrates, if left unchecked, those interested in business deregulation can expose Canadians to health risks in their zeal for business fluidity.

What is the impetus behind these kinds of regulatory changes? It is an industry initiative called smart regulation, in which Mexican and Canadian regulatory regimes are being harmonized with those of the United States. What is rarely mentioned is that this effort is being organized through the security and prosperity partnership.

• (1535)

This international agreement was initiated in 2005 by the Governments of Canada, the United States and Mexico. It was the brainchild of the Canadian Council of Chief Executives and its American counterpart, which want deep integration of the Canadian and American economies, military and culture.

This would include uniform regulatory regimes for a wide array of products and services, including food, drugs and environmental protection. It would include increased interoperability between the Canadian and American military. It would include a continental energy pact, whereby Canada would guarantee America's access to our energy resources and force Canadians to compete with Americans for our own electricity as we do now for our oil and gas.

It would include a North American security perimeter that could erode the civil liberties of our citizens. It would include common immigration and environmental policies and a host of other policies that together would dramatically undermine the sovereignty and autonomy of Canada and its citizens.

The participants in the security and prosperity partnership are well aware that this agenda would lack broad public support and have therefore committed themselves to what they call "integration by stealth". The SPP is not a signed treaty and has never been brought before the legislatures of the three nations for discussion or for committee oversight. Its implementation is being coordinated not by parliaments, not by a broad spectrum of social groups, but by the North American Competitiveness Council, a working group of 30 corporate CEOs, 10 from Mexico, 10 from Canada, and 10 from the U.S.

This group meets regularly behind closed doors with senior government officials and ministers. One of its key objectives is business deregulation and harmonization, yet no other stakeholders

have been given a seat at the table and the meeting minutes are not made public. Even more disturbing is that two out of the 10 representatives of Canada are actually American citizens.

The entire security and prosperity partnership is so profoundly undemocratic that 14 U.S. states to date have passed resolutions demanding that the U.S. Congress act to cease America's involvement. The impending changes to Canada's pesticide residue levels are just one small element in an ongoing effort to harmonize Canadian and American regulations in the interests of powerful businesses.

The Canadian government needs to replace corporate control over this partnership with a democratic process that involves parliamentary oversight and public input. It needs to ensure that efforts to reshape our nation are fully transparent and in the interests of all Canadians, not just an economically powerful few.

Fortunately for us, in the case of Bill C-42 the regulatory changes being sought required an amendment to legislation. This brought the changes to the attention of parliamentarians, and in committee we were able to reinstate the reporting requirements for those entering Canada by land.

However, one has to wonder, given the broad scope of the security and prosperity partnership, and given the speed at which its various working groups are proceeding, how many potentially harmful regulatory changes have already been made that might have escaped parliamentary oversight and input from Canadian stakeholders?

As noted at the outset, I am pleased that all members of the health committee worked quickly and cooperatively to reverse the potentially harmful nature of this bill as originally tabled. The resulting legislation will ensure that the health of Canadians is given priority over commercial interests and, as such, I am happy to support it.

• (1540)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, earlier I asked a question about Bill C-42. The copy of the bill that is being distributed by the pages is actually the first reading bill that was passed at second reading and moved to committee.

Maybe the member can confirm that the bill was not reprinted as a consequence of amendments made at committee and that the amendment made at committee was, I believe, amending line 8 on page 1 with "a conveyance that is used". Is it the member's recollection from committee that the amendment made to include trucks and rail was to just refer to "a conveyance" rather than to "air and watercraft"?

**Ms. Bonnie Brown:** Mr. Speaker, I do not remember if we ordered the bill reprinted. I have to assume that if he has the first reading bill, it is simply an oversight.

*Government Orders*

However, I remember clearly from committee that the original bill said “air and sea conveyances” and that is what triggered our reaction to it, because we knew that the original Bill C-12 said “all conveyances” or “a conveyance”, implying anything that carried people or goods. My understanding and memory of the committee work is that we restored the idea of “a conveyance” and that is taken to cover any conveyance: land, sea or air.

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, I rise in the House today to speak in support of Bill C-42, An Act to amend the Quarantine Act, as it has recently been the focus for the health committee, of which I am the vice-chair. I believe that this bill, as amended in committee, warrants our support and passage in the House today. This important legislation is invaluable to the health and safety of Canadians, our top priority.

Only four short years ago this country was devastated by a SARS epidemic that led to 45 deaths in Canada, not to mention the enormous impact on our health care system and economy. One of the most serious consequences of the violent spread of a life-threatening disease is the fear and panic that it causes for Canadians.

The fear that plagued Canadians during the SARS outbreak was enormous. A deadly virus was spreading in our largest city and it seemed as though it could not be stopped or contained. The fortunate critical lesson we learned, and it was unfortunate as well, with the devastating tragedy and the loss of innocent lives, is that Canada is not immune to communicable diseases.

As a result of this catastrophic situation, Canada received a serious wake-up call and moved quickly to establish the needed tools in the management of disease, virus prevention and containment. The Quarantine Act, along with the passage of Bill C-42 as amended, is vital in protecting the health, wellness and lives of Canadians.

Prior to the new Quarantine Act, which had been given royal assent on May 13, 2005, legislation had not been modernized since 1872, five years after Confederation. In a globalized 21st century world that has come to know about the very detrimental rapid effects of the spread of influenza, the West Nile virus, et cetera, the original legislation in 1872 was greatly outdated and ill-equipped to deal with a SARS pandemic. In our increasingly smaller modern world where we move across borders within the global community, we must be ever vigilant and aggressive in taking preventive and protective measures to safeguard the health of Canadians.

The Quarantine Act was born in the wake of the SARS disaster and was introduced by our previous Liberal government in October 2004. As I mentioned, the Quarantine Act received royal assent in May 2005, though without this proposed section 34. Section 34 of the Quarantine Act requires advanced reporting from conveyance operators. Bill C-42 has ironed out the areas of concern that have been raised which originally held back this portion of the legislation and brings the Quarantine Act to completion.

I fully support Bill C-42 as amended. Bill C-42 was presented to the health committee with the government proposing to omit land conveyances from the act. After careful review and examination, my colleagues and I were in favour of ensuring that land conveyances are included in the mandatory reporting by conveyance operators in proposed section 34. This is paramount, as the legislation as amended and combined adds enhanced protection to Canada's public

health system, and I truly believe that including land conveyances in the list of air and water transportation is an essential element of the act and will further enhance the safety of all Canadians.

Bill C-42 also streamlines the process of reporting by conveyance operators as the legislation requires that these individuals report directly to quarantine officers “as soon as possible” before a conveyance arrives at a destination if there is any suspicion whatsoever that any person, cargo or other thing on board the conveyance could cause the spread of communicable disease listed in the schedule, or a person on board the conveyance has died, or any prescribed circumstances exist.

The process of reporting these outlined instances to a centralized system of special quarantine officers “as soon as possible” closes up any holes by emphasizing the parties who must be in communication with one another and by eliminating any potential discrepancy of timing, as the legislation currently states that conveyance operators must report any suspicious incidents immediately, which was not good enough.

Finally, the bill, as amended, also adds the words “as soon as possible before” in proposed section 34; where a conveyance departs from Canada through a departure point, the operator must disclose any circumstances of concern. Once again, this emphasizes the urgency of reporting before the conveyance departs from the country of origin and crosses the border.

I would like to acknowledge that there is no time more appropriate than the present to pass Bill C-42 in the House. Only a few weeks ago, an Atlanta man with a rare strain of highly contagious tuberculosis boarded an aircraft from Europe to Montreal. He rented a car in Canada and drove back to his home in the United States. In the final step of his journey to the U.S., this individual used ground transportation to cross the Canada-U.S. border.

This case highlights several reasons why Bill C-42, as amended, must be supported and why this act is so critical to the health of Canadians and others, those in the United States as well. Although we hope people will self-report communicable diseases, it is clear that we cannot rely on this. We must have measures firmly in place.

While studying this bill in committee and upon debating whether or not land conveyances should be listed in section 34—as it was proposed by the government to delete them—one witness remarked that the exemption of land conveyances was justified as the risk of disease spreading from Canada's only land crossing to the U.S. was minimal. With the new information resulting from this recent TB case, we are now aware of the reality. There is enough of a risk between Canada and the U.S. to have firm, clear measures in place. We cannot take the chance with Canadians' health.

● (1545)

This recent incident of travel from Canada to the United States by land is a clear example reflecting how important this act is. If one individual can go from Canada to the U.S. with a communicable disease, then in fact there is a threat of disease spreading by land both ways. Again, it only takes one such person or incident to put people in both nations at risk.

*Government Orders*

As we have seen with the case of TB, sometimes that one person will not be willing or cooperative enough to self-report. Therefore, we must have mechanisms in place to prevent the spread of disease, and we need the strongest legislation possible.

Even more telling of the urgency to make sure that the Quarantine Act errs on the side of caution and covers all modes of transportation is that in Canada alone 266,000 travellers a day are coming in through 119 border crossing stations and international airports. The sheer quantity of travel activity is impossible to contain completely, and we all know that when we are dealing with such high volumes on a daily basis nothing can be guaranteed.

That being said, we must do everything possible to avert this type of catastrophe. This was one of the reasons why I, along with others, strongly advocated for land conveyances to be listed and included, as we had it originally, in addition to air and water travel. Given the daily activity of entry into Canada, we should have as many mechanisms in place within our control as possible, not fewer but more. When it comes to the public health of Canadians, it simply would be irresponsible on our part to settle for anything less.

The TB case also disproves another testimony that was presented by a witness at the health committee on the issue of self-reporting. The witness placed particular emphasis on individuals' ability to self-report, saying that we could rely on that, negating any need for land conveyances to be listed in the proposed section. As we have seen, we cannot merely count on individuals to self-disclose, rely entirely on the goodwill of people and put all Canadians' health in their hands alone. As we have seen, we cannot afford to take this route. It is far too risky. We must never leave the health and safety of Canadians to chance. Prevention is paramount.

Bill C-42, as amended, provides more protection for Canadians and allows us to better manage public health threats. Canadians look to their government for protection. They expect us to be ready to deal with health risks and they look to us to look out for their interests.

When Bill C-42 was first introduced in the House, I was surprised that it proposed that land conveyances be removed from section 34. I was very concerned that we had forgotten the steep price that we had to pay as a result of the SARS epidemic only a few years ago, in both human lives and economic fallout. I had constituents whose lives were tragically affected by the SARS crisis. The impacts were devastating.

Where possible, I stressed at the committee my views about strengthening the act, not diluting it. Accurate and timely information is a key element to the successful management of health issues and risks. We learned our lesson from SARS. We do not want to have to learn it again. We established the Public Health Agency of Canada. We appointed Canada's first Chief Public Health Officer to coordinate efforts in managing public health concerns.

We can never afford to be complacent when it comes to the safety of Canadians. It cannot be emphasized enough that Canada is not immune to outbreaks of disease and infection. Germs and communicable diseases do not respect borders.

I spoke vigorously, along with other members of committee, at those hearings to put land conveyances back in the legislation

because the extra layer of protection that it adds for Canadians is essential to providing comprehensive coverage. It is illogical to list two modes of cross-border transportation while leaving out the third. I believe that when it comes to the safety of Canadians they would agree that this is in their best interests. The more mechanisms we have in place to deal with health risks in this day and age, the better chance we have to protect them.

This additional protection also serves to provide Canadians more assurances that the federal government is covering all the bases. The SARS outbreak caused a sense of panic in Canadians that I hope we will never know again. I want Canadians to have faith that their federal government is doing everything in its power to strengthen public health care safety, because panic and fear can spread even faster than a virus. We must be responsible leaders in doing our utmost to protect Canadians. I support Bill C-42 in realizing that central objective.

Of course, it is impossible to guarantee complete prevention. We do not live in isolation. The world has become smaller and travel has skyrocketed. Globalization and multinational and transnational corporations have made intercontinental travel seamless and a commonplace form of everyday business.

While little in this world, with the multitude of countries, can be 100% foolproof, it is our absolute responsibility to make sure that all parts of our quarantine provisions are tight and coordinated. Canadians need to know that, no matter what, as a federal government we have maximized our ability to protect our citizens. First and foremost, the federal government is accountable to Canadians.

We want to assure Canadians that we are doing our very best to minimize their risk and safeguard their health and well-being. I support Bill C-42 as amended. I believe that it seeks to accomplish this goal.

• (1550)

[*Translation*]

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, thank you for the opportunity to speak on Bill C-42. There was consensus on this bill in our committee. We worked in the best interests of the safety, and especially the health, of people who might be endangered by the transmission of contagious diseases. We need only think of the case that happened recently. A person in the United States had contracted tuberculosis and was at a stage when the disease could have been transmissible and been very contagious.

And so Bill C-42, which amends the Quarantine Act, is a bill that was intended to modernize a piece of legislation that in fact dated from 1872, although some amendments had been made to it in 2005. So the act was amended in 2005. It was modernized in the context of SARS after it hit Toronto, in Ontario. We know that in 2003 we were somewhat concerned about the transmission of SARS.

*Government Orders*

SARS led to a study, the Naylor report. That report recommended that certain parts of the act be revised to bring it in sync with a society that had changed, particularly in terms of transportation and the movement of goods and people. The act was not suited to meeting these new needs.

We know that the SARS period in Toronto was quite a hard time. Often when there are contagious diseases or an epidemic it can affect the economy of a country or a province. SARS affected the entire community of Toronto and Ontario because of the possibility the disease would spread. People were worried, but the worry was perhaps not grounded in fact. Was the problem exaggerated?

The Naylor report does a thorough review of that situation. The lesson we can take from it, looking in from the outside, is that we were perhaps not prepared to deal with this kind of challenge, to provide good information, and, especially, to make people feel safe. As to the possibility of contagion, SARS may have been a type of virus that it is more difficult to transmit casually, simply by contact with another person. All the same, we have to move forward, and that is why it was thought wise to revise the Quarantine Act in 2005.

Today, once again, we have to do some more work on it. Some of the previous speakers talked about section 34 which sets out the circumstances in which certain actions should be taken. We might think of people who travel frequently by airplane or boat and how we might be more aware of the fact that an individual or goods could be carrying viruses or diseases that could be contracted by people.

Now Bill C-42 seems to be a small bill, judging by the number of pages. It has very few pages, but at the same time the impact of this bill, if it is applied properly, if there are good regulations, could make all the difference, so that situations like SARS or the case of a disease as terrible as tuberculosis, for example, can be handled better. I am shortly going to talk about the case of Andrew Speaker, an American who was infected with a particular strain of tuberculosis. We do not know how far this may go, but we know that he was able to travel.

Here again, we have a bill, but when it comes to the mechanisms we put in place, there are people and authorities who very certainly have responsibilities.

● (1555)

It is necessary to act quickly and not take it lightly. Section 34 as proposed in Bill C-42 sets out the manner in which information is to be transmitted. The operator of an aircraft or land vehicle must first be informed that a carrier of a contagious disease is aboard the aircraft or land vehicle. Section 34 indicates very clearly the obligation to inform the operator of the fact that he could be responsible for the spreading of a disease. It also states how that operator must inform specific authorities that there is a person aboard the aircraft or vehicle who is a danger to the health of others.

The bill is also very specific concerning the operators of certain types of vehicles. The current act calls for the imposition of that obligation to all means of transportation. It goes much further than boats, aircraft and trains because the bill extends to all conveyances used to carry passengers or cargo. That was one of the amendments proposed by the parliamentary secretary and supported by all the members of the committee.

In section 34 of the act, the obligation of an operator to notify the designated authority in a reasonable manner before entering or leaving Canada, is replaced in the bill by an obligation to notify "if it is not possible for the operator to report." We know very well that if someone is aware and is obliged to report, that party must still have the necessary means of notifying a quarantine officer. Accordingly, the bill provides that an operator must notify a quarantine officer rather than the designated authority, and it obliges the operator to inform the officer as soon as he becomes aware of the situation, but in a context where that is reasonably possible.

The case of Andrew Speaker led us to consider the different obligations of the responsible authorities who must transmit information. We should be concerned about the number of days that elapsed between May 10 and May 25. How was it that Andrew Speaker, who knew very well that he was a carrier of tuberculosis, was still able to leave the United States on May 12, even though he had been told on May 10 that it would preferable for him not to go abroad? Two days later, he left the country and went first to Paris and then to Greece.

However, on May 14, Mr. Speaker informed his doctor by email that he was in Greece. His attending physician knew full well that he had left the United States. On May 18, American health agencies were made aware of the fact that Andrew Speaker was in Greece with his wife. Between May 14—when he informed his doctor—and May 18, there was a danger and nobody, not even the American health agencies, had been notified. In addition, Mr. Speaker was the subject of an international search, and tests showed that he was carrying a form of tuberculosis that was extremely resistant to antibiotics.

Mr. Speaker was contacted in Italy by the Centres for Disease Control and Prevention. They recommended that he present himself to Italian health authorities and told him not to take a commercial flight. However, Mr. Speaker did not report to the Italian health authorities, thereby breaking the law.

● (1600)

There may well be some legal proceedings. People cannot simply be left to themselves like this. We cannot say to them that they made a mistake but it is not so bad. There are consequences to this. Some people, and some Quebeckers in particular, are currently being subjected to tests by health agencies to determine whether they have contracted this form of tuberculosis. During the two weeks between when Mr. Speaker knew what he had and when he could have acted and turned himself over to the Italian health authorities, he contravened certain restrictions placed on him before leaving.

The American health agencies were told on May 18 that Mr. Speaker was in Greece with his wife. On May 24, the European health authorities and the World Health Organization were given the same information. Between May 18 and May 24, therefore, there was a vacuum between the American health agency and the European authorities and the World Health Organization. Action must be taken when it is known that someone may be dangerous because he is carrying a contagious disease, a communicable disease, like tuberculosis.

*Government Orders*

The American authorities gave a simple answer: they did not know where Andrew Speaker was. There is a system in place, but it was not rigorously followed. We need to be concerned when we know that there are systems in place but people are lax about following various directives. Did Mr. Speaker infect anybody? We do not know. However, some people have to undergo tests to determine whether they have contracted this disease.

The situation surrounding this case must be clarified. The United States bears some responsibility. If it does not provide information on time, how can the other stakeholders know what is going on? How can the European or Canadian health authorities get involved if they have not been notified? Canada also bears some responsibility. When we passed the bill, we asked the director of the Public Health Agency of Canada whether there could be some provisions in it that would protect us against this kind of situation. Could Canada take legal action against another country that failed to take certain steps? Here too, things were allowed to drift. There is an investigation.

Some American senators are trying to find out what really happened. When I asked Dr. Butler-Jones, the Chief Public Health Officer at the Public Health Agency of Canada, he told me that he was waiting to find out whether there would be an inquiry or an investigation and that there were lessons to be learned from this incident. However, we have to go a bit farther than just learning lessons. We may have to put in place mechanisms to prevent this sort of thing from happening again.

Does the bill need to be improved? We have said it does not. We do not need to improve it, at least, not by creating legislation that could improve this scenario. We will see what happens. I hope that in the coming months, we will learn that a better reporting mechanism has been put in place. A physician can notify his or her patient, but when a physician tells a patient that he or she does not know what sort of virus or infection the patient is suffering from and the physician does not seem worried, how is the patient supposed to react?

•(1605)

Should the patient not be given even just a written notice to prove that the physician really told the patient not to leave the country?

We can see that even if we have a bill with all sorts of guidelines to protect the health and safety of the travelling public and people who come into contact with someone who has a communicable disease, this responsibility must also rest with any individual who could pose a threat to other people's health and safety.

It was time to improve Bill C-42 by amending section 34 so that it applies to people travelling by air, water or land. This bill must provide conveyance operators with guidelines as to their reporting obligations, given the serious consequences of spreading a communicable disease here in Canada.

•(1610)

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Mr. Speaker, I congratulate my colleague from Québec for her excellent presentation.

The member and the Bloc Québécois faced a considerable challenge when working on the bill before us because it deals with health, which is an area of jurisdiction that belongs to Quebec.

Having said that, we recognize that infectious diseases have no borders. Infections can often spread to several countries. Sometimes they spread only through part of a country. SARS is a good example of this. All of Canada was placed on the list of countries affected by SARS. However, it mainly affected Toronto, which is more than six hours by car from Montreal. In my riding of Montreal, the tourism industry was affected because all of Canada, and not just one province or Quebec, was placed on the list.

This clearly shows the need for the cooperation of all countries through the World Health Organization in dealing with infectious diseases. There must also be cooperation among provinces.

I would like to know if the committee had the time to look at this issue. How will federal services, the quarantine officers, cooperate and work with provincial public health organizations to ensure that illnesses are contained to the greatest extent possible, in the interest of all, whether we are from Canada, Quebec or elsewhere in the world?

**Ms. Christiane Gagnon:** Mr. Speaker, my colleague has raised an important question. Health is a provincial jurisdiction. As it happens, Quebec has had its own health and safety agency since 1998. Canada also has one, the Public Health Agency of Canada.

After SARS and after the creation of the National Advisory Committee on SARS and Public Health, the Standing Senate Committee on Social Affairs recommended that a federal agency be created. In April 2004, there was a demand for this public health agency in Canada, and it came into being in 2006.

It is absolutely necessary to work with the public health agencies. Quarantine inspection officers must also have everything they need to be able to act quickly, in the interest of the population. Earlier I raised the case of the American, Mr. Speaker. We do not know everything about this story. I think that there has been some vagueness in the disclosure of information. Yet, people's safety is involved.

Let us hope that this collaboration will be much more practical. SARS served as an example for crisis management. Later it was realized that the SARS issue had been blown out of proportion and that the impact on the economy had been felt as far as Quebec. Still, we have to have technical data and to know all about the type of infectious disease an individual may be carrying. A series of tests must be done. In this context, the bill provides more precisely for the mechanisms that should be in place. Since 2004, SARS has served as an example.

In committee, I drew attention to Mr. Speaker's situation and the context in which he was able to travel, even though he had been warned not to. Lessons can be drawn from this case around the world.

•(1615)

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the case of Mr. Andrew Speaker, who has the serious communicable form of tuberculosis, raises an imperative about the legislation or need for it.

*Government Orders*

I know also that representatives of the Department of Public Safety and Emergency Preparedness, Health Canada as well as persons responsible for the security and prosperity partnership issue were at the committee meeting.

Because there was implicitly an exemption for buses, trucks, trains and cars in the original bill, it strikes me that it was possible there was a trade-off between the border considerations and the economic considerations of those priorities with the health of people.

Is the member aware or did she receive any indication from the witnesses at committee that the reason the exemptions were there in the first instance was in fact not inadvertent but deliberate, taking into account objectives other than health and safety?

[*Translation*]

**Ms. Christiane Gagnon:** Mr. Speaker, I remember the various objections that were raised about this bill as written when it was introduced. People were concerned that drivers and passengers in vehicles travelling between the United States and Canada would not have to comply with the requirements of the bill to declare that they were carrying an infectious disease.

However, we have changed things. The parliamentary secretary made an amendment. For example, instead of talking about watercraft, aircraft or conveyances prescribed by regulation, the bill now talks about conveyances. The scope of the bill has been broadened to include any conveyance used commercially or otherwise. That broadens the scope of the bill.

I should say that we were very aware that we would not be able to cover all conveyances, but it is clear that we cannot have a quarantine officer at each border crossing or customs office. Those who raised objections wondered what would happen if someone felt ill or reported illness to customs. There is the obligation to report to customs, and it is actually much easier to comply with than when a sick person is travelling by air or water, because it is much harder to stop an aircraft or watercraft that is already underway.

We took the objections raised by committee members into account. That is why we decided to include an amendment to more fully address the issue of protecting Canadians.

[*English*]

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, this was a particularly interesting exercise. We must always put the health of Canadians first. It is important that Canadians are not only safe but that they feel safe.

One of the very important lessons from the exercise that the whole committee has been through is the importance of being vigilant regarding reading the wording very carefully.

The bill was put forward as a housekeeping change and as we hear from members who have spoken, it has turned out to be more than a housekeeping change.

I certainly support the act and I thank my colleagues from the Bloc, the Liberal Party, the parliamentary secretary and the minister for acting very quickly when, as critics, we brought up our concerns about the fact that lands would be removed as a condition of the Quarantine Act.

I can understand updating the bill because we would naturally add air. That did not exist in the Quarantine Act when it was written. However, regarding the removal of lands, when the other critics and myself as the NDP health critic looked at the bill more closely, we realized it probably had a number of other consequences to which we needed to pay attention.

I want to give a brief overview of that. I will use TB as an example because in that particular one many things went wrong. They would not be fixed necessarily by the act because it broke down in many places.

If a noticeably ill person were to fly into Canada, as the individual would have been, get on a bus or a train with very noticeable symptoms, there would have been no responsibility on the part of any staff to report the individual. They would have carried on for some length of time with the other passengers on the train, the bus or whatever, exposing all of these individuals to a potentially communicable disease. That presented for us a great dilemma.

While we did hear from many public health officials that in the space of time it takes to take a flight from London, England to Ottawa, symptoms are unlikely to present themselves. That may be true. However, if a person got on a train in Florida and travelled all the way to Vancouver, there indeed would be time for symptoms to present themselves.

If a person contracted the disease but was not showing symptoms, a week later this person certainly would be. Therefore this person would have exposed a large number of people in a very small contained space to a communicable disease.

I would mention that we see a lot of cross-border traffic between the United States and Canada. We are always glad to have American tourists visit. I assume they are always glad to have Canadian tourists visit. I think we would all agree to that.

We found it unusual at committee that whenever we asked anybody whether this had any connection to the security-prosperity partnership, we were told that none of those people were available to come to talk with us. The health witnesses we spoke to said they did not know anything about it. We became more and more puzzled as this went on.

Getting back to the example of TB, people think of tuberculosis as a disease we do not hear about very much any more. Anybody who grew up in my generation would have seen TB sanatoriums. When I went into nursing in 1961-2, they were just closing, at least in Ontario, because we thought we had beaten it.

Now we are seeing an increase in tuberculosis, particularly in urban areas, perhaps from people from overseas who come from the very tightly packed urban areas which do not have all of the hygienic advantages.

*Government Orders*

In my own community, the lower mainland or other cities around the country and in the United States, we are seeing an increase in a disease that we once thought had virtually disappeared.

• (1620)

Anything we can do to protect that from spreading is absolutely critical. That is what people elect us for, to ensure that the health committee and people responsible for health, and indeed all parliamentarians, put people's health as a top priority. We make no concessions to that whatsoever.

We did have some discussions. My Liberal colleague raised the question that we have already lowered pesticide, or raised pesticide, a proposal to allow more pesticide because it will make our trade more even with the United States. So we did have to ask ourselves about whether this was related to the security-prosperity partnership which would make it easier for people to cross the border and, therefore, was related to that.

That would be the worst light to put on it. The best light to put on it would be that people simply did not understand when it came out what that really meant. To give credit to the parliamentary secretary and the minister, when it was brought to their attention it was changed very quickly. I absolutely want to acknowledge that.

We are pleased as long as we are clear that land is back in. I was very pleased to hear the Parliamentary Secretary to the Minister of Health who spoke, although he frequently mentioned airports and water, but he did mention land, trains, buses, cars, anything that is crossing the border. If we are crossing on a cart, a tricycle with something behind it, whatever it is, it is a conveyance and therefore there is a responsibility. If someone believes someone is ill and sees symptoms, but none of us are diagnosticians, except diagnosticians, we can all I think recognize when somebody appears very ill.

I think we recently had a circumstance where a person appeared very ill. If land had not been in there and the United States had not acted, although obviously it did not work in that case, but I am sure the Americans are reviewing why that all slipped through the cracks with them. However, we are all much more comfortable with this.

I rise to support this amendment and be very clear that I think it was all the critics who brought this to the parliamentary secretary's attention. The parliamentary secretary did take that to the minister and the fact that land is back in there makes us able to support this, knowing that we have put the health of Canadians first, but we will always very carefully read something that says it is only a housekeeping amendment.

• (1625)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am looking at the minutes of the health committee meeting. I note that the parliamentary secretary, on the issue of conveyances other or beyond watercraft and aircraft, had somehow explained and he said:

When Bill C-42 was developed, a decision was taken to remove the requirement for advance notification by land conveyance operators, such as buses and trains, and to focus only on air and marine conveyances. This decision was based on an assessment that land conveyances posed a limited threat to Canada.

Even at the time when the issue was first raised, I believe it was raised in debate during second reading, the exemption for trains and

buses and trucks, et cetera, seemed to be questionable decisions to have taken.

It goes so far as to say that maybe there was some method in the exemption and whether or not there was a trade off between economic considerations and public safety and health considerations certainly was an issue.

I raise it for the member that the parliamentary secretary himself simply sloughed it off as having a limited threat to Canada. It just does not seem to be a very substantive answer to a significant question. Has the member received from the witnesses some indication to a greater extent that the exemption in fact was an error rather than a decided situation to be put in the bill?

**Ms. Penny Priddy:** Mr. Speaker, we had two witnesses with different opinions. My question was, "Will people be healthier as a result of this?" and one person said yes, that there was no risk and the other said, eventually, no.

Again, the argument was put forward that symptoms would not show themselves that quickly. They might not on a plane, but I am quite certain, from my personal health experience and from seeing tuberculosis when it is active, that indeed we may very well see that or another serious communicable disease show itself over the course of five days, or seven days, or the length of time that a person might be on a bus or a train with someone to be infected.

I think that it again shows the importance when someone says it is a housekeeping change. I cannot say whether it was an error or whether it was an economic decision. I can only present the member, as I did, with my experiences and the fact that we were unable to interview anybody from SPP.

However, to point again to my experience, even if someone says it is a housekeeping change, we must always read everything carefully and not treat any document either more lightly or more seriously than any other one.

• (1630)

**Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, the Liberal member got up and made suggestions in regard to the act. He originally got up and incorrectly stated that the amendments to Bill C-42 did not include land conveyances. However, he continued to suggest otherwise. I wonder if the member could comment on the bill and confirm that it includes land, marine and air.

Before the member comments, let me just say I am quite disappointed in the previous questioner. He had his facts wrong when he first asked his questions, and that is fair enough, sometimes that happens. However, to continue on in that vein time and time again when the Minister of Health has demonstrated leadership on the health of Canadians is very disappointing and I wish the member would not be so partisan.

I wonder if this member could just confirm for everyone that marine, air and land is included in the amendment to Bill C-42.

**Ms. Penny Priddy:** Mr. Speaker, yes, it does. I would not be standing here to support it if it did not.

*Government Orders*

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to participate in the debate on Bill C-42. Since the parliamentary secretary is here and just posed a question to me, I will try to deal with that first.

For the first time in thirteen and a half years, when I asked for a bill from the Table so I could look at it, the bill that was delivered to me and other members who had asked for it was a first reading bill. Unless you have seen, Mr. Speaker, the Standing Committee on Health, in its ninth report, reported back to the House two amendments to the bill, which was debated at second reading.

I looked at the minutes of that meeting, which I believe was June 4, and noted that the chair of the committee had asked for the vote on the two amendments and then asked whether the bill should be reported back to the House, and it. However, there was no question on whether the bill should be reprinted. Therefore, we get into this difficulty where there might be a misunderstanding by members in this place, who were not on the committee, when they assume the bill they receive for debate purposes is the bill as amended. There is an opportunity for the committee to ask if the bill should be reprinted, and in this case it was not.

In answer to the member's question, my question was based on the best information available to me by the House. It certainly was not partisan to continue to suggest that land buses, trains and trucks were still exempted. According to a copy of the bill I received, that was the case. However, the committee had made changes to it.

Maybe the member understands now why I asked that question earlier. For future purposes, should a bill not be reprinted after committee where changes have been made, maybe somewhere it should be stamped "amended" or have an addendum that says what the changes are. Sometimes it may be important.

In any event, I think that clears it up for the parliamentary secretary as to why I still thought that subclause 34(1)(a), dealing with the Quarantine Act, still had watercraft and aircraft and now is replaced by the words "a conveyance".

It does raise an interesting question though. I am not sure whether the bill has a definition section where "conveyance" is a defined term. However, the bill does say that the minister may make regulations. I assume the regulations will proscribe conveyances from time to time, or be amended, and the minister can do that. The amendments made at committee were appropriate and were supported by all parties at the committee.

If we look at the three meetings, we have a bill that makes very modest amendments to the Quarantine Act in terms of their volume, but their impact is much more important because we are talking about health and safety issues.

● (1635)

We have the recent case of Mr. Andrew Speaker, who has a very contagious form of tuberculosis. He travelled from Europe to Canada and then by land conveyance, a car, or a cab or something, and crossed the border into the United States. During that trip, a number of people, particularly those on the aircraft, were exposed to this very dangerous strain of tuberculosis. This enhances the reasons why

dealing with this matter was very important. Of course, the bill came forward before that event took place.

Events in our past have taken place which would have some impact on this. Probably the most significant was the SARS experience. Interestingly enough, if we were to look back at some of the detail, we had taken a number of steps to try to address it. Not many of them were very successful because we did not know very much about the disease itself in the first place.

One of the things we did know was it was an imported situation. In fact, it came from a province in China. It also raised an ancillary issue, which was transborder point to Canada turned out to be Taiwan.

As we know, we do not have diplomatic relations with China. Taiwan has been seeking, for a very long time, to at least obtain observer status at the World Health Organization. Its knowledge and technology would have been of significant help had that occurred at a much earlier time. I know there are still efforts being made to do that. However, one of the most significant threats to the Canadian public's health and safety was imported from China, through Taiwan, to Canada.

If we look at the meetings held by the health committee, one of the things I found fascinating was some of the witnesses in committee were representing public safety and security. There was a substantial amount of discussion about the security and prosperity partnership. This is might surprise some members. All of a sudden we were getting involved in an agreement between the United States and Canada, and Mexico was added, with regard to security and prosperity issues.

In fact, it is much broader than that. I understand that at the Cancun meetings in March of last year, some 300 to 400 bilateral activities were identified as being of interest to the security and prosperity partnership, but that it would be very difficult to prioritize them.

I raise this because at second reading the issue of the exemption given for cars, buses, trucks and trains was brought up in debate, but in the bill it was not explicit. It was by exclusion because the bill itself says:

This section applies to the operator of any of the following conveyances:

- (a) a watercraft or aircraft that is used in the business of carrying persons or cargo; and
- (b) a prescribed conveyance.

A prescribed conveyance is not defined, but I assume this is in a schedule or regulations that may provide other details, which normally are not available to members when they are in debate. The fact that it was specifically watercraft or aircraft led to the question about all the activity of conveyances, not only of persons but of products, fruits, vegetables, meat products and other things. It is a very important area.

● (1640)

I know a number of the members of border communities have been extremely concerned about the economic impact of having delays at the border, what it causes in terms of the backup for people trying to get across the border when trucks are lined up for many reasons.

*Government Orders*

I talked to a couple of members and raised the question about whether there were conflicting objectives taken into account when Bill C-42 was tabled in the House at first reading, for debate second reading, by the fact that the other conveyances were not named. The conflict is an economic objective pitted against the objective of health and safety.

I noted this in an early question in the House that this matter had been raised at second reading. It was the amendment to change the bill in subclause 34(1)(a) from a watercraft or aircraft and to replace that with a conveyance, which would cover any conveyance of persons or cargo.

I must admit I was taken aback when the parliamentary secretary made an attempt at an explanation. The explanation, as I read into the record, was it was determined, when the bill was done, that land conveyances “posed a limited threat to Canada” and that it was a conscious decision. I quote from the June 4 meeting of the Standing Committee on Health. The parliamentary secretary said:

When Bill C-42 was developed, a decision was taken to remove the requirement for advance notification by land conveyance operators, such as buses and trains, and to focus only on air and marine conveyances. This decision was based on an assessment that land conveyances posed a limited threat to Canada.

When we think about, it is a significant decision to have taken. Consider the volume of activity that goes across the borders between Canada and the U.S., certainly between the U.S and Mexico. If we read the media reports about products, fruit and vegetables, which have been produced in other countries and imported, the produce has been grown with chemicals that have been banned in Canada for a good reason.

In the last report I saw, Canada today imports fruit and vegetables from other countries. The produce has been produced with 10 or 12 chemicals, chemicals that have been banned in Canada, but not in the country of production. The question is an issue of food safety.

With regard to the United States, in the same report it indicated there were fruit and vegetables imported from other countries, which used some 17 chemicals that were banned in the United States.

In terms of using chemicals to treat fruit, vegetable, meat products and anything else, they may not be present in their pure form. The reason they would be banned by a country in the first instance is that the trace elements in those foods may be harmful to the health and safety of Canadians or those who will consume them. That is where a very large number of our imports come by rail and truck.

●(1645)

They are major distribution conveyances other than air or water. I have to question why the decision was taken that there was a limited risk to Canadians when there was some knowledge that there were some serious threats to the health and safety of Canadians by the importation of products which may have come by truck or rail. We have to ask ourselves whether or not those decisions were motivated by some objective other than health or safety.

Those are the reasons I have raised this issue.

I have looked at the evidence given at the health committee. Representatives appeared from the Department of Public Safety and Security as well as the department responsible for trade and the security and prosperity partnership.

The Quarantine Act is a very modest act. It is so small that it was not even reprinted after being amended.

We had some fairly substantive discussions at the Standing Committee on Health on some significant issues of which Canadians probably have very little knowledge.

I have seen some articles on the security and prosperity partnership, often referred to as deep integration with the United States. The *Hill Times* published a couple of substantial articles on it. For many people it raises a lot more questions than it gives answers.

We now, I believe, as a consequence have amended this bill in section 34(1)(a) to include “a conveyance”, putting that in and replacing “aircraft and watercraft”, and now includes all conveyances that are transporting or conveying persons, cargo or other things which may be a risk to Canadians.

I wanted to raise that because often things happen in committee which have very little to do with a bill. This is a case in point. If members are interested, they may want to look at the proceedings of the June 4 meeting of the Standing Committee on Health. The witnesses gave a detailed history of NAFTA and of the security and prosperity partnership. I am not sure why the primer was given, but I must admit it was very interesting.

The bill is important. I discussed much earlier public health threats such as SARS, but we also know that West Nile virus and the avian influenza are significant risks. There have been discussions about pandemics. Some experts have said it is inevitable that Canada will experience a pandemic. There have been discussions and public pronouncements that there may not be sufficient medications to treat Canadians and that there will be rules about who will have access to these medications. These issues need to be continually looked at.

Canadians need the assurance that public health and safety will not be compromised by economic expediency or by the objectives of another nation. Canadians need to know that Canada's objectives will be firm. We look to the government to give us assurance that when matters come up, public health and safety will not be compromised for economic objectives.

●(1650)

**Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, when the member first asked me his questions, he had his facts completely wrong in respect to section 34. I was willing to give him the benefit of the doubt and explain to him that the act was amended and land conveyances were included in what has been presented.

However, since then the member has continued to suggest things that are simply incorrect. He has admitted to reading the minutes from the health committee's meeting of June 4, 2007. If the member actually had read the minutes, as he has claimed, he would see the amendments presented. The amendments go on for pages in the minutes. Even a brief overview of the minutes would show the amendments presented. Yet, the member claims that he was unaware of the amendments because the minutes were not printed in accordance with his expectations.

*Government Orders*

He cannot have it both ways. If the member has indeed read the minutes, he will know the amendment was presented and unanimously passed by committee. In fact, I presented the amendments as parliamentary secretary.

Due to the leadership of the health minister, it is abundantly clear that this government takes the health of Canadians very seriously.

And I see the member is looking through the minutes.

Even in the previous version of the act the option of land conveyances was always there; it just was not explicit. The minister had the ability to include conveyances in paragraph 34(1)(b) in the previous act where it just stated "conveyances".

Dr. David Butler-Jones, the Chief Public Health Officer of Canada, is quoted extensively in the June 4 committee meeting and in previous meetings as stating that the risk profile for land conveyances from the United States was very low, and that is why it was excluded.

In the interest of absolute clarity and to make sure there are no ifs, ands or buts, as parliamentary secretary on behalf of the minister I made those amendments.

The member spoke of the SPP. He will also see in the minutes from June 4 that the director general of the innovation partnerships branch of the Department of Industry, on page 2 of the minutes, made an extensive presentation dealing with the government's priorities and concerns in regard to this. In every case health is first and foremost.

The member has taken quotes out of context. Obviously, the member has not read the entire minutes. If he had, he would have seen there were amendments. The member should be more careful in taking selective quotes out of what was an extensive consultation.

Would the member agree—

• (1655)

**The Deputy Speaker:** The hon. member for Mississauga South.

The hon. member had four minutes out of ten.

**Mr. Paul Szabo:** Mr. Speaker, with due respect to the member, he should know that when I was advised that Bill C-42 was coming forward for debate, I asked one of the pages to bring me the bill. The bill that the pages have available for members in fact is the most recent printing of the bill. It is the bill that was debated at second reading. It was in fact the one that has the exemption.

I wanted to understand why there was not another bill, the bill as amended by committee. When I asked the question of the parliamentary secretary, he pointed out to me there were amendments.

Then I went into the lobby and called up the minutes of the June 4 committee meeting, maybe about 20 minutes ago, and that is the first time I saw it, to see that in fact when the amendments were made, after the second amendment was agreed to, the chair asked, "Shall the bill as amended carry? Agreed. Shall the chair report the bill as amended to the House? Agreed". It was reported back with the amendments in the report of the committee.

The committee chair did not ask the members whether they should reprint the bill. Therefore, there was no reprint. I have explained this twice now to the parliamentary secretary. I do not think it has quite sunk in, but I will keep doing it.

The minutes I have read are the minutes I have read because I wanted to understand why members were not getting the bill.

I raised his quote. The reason they excluded trucks, trains and buses, and I quote him, is that they "posed a limited threat to Canada". That is what he said to this place. Then he said in his question here and I quote him again, "for absolute clarity we made the amendment to say a conveyance covering all conveyances".

Including all conveyances, including buses, trucks and trains is not a clarification. It is not a clarification of aircraft and watercraft. It is in fact a very substantial change to the bill. The member again has misled the House. The Conservatives did not want to have those other items in there. They were caught by the member for Oakville for not having included the major conveyance of fruits and vegetables. The member wants to slough it off that for absolute clarity they made the change.

This is not a clarification. This is a substantive change involving the safety, security and health of Canadians. I do not accept for a moment that this is a clarification. It was a change that the government was embarrassed to have to make because it got caught.

• (1700)

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I have listened with a great deal of interest to the debate. It was going along quite quietly and nicely, but it suddenly heated up. The member for Mississauga South obviously feels very passionate about what is taking place here.

His speech was very thoughtful and reflective about the importance of this bill and what it is that needs to be done. He actually brought some clarity to the history of this bill and why it needed to be brought forward in the first place in 2006 and why we are now dealing with these amendments today.

I am not a member of the health committee. I have not followed all of the detailed business on this bill. Certainly our member on the committee who spoke earlier has done a great job. She herself has a background in public health. She has a very strong sense of advocacy about what needs to be done to improve public health.

Certainly this issue of transmitted diseases, pandemics and what is the response of a public health authority is a very important matter.

The comment I wanted to put to the member for Mississauga South is that it seems to me while we are dealing with some particular amendments in this bill and because we do have an opportunity to debate the bill today, it does raise the larger question that probably the most important aspect of the work that needs to be done on an ongoing basis—

**The Acting Speaker (Mr. Andrew Scheer):** I do have to allow the hon. member for Mississauga South enough time to reply.

**Mr. Paul Szabo:** Mr. Speaker, I thank the member for her input. I always look forward to her commentary because she has a very good grasp of how to bring things back to the important issues.

*Government Orders*

I would just simply indicate to her that my concern was raised by the testimony of Mr. Paul Haddow, director general of the international affairs departments of Public Safety and Emergency Preparedness Canada, in which he said, with regard to establishing the priorities for the security-prosperity partnership, that they included developing a pandemic plan for North America for strengthening the cooperation and coordination in the area of emergency preparedness and response and to continue to work on making borders within North America smarter in the sense of achieving the same level of security, but in a way which included the flow of trusted goods and travellers.

It does not include health. It bothered me, it concerns me and we will watch it.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I am pleased to speak today on Bill C-42, An Act to amend the Quarantine Act. This is an opportunity for us to look at a bit of history at the same time, since the Quarantine Act is probably one of the oldest pieces of public health legislation in North America. We are very aware of this in Quebec. In 2008, we will be celebrating the 400th anniversary of Quebec City. Today, we have a sign: our health critic is in fact the member for Quebec City, and I want to recognize her. Her work on the Standing Committee on Health is outstanding.

This is an opportunity to see the work that we can do in this House: today we are dealing with the text of a law that was first enacted in 1872—and it is important that we remember this.

Public health, like health, has changed considerably over the years. I will offer a little history here. You know that health is a matter within the exclusive jurisdiction of the provinces. Over the decades, the federal government has encroached on this jurisdiction, as a matter of political choice. Remember that the universal health care system we have today was set up during the 1960s, at the initiative of a premier of Saskatchewan. This produced the health care system we have today, with all its ups and downs. In the 1960s, even though health was still within the exclusive jurisdiction of the provinces, the costs were split. So when the universal health care system we have today was created, the federal government was supposed to foot 50% of the bill. That was the agreement in the beginning.

You understand that because this is a privilege of the provinces, or a matter under their exclusive jurisdiction, the federal government made its contribution by way of transfer payments. That has indeed changed over the years, as successive federal governments, particularly Conservative governments during the 1990s, built up deficits. The Liberals in Pierre Elliott Trudeau's time, however, had also done their bit to increase the deficit.

Consequently, in the beginning, the federal government paid 50% of the bill for our universal health care system, which is under the exclusive jurisdiction of the provinces. This federal-provincial agreement, with the transfer payments, had been properly negotiated. In 1993, in the middle of the big Liberal budget cuts, the federal government's share of health care, through transfer payments, was 13%.

So we have a system, one that was created during the 1960s. In Quebec, it was the time of the Quiet Revolution. It was when the Quebec that we know today emerged. We got on board with the universal health care system, based on one premise: that the federal government, under the agreements signed, would pay for 50% of it. We thought that it was always going to pay 50% of the bill, but as I explained, since this was within the exclusive jurisdiction of the provinces, the federal government used that to withdraw gradually from paying the bill, as its deficits rose. Little by little, we arrived at an agreement whereby in 2010 the federal government should be paying the percentage it was paying in the 1990s. That is the hard reality.

The latest agreement negotiated between the provinces and the federal government aims to re-establish or rebalance its percentage of the bill to what it was paying in 1990. This is one reason why Canadian federalism does not always work—at least in Quebec. Quebeckers learned very quickly that, any time we are dealing with Ottawa, Quebeckers are always the big losers. That is what happened with our health care.

Today we are debating Bill C-42, An Act to amend the Quarantine Act. From a health perspective, it is probably the only file that is truly a federal jurisdiction. A few years ago, we suffered a SARS outbreak, that is, severe acute respiratory syndrome. This disease from outside the country made the entire community, both the provincial and federal health networks, aware of the need to intervene.

• (1705)

In 2005, we therefore decided to make an important amendment to the Quarantine Act, in order to adapt it to the risk of epidemics from outside our borders or epidemics that we might export.

This still surprises me. Many decisions are made in this House and many discussions take place, but all the while, certain realities elude us and manage to slip through all the policies adopted here in Parliament or elsewhere.

At the WTO, discussions are currently underway concerning the agriculture file, which is not yet resolved. In this vast, global free trade system, the agriculture file is one of the most recent issues that the WTO is resolving.

The longer we wait, the more we will see that, theoretically, the only way a person can protect their health is by producing themselves what they eat.

I listened to my colleagues talk earlier about chemicals. The best way a person can protect their health is by one day successfully producing at home everything they put on their table. That is how it will be.

*Government Orders*

I am always shocked when I see the Liberals and the Conservatives trying to set aside the supply management system put in place by farmers in Quebec and the rest of Canada for dairy products, poultry and eggs. This system balances supply and demand within the provinces and Canada. Yet the Liberals and the Conservatives are tempted to set aside this system, which allows us to meet our own needs for products as important as milk, eggs and butter. These are things we eat every day. They are tempted to set aside this system, because some countries would like to sell us their milk and other products over which we have no control. We have no control over what other countries produce.

Today, we are talking about a bill on quarantine, epidemics and freight movement.

At the same time, we are letting our WTO negotiators set aside supply management, which would allow us to provide for our own needs and produce milk, butter, eggs and chicken, things we eat regularly. We need to be able to self-regulate in this area. Yet the system will probably be set aside one day. The Liberals were prepared to set it aside, and the Conservatives are tempted to do so in order to negotiate with other countries that want to sell us their products. One day, we will no longer be able to produce what we need, and we will have to buy consumer products from other countries, products over which we have no control. We do not know how animals are fed or what is used in producing these products.

This concerns me a great deal. Today, we are discussing a bill on quarantine, a public health bill. As I said earlier, it has been in existence since 1872.

Things were simpler back then. I realize that we must make sweeping changes today because, at the time, people and goods travelled by ship. When there was a quarantine, the ship would raise the quarantine flag. A law had to be adopted to deal with the people and goods on the quarantined ship. Thus, a bill was passed in 1872.

Today, over one hundred years later, we must revise the Quarantine Act. Section 34 establishes what kind of transportation will be covered by this Quarantine Act. It has taken us several years and that is understandable.

Today, this section applies to the operator of any of the following conveyances: a watercraft or aircraft that is used in the business of carrying persons or cargo. We have broadened the scope of the legislation to more than just ships. This had to be done.

In a few centuries from now, we will not be able to accuse the Conservatives of having looked too far into the future. Usually, they look in the rear-view mirror to see what lies ahead. We are recognizing new technologies for transporting goods. That is perfect.

● (1710)

That is why the Bloc Québécois will support Bill C-42, which has the merit of involving operators and, as I was saying, “applies to the operator of any of the following conveyances: a watercraft or aircraft that is used in the business of carrying...or cargo”. This makes these carriers and operators take responsibility for their obligation to declare possible quarantines, illnesses or all manner of viruses that may be contained in their cargo, if they are carrying merchandise, or among the human beings travelling on board. This allows us to make adjustments.

However, as I was saying, it also requires us to take a look at our collective conscience. It is all well and good to pass quarantine bills. SARS showed us that despite all the good intentions of our health care systems, we are not sheltered from an epidemic or all sorts of unpredictable diseases. These are things that can happen. The severe acute respiratory syndrome or SARS epidemic that happened in 2003, was a sad event that showed us the flaws in our health care system. In my opinion, it was time for Canada to adopt a public health policy together with the provinces. I believe that the Standing Committee on Health did good work in implementing a public health coordination service that is able to intervene and help provinces deal with situations like the one Ontario experienced in 2003. This is good for public health and a good investment for our collective environment.

In the meantime, we never wonder what causes these epidemics. There were others that just fizzled out. Avian flu does not affect people, just animals, and we do not know whether it will affect humans one day or not. The same is true for mad cow disease. It affects animals, but we do not know whether it will affect humans one day. We have to be careful what we import and put on our tables. The main thing we have to take from all of this is that we can now be prepared.

In truth, we are reacting after the fact. SARS struck Ontario in 2003, and that is the reason why we have adopted this bill to amend the Quarantine Act. That is the reality. One day we must try to prevent rather than always trying to cure after the fact. To achieve that, we must ensure that we produce what we put on the tables in this country. That is the hard reality. It is a fine thing to do business with all the other countries of the world, to exchange goods and services, but when it comes to food, to what we produce to put on our tables, one day, our representatives at the WTO must stand up and say that is not negotiable.

Indeed, we cannot allow other countries to send us products, if we cannot be assured of the quality of those products. Genetically modified organisms, GMOs, are already being widely discussed around the world. We must be able to regulate what comes to our tables. Until we can do that, we must ensure that every country is capable of producing what goes onto the tables of its citizens, so that if ever there is an epidemic, a virus or something that stems from the food or the animals that we consume, we will be able to control all of that through our own regulation system.

*Government Orders*

We are not there yet and I find that disappointing. I say that very politely to everyone. I am disappointed in the way the Liberals defended supply management while they were in power, and the Conservatives are doing the same thing: trying to cast aside supply management. That means if dairy products, eggs, poultry and chicken are removed, there will be no more controls and those products will be imported from abroad. Some day we will be inundated with foreign products because those countries, owing to their population, will be into mass production. At that point, we will no longer be competitive.

One day, we will poison our population. That is what will happen. We will make our own people sick. The new way of doing things will bring viruses. If we do not adopt legislation similar to the bill we are discussing today, then some day we will have to adopt other bills to try to counter those plagues.

• (1715)

It would be easy to ensure consistency in everything we do by adopting bills like the one before us today to modernize the Quarantine Act.

We also have to take a stand with the WTO and say that agriculture—the food we put on Canadians' tables—is not negotiable. We must maintain complete control over the quality of the products we eat. That is the way it is.

We are talking about this for all kinds of reasons, one of which is that in order to make a profit, companies are going too far and genetically modifying products. They want things to grow faster, and they put all kinds of things in there to make them stronger and healthier, but in reality, they are making them less healthful by chemically treating them. That is a fact.

The Bloc Québécois will support Bill C-42 to implement section 34 as amended. I will read section 34 of the Quarantine Act, which will come into force when this bill is passed. I will then read the amendments. Section 34 reads as follows:

34(1) Before arriving in Canada, the operator of a conveyance used in a business of carrying persons or cargo, or of any prescribed conveyance, shall report to the authority designated under paragraph 63(b) situated at the nearest entry point any reasonable grounds to suspect that (a) any person, cargo or other thing on board the conveyance could cause the spreading of a communicable disease listed in the schedule; (b) a person on board the conveyance has died; or (c) any prescribed circumstances exist.

(2) Before departing from Canada through a departure point, the operator shall report to the authority designated under paragraph 63(b) situated at the departure point any circumstance referred to in paragraphs (1)(a) to (c) that exists.

(3) If it is not possible for the operator to report before their arrival in or departure from Canada, the report shall be made at the entry or departure point, as the case may be.

(4) The authority shall notify a quarantine officer or an environmental health officer without delay of any report received under this section.

These are the operator's responsibilities, which are to be carried out upon entering or leaving the country.

The amendment introduced today in Bill C-42 completes section 34, which I read earlier.

34 (1) This section applies to the operator of any of the following conveyances:

(a) a watercraft or aircraft that is used in the business of carrying persons or cargo;

...

(2) As soon as possible before a conveyance arrives at its destination in Canada, the operator shall inform a quarantine officer or cause a quarantine officer to be informed of any reasonable grounds to suspect that

(a) any person, cargo or other thing on board the conveyance could cause the spreading of a communicable disease listed in the schedule;

(b) a person on board the conveyance has died;

(c) any prescribed circumstances exist.

...

The original section talked about the operator of a conveyance without specifying the type of conveyance. Now it mentions transportation by watercraft or aircraft. Furthermore, the original section talked about reporting at the entry point and now reporting is done beforehand, as soon as possible, so that quarantine officers are informed before arrival. The situation does not need to be reported upon arrival at the border, it needs to be reported beforehand, as soon as possible.

I want to acknowledge the work of my colleagues in the Standing Committee on Health, the hon. member for Québec, among others, and to say that it is good that we are updating legislation from 1872 to deal with reality.

These are diseases that can be transmitted by virus, epidemic or otherwise. However, it is also important to realize that this bill is a reaction to the SARS epidemic in Ontario in 2003.

I hope the WTO will make good decisions to ensure that our agriculture will be protected, so that the food we put on our tables will protect our constituents and that we will not have to pass another bill one day because we should have realized that what we put on our tables should be produced here, according to our standards, to ensure that food safety and public health are protected.

• (1720)

[English]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, the hon. member knows that XDR-TB is a form of TB that is fatal in roughly 50% of regular cases, and about 90% of the people with HIV-AIDS will also die because of the disease.

We know that a gentleman boarded a flight to Montreal through the CSA and at that time the Czech authorities did not notify the Montreal airport or Canadian authorities prior to this person landing. It seems to me that the report states that the Czech authorities and the Czech airlines knew, because at that time, even though the flight was in the air, they knew that this gentleman had this serious case of XDR-TB.

Section 17 of the existing Quarantine Act provides that every person who contravenes certain sections of the act or regulations is guilty of a summary conviction offence. This component is still in this new revised act, even though it updates a reference to certain sections.

*Private Members' Business*

The new act does not seem to really say to the airlines that they have to report. They obviously knew about this person. They had the responsibility to tell the airlines and tell the Canadian health authority that this person arriving in Montreal had this disease and therefore should be under quarantine, so obviously they broke the existing Quarantine Act. I do not know whether the new act would fix the loophole. I do not understand why the Canadian authorities or our government did not charge the airlines that failed to report to Canada what had—

• (1725)

[*Translation*]

**The Acting Speaker (Mr. Andrew Scheer):** Order, please. I have to give the hon. member a couple of minutes to reply. The hon. member for Argenteuil—Papineau—Mirabel has the floor.

**Mr. Mario Laframboise:** Mr. Speaker, my colleague is quite right.

The problem is that the changes to Bill C-42 apply specifically to the operator, therefore the pilot of the aircraft, who will have to make the report. I think we should also ensure that airlines which know about it have to do so. Pilots can always say that they were not informed about the health status of one of their passengers. It is obviously time to ensure, therefore, that airlines are also involved.

As I read Bill C-42, only the operator, that is to say the pilot, is implicated. It could well be, though, that the airline did not tell him. People are always innocent, as we know, until proven guilty. So even if the pilot says that he did not know and was not told, under Bill C-42 he is still responsible. We should ensure that the airlines and all the personnel in charge are also required to follow up.

In clause 71, it says: “Every person who contravenes subsection 6 (2), 8(1) or 34(2) or (3) ....” In my view, on the basis of my legal training, “every person” could also include a body corporate, that is to say, the officers of an airline.

This situation is obviously intolerable. I agree completely with my colleague. It is unacceptable for someone who knows that a person has a contagious disease not to inform the people at the destination. At least this bill will require an operator to do so as soon as possible. In this case, he should actually have done so as soon as he found out. I hope that corporations, or the bodies corporate constituted by airlines, can also be included.

**Hon. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, the hon. member for Argenteuil—Papineau—Mirabel said that the federal government promised a few years ago to contribute about 50% of the costs of the provincial health care systems.

[*English*]

I would like to correct him on that point, if I may, because what the federal government promised to do was contribute 50% of the insured health costs. Insured health costs at that time included hospitals and medical services, such as the medical services plan equivalent in the province of Quebec.

What has caused a great increase in health costs in many of the provinces is the cost of prescription drugs, home care and other services that are not insured. That is why the percentage has gone down. The Liberal government topped it up by \$41 billion close to

the end of our last mandate. The present government is not doing much for health care.

I wanted to correct that point. It was never the intent of the federal government to cover 50% of all health care costs in each province.

[*Translation*]

**Mr. Mario Laframboise:** Mr. Speaker, I would not like to correct my hon. colleague, but when the health care system was established in Canada, the federal government did promise to cover 50% of the costs. It is false to claim that the government continued to cover 50% of the health care costs even up until last year, and the hon. member knows it.

• (1730)

[*English*]

**The Acting Speaker (Mr. Andrew Scheer):** It being 5:30 p.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[*English*]

### CONTROLLED DRUGS AND SUBSTANCES ACT

The House resumed from May 30 consideration of the motion that Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine), be read the second time and referred to a committee.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I am quite pleased to speak to private member's Bill C-428 presented by the member of Parliament for Peace River.

Bill C-428 amends the Controlled Drugs and Substances Act in order to “prohibit the production, possession and sale of any substance or any equipment or other material that is intended for use in production of or trafficking in methamphetamine”.

I am supporting this bill at second reading. I am recommending to all members of the Liberal caucus to support it and vote for it at second reading in order that it may be referred to committee for further study.

It is a very short bill. The bill would make it a specific crime to produce, possess or sell substances or equipment intended for use in the production or trafficking of methamphetamine. It does so, as I mentioned, by amendment to the Controlled Drugs and Substances Act, which is Canada's federal drug control statute.

The street name for methamphetamine, because that is essentially what we are talking about, is crystal meth. It is also called ice, crystal, glass, jib and tina, for instance. It is a chemical stimulant that creates a very strong effect on the central nervous system. I would like to give members an example.

There is a study called “Coping with Meth Lab Hazards” by Geoff Betsinger, dated November 2006. It will be presented at a national conference. A DEA study states:

*Private Members' Business*

Methamphetamine, like cocaine, is a potent central nervous system stimulant. It can be smoked, snorted, injected or taken orally. It increases the heart rate, blood pressure, body temperature, and rate of breathing; it dilates the pupils; and [it] produces euphoria, increased alertness, a sense of increased energy, and tremors. High doses or chronic use have been associated with increased nervousness, irritability, and paranoia. Withdrawal from high doses produces severe depression. Methamphetamine can be a lethal, dangerous and unpredictable drug.

The study notes that in large doses there can be aggressive behaviour, auditory hallucinations and paranoia, with delusions and psychosis. These are frequent effects. The study states:

Abusers tend to engage in violent behaviour; mood changes are common and the abuser can change from friendly to hostile rapidly. The paranoia produced by methamphetamine use results in suspiciousness, hyperactive behavior, and dramatic mood swings.

Crystal meth is easy to produce in small, clandestine labs set up in any place from homes to hotel rooms by mixing a cocktail of about 15 chemicals that are usually easily available. The main ingredient for producing crystal meth is pseudoephedrine, a cold remedy, and it is cooked with chemicals commonly found at a hardware store, such as red phosphorus, iodine, ammonia, paint thinner, ether, Drano, and the lithium from batteries. The recipe for crystal meth is widely available on the Internet, but I will not mention the sites.

It can also be very profitable. Police say an investment of about \$150 can yield up to \$10,000 worth of the drug. While the manufacturing process is relatively simple, it is also toxic and dangerous. Each kilogram of crystal meth produces five to seven kilograms of chemical waste, which is often dumped down the drain or in the backyard. Another byproduct is toxic gases that often can lead to fire or explosions in the lab.

When a crystal meth lab is discovered, a special clandestine drug lab team is brought in to investigate it, as is a chemist from Health Canada who advises on the dismantling of the lab. A house that has contained a crystal meth lab needs to be decontaminated and can remain uninhabitable for months.

● (1735)

In fact, this study that I have mentioned talks about how “the greatest risk of long-term exposure” to crystal meth and the toxic waste byproduct is assumed by “unsuspecting inhabitants of buildings formerly used by clandestine drug laboratory operators where residual contamination may exist inside and outside the structure”.

For instance, we know that in many cases insurance companies will refuse to insure a home rented legally to individuals who established within the home a clandestine lab that resulted in damages. The decontamination will not be covered by the insurance policy even though the owners of the property had no involvement and no knowledge that these illegal activities were taking place on their property.

In Canada the problem of crystal meth production and use seems to be growing. For instance, in 1998 four clandestine crystal meth labs were seized in Canada. By 2003 that figure was up to 37. The World Health Organization says that methamphetamine, after marijuana, is the most widely used illicit drug in the world.

I would like to talk about the previous government, our Liberal government, because it did recognize the growing problem of crystal meth. In August 2005 our government increased the maximum

penalties for possession, trafficking, importation, exportation and production of methamphetamine. Our Liberal government moved methamphetamine to schedule I of the Controlled Drugs and Substances Act, which is reserved for the most dangerous drugs. We also added four substances used in the production of methamphetamine to the list of controlled chemicals under the precursor control regulations.

We learned at the end of May that the current minority Conservative government will be unveiling a new national drug strategy. We would hope that it will also deal with the issue of crystal meth. We do not know what its national drug strategy will be, but we hope that the Conservative government will take the issue as seriously as did the previous government.

There are a few issues surrounding the way in which Bill C-428 is drafted. While I have not had an opportunity to have extensive discussions with the member for Peace River, who presented the bill to the House, assistants in his office have assured us that he worked with the Library of Parliament and with the office of the Minister of Justice to ensure that the bill would be effective while not leading to undue criminalization.

However, there is no concrete evidence reflecting the statement. That is one of the reasons why we Liberals would support referring the bill at second reading to committee so that we can have further information and further assurances based on fact and science from the member for Peace River.

I will end by stating that the Liberals, the official opposition, do recognize the seriousness and gravity of the difficulties that crystal meth presents to our society. We also recognize the difficulties that it presents to our law enforcement and to the safety of our communities and Canadians.

That is why, as I explained several minutes previously, the Liberal government took serious action to deal with crystal meth, with its production, manufacture, trafficking, possession, et cetera, and it was also part of our national drug strategy. We would hope that it will be part of the Conservatives' national drug strategy, which they say they will be announcing shortly. We hope that after 16 months “shortly” will not be another 16 months.

We look forward to seeing all members of the House support sending the bill presented by the member for Peace River, Bill C-428, to committee at second reading.

● (1740)

**Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I would like to begin by thanking my hon. friend, the member for Peace River. I am fully aware of his deep concern for the problems that crystal meth inflicts on Canadians. I commend him for drawing the attention of this House, through this private member's bill, to the complex difficulties created by meth.

[*Translation*]

Crystal meth is a substance that can alter and damage the brain. It is a drug that is incredibly addictive, and the potential for abuse is very high.

*Private Members' Business*

[English]

Meth abuse can result in serious behavioural problems, psychotic symptoms and dangerous medical complications, such as cardiovascular problems, strokes and even death. Meth addiction is a chronic relapse disease that is notoriously tough to treat.

[Translation]

The illegal production and sale of this drug are wreaking havoc for thousands of Canadians.

[English]

Meth and other synthetic drugs have cost us millions of dollars in direct health expenses. They have cost us tens of millions of dollars in law enforcement activities. Worst of all, they have cost many lives and great heartbreak to families and friends.

[Translation]

Today, I would like to briefly talk about the magnitude of the problem with crystal meth and to give an overview of what the federal government is doing to fight the scourge of illegal drugs in general. I will conclude by talking about the measures taken by the government with respect to crystal meth and its abuse.

[English]

Why is crystal meth so insidious? First is the extent of the problem.

I have already touched on some of the serious health related issues, the harm caused by abuse, addiction and other problems. It is also easy to produce illegally. Recipes for producing meth abound on the Web, and books about how to make meth are readily available from popular online bookstores. The dozen or so ingredients and the manufacturing equipment are relatively easy to find.

I believe that regardless of our party affiliations, we can all agree that none of us would want a meth lab in our neighbourhood. None of us would want a meth lab to be produced near our schools, recreational areas or on the farm down the road. I am also sure none of us would want this relatively inexpensive, easy to produce, yet deadly drug in the hands of our children or anyone else's child.

A further difficulty is the hazardous nature of meth production. The ingredients can cause chemical burns and they are prone to explode in amateur hands. First responders called to the scene of an illicit lab face serious dangers, as do nearby residents. The environmental hazards associated with meth production are also very real.

Moreover, we have to consider the actual social costs in dollars of illicit drug abuse. Thanks to a groundbreaking study by the Canadian Centre on Substance Abuse released just last year, we have a much clearer picture of the direct and indirect costs to Canadians and the economy.

The harm from illegal drugs, including meth, accounted for more than \$1.1 billion in direct health care costs and more than double that, \$2.3 billion, for law enforcement. Productivity losses, because of illness and premature death, reached an appalling \$4.7 billion. That is more than \$8 billion in one year and the costs are rising.

Information on the specific costs associated with meth abuse alone is a bit harder to track down but, nevertheless, we know that the social costs are substantial and that meth use is very common.

For all those reasons, the insidious nature of harmful meth production and use and the costs to the economy, I want to emphasize that this government takes the problem very seriously.

• (1745)

[Translation]

The government is committed to fighting the production and abuse of illegal drugs.

[English]

Over the past decades, the core aim of Canada's effort to combat drug abuse has been a constant fight to see Canadians live in a society that is increasingly free from the harm associated with substance abuse. We must not underestimate the complexities of dealing with this deep-rooted problem.

Illegal drug use must be fought on several fronts. It must be challenged as a social phenomenon and it must be confronted directly as a health issue, an issue for the justice system and, in some cases, as with meth, an environmental issue.

This is why Health Canada and many other federal departments and agencies work closely with their counterparts in provinces and territories in supporting a range of prevention, treatment and enforcement initiatives. A comprehensive approach is vital and the provinces and territories are essential partners in the integrated nationwide campaign.

We undertake and sponsor research to understand substance abuse as a basis for effective decision making. Federal, provincial and territorial governments support a wide array of community based education and prevention programs to discourage and treat harmful substance use and to root out laboratories that manufacture synthetic drugs such as meth.

Health Canada will continue to work with its partners in the Department of Justice and Public Safety and Emergency Preparedness Canada to keep legislation, regulations and policies current and relevant.

Progress is, of course, incremental and, since there are no simple answers to this issue nor any magic solution to changing the behaviour of people abusing drugs, I believe that slowly, and sometimes very slowly, we are gaining ground.

[Translation]

Now I would like to discuss some measures taken recently by the government to fight crystal meth and its abuse.

*Private Members' Business*

[English]

First, we announced a national anti-drug strategy in the March budget with specific funding for an array of prevention, treatment and enforcement measures.

Second, in 2005, meth was moved up to schedule I of the Controlled Drugs and Substances Act. This means that the courts can impose a maximum sentence of up to life imprisonment for anyone found guilty of importing, exporting, possessing for the purpose of exporting, producing and trafficking meth. Simple possession can draw a sentence of up to seven years.

Third, the precursor control regulations have been amended to include, and thus regulate the activities with, four additional substances that can be used in the illicit production of meth.

My hon. friend has given this a considerable amount of consideration and I think we can all support the member's intention. However, one of our concerns is with the penalties that would be applied when the bill's prohibitions are contravened. The bill does not establish any specific penalties and, therefore, the act's general, and much less onerous, penalty section would apply, for instance, a maximum of three years instead of five to seven years.

Perhaps more significantly, legitimate business and law-abiding Canadians would suffer immediately and seriously because, as I mentioned earlier, the same chemicals and equipment used to produce meth are also used to produce or are found in a large number of industrial, consumer and health products, ranging from cold medications to fabric dyes.

As such, an amendment would be required to make sure that businesses and people will not be caught by the offences imposed by the bill.

• (1750)

[Translation]

As I said at the beginning of my speech, I applaud the intentions of the member for Peace River, and I support the principle of the bill to stop the production and trafficking of crystal meth.

[English]

As per the amendment or as per—

**The Acting Speaker (Mr. Andrew Scheer):** Order, please. Resuming debate, the hon. member for Kildonan—St. Paul.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I am pleased to speak to this very timely topic and I commend the hon. member for Peace River for introducing Bill C-428. I am fully aware of the member's interest in this area and of his concern for the problems that illegal drugs inflict on Canadians.

I know the member and I have spoken about his concern about his constituency and the fact that crystal meth is something that is growing in our country and something that has to be addressed. I want to congratulate him especially for drawing the attention of the House to the complex difficulties created by methamphetamine.

We know that methamphetamine is chemically similar to amphetamine but its effects last longer and are more toxic. Methamphetamine has a similar chemical structure to that of

amphetamine but it has a stronger effect on the central nervous system. The appearance and euphoric effects vary with the method of administration but they are nearly immediate and can last for 12 hours or even more.

Novice users can obtain a high by ingesting only an eighth of a gram of methamphetamine, while a regular user ingests more to get this effect, up to 250 milligrams. On a runner binge lasting several days, the user may take multiple grams of methamphetamine.

Unlike many other drugs of abuse, methamphetamine not only affects the release of certain brain chemicals, such as dopamine, but also damages the neural tissue within the brain itself.

Methamphetamine exposure can damage the areas of the brain related to both cognition and memory. In some cases, even years after discontinuation of use, some brain functioning may not be fully restored to pre-methamphetamine levels. For this reason, methamphetamine addiction places an individual at heightened risk of long term cognitive and psychological problems, including episodes of violent behaviour, paranoia, anxiety, confusion and insomnia.

The acute effects of methamphetamine include increased heart rate, body temperature, blood pressure and alertness. Methamphetamine consumption induces a strong feeling of euphoria and is highly psychologically addictive. This potent central nervous system stimulant affects the brain by acting on the mechanisms responsible for regulating heart rate, body temperature, blood pressure, appetite, attention and responses associated with alertness or alarm conditions.

The effects of meth, such as increased attention, decreased fatigue, increased activity and decreased appetite, together with its low cost and variety of administration routes, make methamphetamine a drug of choice for street youth and partygoers.

This is very unfortunate because often young people have a misconception of the addictive nature of this very dangerous drug. Often they can get hooked on it very easily and very quickly.

It is a common belief that methamphetamine gives people super human strength. Methamphetamine users often become heavily immersed in what they are doing and are prone to violent outbreaks. Chronic methamphetamine use attacks the immune system and users are often prone to various types of infections. There are also short and long term health effects, which the parliamentary secretary talked about earlier in his speech. They include paranoia, liver damage, brain damage and depression.

*Private Members' Business*

● (1755)

The rate at which methamphetamine takes effect depends on the method of administration. Taken orally in pill form or as tea, methamphetamine takes effect in 20 to 30 minutes. When snorted, its effects can be felt in three to five minutes. Injection and inhalation by smoking produce effects more quickly, in seven to fifteen seconds. They only last for a few minutes, but are extremely pleasant to the user. The half life of methamphetamine, the time it takes for 50% of the drug to be removed from the body, is 12 hours.

Methamphetamine use has a number of impacts on users, our communities and on society generally. The quality of life among users of methamphetamine is typically greatly diminished. Furthermore, individuals may be unmotivated to seek help as methamphetamine use can create seemingly high levels of energy and productivity. Communities can become vulnerable to petty crime, social disorder, associated risks to health and increases in violence, large scale labs and drug trafficking. When a user is addicted to this drug, it not only affects the user but the families and communities around the user.

Methamphetamine production operations also pose serious public safety and health hazards to those in and around production operations. These operations can result in serious physical injury, from explosions, fires, chemical burns and toxic fumes. They produce environmental hazards, pose cleanup problems and endanger the lives and health of community residents. In addition, first responders are also placed in extraordinarily dangerous situations when responding to calls where clandestine labs exist.

The collateral damage of methamphetamine includes effects on families, school staff and students, law enforcers, fire departments, paramedics, health care practitioners, businesses and property owners. These individuals experience second-hand symptoms of methamphetamine use.

First responders may experience exposure to production by-products, fire or explosion hazards and may be subject to the violence and aggression from addicts or frustration and stress from inadequate resources or judicial restraints preventing them from taking action.

Parents may also experience emotional and financial stress as a child goes through treatment, strain from missing work, fear, embarrassment, shame and guilt. The family may also encounter gang related crime, contamination, violence and disciplinary problems as the child continues to abuse the drug.

Staff and students in the schools may face users with behavioural problems, classroom disruption, absenteeism and negative peer influence.

There are also significant health risks and costs associated with dismantling labs and removing processing agents from these locations. Currently certain expenses are borne by the responding police services, property owners and insurers.

The bill put forward by member for Peace River proposes to amend the Controlled Drugs and Substances Act so as to prohibit the production, possession and sale of any substance, equipment or other material that is intended for use in production of or in trafficking in methamphetamine.

I support the bill. However, I note that it does not contain a specific penalty attached to the new prohibitions. We have spoken about this and I know the intent is to deal with this. The bill would be improved if it contained such a penalty. As well, the bill could impact on numerous retailers selling common articles for legitimate purposes.

I believe the bill could be improved if the criminal intent was clarified, as the member for Peace River has discussed with members on this side of the House, such that innocent or legitimate activities would not get caught.

The bill could very well provide us with further tools to counter and combat the methamphetamine problem. I urge all hon. members to support this bill.

I again thank the member for Peace River for his insightful dialogue and hard work on this bill toward ensuring that crystal meth is no longer on the streets of Canada.

● (1800)

**Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC):** Mr. Speaker, it is a pleasure to support my colleague, the member for Peace River, on his great bill, Bill C-428.

Crystal meth use and production is a serious and growing problem in Canada. Unfortunately, regardless of where we are living in this great country of Canada, we are starting to see the effects of it in all of our communities.

My riding of Lambton—Kent—Middlesex is in southwestern Ontario. It is a rural riding, made up of small towns and mostly agriculture. Yet, as much as we have been able to control the use of it, we know that it infiltrates and it impacts our youth within our communities across the country.

As encountered in some of the United States, a rise of crystal meth use in Canada has been accompanied by an increase in related health problems and death among its users. The resulting emotional, financial and social costs are enormous.

I will look at four different areas: first, health effects; second, law enforcement; third, production; and, finally, the effect that it has on our communities.

*Private Members' Business*

First, the health effects of crystal, even taken in small amounts, can result in increased wakefulness and physical activity, decreased appetite, increased respiration and heart rate, irregular heartbeat, increased blood pressure and hypothermia. Other effects of crystal meth abuse may include anxiety, insomnia, confusion, tremors, convulsions, cardiovascular collapse and in some cases even death.

The long term effects, because this is not only about what happens the day people take this product into their system, include paranoia, aggressiveness, extreme anorexia, memory loss, visual and auditory hallucinations, delusions and serious dental problems.

A few months ago my local newspaper printed a picture of a very attractive young lady. A picture of the same lady a few years later showed the visual effects of what intense drug use had done to that beautiful woman, not only to her facial features but her teeth and all the things that go with it. It was unbelievable that it had such detrimental effects.

Also, the transmission of HIV and hepatitis B and C can be a consequence of crystal meth abuse. Among abusers who inject the drug, infection with HIV and other infectious diseases is spread mainly through the use of contaminated syringes, needles and other injection equipment by more than one person.

Crystal meth abuse may worsen the progression of HIV and its consequences. Studies with meth abusers who have HIV indicate that the HIV causes greater neuronal injury and cognitive impairment compared to HIV-positive people who do not use this drug.

The intoxicating effects of crystal meth, however, whether it is injected or take in other ways, can alter judgment and inhibition and lead people to engage in unsafe and unpredictable behaviours.

The quality of life among users and dealers of crystal meth is greatly diminished. Addicts and dealers may experience dissolution of relationships, social isolation, altered personality, difficulty with academics, loss of employment, involvement in crime, drug-related psychosis and brain damage and health risk behaviours, including risky sexual encounters and declining physical fitness. Furthermore, individuals may not be motivated to seek help as meth users seemingly can create unbelievably high levels of energy and productivity.

● (1805)

I want to switch now for a minute about the legal part and the law enforcement of it. We continually hear police report increased levels of crime in communities where crystal meth is prevalent. We read in the paper about deaths. High speed pursuits, property crimes and identity thefts are associated with meth use. Many of these crimes are committed in pursuit of funds to sustain their consumption.

However, some crimes appear to be as a result of the state of the meth user after consuming the drug. Then once they have consumed the drug, they get involved in dangerous driving, vandalism, assault and threatening behaviour, usually against the most innocent people.

Police frequently report that the illicit drug use, trafficking and production are associated with violence and offences using firearms. Meth use is linked to an increased tendency to commit violent crimes, both because of the need to support the habit and as a result

the cognitive changes that result in an individual from consuming these drugs.

Disorderly and disruptive behaviour by meth users have been a concern to communities, which report that the quality of life has decreased as the number of users increase. As noted earlier, meth users are likely to be erratic, paranoid, aggressive, brazen, energetic and then worst of all violent.

How does this stuff come about? How do we make it? What happens? Is it only these large labs? Does it happen at home? My understanding is meth recipes are, unfortunately, easy to obtain from cooks and other resources, including the Internet. There are many non-essential chemicals that can be used interchangeably to produce meth. These include acids, bases and solvents. These are all dangerous chemicals unless handled in a proper fashion.

It amazes me when I look at the bottles and containers this stuff comes in, which these cooks put together to make crystal meth, why anyone would ever want to go down that road of injecting these poisons into their bodies.

There are two different types of clandestine drug labs. One is the economic based labs or the super labs which are large, highly organized and can produce a few hundred grams to 50 kilograms in one production cycle. The other type is the small labs often referred to, as we do with many things, as the mom and pop type or the addiction based labs. These labs generally manufacture small amounts, one to four ounces of meth per production cycle. These operators typically produce enough drugs for themselves and some of their close associates and then have enough money left over to sustain their habit.

One of the problems associated with meth labs is the difficulty in detecting where these labs are located. Therefore, the number of labs already detected in Canada may not accurately reflect the existing problem that is out there.

I will talk about our communities for a minute. Meth labs use and production also have a major social impact on our communities. They can become vulnerable to petty crime, social disorder, risk of health, increase in violence, large scale labs and drug trafficking. Meth labs also pose serious public safety and health hazards to those in and around production operations. They produce environmental hazards, toxic fumes and from time to time the potential for explosions.

*Private Members' Business*

In wrapping up, staff and students in schools may face users with behavioural problems, classroom disruptions, absenteeism, negative peer influence and, once again, possible contamination and the stress of having insufficient resources known to handle these issues because of the drug.

I cannot say enough about my concern as a parent, and now a grandparent, of what happens when our young people and professional people get involved in this. Therefore, I thank my colleague, the member for Peace River for bringing this forward. I know each and every one of us in the House will support it.

● (1810)

I thank my colleague from Peace River for bringing this bill forward. I know that each and every one of us across this House will support it.

**Mr. Chris Warkentin (Peace River, CPC):** Mr. Speaker, I appreciate the opportunity to complete the debate. I appreciate the many people who support it and who spoke on the bill thus far. I hear the support coming from the benches and I do appreciate it.

It has been interesting to bring this bill forward. I would like to thank the members who have shown up for the debate. I also want to indicate my thanks to members across party lines who have indicated their support for this bill. I would like to say a few things on that. The show of bipartisan support is not only support for this bill, but it is bipartisan support for our communities and young people who might otherwise become addicted to crystal meth or methamphetamines. I want to thank each member who plans to vote in favour of sending this bill to committee. We will work to make that happen.

We have had a number of discussions this evening. People have spoken about the effects of addiction and the effects of crystal meth. I want to reiterate a couple of things, specifically the importance that we tackle crystal meth for the one particular reason that it is so addictive. So many experts that I have spoken to over the length of time I have taken to research this have spoken about the addictive qualities of crystal meth and the fact that it only takes one time and many people are addicted for life. It is dangerous and it needs to be brought to our attention. We let these things happen in the shadows of our communities, but it takes people like us, members in this House, to stand up and say we are not going to let these things continue on and destroy the communities we live in.

We have heard tonight that these drugs, crystal meth or methamphetamines, are being mixed with other drugs. When young people and others buy illegal drugs, what they think are less addictive drugs, they may also be ingesting crystal meth or methamphetamines. Of course, that addictive quality is going to drive them to become addicted in a much faster way to the other drugs that they are taking.

I want to take a couple of moments to mention the front line workers who are affected by crystal meth every day. I want to thank them for their support and their work on the front lines. I want to thank the police officers for their work. They work with people who are addicted to crystal meth. They fight the good fight every day. I thank them.

I want to thank the medical workers and paramedics who see the impacts of crystal meth on a daily basis. I want to thank the addiction

counsellors who work so hard. Often it is a losing battle with crystal meth users because it is such an addictive drug. Many people remain addicted even though they may go through counselling. It is very difficult for addiction counsellors to continue their work, but I would like to thank them for their continued service.

I would like to thank the teachers who see the impact on their students. I would also like to thank the parents, the children, the grandparents, the families who are so often affected. What got me started with this issue is the impact it has on communities and on families. We want to prevent this from affecting any other family. If we can save one family from the pain that I have seen in my community, if we can save one individual from being impacted by the detrimental effects of crystal meth, then we have done something great.

I know there is work that needs to happen on this bill. Together as we work in committee we can figure out how we want to deal with it to ensure that the people who are producing crystal meth are gone after. We can do that in committee. I urge all members to support not only this bill, but support the communities they live in and the young people who might otherwise be impacted by this drug.

● (1815)

**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.

**The Acting Speaker (Mr. Andrew Scheer):** 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)

**Hon. Peter Van Loan:** Mr. Speaker, I rise on a point of order. There are some extraordinary powers that Parliament possesses and I would like to now call upon Parliament to exercise one of those powers.

If you seek it, I think you will find unanimous consent to see the clock at 6:30 p.m.

**The Acting Speaker (Mr. Andrew Scheer):** Is there unanimous consent to see the clock at 6:30 p.m.?

**Some hon. members:** Agreed.

\* \* \*

**BUSINESS OF THE HOUSE**

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I rise on a point of order to present a motion:

[*Translation*]

That, notwithstanding any standing or special order, the ordinary hour of daily adjournment today shall be when debate on C-42 and C-58 has been completed, or 9:00 p.m., whichever comes first; and the debate pursuant to Standing Order 52 be limited to three hours.

*Government Orders*

There have been discussions among the parties, and if you seek it, I think you would find that there is unanimous consent to adopt this motion.

[*English*]

**Hon. Karen Redman:** Mr. Speaker, I have no objection to the order put forward, I just would like to clarify that the two government bills that will be dealt with are Bill C-42 and Bill C-58, and when they are completed, or at 9 p.m., whichever comes first, we would go directly to the emergency debate.

**Hon. Peter Van Loan:** Mr. Speaker, that is an excellent and almost literal translation of the motion and I thank the member for understanding my French so well.

**The Acting Speaker (Mr. Andrew Scheer):** Does the government House leader have the unanimous consent of the House to present the motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Andrew Scheer):** 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)

## GOVERNMENT ORDERS

[*English*]

### QUARANTINE ACT

The House resumed consideration of the motion that Bill C-42, An Act to amend the Quarantine Act, be read the third time and passed.

**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.

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

\* \* \*

• (1820)

### CANADA TRANSPORTATION ACT

**Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC)** moved that Bill C-58, An Act to amend the Canada Transportation Act (railway transportation), be read the second time and referred to a committee.

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, I appreciate the opportunity to engage in the debate on Bill C-58, amendments to the Canada Transportation Act.

This is really one of a trilogy of bills. This is the third of the three bills which address various issues within transportation. The first

bill, Bill C-3, actually addressed the whole issue of bridges and tunnels, making sure government was able to protect the interests of Canadians in ensuring that our bridges and tunnels on our international borders are protected and maintained properly. The second one, Bill C-11, addressed the whole issue of railway noise, making sure that we had grain caps in place, making sure that communities had a say in what happens when there are disputes with railways. This bill, Bill C-58, addresses the issue of freight across our country.

The railways are what Canada was built around. The railways were a driving force in making sure that Canada became the country it is today. Railway freight is really the object of Bill C-58.

Canadians rely on our railways for their livelihood. Our economy depends on the timely delivery of freight across our country. Not only is freight delivered to the various areas and communities of our country by rail, but our railways are also used to deliver freight to the gateways of our country, the Pacific gateway, the Atlantic gateway, even our border with the United States, a critical gateway to make sure that we protect the ongoing prosperity of our country.

This bill addresses a number of concerns that have been raised over the last five to ten years. The existing Canada Transportation Act is some 10 years old. Shippers in particular have been raising a number of issues with how our railways are administered. They have had beefs with some of the pricing of the services that are delivered. They have had beefs about how railway siding abandonment has been addressed. They have been worried about advance notice for a number of the issues that are dealt with under the Canada Transportation Act. They are also concerned about how disputes with the railway companies are addressed.

This bill is addressing the concern that shippers have with respect to the relatively tightly concentrated ownership of railways in Canada. We know from experience that in industries that have relatively few players, such as the railway industry in Canada, there is always a risk that the players within that industry will engage in predatory behaviour. I am not for a moment suggesting that is what is happening in Canada, but it is one of the concerns the shippers in Canada have raised.

The shippers want to make sure they are treated fairly. Shippers have concerns. They want to make sure they can get their products from point A to point B in a cost effective and timely manner. When there are disputes about the level of service, or a dispute over the prices charged for transporting freight from point A to point B, they want to know that there is an effective and efficient mechanism in place to achieve that.

Bill C-58 actually provides a solution. It is called final offer arbitration. Final offer arbitration already exists under the Canada Transportation Act, but it applies in limited circumstances. Unfortunately, it is an expensive process. It is one that many of the shippers, especially the small shippers, cannot afford.

*Government Orders*

Typically we would want to make sure that our shippers and railways resolve their disputes in a commercial manner, for example, by negotiating with each other. That is the ideal. If there is a beef about the pricing for getting the freight from one point to another, the shipper wants to be able to sit down with the railway and negotiate something that is fair. Sometimes negotiating does not work and the parties move on to something called mediation where a third party is brought in to review the issues, to review the pricing and perhaps the level of service.

• (1825)

Sometimes a mediator can come up with a solution that the other two parties are not able to arrive at on their own. If that does not work, shippers are left with a problem. They are left with arbitration. As a result of arbitration being expensive, sometimes it can cost up to half a million dollars to arbitrate a dispute. Many of the shippers cannot afford the current arbitration process.

This bill implements final offer arbitration within a broader context. Let me explain to the House how final offer arbitration works.

In those provisions, the shipper and the carrier each make their best offer. They have a dispute, they come to the table, and each comes forward with their best offer and presents that offer to the arbitrator. The shipper is not going to bring in an offer that is totally out to lunch because he or she knows that the arbitrator is not going to take that offer. The arbitrator is probably going to take the railway proposal. The railway is going to be in the same boat. It is going to bring forward an offer that is as close to where it probably should be to make sure that the other party's offer is not taken. This effectively drives the parties closer in their negotiations and closer in terms of the offers that they present.

The arbitrator can only make one choice. He chooses one offer or the other. He cannot amend the one offer or the other offer. He cannot combine them. He cannot come up with a compromise. He picks one or the other. The purpose is to make sure the parties, when they make their offers, are as close as possible. It certainly drives the parties to negotiate these disputes if there is any way of resolving them outside of the arbitration process. There is an incentive for the parties to put forward reasonable offers.

Final offer arbitration is one of the more popular remedies under the Canada Transportation Act, certainly with shippers. One of the reasons is because shippers have considerable control over the process and are not dependent on other parties. In essence, the shippers determine the rates and conditions that are contained in the final offer, so they have some control over that process. This forces the railway to respond in kind.

The decisions that the arbitrator makes are, of course, confidential. On the whole, shippers are satisfied with final offer arbitration under the Canada Transportation Act. However, they complained again because of the costs. Individual shippers really cannot avail themselves of this process because it is just too expensive. Our amendments to Bill C-58 address that problem.

Bill C-58 proposes two main amendments. First and foremost, Bill C-58 extends the final offer arbitration to a group of shippers who are disputing a railway's proposed freight rates or conditions for the

movement of traffic across Canada. This allows a group of shippers to come together and share the costs of final offer arbitration. It will generally give shippers more leverage during their negotiations with the railways because now the railways know the costs of this final offer arbitration are going to be spread over a large number of shippers rather than one or two.

To be eligible for this, the shippers have to have issues in common. This ensures that they are not dealing with a scattergun approach and that the arbitrator has a specific issue to address. It would be unfair to expect an arbitrator to consider a group application that lacks sufficient commonality. This legislation clearly addresses that.

The second part of this amendment requires that the arbitrator and the agency must be satisfied that the members of this group of shippers have attempted to mediate the matter. In the ideal world, we want to make sure that the parties try to negotiate first, keep it out of a formal system, and subsequently maybe use a mediator to try to come to a common resolution. Once the Canadian Transportation Agency is satisfied that mediation has been attempted, it will then move to allow an arbitration process to take place. Shippers have strongly endorsed this concept of group final offer arbitration.

• (1830)

Bill C-58 also provides a provision that permits parties to a final offer arbitration to suspend the arbitration halfway through the process to try to engage in negotiation or further mediation.

Again, that makes sense because the parties know the arbitration process is going to end up with one offer or the other being chosen and it is binding on both parties. There is still an incentive for them to consider going back to negotiation and mediation to try to resolve the dispute without having the final decision made by the arbitrator.

It gives an opportunity for the shippers and the railways to take a time out and a deep breath. They can say they are getting close and resolve it among themselves rather than going to the arbitrator. All those options are available under our amendments.

These changes to the arbitration process are going to assist the shippers in getting their problems resolved with the railways. It is also a faster way of bringing resolution to these problems.

The government has heard the shippers. It believes it has addressed these concerns. I have addressed one of the concerns in Bill C-58. My colleagues are going to address a number of other amendments within Bill C-58.

I would encourage all members in the House to support this legislation because it is good for our communities. It is certainly good for the city of Abbotsford which relies heavily on the railways to get grain to the feed mills that provide feed to our poultry growers. We also have a strong manufacturing sector in Abbotsford that needs the railways to provide cost-effective pricing and timely service.

This bill will achieve all of those ends. It is a huge step forward in bringing Canada into the 21st century when it comes to transportation. I encourage members in the House to support Bill C-58.

*Government Orders*

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I am happy to speak to Bill C-58, An Act to amend the Canada Transportation Act (railway transportation).

This bill seeks to address the concerns from shippers about rail service and rates, among others. I along with the Liberal Party support this initiative. In fact, this is a Liberal initiative. It is in fact a reintroduction of a Liberal bill—

**Hon. John Baird:** Then let's pass it now.

**Mr. Sukh Dhaliwal:** Mr. Speaker, I would appreciate it if the environment minister would give me an opportunity to speak. Actually, he had a lot of fun with the transportation critic yesterday. He is not here today. I am sure he will give me due consideration to address the House. When the environment minister speaks here, I never interrupt. I listen to him. When it is my opportunity, I expect the same.

In fact, the environment minister and the chief government whip of the governing party, if they really want to yell, they should be yelling at the members who are leaving their desks, rather than yelling at me. I appreciate the members giving me an opportunity to address the House.

I already mentioned that the bill is in fact a reintroduction of the Liberal Bill C-44 from the last Parliament which contained a number of provisions in Division IV entitled "Rates, Tariffs and Services".

We are used to this government's reintroduction of our bills and funding whether we talk about the Pacific gateway or whether we talk about bills on immigration and industry, or even the EnerGuide program that the government cancelled and reintroduced later on.

We are supporting this bill because of the proposed amendments. The proposed amendments remove the barriers on the Canadian Transportation Agency. Before, there had to be proof of commercial harm before remedies would be provided. This is too much red tape.

We know the Conservatives love red tape. If they were to change their website from red to blue, I could call it blue tape. There is as well the Federal Accountability Act, but I am very happy when I see that this bill removes that blue tape that we are talking about.

The second amendment to the bill would extend the final arbitration to shippers on matters relating to rates. Again, we are putting the private sector back in the driver's seat. It knows best, given all things considered.

I come from a private business background and I know how important it is to have input into the everyday governing of a business.

The other amendment that was made to the bill would allow the suspension of the final arbitration process if both parties agree. Again, let us get rid of that blue tape. Let us allow businesses to come to the table in good faith. Transportation needs to be a priority.

If we are to have goods moving, the first and foremost priority has to be infrastructure. That is why if we look at the previous Liberal government's initiative to bring in the Pacific gateway project, that project had environmental sustainability for the quality of life of my neighbours and my constituents.

The next amendment that this bill provides would permit the agency, upon complaint, to investigate charges related to the movement of traffic contained in a tariff. We want to make sure the agency is more effective and give it the real power that it needs and deserves.

• (1835)

We believe the government can actually be a force of good. Less government only means more when it is effective. This government does not understand that but this is exactly what the private sector is looking for.

The next amendment that we made to this bill is that the shippers have to receive a real notice of rate increases. This bill provides for that. We have to help businesses out. We have to be a real partner, not a blue tape provider when it comes to businesses. As I have mentioned, in my riding of Newton—North Delta, 95% of the people who contribute to this economy own small businesses and many of them are affected by this bill because they count on the transportation sector to move their goods.

The next amendment we made requires the railway to publish a list of rail sidings. In today's competitive business environment, information is key. Let us give the stakeholders a hand rather than put roadblocks in their way.

The next and final amendment would ensure that the abandonment of provisions apply to lines that are called provincial short lines. We want to revert them to a federal railway line because we want to ensure the regions in this country are not shortchanged by downsizing.

The Atlantic accord is a perfect example. We know there might be other provinces that might not have a big enough voice but we need to ensure those reasons are taken care of, whether it is Saskatchewan, British Columbia or the Atlantic provinces.

We believe that the federal government has a leadership role to play and we do not think it can refuse time and time again to listen to the economic concerns of our less populated regions, as I mentioned earlier.

The good thing is that when we look at this legislation, the stakeholders provided real input. I would like to thank them and congratulate them for their input into this project. Some of them included the Animal Nutrition Association of Canada, the Canadian Canola Growers Association, the Canadian Dehydrators Association, the Canadian Wheat Board, the Forest Products Association, the Grain Growers of Canada, Pulse Canada and many more.

When we look at the importance of stakeholders, it is similar to the Pacific Gateway project. When we brought in that project, we put in a Gateway council to deal with the local stakeholders and get their input. When the government came in, it abolished that.

That is how the real world works. If we are to be successful in this globalization, we need input from the real stakeholders who deal with the situation day in and day out.

*Government Orders*

The bill has two main parts. The bill works to make stakeholders a real partner with the Canadian Transportation Agency. The bill wants the agency to be more effective, to give it power and to give the federal government a leadership role.

The second part to this is that transportation is too important of an issue for us to drop the ball and leave it to the regional differences and interests get more fractious, as this government has done with the Atlantic accord and with Saskatchewan. I know it comes to my province of British Columbia as well, when we are getting \$300 million less this year with this new equalization formula.

I thank the Minister of the Environment who has listened to me when I was speaking. That is very kind of him, and if we could all follow the example of the environment minister, then we could have a sense of real professionalism in this House.

• (1840)

**Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Mr. Speaker, I listened intently to my colleague's speech and I have a number of questions and perhaps a comment or two before my questions.

As we are both colleagues who represent the beautiful province of British Columbia, could the member elaborate on how Bill C-58 would specifically impact the economy of British Columbia and how the details of the bill would affect rail safety?

I represent the riding of West Vancouver—Sunshine Coast—Sea to Sky Country and a few years back we had a very bad derailment of a CN rail train near the Cheakamus Canyon. It dumped close to 40,000 litres of caustic soda into the Cheakamus River which virtually killed all the salmon in the river, from steelhead, to pink, to chinook. Therefore, rail safety is an important issue for the residents of my riding as it is with the citizens of Canada.

I have two questions for my colleague. First, how does the bill affect rail safety and, second, how does the bill affect British Columbians and specifically the economy of British Columbia?

**Mr. Sukh Dhaliwal:** Mr. Speaker, I congratulate the member from British Columbia for doing all the good work, being the B.C. caucus chair for our side of the House.

British Columbia is the hub for future business with the Pacific Rim. We are the closest port when it comes to the Pacific Rim in North America. If we look at my riding of Newton—North Delta, it is the closest riding to Delta Port and Fraser Port.

In fact, we look at the overall scheme of things. Prince Rupert is one of the biggest ports in the province and therefore all the goods that are moving with globalization will be in British Columbia. This is as important as any other issue because we need to have goods moving at a good rate and the shippers need to have certainty and clear direction, which is where the agency comes in.

When we talk about stakeholders, some of them are the Canadian Canola Growers, the Canadian Wheat Board and the Forest Products Association because B.C. has a lot to do with grain and forest products. To move those forest products in an economical and efficient manner, this bill would be helping those in British Columbia.

When it comes to railway safety, I am sure every member in the House feels the same way as my colleague from British Columbia. Even in my riding there has been a concern about the safety of the people. The rail trains were going through the neighbourhood with uncontrolled signals. In fact, the stakeholders, the West Panorama Ridge Ratepayers Association, which is in my neighbourhood, and Mr. Campbell, who is a past president of that association, played a key role in putting that into the system. These stakeholders who are involved are ensuring that when it comes to the safety of moving the trains, the people and property, Bill C-11 deals with that as well.

• (1845)

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I am pleased to speak to Bill C-58 on behalf of the Bloc Québécois.

I will summarize this briefly for the benefit of our constituents who are listening. The main purpose of this bill is to clarify the Transportation Act and strengthen the existing provisions that protect shippers against any abuse of the commercial power of the railways. It relates mainly to western Canada and has to do with grain producers and grain transport. Although this has less to do with what goes on in Quebec, the Bloc Québécois stays informed about various situations across Canada. We are always interested in participating in the debate so that we can stand up for anyone who is oppressed by the commercial power of the railways, as an example.

Today, we have two fine examples of this. Earlier, the representative of the government who gave a speech about Bill C-58 said that the bill was one of three pieces of legislation to modernize the Transportation Act. Today, we discussed Bill C-11. The idea was to modernize the Transportation Act in relation to the noise pollution and vibration produced by the railway companies. The Conservative government has caved in to the power of the railway lobby. The lobby had its standard bearer, the Senate, which decided to carry the torch for the interests of the poor little railway companies.

And the end result is that the government supported an amendment to the bill that had been passed unanimously, Bill C-11. In committee, the noise pollution provisions and the bill had been supported unanimously, clause by clause, by all parties.

Today, the Conservatives have caved in to the Liberal position adopted in the Senate. I hope that we will not see the same thing happen with Bill C-58, that we will not see the Conservatives caving in to the Liberal majority in the Senate if the Senate decides to amend the bill.

Bill C-58 is an attempt to strike a better balance between the power of the railway companies and the people who produce and ship products, including grain producers, who do not own the rails and who have to get their hopper cars to destinations all over Canada. They feel oppressed by the railway companies.

*Government Orders*

The purpose of this bill is to strike a balance. The proposed amendments respond to the concerns of shippers, and particularly western Canadian grain producers, about prices and railway service, while also providing the railways with regulatory stability. The amendments to Bill C-58 will deal with arbitration, charges for incidental services, notices of changes of tariff, sidings for producers' railway cars, leased railway lines and obligations in respect of the level of service. It is time we had some balance, in the interests of those who use the railway system, including grain producers, to get the railway cars that belong to them to their destinations.

The Conservative government and the Liberals have this strong tendency to let the free market do as it wishes. In such conditions producers are over-exploited. That is what this bill seeks to correct. When we refer to the various amendments, we refer, among others, to arbitration. The objectives of the Transportation Act, prior to these amendments, require that the Agency take into account the matter of substantial commercial harm. Bill C-58 proposes that the reference to substantial commercial harm be removed because whenever we hear from the railway companies there is always some substantial commercial harm. In the end, those who do not own the rails lose every time. The railway companies always succeed in proving substantial commercial harm where there is none. That will now be subject to arbitration, which will be a means of settling disputes between a shipper and the railways involving the rates and conditions of transportation service.

• (1850)

If merchandise is shipped by railway under a confidential contract, the matters subject to confidentiality cannot be submitted to arbitration without the consent of all parties. Still, there are some safeguards. It will be possible to make a joint submission for arbitration to settle a dispute concerning the rates and conditions for movement of goods, where the matter submitted to arbitration is common to all the shippers.

Finally, all those who are experiencing the same problem will have recourse to arbitration. They can join in a class action and the Transportation Agency can hear the case and render a decision.

The bill also provides for suspension of any arbitration proceedings if the two parties agree to accept mediation. In fact, this will also encourage use of mediation. That is one reason the Bloc Québécois is in favour of these amendments.

The rates charged for incidental services will be discussed. The railways earn most of their income from the rates charged for transporting goods, such as the carloads of grain from the Prairies to Vancouver, but charges also have to be paid for services that are incidental to the conveyance of goods or that are not directly related. These are known as incidental or associated charges; the cost of parking, additional charges to a shipper who requires more than the scheduled time, the cost of cleaning and or stocking cars and weighing the goods are examples of incidental costs.

In recent years, the rates charged by the railways have become a burden to shippers. However, the means of dealing with this problem are limited, since arbitration does not apply as a distinct remedy for incidental charges or associated conditions. The act will be amended to permit the agency to investigate a complaint from any shipper who is subject to a general application tariff that provides for rates

and conditions. Finally, incidental charges invoiced by the railways could be subject to arbitration.

There is also the notice of change of tariff. The act defines the tariff as being a schedule of rates, charges, terms and conditions. At present it requires that the railway publish any changes to this tariff at least 20 days before raising rates. Such notice is not required for rates pertaining to incidental services or related conditions in the section on tariffs. This will be amended. The act will be amended so as to extend the period of notice from 20 to 30 days so that shippers can receive sufficient notice of any increase in the rates for transportation. Notice is therefore extended and incidental charges will be included.

There are also the sidings for producer cars. During the consultations, some parties asked for tighter regulation on abandonment of sidings used for loading grain or loading producer cars on the Prairies. Sidings are not subject to the provisions of the act on discontinuing a line. Complaints about the closing of sidings used for loading cars arise in part from the fact that shippers do not know which sidings are in service, since at present the railways are not required to inform those concerned.

The act will be amended so as to require the railways to publish the list of sidings available for loading grain producer cars and to give 60 days' notice before putting a siding out of service.

All this means that, on their own lines, the railway companies used to operate as though they were the only ones using them. That was the problem. As far as I am concerned, the federal government failed in its original mission. Over the past 20 years, it has got rid of all the railway tracks that belonged to it and transferred them to private companies: to Canadian Pacific and Canadian National. Today we realize that that has created a problem. The people to whom they were transferred, often for paltry sums, are today making incredible profits. In the end they regard this asset as their own. When the time comes to make the rails available to other users, they know that tracks cannot be laid just anywhere. There needs to be a corridor across Canada and such a thing cannot be created on a whim. The government, as far as I am concerned, made a mistake in this regard. It should have kept them.

There is also the example of the bridge at Quebec City that we are having so much difficulty getting painted. The Quebec bridge belongs to Canadian National and it says it does not have the money to get it painted. That does not matter very much. The Liberals tried legal proceedings to force CN to paint the Quebec bridge, especially in view of the 400th anniversary. It will be great to show visitors Quebec, the oldest city in America, with a rusty bridge. But that is how it is.

*Government Orders*

When the Liberals were in power, they fell flat on their faces. They could not get anything done and instituted legal proceedings. The Conservatives, thinking themselves more intelligent, said that they would set the legal proceedings aside and change the legislation. But no, the minister had to do the same thing six months ago. He too launched legal proceedings to try to force CN to paint the Quebec bridge. I predict that it still will not be painted in 2008. They will not get it done, unless they pay what CN has been asking since the very beginning. If they want it painted, they should get out their money and pay for it. That is the hard truth.

• (1855)

Today, once again, the federal government has given up. The free flow of goods and services between the provinces is a federal responsibility. This always makes me laugh because we have been trying for decades to get a new bridge built right here between the Quebec Ontario banks of the river. I have always wondered what use a Minister of Transport, Infrastructure and Communities is if we cannot get goods, services and people moving freely between provinces. No new bridge or new infrastructure is being built to join the two banks.

The federal Minister of Transport, Infrastructure and Communities cannot serve as an referee or as anything at all. He dare not get involved because he is powerless. The problem today is that they are trying to give some powers by means of the Canada Transportation Act. It is good that we are here because one day they got rid of the railways and now they are forced to regulate a bit or else the railway owners are going to decide to operate their way and, often, raise rates without warning. That is what we are telling the House now.

In all these regards, it is evident that the Bloc Québécois is very sensitive to the problems of farmers, including western grain growers on the prairies.

We have always been very sensitive to the problems of Quebec farmers. That is why we always defend supply management so staunchly. If the Conservative government defended the supply management interests of Quebec farmers as fiercely as it defends the transportation of grain in hopper cars, they would probably be doing pretty well. The problem is that there is always a double standard in this country. There is one standard now for western farmers and another for eastern farmers, especially those in Quebec.

We in the Bloc Québécois do not make such distinctions and when we feel that our constituents are being exploited by private enterprise, we do not hesitate to take action. That is why the Bloc Québécois will support Bill C-58 in order to help the western grain producers and shippers.

[English]

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to have this opportunity to rise in the House to speak the a bill that has just come to the House for second reading. Therefore, we are debating the bill in principle. It is an act to amend the Canada Transportation Act, railway transportation. I know the NDP transportation critic, the member from Burnaby—New Westminster, has already given a lot of thought to the bill.

In looking over the bill, the NDP is prepared to support Bill C-58 in principle. We will very carefully examine it when it goes to

committee. Obviously witnesses need to be heard and we will look at moving amendments that stage of the review. At this point we feel the bill deserves support in principle. It seems to address some of the valid concerns shippers have had for many years over the current conditions of the Canada Transportation Act, which allow for the potential of use of market power by railways.

We believe the intent of the bill is to lower the shipping costs for farmers, and that is very important. Farming in the country has so much Canadian history, culture and heritage. It is increasingly difficult to carry out, in part because of the shipping costs farmers face. It is very important the committee have the opportunity to examine the bill and amend it to deal with the concerns of farmers and shippers.

There is no question that the Canadian Pacific Railway, CP, and the Canadian National Railway, CN, have a virtual duopoly on shipping prices, which is an interesting term. We often talk about a monopoly, but in this context we have a duopoly. There is also no question their financial stranglehold is choking Canadian shippers that rely on the rail system to transfer their products from the farm to the marketplace. Under the current environment, transportation costs are the second or third highest cost of business for bulk shippers. Under this duopolistic regime, these shippers do not have an alternate way to transport their products. This is the reason for the bill.

This is a very serious situation for shippers and the goods they ship from our farming communities. They rely on these railways to get their products across the country or to international market, yet there has been this monopoly stranglehold that has produced a very difficult financial situation.

Although there are over 30 federally regulated railways in Canada, many freight rail customers are captive shippers. That is, only a single railway company offers direct service to their area. For these shippers the railway transportation is not naturally competitive and in the absence of adequate legislative measures, there is a tendency for the railway company to take advantage of its position as a monopolist in a region. Again, that is a very serious situation where local producers and shippers have no competition. They have to rely on a single server, a single railway company, and are held completely captive. I cannot imagine anyone would consider that to be a healthy business environment.

A monopolistic railway would have an incentive to offer lower levels of service at higher prices than it would under competitive market conditions.

Shippers believe this problem must be alleviated with modifications to the Canada Transportation Act that can facilitate real competition.

*Government Orders*

We heard from the member opposite a while ago. We know that in 2005 the previous government brought in Bill C-26, which allegedly sought to amend the Canada Transportation Act to deal with some of these problems. It needs to be said on the record, that bill was denounced by the Western Canadian Shippers' Coalition and by other interest groups because they saw it as a half measure. It was not, in any substantive, way dealing with the very real problems these shippers had. In fact, ultimately that bill failed and did not become law.

● (1900)

Now we have a new bill that was introduced by the transport minister on May 30. We believe that this bill has had a more favourable response than the previous bill put forward by the Liberal government. That does not mean it is a perfect bill, but as we are debating it here in principle, we think it merits support and should go to committee.

One of the positive impacts of this bill is that it will remove the requirement for the Canadian Transportation Agency to be satisfied that a shipper would suffer substantial commercial harm before it grants a remedy. I think this is a very key point. The current requirements are so onerous that it becomes very difficult for any mechanism that would grant a relief to any shipper to kick in, so that effect of this bill is very important.

The bill will also extend final offer arbitration to groups of shippers on matters relating to rates or conditions for the movement of goods, provided that the matter submitted for arbitration is common to all and the shippers make a joint offer that applies to them all.

Again, we see that as a positive measure that will allow groups of shippers to act together to take advantage of final offer arbitration in a more flexible way than before. They can have a reasonable expectation there is going to be a settlement when a conflict has occurred.

The bill also allows for the suspension of any final offer arbitration process if both parties consent to pursue mediation. Again, it provides a flexibility, which we think is important.

It also permits the Canadian Transportation Agency, upon receiving a complaint by a shipper, to investigate charges and conditions for incidental services and those related to the movement of traffic contained in a tariff that are of general application, and to establish new charges or terms and conditions if it finds those in the tariff unreasonable.

I am certainly not an expert in this area. The New Democratic Party's agricultural and transport critics are both very well versed in this. Our general opinion is that these provisions will provide a greater sense of certainty and an ability to resolve problems when they arise by ensuring that where there are complaints made they will be investigated. The CTA would have the ability to establish new charges or terms if it finds the current situation is unreasonable.

The bill will also increase the notice period for augmentations in rates for the movement of traffic from 20 to 30 days to ensure that shippers receive adequate notice of rate increases. This is obviously very important. It will require railways to publish a list of rail sidings

available for grain producer car loading and give 60 days' notice before removing such sidings from operation.

Again, we believe this is very important. It has been a longstanding problem for the shippers. They do not get adequate notice. One operates a business and understands a certain set of conditions, but then suddenly things change. The list of rail sidings may change and may not be available to the shipper any more. Obviously that would have a very dramatic and unnecessary impact on a local shipper.

This bill also ensures the abandonment and transfer provisions apply to lines that are transferred to provincial short lines and subsequently revert to a federal railway, including the obligation to honour contracts with public passenger service providers.

We do know that at this point the bill has been supported by the Canadian Wheat Board and the Western Canadian Wheat Growers Association. It is important that we note their support.

● (1905)

When this issue was before the agriculture committee just about a month ago in April, Mr. Martin VanderLoo, the president of Huron Commodities Inc., spoke before the committee. His testimony reflected and highlighted very well the current problems for these shippers and producers in dealing with the present environment under the Canadian Transportation Agency.

I will quote for members some of his testimony before the committee:

Huron Commodities moves oats from western Canada to Ontario for processing and further export to the United States. We ship oats from Ontario and Quebec to the U.S. via rail. We ship rye from Ontario and western Canada to major distillers and flour millers in the United States via rail. We ship food-grade soybeans to Japan and Southeast Asia via rail to the west coast and ocean freight further on.

Over the years, we've seen increasing rail transportation costs with severely declining rail service. All the while, Canadian railroads are posting consistent record profits. Although we're not opposed to supporting a profitable railroad, we don't agree that it should be done at the expense of the farmer. For example, as mentioned earlier, we ship oats from western Canada to Ontario for further export to the United States. Unless we are a mainline shipper in western Canada, willing to ship 100-car-unit trains to the west coast, we are just denied service. The same situation is the case with our rye shipments out of western Canada. Unless we can provide 100-car shipments to the railroads for export to the U.S., they are simply not interested.

The railroads have consistently refused to spot cars for any of our shipments, jeopardizing our reliability as a shipper to our customers.

Mr. VanderLoo said to the committee:

We ask you to push for immediate regulatory reform to the Canada Transportation Act before we lose further markets we currently hold.

I wanted to read that into the record because to me it is a very good example of what is at stake here. Here we have companies that are doing their best to operate within the existing system, but they are held captive by these two rail companies. They do not get adequate notice. Provisions can change. They do not get notice of the rail sidings that are changing. It makes their business operations insecure and it makes their operations difficult, with these rail companies racking up huge profits all the while.

*Government Orders*

Earlier in the debate the member from the Liberal Party was asked a question about whether this bill would deal with rail safety. I do not believe it does. I think it is a bill that deals more with the mechanism of the movement of goods and with ensuring that there is better accessibility for producers and shippers, which is a good thing.

However, I do want to say that certainly from our point of view the issue of rail safety is absolutely huge. We have had horrendous situations just in my province of British Columbia alone. I do not have the list in front of me. I know that our NDP transportation critic in British Columbia, David Chudnovsky, who appeared before the transport committee about six weeks ago, gave a whole list of the derailments and talked about the lack of safety and the increasingly poor environment in operation in our railway system. We are talking about dangerous situations. We are talking about workers whose lives are in jeopardy.

Let us not forget that it was this House, by a majority, that legislated the workers of CN back to work. The NDP was in opposition to that and I believe the Bloc was as well. In case people have forgotten, the issue has not gone away, and the reason why CN workers were out on a legal strike in the first place was their very serious and ongoing concerns about the safety of our railways.

●(1910)

We think of our railways as part of the Canadian dream and Canadian history. Of course they are, but I do not think people understand how seriously diminished these operations have become and how these monopolies have taken over now. There are issues around access, certainty and reliability for the shippers and producers. These things are now at risk.

There is the issue of health and safety conditions for the people who work on the railways and who are very much in jeopardy and at risk. We have seen a recent labour conflict with the CPR workers that involves the same issue. I wanted to bring this forward because it came up in debate. Although this bill does not deal specifically with railway safety, it is a very important matter that should be addressed.

In fact, earlier today we debated another bill that dealt with railways, Bill C-11, which has been approved. We were dealing with a Senate amendment that dealt with the impact of railway noise from the point of view of local residents. It is very interesting that these issues are coming up. It tells us as members of Parliament that these issues have not been addressed adequately in the past. While the previous bill that was brought in by the prior government in 2005 fell far short of what needed to be done, today we are hopeful that this bill, Bill C-58, will do the job.

The NDP will support this bill in principle and we will examine it thoroughly when it goes to committee. We will ensure that witnesses are heard so that we can make sure we really are addressing the legitimate concerns of producers and shippers. I hope there also will be an opportunity to address the equally important issue of safety on the railways. Again, it is not going to disappear. In fact, things are going to get worse.

We will be supporting this bill at second reading and then working in committee to look at what amendments are necessary before it comes back to the House.

●(1915)

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, recently I met with some people from the Zellstoff Celgar pulp mill in my community of Castlegar. This pulp mill is probably one of the most efficient in our country. It is working in a highly competitive market and not only in Canada. In a climate where we see other mills being shut down, it is doing very well. It is in a highly competitive market and is one of the best.

It requires a railway system that is as efficient as possible, yet the feedback I am getting from representatives of the company is that there is no customer service in CP Rail, that the company itself has to do the work to line up cars somehow. It is almost as if the major railways are forgetting about secondary lines and are concentrating only on the main lines.

Being on the agriculture committee, I am getting the same feedback from the farming community and the Canadian Wheat Board. They are worried about our competitiveness in the international market. If we cannot deliver, we lose credibility. The agriculture committee heard this as it toured the country.

I have a question for my colleague. These concerns are very real and have existed for a while. They transcend all party lines. How can we get our government working on behalf of those people, especially in rural Canada, and what leading role should the federal government play to ensure that we have a first class railway system in Canada?

**Ms. Libby Davies:** Mr. Speaker, I would like to thank the NDP member or British Columbia Southern Interior whom I mentioned earlier in my speech. He is our agriculture critic on that committee. He is a relatively new member of Parliament, but he has done an incredible job of connecting with farmers and producers across this country and bringing forward their concerns in Parliament. I am very glad to have his question today because he has been a very strong advocate for the farming community.

He raises a very good question. He used the example of the pulp mill in Castlegar. It seems incredible that a successful business feels it is not getting the service from the provider, in this case CPR, and that it has to line up its own cars. I would think businesses would have enough to do in just taking care of business, but they have to keep knocking on the door of the service provider and asking whether anybody cares about them or is it that only the biggest customers get the attention.

This gets to the very heart of the matter that our railway system and the operation of it have so incredibly diminished. We had this dream of the railway linking all parts of Canada and yet it has shrunk to this monopoly situation where local businesses, producers and farmers feel that they cannot rely on the infrastructure that is there to do the very basic job.

*Government Orders*

The member's question is very relevant. What is it that we should be doing? We should be looking at this in a holistic way. We should be looking at it from the point of view of the capacity of the infrastructure. Why are we not increasing our rail service? Why are we allowing a lot of the smaller lines to be closed down? We should be increasing the competition.

This bill, while I believe it is an important step, it is certainly not the whole picture. It is certainly not the solution that the farmers, the producers and the shippers are looking for. I have already mentioned the safety issue. If we had a railway system that operated efficiently and in a safe way, we would see a vastly improved situation. I could cite those two things that need immediate attention by the government if we are to actually address these long-standing concerns that are being put forward by the member for British Columbia Southern Interior.

• (1920)

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Mr. Speaker, I noticed in her speech that the member talked about the rail system being a monopoly. I would like to ask her if she believes it is a monopoly or an oligopoly which is actually a consortium. I believe the term she is looking for is oligopoly, but when she said monopoly, in going after this monopoly and all the power that it has, it made me think of the hypocrisy of the NDP in supporting the Canadian Wheat Board which of course is a true monopoly, not an oligopoly. I would ask her to reconcile that.

If the member and her colleague from British Columbia Southern Interior are so concerned about the shipping of goods from western Canada, why is it the NDP did not support the budget which has billions of dollars in infrastructure for the Asia-Pacific gateway? The hypocrisy of the discussion in the speech and the actions that the NDP show in the House makes me wonder if the member has any credibility at all in discussing this issue.

**Ms. Libby Davies:** Mr. Speaker, maybe the member was not here at the beginning of my remarks, but I think I did point out that the railway transportation environment in Canada is a duopoly. There is a new term for him to consider and add to his vocabulary.

Obviously the issue here is that we do not have competition. We have a highly restrictive system that is hurting local producers, farmers and shippers. Supposedly this bill is an attempt to help alleviate the result of that kind of monopoly hold. Those are some of the reasons we would support the bill.

I would love to spend another day, and maybe we will be here another few days, debating the gateway. I am from British Columbia and that is something I have looked at a lot, the B.C. government's gateway proposal as well as the federal government's gateway proposal. There might be a line here or there in the federal budget that is supportable, but I can say that in the NDP, we felt not a shadow of a doubt in casting our negative vote on that budget, because that budget failed Canadians on so many levels, whether they are farmers, producers, the homeless, students trying to get into post-secondary education or families seeking child care. I could go on with a very long list.

However, on the gateway proposal, one of the things that really bothered me in the budget is that any new infrastructure money has

to be subject to a P3. We are talking about the privatization of this country's infrastructure. I could go on and on.

We do have credibility here. We do know what we are talking about. We actually look at legislation on its merits. That is actually why we are supporting this bill. There is enough here for us to say we support this in principle. We will look to improve it at committee.

I will say that the budget got a failing grade not only from us, but from all the provinces, from British Columbia right across the country because of the Atlantic accord and the failure of the equalization payments.

• (1925)

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Sault Ste. Marie has the floor, with the understanding that there are two minutes left for both the question and the answer.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I noted that my colleague from British Columbia spoke to that particular area. In my area of the province of Ontario, we have a challenge where our economy is concerned, where travel is concerned, for all kinds of things. Rail would make a huge difference and yet what we have is so limited.

We have a short line between Sault Ste. Marie and Hearst that is owned by CN, that has had its schedule reduced this summer. There are tourist operators up and down that line. There are cottagers and communities that are served by that service. They are really upset.

There is no passenger service at all for a 300 kilometre stretch between Sault Ste. Marie and Sudbury, and yet hundreds of people every year, seniors in particular, and we have a high population of seniors in Sault Ste. Marie, travel from my community to Sudbury for health care services.

I am wondering if there is anything in this bill that would give my constituents any satisfaction that this bill will be in any way helpful.

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Vancouver East should know that her colleague has left her 40 seconds.

**Ms. Libby Davies:** Mr. Speaker, the hon. member gives another great example of what has gone completely wrong with this country's rail system.

Here today we are talking about business capacity and services for business. He has raised a whole other question, which is the lack of capacity for passenger rail service. In B.C. as well, many of those services have been cut off. This bill does not really address that, but I know the NDP will pursue that issue.

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

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

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

## EMERGENCY DEBATE

[*Translation*]

### DEVILS LAKE DIVERSION PROJECT

**The Acting Speaker (Mr. Royal Galipeau):** Pursuant to order made earlier today, the House will now proceed to the consideration of a motion to adjourn the House for the purpose of discussing a specific and important matter requiring urgent consideration, namely the operation of the Devils Lake outlet in the state of North Dakota.

[*English*]

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP)** moved:

That this House do now adjourn.

She said: Mr. Speaker, I want to begin by thanking the Speaker for agreeing to hold this emergency debate. Yesterday we made a case to you about the urgency of the situation at hand with respect to Devils Lake outlet. You saw the wisdom and importance of having an emergency debate in this place, even though the hour is late and members in the House are anxious to fulfill their duties in their constituencies.

I know many members are here who would rather be on their way home or in other places to attend very important functions. I found myself in the same predicament. Having initiated this motion and being granted the debate, for which I am forever grateful, I face the disappointment of my 18-year-old son, Joe, whose last concert of his high school years is being held as we speak.

I apologize to my son. I spoke to him and he understands fully the importance of this issue, just as all members in the House do. After all, we are talking about the future of this earth. We are talking about our fragile ecosystems in the country. We are facing a very serious threat on an environmental basis that has to be a priority of this place.

The emergency around Devils Lake arose earlier this week when we learned that as of 2 p.m. central time, on Monday, June 11, the North Dakota government turned on the tap at the Devils Lake outlet and water, at that point, began flowing through Devils Lake to the Sheyenne River, north to the Red River system and on its way to Lake Winnipeg. We are talking about a vast Canadian ecosystem that is under threat.

The issues before us today are not new to the chamber. Is it not interesting that just about two years ago to the day, June 21, 2005, this place held an emergency debate on this very same topic, I believe my initiated by colleague, the member for Kildonan—St. Paul. We are all here again tonight and I am pleased to see so many Manitoba members present for this debate.

That motion on an emergency situation at Devils Lake outlet was debated here. At that point, the North Dakota government was again threatening to begin diverting water from the Devils Lake area into the Red River system. We all recognized at that time that this was a serious situation that had to be addressed.

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In fact, the debate was so serious that we ended the evening with a motion presented by the member for Elmwood—Transcona, a motion that was approved unanimously, to send a message from the Canadian government to both the United States government and the North Dakota government.

That motion was very clear. It requested the United States to immediately agree to undertake an independent, time limited binational scientific assessment of North Dakota's proposed Devils Lake diversion in a manner that was consistent with the Boundary Waters Treaty and with the role of the International Joint Commission and that pending completion of this assessment and implementation of measures to mitigate risks of invasive species and water quality, the outlet would not operate.

• (1930)

Members recognized then there was a critical situation and action was taken by this chamber. A responsible position was taken by members of the House, with unanimous agreement.

It is regrettable we have to be here again today on the same matter, but it is imperative that we do this all over again, that we share the concerns of people in Manitoba and everywhere, and that we speak boldly, with courage and conviction, to make an impassioned plea that the government of the United States of America will hear. It is imperative that members come to agreement on a course of action.

I do not come tonight with a prepared motion. However, I hope that over the course of the evening members will be able to sense a consensus around some wording. I have a few suggestions I would like members to consider as we go through the next three hours of debate.

Members need to say something about the House calling on the Canadian government to do everything possible to have the flow of water from the Devils Lake outlet into the Canadian water system stopped. We have to send that message again. We have to say that it has to stop immediately. We need some sort of wording that says the Canadian government will work to ensure the governments of North Dakota and the United States of America will comply with an agreement that was arrived at back in the summer of 2005, after this place had its emergency debate.

That diplomatic accord called upon the governments of North Dakota and the United States of America to stop the flow of water from Devils Lake outlet, to turn off the tap until such time as an advanced filter had been put in place. It was a compromise on the part of the Manitoba government. Certainly, an advanced filter does not mean that we will be able to stop all foreign or dangerous contaminants and particles coming into the Canadian water system. It was a compromise because North Dakota needed some way to address the situation of flooding because of Devils Lake.

We must not forget that we are dealing with a landlocked lake. There is no natural flow of water into the Red River. There is a constructed outlet to divert water. This landlocked lake is like a bathtub. It is filled with all kinds of chemicals, contaminants and pollutants from the drainage of farm fields and surrounding lands.

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If people understand this in the way Canadians do and if MPs know the full impact of what is happening, they will come to an agreement of some fashion tonight. I look forward to hearing some comments from my colleagues over the course of this evening to see what kind of agreement we can reach.

Members cannot leave this place without a clear, unequivocal statement and understanding that we back the Canadian government to go forward and ensure the governments of the United States and North Dakota live up to a previously arrived at agreement.

Canada and the United States are neighbours. We ought to act like neighbours. Manitoba has worked hard to find a compromise, and it did so when it agreed to a filter of an advanced nature to be placed at the outlet to prevent dangerous species, unknown, alien elements from making their way into the Canadian ecosystem.

● (1935)

I am not here to say we know that what is coming this way will automatically create havoc in our water system. I do not want to exaggerate and suggest that hundreds of fishers will lose their jobs because the fish will die. However, I am here to say, as so many others have noted in the past, that there are parasites identified in North Dakota waters and in Devils Lake that are not found in Lake Winnipeg. There is a much higher level of sulphate found in North Dakota waters and at Devils Lake than is permitted in this country.

On that note, it is worth pointing out that just last summer the North Dakota government decided to introduce regulations and legislation to reduce the standards for environmental protection and to raise the level of sulphates allowed in their water system. Clearly, it is seen by many as an attempt on the part of the North Dakota government to find a way to let the waters flow north without us being led to believe there is a breach in the commonly accepted environmental standards and protection legislation.

The standards are in place for a good reason. A high level of sulphate could cause enormous problems in our system. We are already dealing with some unknown developments in our lakes around the growth of algae and other problems that are having an impact on our tourism and on the livelihoods of many people. We know we have to be absolutely vigilant when it comes to allowing any kind of foreign particles, parasites, or higher levels of salt in our water coming into our ecosystem in Canada.

Some may argue it is just Manitoba. In response to that I want to say we are talking about a vast ecosystem, the Red River Basin and the sixth Great Lake and the 10th largest freshwater lake in the world, Lake Winnipeg, is already suffering under some difficulties. Now it is faced with the possibility of more pollutants and contaminants moving its way.

On that basis, it seems self-evident, and I believe this would be the case in this chamber tonight, that it is an undesirable situation and not acceptable. It is a risk that we cannot afford to take. It is a risk that can be stopped, or at least minimized through an advanced filter.

The agreement of August 2005 should be as good as the bond made between Canada and the United States, between North Dakota and Manitoba. Today we are faced with a situation where that sense of neighbourliness is gone. North Dakota has arbitrarily decided to turn on the tap, open the gates and allow the water to start to flow

without due regard for the commitment to have an advanced filter system in place.

It seems to be a bit of a political football in the United States with some saying it is the responsibility of the federal government to pay for it, which may be true, and others saying that Governor Hoeven of North Dakota will have nothing to do with this project whatsoever.

Somebody has got to stand up to that. It is our elected government, the Minister of the Environment, the Minister of Foreign Affairs and the Prime Minister of our country who are obligated to address this issue and not dismiss it as a Manitoba problem. It is a vast ecosystem and that means contaminants could spread beyond that ecosystem. It means that Manitoba matters.

● (1940)

If someone were to dump water from Detroit into Lake Erie there would be hell to pay. There would be a hue and cry.

**Hon. John Baird:** There's hell to pay now.

**Ms. Judy Wasylycia-Leis:** I am glad the Minister of the Environment said that there is hell to pay now. I am looking forward to what the government has to say tonight because we need a strong statement from the Minister of the Environment, the Minister of Foreign Affairs and the Prime Minister about what they will do to bring pressure to bear.

We heard some great words in the House two years ago. We heard some great quotes and a lot of them had to do with Conservative members, who are now in the government, criticizing Liberal members, who were in government at the time, for not acting quickly enough, for neglecting this issue and for waiting until a crisis had happened.

They were right. The present leader of the official opposition was the minister of the environment at the time. The other members in that government, including Pierre Pettigrew, minister of foreign affairs, all talked a good line but did not end up taking any action until Parliament had an emergency debate that led to an international accord or a diplomatic agreement.

At that time, the member for Selkirk—Interlake said:

The sun is shining in Manitoba and North Dakota and it is starting to dry up. We are only a matter of days away from the opening of the Devils Lake diversion. This weekend North Dakota Governor Hoeven challenged Canada and said that if we want a sand filter as recommended by the U.S. Army Corps of Engineers, we should put out the \$20 million to buy it.

He went on to say:

Since the government has been unable to convince the U.S. to make a joint referral to the IJC, will it take up Governor Hoeven's challenge, work with North Dakota and protect Manitoba's waterways?

It is a good, strong statement calling for immediate action to stop this development that is happening again today as we speak. Those words hold true today, just as they held true two years ago and ought to be listened to by the government and taken up with a vengeance.

The member for Kildonan—St. Paul, who introduced the debate last time, said the following when referring to the hon. Leader of the Opposition who was the then minister of the environment:

With all due respect, that is a little hard to believe because the fact of the matter is the government has been in power for over a decade and nothing has happened. Lake Winnipeg is the 10th largest freshwater lake in the world. When this diversion is opened, Lake Winnipeg will be impacted on in a very major way.

Will the government stop neglecting Manitoba's waterways and do something concrete to ensure that this diversion will not open until a proper environmental impact assessment is done and not just talked about?

Those were excellent words, right on the money and those are the words that should drive the government to act today. Now that those members who said those words when they were in opposition, I hope they have the ability to get through to their front bench and to convince their Ministers of the Environment and Foreign Affairs to take immediate action.

I am glad to see that the Minister of the Environment is waving his hands and giving me the victory sign. I hope that means he is ready to give us a good indication of what he is about to do and I hope he is standing up for Manitoba and our environment.

This is an issue that affects all of us. We are talking about the sustainability of the land and this planet that we have inherited. We must do everything possible to protect it and to work hard to ensure that it is preserved and handed on for generations to come. That means that when these kinds of developments occur we need to act and act quickly with courage and conviction. We should not be hindered by the fact that we seem to kowtow to the United States, to George Bush and to Governor Hoeven. When it comes to these matters it is time to stand up and be counted. I hope that will happen tonight.

I want to end by saying that the Manitoba government, under Gary Doer, has done everything possible to ensure that this issue is dealt with. Officials have worked hard and they have compromised. They have gone to North Dakota to challenge the changes in the environmental protection standards. They have stood proud and worked hard as good neighbours and it is time that we backed up the Province of Manitoba, which is supported in its actions by the business community, the Chamber of Commerce, the aboriginal community, the labour movement, the environmental activists and the municipal governments. We need to be there with our colleagues in Manitoba, with our friends and activists, standing up for our environment and this planet.

● (1945)

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, I would like to thank the hon. member for initiating this debate tonight because it is an important issue. She is absolutely right when she says that we must keep the attention of the government and of Canadians focused on this issue. It is not merely, in my opinion, a small border conflict or an isolated conflict. I think it portends very badly for the boundary waters treaty because obviously North Dakota is acting unilaterally, which brings me to my point.

We all think that Parliament should take a stand. I think we all agree that this should not be happening. However, I would like to know from the member, quite sincerely and for my own edification, how we deal with this issue beyond words and passing resolutions and motions.

For example, there is no binding agreement between Canada and the United States on this issue. The agreement that was signed in August 2005 was not a binding agreement. I will quote Mr. William

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Crosbie, who appeared before the environment committee on October 27, 2005. At the time he was the director general, North American Bureau, Department of Foreign Affairs and International Trade. He said:

What was announced in August were essentially the key elements of an agreement. We have yet to negotiate the language around those key elements....

Therefore, we do not have a real binding agreement.

One of the reasons that North Dakota was able to open the outlet is that the U.S. EPA, a federal government institution in the United States, changed the threshold of the pollution standards from, and I am afraid I do not know the exact terminology, 300 to 450 milligrams per litre of sulphate which allowed North Dakota to open the outlet. We have the U.S. EPA changing standards, which I do not think it should be doing because it did not do so on a rational basis, and we do not have a binding agreement.

What is the member proposing that we do? We know that Mr. Doer in Manitoba is retaliating in some sense because he is building a dyke that was intended to help the people of North Dakota by diverting some flooding waters. No doubt she agrees that the premier should take aggressive action on that, but what else should be done beyond that?

● (1950)

**Ms. Judy Wasylycia-Leis:** Mr. Speaker, that is a very good question. What can we do? The first thing we can do is stand up for what is right and just. We owe it to Canadians everywhere to stand up to the United States of America and to the government of North Dakota when something obviously wrong is being committed.

I believe we do have legislation and we do have accords that are binding. If we go back to the 1909 boundary waters treaty, which is a formally signed agreement between Canada and the United States to protect water resources on either side of the border, that is one way we can start.

We can also look to the international joint commission which was set up to deal with disputes to resolve them in accordance with the law. That process has been side-stepped and ignored by the government of North Dakota. I am sure if we had a chance to talk with Herb Gray, who is involved with the IJC, our long-standing colleague, we might hear some true facts about that.

However, let me also point out to the member that the August 2005 agreement is pretty firm. I am reading here from a joint press statement between Canada and the United States, between Manitoba and North Dakota and Minnesota. It states:

The United States and Canada today announced that important progress has been made toward addressing flooding in Devils Lake....

It goes on to talk about the steps that would be taken, steps that involved a compromise to get to that point, of an advanced filter instead of a complete closure and some changes with respect to environmental assessment, all of which were agreed to and none of which have been followed. I think that provides a good basis for further action.

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Finally, let me just point out that with respect to the changes by North Dakota in its environmental standards and the changing of the levels of sulphate in order for it to be convenient for its project, we need to stand up and deal with it. The minister of water in Manitoba has gone to North Dakota with the NGO community in the environmental area with support from all walks of life to stand up and say that has to be stopped. I believe that if we stand up with them we can make that kind of impact and effect some real change.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I just want to ask the member if this issue, in essence, is not about, in a very meaningful way, invasive species and different organisms coming into the water systems, particularly the Canadian water system, that over the long haul will destroy all kinds of other organisms and change the balance of the ecosystem in a way that we will need to deal with for years and years. If we do something now that may cost us some money in terms of investment, it may save us in the long haul literally millions and millions.

I look at the Great Lakes in my own area where, for example, sea lamprey was introduced a few years ago. Nobody seemed to pay much attention when it came in but now, in my own area, we spend literally millions of dollars every year simply trying to control those creatures, never mind get rid of them.

I would like the hon. member to comment, if she could, on the kinds of critters she anticipates might come into the Canadian waterway system through this new diversion that may happen if the government does not do something about it.

● (1955)

**Ms. Judy Wasylycia-Leis:** Mr. Speaker, my colleague from Sault Ste. Marie has really hit the issue exactly in terms of the seriousness of this whole matter.

We are talking about the possibility of foreign material, parasites, alien species that are found in the system around Devils Lake and in Devils Lake coming into a very large Canadian ecosystem that may not be able to tolerate or adapt to those foreign species or parasitic creatures.

It is a very serious situation. We all know what happened with zebra mussels. When they came in, apparently on the bottom of boats from Florida, to the Whiteshell in Manitoba they then spread from lake to lake as the boats moved.

The trouble with this is that we do not know just how serious it can be, which is why we absolutely need to take action tonight. It is very disturbing to think that for two years this commitment has been on the table and no action has been taken.

Where has the government been over the last year or more? Has our Prime Minister picked up the phone and talked to George Bush about getting that filter system in place? Has the Minister of the Environment picked up the phone and said to the governor of North Dakota and said, "This is absolutely unacceptable. As neighbour to neighbour, we expect you to operate in good faith. You cannot simply turn on the tap and contaminate our water system". That is not acceptable in any notion of a civilized society.

We expect from the government tonight some very clear steps, some actions that will show Canadians that the government is no slouch when it comes to the United States of America. Good

relations means it is able to stand up and be counted and we expect, when it comes to something as precious as our ecosystem and our environment, that it will do just that.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I am pleased to speak on the matter of the Devils Lake outlet tonight.

Mr. Speaker, I will be splitting my time with the member for Selkirk—Interlake.

As the House knows, the Devils Lake outlet has been a challenging issue for the Government of Canada. While Canada and the United States, under the boundary waters treaty of 1909, have long enjoyed an enviable relationship with respect to our shared waters Devils Lake has been a longstanding irritant within that broader picture.

Obviously our government is very disappointed by the decision of North Dakota to operate the Devils Lake outlet prior to the installation of permanent and effective treatment measures. In light of the important science and engineering efforts in progress, our government believes that the outlet should be closed to allow this work to continue unhampered. The outlet has operated sporadically since Monday. We very much hope that through our concerted efforts we will be able to convince North Dakota to close the outlet.

Since the House took up this matter in June 2005, our government has worked with the United States to implement the terms of the August 2005 joint statement on Devils Lake flooding and ecosystem protection. Under that agreement Canada and the United States agreed to first, work together to design and construct an advanced treatment system, taking into account the results of the ongoing monitoring and risk assessment; and, second, engage the International Joint Commission's international Red River board to develop a basin wide water quality and biological monitoring program for the Red River basin. We were working very closely with our U.S. counterparts on both of the efforts when North Dakota made the precipitous decision to run the outlet this week.

On the matter of advanced treatment for the outlet, the U.S. Environmental Protection Agency, in consultation with Canadian technical experts, is carrying out a detailed engineering feasibility and implementation analysis of treatment measures jointly recommended by the Government of Canada, Manitoba and Minnesota.

Work to date confirms the possibility of putting in place effective treatment. We continue to work with the U.S. EPA on the details of the treatment design and hope to see work on installation begin as soon as possible.

As a result of the representation by Canada's ambassador to the United States, the U.S. government has reiterated its commitment in cooperating with Canada in the design and construction of an advanced treatment system and to work with us through the IJC on the survey of fish parasites and pathogens in the basin.

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At the request of the Government of Canada and the United States, the International Joint Commission has also been engaged on Devils Lake. Under the commission's international Red River board, important binational science is underway to survey and understand fish pathogens and parasites that may be present in Devils Lake, the Sheyenne and Red Rivers and Lake Winnipeg.

The threat of a possible transfer of alien invasive species from Devils Lake into Canadian waters is at the heart of our government's concerns. This substantial scientific project funded jointly by Canada and the United States is providing important information about biological risks associated with Devils Lake and helping to inform the design of treatment measures.

The second year of this work will be starting shortly and we look forward to viewing the results. However, the operation of the outlet seriously jeopardizes the integrity of the scientific work and underlines the importance of turning the outlet off until this work is completed.

Since the outlet opened on Monday, the government has made its views known forcibly and extensively. Ambassador Wilson has spoken to North Dakota Governor Hoeven to express our disappointment and call for the outlet to be closed. The Minister of the Environment has also spoken with the American ambassador.

As well, this week in Washington the deputy minister of foreign affairs and international trade made Canada's views about the Devils Lake outlet known to his U.S. counterparts. Officials have also conveyed the government's position to the U.S. embassy in Ottawa.

● (2000)

The Prime Minister has raised the issue on the Devils Lake outlet with President Bush. The Minister of Foreign Affairs has also expressed his concerns about the outlet to Secretary of State Rice.

The purpose of raising the issue at the highest level was to stress the importance of installing permanent treatment measures before the outlet was run. We will continue to press the United States government to take action to help resolve this difficult matter.

The Devils Lake outlet project is a potential threat to Canada in three areas: invasive species transfer, water quality impact and socio-economic effects.

First, in the absence of the completion of scientific testing of the water in Devils Lake and points downstream, the risk of invasive species is unknown but concerning. The governments of Canada and the United States continue with this scientific work through the IJC to understand the possible risks from fish parasites and pathogens. Until that work is completed, the outlet should remain off.

Second, Lake Winnipeg and the Red River are sources of drinking water for tens of thousands of people in Manitoba. Without knowing what biota are contained in Devils Lake, there is a potential risk to water quality of the Red River and Lake Winnipeg.

Last, the general degradation of water quality and foreign biota transfer could have important socio-economic impacts on the broader Lake Winnipeg watershed. Lake Winnipeg enjoys multi-million dollar commercial and recreational fisheries. I would also note that the majority of the commercial fishers on the lake are

aboriginal Canadians. Lake Winnipeg also supports a vibrant tourist industry.

The government remains deeply concerned that all of these benefits are put at an unknown degree of risk by the unsafe operation of the Devils Lake outlet. We also continue to work with the US EPA on the design of an effective treatment to address the possible risks that I have set out.

Our government continues to press the governments of the United States and North Dakota to close the outlet until this important work is concluded and effective treatment is in place. We will continue our longstanding cooperation with Manitoba on the Garrison Diversion issues, as well as to work closely with the province to protect Canadian interests.

● (2005)

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I have a very quick question for my learned colleague. I know the member has a great interest in the Devils Lake diversion project. Could the member inform the House as to his estimation of the colour of the water? Would the water be murky brown or ruby red?

**Mr. Deepak Obhrai:** Mr. Speaker, the government is extremely concerned. This is a very important issue, as I have outlined in my speech. It impacts the Red River basin and tens of thousands of Manitobans who rely on this. It is critically important that we address this.

As I have outlined, the government at its highest level, up to the Prime Minister, is engaged with the government of the United States to tell it we want the outlet closed until a treatment facility is made available.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I was listening carefully to the parliamentary secretary who is a member from Alberta. As members on the other side said, the member has a great interest in the Devils Lake project. In fact, it is a bigger problem than Devils Lake. Would the member comment on how it can affect Alberta, his province, and also British Columbia?

**Mr. Deepak Obhrai:** Mr. Speaker, I would like to advise my colleague that I am the Parliamentary Secretary to the Minister of Foreign Affairs.

This issue is under foreign affairs. Henceforth, I am laying out the position of my government, particularly to the concerns to the Red River district that was raised earlier by the NDP member.

As for other waters in Alberta and British Columbia, they fall under the IJC, with which we have an excellent relationship. This commission was jointly set up to address border waters between each country. Today our debate is on Devils Lake and I am speaking on behalf of the government.

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**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, I want to refer back to one of the questions asked by the honourable member's colleague from Saskatchewan with regard to the ruby red remark. We are here in an emergency debate right now. I see my colleagues on the other side laughing at this and I find it sad.

The Red River is in my riding and it goes through Manitoba. Members are making jokes with this in an emergency debate. I would like them to respond. I would like them to tell this House and tell Canadians how they really feel about this. We were told a few minutes ago that the honourable member was very concerned about this, but that is not what we are hearing here tonight.

**Mr. Deepak Obhrai:** Mr. Speaker, I do not think the member listened to my response to the question my colleague had asked. If he had listened to my response, I very clearly articulated the concern the Government of Canada had in reference to that issue. I stuck to that issue and talked about that issue.

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, it is with great concern that I participate in the debate knowing that the situation is still going on with the Devils Lake outlet.

I represent the riding of Selkirk—Interlake, home to Lake Winnipeg, the 10th largest freshwater lake in the world and the ultimate home of where all this water from Devils Lake is going to end up. We talk about the larger Hudson Bay basin, but my greatest concern is right in my backyard and that is Lake Winnipeg and all the people and communities who depend on the lake.

My constituents have fought long and hard on these water diversion issues. This goes right back to when North Dakota first started talking about the Garrison diversion. That goes back 20 or 30 years. This is something we have been concerned about, because our lake is near and dear to our hearts and is important to us in so many fashions.

Not only is there a threat that the diversion is going to create more flooding along the Red River when it is in operation, especially if it is happening during high water times, but it is going to devastate Lake Winnipeg. When we talk about the water quality or the biota and the parasites and how they might affect the fish stocks, Lake Winnipeg is a green lake and it hosts a huge pickerel fishery and whitefish fishery. Over 1,300 commercial fishermen make their living off that lake and we have to protect it.

I have the great joy of representing this lake. It is important to tourism. It is important to our film industry now. It has some beautiful beaches. Of course it is very important to the overall freshwater fishing industry across western Canada.

The commercial fishermen are really concerned about this because biota can come in and create real havoc to our fish species. It could have an impact on our beaches, and the water sports industries and tourism which make such a great living off our lake. All the communities along Lake Winnipeg are going to be negatively impacted. My family enjoys fishing on that lake. I go there with my daughters. We spend a lot of time on the beach. We do not want to see the quality of the lake compromised any further.

As members of the House are aware, the government of North Dakota decided to resume operations of the diversion earlier this week. Since the full nature and extent of downstream risks to Canada

are still unknown, we find North Dakota's decision to be irresponsible as well as deeply disappointing. Our government's position is clear and anchored in the nearly century old boundary waters treaty. Under the treaty, both countries, Canada and the United States, have agreed to protect water resources on both sides of the border. To quote article IV of the treaty, it states:

—waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

It is a pretty clear statement that we are going to work mutually together to protect our water basins. We remain concerned by the threat of transboundary harm and look to the Americans to uphold their obligations under the treaty by seeing to it that the outlet is closed until it can be safely operated, as we have already agreed to.

We have reason to be concerned by discharge from the outlet without any effective treatment measures installed to date. Our government's concern centres on the possible threat of the biota transfer that I was talking about in Devils Lake. There have been some profiles done and we know there are parasites in Devils Lake that are not common in the Hudson Bay basin, especially in Lake Winnipeg. That is, we are concerned about the microbial, plant or animal life that might reside in Devils Lake, but which might not exist outside of the basin.

This goes back to the situation that Devils Lake has been and continues to be naturally a closed basin. It has not been connected to the broader basin of the Lake Winnipeg basin, or the Hudson Bay basin, and it has not flooded out of its own boundaries for over 1,000 years. It is only logical to assume that much of the larger aquatic life in Devils Lake was likely introduced by humans after the lake was dry after the dirty thirties and the 1940s. It went completely dry, so everything that is in there has been introduced.

These conditions suggest to us in Canada that biota in Devils Lake may well have developed somewhat differently from plant and animal life downstream in the greater Red River Valley and Lake Winnipeg basin, but this matter remains unclear and the degree of this risk is still unknown.

● (2010)

However, we do know all too well that introducing non-native species presents serious environmental consequences and potentially significant economic costs.

Aquatic invasive species can take over and degrade their new environments by displacing or harming native biota.

As well in the nearby Great Lakes, invasive species such as zebra mussels have caused millions of dollars in damage. The invasion of the sea lamprey into the Great Lakes was particularly devastating to the commercial fisheries.

In Manitoba we have multi-million dollar commercial, recreational and aboriginal fisheries on Lake Winnipeg. I do not want to see them threatened by the same invasive alien species that might be lurking in Devils Lake.

In the absence of any solid final scientific assessment of Devils Lake, the Red River and Lake Winnipeg, the full extent of the risk of transfer of invasive species is still uncertain.

Under these circumstances, our government believes that the outlet should be closed until effective treatment measures can be put in place. Simply not enough is understood about the full range of threats from Devils Lake, both in terms of invasive alien species and its water chemistry.

However, while the full risks may not be fully understood, there still is sufficient cause to be concerned. In such circumstances where there is that cause, precaution is the appropriate measure.

The precautionary principle endorsed by countries around the world, including the United States, is the Rio declaration. It was intended for application in precisely the type of circumstances we are encountering today with Devils Lake in North Dakota.

At its most basic, the precautionary principle calls for prudence in the face of uncertainty. In the matter of the Devils Lake outlet, prudence requires that the outlet be closed while important binational scientific and engineering work currently in progress be allowed to continue unhampered. These efforts will provide a fuller understanding of the biological profile of Devils Lake, the Sheyenne and Red rivers and my Lake Winnipeg.

As well, a more complete understanding of fish parasites and pathogens in the system will help inform efforts under way to design and construct an effective treatment for the outlet.

A surprising amount of the international boundary that we share with the U.S. is made up of water. In fact, over 3,500 kilometres of the border is made up of boundary waters. For nearly a century, framed by the boundary waters treaty, Canada and the U.S. have enjoyed a successful relationship regarding our shared waters. The Devils Lake outlet represents a relatively rare irritant in this long-running and enviable relationship.

In light of the risks to Canada, and drawing on a long tradition of transboundary cooperation, I believe it is imperative that the two countries agree on a solution that protects our environment.

However, once North Dakota turned the outlet on this week, this jeopardized the important work toward finding such a solution, one that would see the implementation of a permanent treatment system at the outlet, an issue that we have been pressing with the United States government for some time.

Our government will continue to urge the U.S. government to continue preparation toward the installation of a permanent treatment system. Up until now, the pace of that work has been far too slow. We have been clear with the U.S. government that we expect the permanent treatment system to be installed prior to operating the outlet and to work with us to help resolve the Devils Lake outlet dispute.

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I hope that the State of North Dakota and Governor Hoeven will stop the outlet. When we really look at it, that outlet is having a negligible impact on the water level in Devils Lake. He needs to allow our important bilateral work toward the installation of a permanent treatment system to continue.

I want to talk about a few other things that our government has done to protect Lake Winnipeg.

In the budget, which it is hoped the Liberal dominated Senate will pass, there are research dollars for the Lake Winnipeg Research Consortium and the research vessel *Namao*. There are ongoing commitments to the watershed in Lake Winnipeg. There is over \$7 million in budget 2007 that will help protect Lake Winnipeg and the whole basin.

We are taking a strong stand on Lake Winnipeg. I want to make sure that continues. I have been talking with the Prime Minister, the Minister of Foreign Affairs and the Minister of the Environment, as well as on a couple of occasions with Governor Hoeven, about working cooperatively so we can find the solution and protect Manitobans.

• (2015)

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, I appreciate the comments from my hon. colleague on the other side. I know that Lake Winnipeg is very important to him. I wonder if he could expand on the challenges that Lake Winnipeg has already without adding any further challenges from the U.S. We have all attended sessions where we were told of the critical condition in which Lake Winnipeg is right now. If different problems are added, it could be the death knell for the lake. Perhaps the member could expand on that.

**Mr. James Bezan:** Mr. Speaker, there is no question that the overall long term health of Lake Winnipeg is utmost not just to me and people in my riding, but to all the people in Manitoba. We all care about it. All parties in this House are very concerned about this situation.

There are definitely some challenges ahead for Lake Winnipeg. It has been having ongoing nutrient loading problems that have led to algae blooms and some of those algae blooms are actually toxic. They are polluting our beaches. When algae washes up on the shore it covers up the sand and this makes it tough to enjoy our white beaches. It is rather disgusting for kids out there. There is a great concern that these algae blooms are creating dead zones in the lake. Oxygen is being deprived and fish are dying in those areas. It is amazing that we still have such a healthy, vibrant fishing industry. The fish that are coming out of the lake, the pickerel, are all testing clean, toxic free.

The problem is not necessarily pollution. It is nutrients. More nutrients do not need to be added and that is essentially what has been coming from south of the border. We are getting a nutrient load of nitrogen and phosphates and that is making it incredibly difficult to clean up our lake.

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We try to do what we can within Manitoba, but we have to work with our international partners. We are talking about four provinces and three states in the U.S. that contribute to the nutrients that are going into Lake Winnipeg. We have to find a way to work cooperatively with our American friends. Minnesota is on side with Manitoba on this issue in making sure that the Devils Lake diversion is properly monitored and controlled so that no unnecessary pollutants or invasive species are dumped into the system and that we maintain the overall integrity of the Red River basin and the Lake Winnipeg basin.

• (2020)

**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, my colleague from Selkirk—Interlake has been a strong advocate for Lake Winnipeg over the years. As a new member of Parliament, I have always appreciated his work in this area.

The Red River flows through my riding in Winnipeg. This is a matter of utmost importance to the city as well as the rural ridings in Manitoba.

The member for Selkirk—Interlake is as big an expert in this House as we have on these issues. I wonder if he could provide some further insight into the process in which these decisions were adjudicated in the past. Multiple levels of government have been working on this issue, and I wonder if he could give us an analysis.

**Mr. James Bezan:** Mr. Speaker, we have been very fortunate because the Lake Winnipeg Research Consortium has done some excellent work. A number of scientists from across Canada and from the freshwater fishery research out of Winnipeg along with a number of universities have participated in the study of Lake Winnipeg.

Lake Winnipeg is actually understudied though as compared to a lot of other lakes. If we look at the Great Lakes, such as Lake Ontario, or Lake Victoria in Kenya, which is a lake of an equivalent size, we are talking about hundreds of studies that have been done. Only about 60 studies have been done on Lake Winnipeg. Last summer I know the number was 57. I am hoping that the number has increased slightly since then.

One of the scientists at the University of Alberta actually compared Lake Winnipeg today to what Lake Erie was 20 years ago when the Mulroney government buckled down and got the job done in cleaning up Lake Erie. It is time to do the same with Lake Winnipeg to ensure that it is there for the long term and is there for the enjoyment of my kids and the next generation, as well as to ensure there is a viable commercial fishing industry and tourism industry for many years to come.

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, I will be sharing my time with my colleague from Winnipeg South Centre.

It is a pleasure for me to rise this evening to speak on this critical issue. I do not know if members realize how important this issue is to Manitobans. Any time we do a survey in Manitoba, we find that the health of Lake Winnipeg always ends up being number one, two or three on the list of concerns for Manitobans.

It is very important for us to be here this evening. I thank my colleague who organized this. It is imperative for us to be here to show both the government and our colleagues in the U.S. that it is an important issue and that we think pressure should be put on our neighbours to the south to change their decision.

On May 30, some two or three weeks ago, and actually two weeks prior to North Dakota opening the floodgates, I asked a question on this very issue of the Minister of the Environment. He scoffed at it and said it was a problem he inherited from the previous government.

The reality is that the previous Liberal government had an agreement with the United States to install a high quality filter at Devils Lake. The Conservative government has been in power for close to one and a half years now and had a responsibility to see that this agreement was respected. It has to take its responsibility seriously. It has to stop blaming others. It has to do the job.

The Conservatives always say that they are going to get the job done and they are getting the job done, but in this case, they have not. They have had a year and a half to speak to their neighbours and get the job done.

I believe it is important to understand the severity of what is happening as we speak. North Dakota's Devils Lake has no natural outlet and the water has risen by up to 25 feet over the years, so I think it is important for us to show some sympathy for North Dakota as well. I have been there. I was there on my motorcycle some years ago. We were on a dyke and all we saw was water where there used to be residential homes. It is an absolutely eerie feeling to be out there. There are no trees. There is nothing. We do have to sympathize with what North Dakota is going through.

Having said that, I do not think they should find a solution that is harmful to their neighbours to the north. That is what the problem is. It is unfortunate that over the years we have not been able to convince North Dakota that it possibly was harming our rivers and tributaries.

We also have to consider the fact that this is costing the U.S. a lot of money. It has been very critical for the Americans as well. They have paid approximately \$350 million U.S. in flood control costs over the years, as well as \$450 million U.S. in damages in the region. We can imagine that there is some pressure on them as well to react to this.

We understand that something has to be done. We understand that Canada and the U.S. have to work together to find a solution, but again, the solution in North Dakota cannot be at the expense of Canada's rivers and lakes.

The solution proposed by North Dakota was to build an outlet that would enable the water to flow from Devils Lake into the Sheyenne River, into the Red River and finally into Lake Winnipeg. However, let me explain what the reality is if we allow this to happen.

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In regard to the water quality in Devils Lake, someone was asking what colour the water would be. It is a fact that the water is much worse in Devils Lake than it is in the Red River and in Lake Winnipeg. Scientists have expressed concerns about the high sulphate levels, arsenic, baron, mercury, phosphorous, and the total dissolved solids, which are the salts.

The second major concern is the potential transfer of harmful biota. I noticed that my colleague from across the way mentioned this as well. These harmful biota are comprised of different organisms and, in particular, fish diseases that may have been established in Devils Lake but not in the Red River Basin. When those diseases are transferred, the impact could be devastating, although we do not necessarily know what it could be.

A third issue is that in the 1970s the Americans stocked Devils Lake with striped bass. It is a very aggressive competitor and could cause major damage to the sport and commercial fishing stocks. Striped bass are not found in the Red River currently, so introducing this new species could be a huge issue. My understanding is that striped bass actually live 35 years, so once that species is introduced into the river it could become a huge issue for us here in Canada.

If we look at introducing new species, all we have to do is look back at the Great Lakes and the damage the zebra mussels have caused. It has cost both countries, Canada and the U.S., \$3 billion in damages in the Great Lakes region alone. We all know what a devastating impact introducing new species in different waterways can have.

• (2025)

To add insult to injury, North Dakota is also considering a future inlet from the Missouri River into Devils Lake to control water levels in Devils Lake. Again, new species would be introduced from the Missouri to Devils Lake, to the Red River and then to Lake Winnipeg. It is totally unnatural. That is the problem right now.

All this would significantly affect the aquatic ecosystem in Manitoba. It is irresponsible for North Dakota to move forward with this and it is unconscionable that the Conservatives have allowed it to happen. It is too late now. Today in the House we heard the minister say that the government would be doing something in 24 hours. We hope something will be done, but the water is flowing as we speak, and I wish he would have said "in 24 hours" when I asked my question in the House two weeks ago. Maybe we could have prevented this from happening.

It is important as well to talk about what is at stake. My colleague spoke to this a little earlier. Lake Winnipeg is Canada's 10th largest freshwater lake and everyone appreciates the importance of protecting one of the most precious water supplies in the world.

Right now in our ridings we are all hearing about the future of water. Water will be the next big issue in the world, but we are ready to allow our 10th largest lake in the world to possibly be polluted, so there is something wrong with this picture. We have to act aggressively and we have to act now.

The Red River is used as a direct source of potable water for 40,000 residents. I do not know if people know that, because I had no idea when I did my research. There are 40,000 people drinking water from the Red River. People depend on this water to survive.

There are also 23,000 permanent residents living in 30 communities along the shore of Lake Winnipeg who depend upon the lake's fishery as a food source. Again, their livelihood depends on this ecosystem. It is critical for them. It is basic survival for these people

Included in that 23,000 are 9,000 people from first nations communities. We all know how critical fishing is to first nations. This could devastate a community that is already facing major challenges in our country.

There is also the \$110 million that is spent on tourism in the region every year. That could be impacted, that is for sure.

The tributaries also could be affected. The Seine River is a jewel in the heart of Winnipeg, in the heart of my riding. Anybody who comes to my riding will see the Seine River running right through my riding. For anyone who canoes it, it feels like being in the wilderness. It is absolutely incredible. It runs right through downtown Winnipeg.

As a matter of fact, last Saturday I had the opportunity to canoe it and see my riding from a different perspective. A group called Save Our Seine was promoting a canoe trip on the Seine River. The people in that group saved the river. It was basically dead. They cleaned it up. Over the last five to 10 years, they have brought it back to life. I can tell members that right now those people probably are devastated to see this happening with Devils Lake.

The government and those Conservative members cannot say they were not aware of this or that they were not forewarned.

First of all, there was an agreement reached in 2005 after consultations between Canada and the U.S. A joint press statement issued in August 2005 announced that North Dakota would put in place a rock and gravel filter before draining the outlet to prevent the release of microscopic aquatic nuisance species, including fish, eggs and plants, from Devils Lake, and that it would also work toward setting up an advanced filter. I will quote for members what the agreement said:

The United States and Canada will cooperate on the design and construction of a more advanced filtration and/or disinfection system for the Devils Lake outlet, taking into account the results of ongoing monitoring and risk assessment....

What can we do? The hon. member for the NDP from Winnipeg was asking earlier on what we can do. Obviously at this point, once the water is turned on, it has to be gentle persuasion. We have no choice.

Furthermore, my colleague, the hon. member for Ottawa South and environment critic for the Liberal Party, regrets not being here with us tonight, but he has worked very hard on this issue for a number of years. In fact, two years ago to the day he helped broker a unanimous all party statement by the Standing Committee on the Environment to vigorously oppose the unilateral actions then being taken by North Dakota to launch the diversions from Devils Lake into the Sheyenne River. That statement pointed out the proper role of the International Joint Commission and called on the federal government to take up diplomatic and legal tools to prevent any water diversion.

*S. O. 52*

The reality is that we now have water flowing from the U.S. into Manitoba that could be contaminating our rivers and lakes. I understand that just lately pictures were taken of large fish actually getting across the temporary filter, so it is not working. We have to find another solution.

In closing, I believe that all parties have to work together. The damage is done to a certain extent, but I believe we can reduce that damage. We can mitigate the damage if we work together and try to pressure our colleagues and friends to the south to change their minds on this filter.

● (2030)

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I am glad the hon. member for Saint Boniface mentioned that he has been down to North Dakota and has seen the devastation. It is overwhelming. So much flooding has happened there, so many people have been displaced, and so many farmyards are lying at the bottom of the lake, which has been rising exponentially over the last 25 years. Could the hon. member tell us why that lake has been rising so fast?

Second, for the benefit of the rest of our colleagues in the House tonight who may think this is a very local issue and only affects Manitoba and North Dakota, would the hon. member comment on the violation of the boundary waters treaty, what that will do and how it will affect the overall work of the IJC?

● (2035)

**Hon. Raymond Simard:** Mr. Speaker, first I would like to say that it is a little frustrating. I understand that the initial solution was to put in an advanced filter, which would have cost approximately \$20 million to \$22 million. My understanding is that with new technology the filter now would cost somewhere around \$7 million or \$8 million. The U.S. has spent \$350 million on flooding costs and \$450 million on the overall damages, so \$7 million does not seem to be an enormous amount of money to spend on this. That is my first comment.

With regard to the water rising, this is very abnormal, I am told. I have read that over the last 10,000 years water may have drained into the Red River basin on several occasions, but at very low levels.

It is a huge issue. I understand the U.S. has to do something about it and I do think that both our countries have to understand and sympathize with North Dakota. At the same time, if \$7 million is the cost of the solution, I cannot believe that between our two countries, two of the richest countries in the world, there is not a solution at hand.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I have been listening tonight to the description of this challenge that is in front of us. I have been hearing about waters that over the last few years have grown and have actually overcome whole neighbourhoods and communities.

I was at a meeting in Sault Ste. Marie last night where we were talking about water in the Great Lakes and how it has dropped by about two feet in the last six to nine months. Where is that water going? That was the big question.

One theory is that it is being diverted to some areas of the United States where there is great drought at the moment. There are huge

tracts of the U.S. in desperate need of water. As a matter of fact, those people are taking water from the melting glaciers of the Rockies and running it into parts of the U.S. so they can continue to grow crops, et cetera.

I do not know the history of this, but given that need for more water at a time when this area seems to have more water than it can handle, is there no way to divert the water in another direction? The Americans are trying to put it back into an area where we do not need more water. I believe the Red River floods every year so there is a lot of water there.

Is there no way to divert the water in another direction? We have heard about bulk water exports from the Great Lakes, but everybody is opposed to that because we do not want to lose that water. We certainly do not want give any kind of licence to that kind of thing, but has any thought been given or has any effort been made to look at the possibility of somehow taking this water and getting it to those parts of the U.S., in the same country, where they are in desperate need of water and where there is great drought?

**Hon. Raymond Simard:** Mr. Speaker, actually it is a very logical statement that the member has just made. I am not sure if that idea has been considered. All I can say is that every time we do things that are unnatural, every time we use water for irrigation, every time we lower our rivers and lower our water levels, we pay for it somewhere. When we cut down our trees in the Prairies, cultivate our fields and irrigate them, there is a price to pay.

The basin has changed and we have more flooding. We basically have changed the whole ecosystem. This is a typical example of the unnatural things we are doing. Although we are not sure what the total impact will be, we can all be aware that there is the potential for devastation in Manitoba with this move from North Dakota.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, many in the House will have heard me speak several times in the past of what many of us in Manitoba call our "beloved Lake Winnipeg", of the fact that it is, and has been for generations, a source of livelihood, recreation and of economic development for thousands of Manitobans. Like many, I grew up on the shores of Lake Winnipeg, as have my children. It is the 10th largest freshwater lake in the world. It supports a commercial fishery of an annual landed value of over \$20 million. Now it is said to be a lake that is in ecological peril.

It is with this in mind and with concerns of the whole watershed that I, too, am speaking tonight to the potential danger to Manitoban communities and to the way of life of many residents of our province by what has happened with the opening of the Devils Lake outlet.

Today we are faced with the unilateral action of the government of North Dakota that took place on June 11. It is without doubt that it is both the responsibility and obligation of both national governments, Canada and U.S. and that of the provincial and state governments to recognize the overarching weakening of environmental standards and the dangers posed to Lake Winnipeg, to the entire Lake Winnipeg-Red River watershed and to respond appropriately.

As we have heard, the opening of the Devils Lake outlet allows water from the lake to flow water into the Sheyenne River, flow east to the Red River and into Lake Winnipeg. The Government of Manitoba and the previous Liberal government expressed opposition to this outlet because of the irreversible impact on the Manitoba ecosystem.

The province of Manitoba, along with a multitude of environmentalists, argue that Devils Lake contains organisms that are foreign and will pollute Manitoba water, negatively impacting the province's fishing and tourism industry. We all know and have heard it cited here tonight that the international boundaries treaty of 1909, almost 100 years old, prevents the flow of polluted water across the border.

There are two issues that are very paramount here.

First, there is the increased chemical concentration in the waters. We have learned recently that the level of sulphates now flowing has been up by over 50%. The North Dakota Department of Health weakened the sulphate standards in the outlet's original operating permit, and did it without the knowledge or consultation with Canada. The Government of Manitoba was unsuccessful in a legal challenge in the United States District Court on that matter and now, along with several environmental groups, are moving the issue forward to the North Dakota Supreme Court.

Second, the biota, the living stuff in Devils Lake, puts at risk the fisheries of Lake Winnipeg and potentially all of western Canada. Seven species, three fish parasites and four kinds of algae have been identified in the Missouri water system, which are foreign to the whole Red River water system. We know now that an eighth species, rainbow smelt, has now entered the Lake Winnipeg system. While the pickerel may be getting fatter, we now anticipate that this will be a short term gain for long term pain.

As an aside, I want to advise the House that some time ago I introduced Bill C-387, and I hope we eventually get to it, respecting the National Ecosystem Council as a means of seeing the health of Lake Winnipeg's watershed and others in Canada restored.

I will address another issue as it relates to the impact of the opening of Devils Lake outlet, and my colleague has alluded to it, and that is the rights of first nations people. We know and we have heard many times in the House that first nations people face many water challenges in their own communities. We have also heard that the Red River is a direct source of potable water to over 40,000 people and that over 9,000 aboriginal people depend on Lake Winnipeg for its fisheries.

• (2040)

Recognizing the dangers of the biota and pollutants flowing into the system, National Chief Phil Fontaine, in a letter to the U.S. Secretary of State, Dr. Rice, sent in May 2005, said:

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The proposed operation of the Devils Lake Outlet is a source of grave concern to First Nations in Canada.

It goes on to say:

First Nations in Canada have rights that are recognized by the Constitution of Canada, the supreme law of this country, to use rivers and waters for human consumption, sanitation, fishing, navigation and other means necessary to continue our traditional way of life in modern times.

He goes on to say:

Customary international law requires that rivers be used in a manner that is equitable to all concerned, including indigenous peoples. That body of law also requires that states refrain from inflicting environmental harm on others.

Later he says:

As a representative government of First Nations, we look to the United States to respect the ideals contained in its international agreements, and to demonstrate in its international, as well as domestic policies, a genuine respect for the rights and interests of indigenous persons.

The provincial government, supported by the previous Liberal government, expressed concerns to federal and state governments. Under the Canada-U.S. boundary waters treaty, consultations were held and a way forward was prescribed in August 2005 and a joint press release issued. I was going to read from it, but in the interest of time I will not go there.

The agreement was reached on evaluation of water standards and permit levels. Also, mitigation measures were agreed to. North Dakota would establish a rock and gravel filter before the opening of the outlet and the federal government committed to do the design and construction of an advanced filtration system, high tech and probably high cost, but not in the long run. It was a newly redesigned system that is not in place now.

What is happening? My colleague referenced the response from the Minister of the Environment on May 3 when he was asked a question in the House. He laughed and brushed it aside. Today his answers to the question, posed by my colleague, were evasive at best. Are they pressing? I have heard from my colleague, the member for Selkirk—Interlake, and I accept his word, but I really want to know whether the government is pressing for the results of the monitoring program carried out by the Red River board under the IJC.

We know the results are complete. They were presented at a meeting in March in Washington. They have not been made public. My question is, why not? Governments are waiting, environmentalists are waiting, the people of Manitoba are waiting.

I have a communication from Friends of the Earth. It wrote to the Prime Minister, President Bush, the Premier of Manitoba and the governors of North Dakota and Minnesota calling on them to account for their commitments, particularly to make public the first year of IJC testing results and to report on the installation of the filtering system. What it goes on to say is interesting. It says:

You are acting like the Pirates of Devils Lake since you are operating the outlet in defiance of your own safeguard agreement.

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Is the government raising concerns about the sulphate level? Is the legal action of the province of Manitoba being supported? An appeal was heard in March. Another appeal was filed this month. In September 2006 the Minister of Foreign Affairs told the Manitoba Chamber of Commerce he was committed to a solution.

Today in the media I heard the minister for water conservation in Manitoba say that it would take 22 weeks of water running through this outlet for Devils Lake to be reduced by half an inch. We cannot wait 22 weeks.

Have funds been offered to construct the filter?

It is incumbent upon governments to base their decisions on scientific investigation. I believe the federal government should be urging that the operation of the outlet be suspended until standards testing of the water quality and the biota are conducted in both countries.

The government must stop laughing and take the matter seriously. Both the economic prosperity and the quality of life of many Manitobans depend on it.

• (2045)

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I thank my colleague, the member for Winnipeg South Centre, for her comments. I know she cares passionately about the lake. She has a cottage in my riding and. As she mentioned, her kids have grown up there, she grew up on the beaches and it is very important to her.

The one thing that all of us is concerned about is the way North Dakota has approached this whole topic. As she mentioned, if it runs the pump at full tilt for 22 weeks, it will only drop the lake a half an inch.

I understand that North Dakota and the northern great plains have seen a great deal of precipitation this spring. For that reason the pumps have been turned on to try to control some of the flooding. There is no question, though, that part of the issue they are facing is the intensive drainage projects that they have undertaken over the last 50 years in North Dakota, especially in western North Dakota, in draining a lot of their wetlands and cleaning up a lot of their agricultural lands. That has created the problem that we face today.

If we look at the larger picture, as was mentioned earlier by the member for Saint Boniface, it has been a thousand years since the last time Devils Lake overflowed. In the dirty thirties the lake was dry. There is something that has changed and it has to do with the overall management of the drainage system within the state of North Dakota.

I know we all feel compassionate for the people of North Dakota, especially those people who live along Devils Lake and the flooding problem that they have faced for decades. What does the member see as the reasonable way for them to address the issues they have facing them?

• (2050)

**Hon. Anita Neville:** Mr. Speaker, I think, quite clearly, the answer is for both federal governments, the United States and Canada, to move forward with a high tech filtration system.

There is no question that people in Manitoba have experienced floods. As a resident on Lake Winnipeg, who has been flooded, I understand what the residents surrounding Devils Lake are dealing with. However, an investment is required and quickly. The longer it is left, the greater the damage undertaken both monetarily in terms of resources and as a toll on individuals.

The solution is a joint approach to the installation of the high tech filter and it should be done in an expeditious way. It is time to stop talking and time to start doing.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I want to ask the same question I asked her colleague a few minutes ago. What has been done or has anything been done, any study or work entered into and particularly led by the two senior federal levels of government, to redistribute this water in a different way to parts of the U.S. that are obviously experiencing great drought at the moment?

I was at a meeting last night in Sault Ste. Marie. There is a concern that the levels of the Great Lakes have dropped significantly in the last few years and we have an drought in that area. For the last 10 years we have had above normal temperatures and below normal levels of water in that area. We are afraid that some of our water will be taken and diverted into areas, particularly in the U.S., where they are experiencing a need for more water.

Has anything been done or any effort made to look at the potential to take the water now collecting in the area of Devils Lake and distribute it in some way to other parts of the U.S. and put to better use than simply backing it up into Manitoba and making worse an already difficult situation there? I hear there are floods every year in the Red River valley.

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Winnipeg South Centre has 10 seconds to respond.

**Hon. Anita Neville:** Mr. Speaker, I guess my answer is no, I do not have the expertise.

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, I am delighted to participate in this debate on the important matter of the diversion of the Devils Lake waters into Canadian waters. Specifically, the Devils Lake waters will flow through a 22 kilometre canal into the Sheyenne River, a tributary of the Red River that in turn flows into Lake Winnipeg.

I am pleased to address this issue as a Quebecker. Why? Because this important issue that we are debating today and this precedent that is being established today, may have considerable impact, not only for western Canada but also for Quebec, given that this current conflict could alter how we manage our boundary waters in Canada. In principle, this issue was resolved by the Boundary Waters Treaty of 1909, which guaranteed that no action was to be taken without verifying whether or not these actions—with regard to the diversion of boundary waters—had an environmental impact on existing ecosystems.

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Devils Lake is in North Dakota and has seen a considerable increase in its levels in recent years. From one year to the next, the citizens who live in the areas bordering the lake have noted higher water levels. In recent years, the inhabitants of waterfront lands on Devils Lake have seen water levels rise, and this has forced a number of families to move. A solution was thus proposed in the United States, namely to create a 22-kilometre outlet, a \$28 million project designed to divert the water from Devils Lake to the Cheyenne River, a tributary of the Red River, which is largely dependent on Lake Winnipeg. This \$28 million project would connect, by means of the outlet, the waters of Devils Lake and Lake Winnipeg in Manitoba.

At the time, we had a schedule. It should be recalled that this is not a new file. In July 2005, the state of Dakota had indicated its intention to open this big outlet in order to lower the Devils Lake water levels for the safety of citizens living close to this lake, which is actually quite big. There was major opposition from Canada to the plan. The federal government had received the support of numerous provinces on this file. They included Ontario and Quebec, which unhesitatingly decided to support the Government of Canada in its opposition to the opening of this outlet, quite simply because the environmental and economic impacts would have been considerable for Manitoba. Consequently, the Government of Quebec and the Government of Ontario did not hesitate to support the federal government—a government which at the time was Liberal—in the face of the wishes of the government of Dakota and the state's governor to open this outlet.

• (2055)

Finally, the outlet was re-opened a few weeks ago, at the cost of environmental protection and economic benefits. Why? When we know about the composition of Devils Lake in North Dakota, we very quickly understand that we must oppose such a project if no mitigation measures are clearly put in place to avoid a number of phenomena.

What are these mitigation measures that we must put in place? Of course there is the installation of a rock filter and a gravel filter. Why put such filters in place? Quite simply because we have reason to believe that the Devils Lake ecosystem, in Dakota, may give rise to a strong contamination of Lake Winnipeg in Manitoba.

First, Devils Lake is highly polluted. Second, the saline level of Devils Lake is four times the current level of the Red River. Third, Devils Lake contains invasive species. In recent years, we have gathered information about these invasive species and the damage they could do to our ecosystems. I invite you to read a report by Canada's Commissioner of the Environment and Sustainable Development about the threat posed by these species, which are microscopic in some cases but can still have a negative impact on our lake ecosystems.

What is happening in Devils Lake and could happen in Lake Winnipeg is exactly what could happen to ecosystems of the St. Lawrence with a massive influx of saline from the ocean. Salinity would increase. Opening this outlet is like letting large ships from sea areas come into fresh water and release invasive species with their ballast water.

The risks to Lake Winnipeg are exactly the same as the risks to the St. Lawrence-Great Lakes system: greater salinization and more invasive species. This will also have a huge impact on ecosystems. It is completely unacceptable.

It is especially unacceptable because, in 2003, the Government of Manitoba implemented an action plan to restore drinking water quality to 1970 levels. All Manitoba's efforts over the last four years to improve water quality would be in vain because the government of North Dakota has decided to turn out the tap at this outlet. That is unacceptable.

This week, the Minister of Water Stewardship of Manitoba appeared before the Standing Committee on Environment and Sustainable Development. She came to talk about how the Government of Manitoba has put in place an action plan to restore the Lake Winnipeg ecosystem, which is contaminated.

• (2100)

This minister came to convince us, for example, that we should no longer allow phosphorus and phosphates to be used in dishwashing liquids because they could compromise Lake Winnipeg's ecosystem.

In view of the decision made by the Government of Manitoba to introduce a rigorous plan to improve the quality of the water in Lake Winnipeg, it is hard to see how we parliamentarians could fail to react strongly to the decision to open the outlet and allow water from Devils Lake to drain into Lake Winnipeg.

There was also a report a few years ago detailing the importance of reducing the level of nitrates in Lake Winnipeg by at least 10%. Now the government on the other side of the border is making decisions without regard for the agreement signed in August 2005 between Canada and the United States to institute mitigation measures that would limit nitrates.

The Americans promised to install a stone and gravel filter to limit contamination. It was a \$15 million filter that could easily have been quickly installed. Unfortunately, though, the government did something else. By 2004, the previous government had clearly indicated that it wanted this project submitted for study by the International Joint Commission. That is what should have happened.

The 1909 treaty is very clear: when a proposed project could have an environmental impact on a bordering country, there has to be an assessment. It is obvious, however, that the people on the other side of the border are not going to do this assessment, despite the decision handed down a few years ago by the supreme court of Dakota saying that this project might contaminate Canadian waters.

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Nevertheless, this ruling by the Dakota supreme court did not specify anything and did not call on the government of Dakota to call off the project. Today, we are having a very hard time understanding why the U.S. authorities have refused to apply the agreement signed in good faith in August 2005, government to government, in which Dakota promised to implement mitigation measures, and promised to install the filter to reduce the risks of contaminating the Sheyenne River, the Red River and finally, Lake Winnipeg.

We are having a very hard time understanding why our government is not now taking a clear stand to defend our ecosystems and the ecosystem of Lake Winnipeg.

If relations between George Bush and the Prime Minister are so important, if discussions are going so smoothly between the two governments, then why has the Prime Minister not managed to convince his U.S. counterparts to stop this project?

• (2105)

This project will not just have an environmental impact. That is not what we are talking about. In the Lake Winnipeg area, annual economic spinoffs to the tune of \$20 million come from fishing activities and the fishing industry. Not only is there a possibility of compromising our ecosystem, but we might also be compromising an industry that brings in \$20 million a year to the surrounding communities. This is unacceptable.

We believe that the Prime Minister has to be a little tougher. He does not need to reserve being tough for negotiating on the world stage, at the G-8, in order to lower the requirements for fighting climate change. He also needs to be tough when it comes to protecting the waters of Lake Winnipeg. If we open the doors today to this \$28 million project, it is not just Lake Winnipeg that will be compromised. The need for water in the south is growing every day.

Every day, our neighbours to the south want to take advantage of Canada's water resources. If this diversion plan goes through today, then what will it be for the Great Lakes tomorrow?

Will they try to use our water resources from our St. Lawrence-Great Lakes waterways for the benefit of American interests?

If the International Boundary Waters Treaty of 1909 has a legal effect, if the International Joint Commission has any meaning, now would be the time for it to speak up. It is not true that the International Joint Commission is merely a window for future negotiations or treaties that do not apply. This is, I think, the first important case in which the International Joint Commission could be called to make a decision.

North Dakota, however, refuses to allow this project to be submitted to the International Joint Commission. Manitoba and Canada have been putting pressure on this project since 1999. Canada has wanted to stop this project since 1999. In 2001, North Dakota began a wide invitation to tender to complete this project. In 2004, as I already mentioned, Canada began to ask that the project be referred to the International Joint Commission, despite the firm "no" clearly expressed by the state of North Dakota. In May 2005, the Prime Minister of Canada stood up and told George Bush that there was no way this project would be completed. As we all know, the project was completed in June 2006.

No matter what political party we belong to, we must all stand together to try to stop this project. This project would set a dangerous precedent, a precedent that would affect not only western Canada, but could also affect Ontario due to the hydrological resources of the Great Lakes. This could even have repercussions for Quebec in a few years. I strongly oppose this project.

• (2110)

[*English*]

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I appreciated the comments of the member who just spoke. He spoke about setting precedents and in our relationship with the U.S. it seems there are already precedents set. We have seen it particularly in northern Ontario. It seems to be always when it concerns our natural resources as in the softwood lumber agreement that was signed by the government which is continuing to come back to affect us in a negative way.

In this instance, agreements have been attempted to be worked out. Discussions have happened, but ultimately the U.S. decides that in its best interests it is going to act and affect negatively Canadian jurisdiction.

I am wondering if maybe we are not already too far down that road and given that we are, is there anything the member would suggest we could do, other than simply saying "no" and getting into that kind of debate with the U.S.? We seem to always lose with the previous Liberal government and now with the present Conservative government. Are there any other things that we could be doing?

I suggested earlier that we might look at talking to the Americans about maybe using this water in other areas of their country where they are experiencing great shortages and drought, to move it and be creative in how they move it. I am told they are going to spend a lot of money, for example, in the Arizona area, taking the salt out of seawater. In order to get freshwater into that area, they are using up tonnes of water flowing from the icecaps in the Rockies to feed other areas of the U.S. Here is water that they have too much of and we do not want because it is causing us problems. Is there not some way that we could talk to them and convince them to use this water differently?

• (2115)

[*Translation*]

**Mr. Bernard Bigras:** Mr. Speaker, my colleague has touched on the fundamental point and what is most likely to stir up debate over the next few years in Canada-U.S. relations.

What we call "blue gold", and its management are likely sources of conflict. It can often be seen throughout the world. That is the reality. Some American states have a dire need for water resources, and the management of these resources is essential.

I think that what we need to promote now is the Boundary Waters Treaty, signed on June 11, 1909. What does this treaty, signed by Canada and the United States, say? It says that by signing this treaty, the United States and Canada commit to no contamination of boundary waters or cross-border waters which would be harmful to the health of those on the other side of the border. That is what the treaty says.

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Perhaps I am not familiar enough with this issue and with the Devils Lake project, but it seems as though this project is a direct contravention of the 1909 treaty, signed in good faith by Canada and the United States. Our duty, as parliamentarians, is to ensure that this treaty is fully respected.

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I would first like to sincerely thank my hon. colleague from Rosemont—La Petite-Patrie for his very important speech and his support for Manitoba. It is very important to have the support of all members from all political parties represented here in this House.

He clearly identified the urgent situation currently facing the province of Manitoba. He spoke very well on the crisis concerning the continuation of Canadian waterways through Devils Lake in North Dakota. He talked about what must be done.

We must call on the Prime Minister of Canada to speak with President Bush as soon as possible in order to determine the steps involved in protecting Manitoba's water and Canada's water.

What specific initiatives can the government take to stop this terrible thing? What can the Minister of the Environment do to stop the movement of water from North Dakota to Manitoba?

• (2120)

**Mr. Bernard Bigras:** Mr. Speaker, I appreciate my colleague's question. We can see from what happened in the past that all is not lost and that there is hope.

Let us take a look at what Canada has done in the past and what that enabled us to accomplish. As I said in my speech in May 2005, the Prime Minister of Canada at the time, Mr. Martin, decided to speak directly to his counterpart, George Bush, to tell him that this project was totally unacceptable. A month later, in June 2005, North Dakota decided to delay the project, most likely at the instigation of the Bush government. In August 2005, Canada and the United States signed an agreement that set out mitigation measures and provided for the famous filter to mitigate the damage.

I am saying this to prove that it is possible, within three or four months, to talk to the American president—that is the Prime Minister's responsibility—and tell him that we do not agree to the project. This could, we hope, result in the project being delayed and mitigation measures being brought in. There is hope.

Canada must show its leadership to the American government with respect to the environmental impact of a project like this one, and to the economic impact it could have on the fishing industry, which represents \$20 million annually.

Canadian leadership must be strong. This is the best way to ensure that those south of the border will listen to reason.

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, I thank my Bloc colleague for his remarks.

Earlier I spoke of the cost of this project to the Americans, the citizens of North Dakota, thus far. They have already invested \$350 million in flood control. They have also paid \$450 million for damages caused by the increase in water levels. If my information is correct, with the new technology, the filter could cost as little as \$7 million.

In his remarks, my colleague spoke of leadership. This project will cost \$7 million, not \$100 million. Leadership is important but this is not an impossible project to execute. Does my colleague have any comments in this regard?

**The Acting Speaker (Mr. Andrew Scheer):** The hon. member for Rosemont—La Petite-Patrie has 30 seconds to answer the question.

**Mr. Bernard Bigras:** Mr. Speaker, it is important to conduct a real cost-benefit analysis. We realize that the mitigation measures will have an economic impact. My colleague mentioned a filter, and a \$7 million cost estimate. As I understand it, it would cost somewhere between \$7 million and \$15 million. However, it is clear that mitigation measures are better than doing nothing at all. Right now in Canada, communities make a living from our resources. I repeat—

• (2125)

**The Acting Speaker (Mr. Andrew Scheer):** I apologize for having to interrupt the hon. member for Rosemont—La Petite-Patrie. The hon. member for Kildonan—St. Paul.

[English]

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I will share my time with the member for Charleswood—St. James—Assiniboia.

I am pleased to rise tonight to put a few comments on the record concerning Lake Winnipeg. My daughter and her husband live very close to Lake Winnipeg and I hear weekly about the challenges that are there for the residents living on our beloved Lake Winnipeg.

It is not the first time I have risen to speak about Devils Lake. Almost two years ago, as my hon. colleague from Winnipeg North mentioned, on June 21, 2005, I myself called for an emergency debate on this matter. I would like to commend the member for Winnipeg North for calling this debate. Devils Lake is an issue that warrants the immediate attention of this House and it is good to see the initiation of this debate so we can address this right in the House of Parliament.

One of the most compelling and crucial aspects of the diversion of water from Devils Lake into Manitoba is the looming threat of the pollution of our rivers and lakes, and we have heard that throughout the evening tonight. During the 1990s, high levels of precipitation caused Devils Lake to swallow large amounts of land that surround it. The lake has since risen more than seven metres, submerging 28,000 hectares of farmland and causing 300 households to abandon their land. The solution for this was to build an emergency outlet that would channel water into the Sheyenne River, which would then combine with the Red River to eventually empty into Lake Winnipeg.

I am very familiar with the Red River as it flows through my constituency of Kildonan—Paul. Manitobans and Winnipeggers know that Lake Winnipeg and the Red River are two bodies of water in our province that are very significant bodies of water and e bodies of water that are under duress. Lake Winnipeg, as the hon. member for Selkirk—Interlake mentioned a few minutes earlier, has many problems with the algal blooms and with nitrates.

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My daughter often tells me that no one can go swimming in the lake simply because of the water alerts. No one even wants their dogs lapping the water from the lake because of the pollutants.

We know that a non-binding agreement in 2005 between Ottawa and Washington allowed for the flow of water from the emergency outlet by North Dakota as long as an advanced rock filter be built. Sometimes that is forgotten. This filter was to protect the Red River and Lake Winnipeg from the alien fish and plant species, as well as the pollutants. This important filter has not yet been built by the U.S. government. Currently, the only filter in place is a simple \$50,000 rock and gravel filter that in August 2005 actually broke during the initial testing. This is a grave concern.

Another alarming development is the change to North Dakota's health department sulphate limits, which increased the allowable limits for sulphate levels in the water. Previously, the level of sulphate in the water being channeled through the emergency outlet was 300 milligrams per litre. The permit was revised last August and the state health department will now allow the Devils Lake emergency outlet to operate when up to 450 milligrams of sulphate are present in the Sheyenne River.

Canadians take pride in our environment. We have the most beautiful country in the world and we would like to preserve it for generations to come. If North Dakota continues to allow the water from Devils Lake to flow into the Sheyenne River, the Red River and finally into Lake Winnipeg, the environmental results will be alarming.

Lake Winnipeg, which our government has devoted \$7 million to clean up, will continue to be polluted. This is a very important point because now both our government and the provincial government have taken special care to ensure that Lake Winnipeg, which is under duress as we speak, cannot afford to have pollutants added to its waters. The commercial fishing industry is also in jeopardy as pollution and new species could threaten current fish populations.

• (2130)

Apart from minimal operations in August 2005, during initial testing the Devils Lake outlet did not release any water at all in 2006. It comes as a deep disappointment today that North Dakota opted to operate it starting on Monday afternoon of this week. As we understand the situation, the outlet has run intermittently this week and has released minimal amounts of water into the Sheyenne River. Nevertheless, our government is very concerned by this recent development and particularly the members from Manitoba.

We understand that residents in the Devils Lake basin faced rising flood waters in the period leading to May 2006 when the Devils Lake level peaked. Our government is sympathetic to concerns about flooding and certainly Winnipeggers are sympathetic.

Indeed, North Dakota's neighbours in Manitoba know what it means to live with the persistent threat of Red River floods. Nonetheless, North Dakota's decision to operate the outlet places Canada at an unknown and unwarranted degree of risk. The choice to discharge water from the outlet comes at a time when the level of Devils Lake is substantially below that of a year ago.

In this respect, I believe that North Dakota's decision is not only very disappointing, but very unnecessary.

I would like to review some recent history regarding Devils Lake for members of the House but I think most of it has been covered tonight so I will cover the salient points that have not been covered.

In May 2006, Devils Lake levels peaked at a little more than 1,449 feet among mean sea level, just short of 1,500 feet. Throughout 2006 not a drop of water was released from the outlet. After reaching its peak in May last year, lake levels then fell dramatically due mainly to evaporation. By earlier this spring, the level of Devils Lake had dropped by more than two feet below the 2006 high water mark.

While the lake level has risen in recent weeks, as it does every year around this time due to seasonal rainfall, it remains well below the 2006 maximum.

This week, with the lake level well down from a year ago by more than a foot, North Dakota, without warning to the Governments of Canada or the United States, decided to run the outlet. The lake level simply does not warrant placing Canadian waters at risk.

A second point to understand about the system is the important constraint placed on the outlet by the water quality of the Sheyenne River. The Sheyenne River is the receiving water for discharges from the outlet. Devils Lake water contains a high level of sulphates and a high concentration of dissolved solids.

In order for the outlet to operate, flows in the Sheyenne River must be sufficient to dilute the salty water from Devils Lake. There is maximum concentration of sulphates, a type of dissolved solid, that is allowed in the Sheyenne River under the operating permit for the outlet.

In addition to the lower water levels in 2006, North Dakota could not operate the outlet due to high sulphate levels that exceeded the level allowed under its permit. North Dakota then decided to unilaterally change the permit, which is currently being challenged in court.

This week, due to seasonal rainfall, the flow in the Sheyenne River was sufficient to provide dilution to allow for discharges from Devils Lake this week. However, there was insufficient dilution to allow for anything like a significant release of Devils Lake water.

Indeed, even under optimal circumstances, the Devils Lake outlet would have a minimal impact on reducing lake levels. This week, even with good flow in the river, the discharge of Devils Lake water into the Sheyenne River had a trivial impact on reducing lake levels.

To be clear, the decision to operate the outlet was unnecessary. It exposes Canadian waters to an unknown degree of risk from invasive species transfer.

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I am proud of the steps our government is taking to quickly deal with this issue. Our environment minister and the regional minister for Manitoba met with the Manitoba provincial water stewardship minister on Tuesday to discuss this issue. The environment minister agreed to voice Manitoba's concerns within 24 hours to have the August 2005 agreement respected, as well as request that the U.S. government have the Environmental Protection Agency review the standards governing the operations of the Devils Lake emergency outlet.

I am grateful to the member for Winnipeg North for bringing this issue to the House tonight.

● (2135)

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, I have a question which I hope the hon. member can answer. She mentioned that the permit is being challenged in court now. I know it was challenged in court by the Government of Manitoba and my understanding was that the government lost that challenge to the new permitting licence. I was wondering if the member could confirm one way or the other where that stands.

**Mrs. Joy Smith:** Mr. Speaker, it is my understanding that there is a challenge right now. I can look into the details for the hon. member and get back to him on that issue.

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, the member for Kildonan—St. Paul has been very passionate about this issue for a long time. Since she was elected, one of her top priorities has been the health of Lake Winnipeg. Her concern over Devils Lake is something that she has been expressing in caucus. She has been there helping me out in my crusade to improve the health of Lake Winnipeg and find government dollars to get the job done to actually address all the concerns facing Lake Winnipeg.

How should we deal with the current situation we have with North Dakota? We have had great cooperation from the U.S. government. The U.S. State Department has worked very well with us. How does the member think we need to continue on with our diplomacy with the United States government and with Governor Hoeven in North Dakota?

**Mrs. Joy Smith:** Mr. Speaker, what we are doing tonight in the House of Commons is exactly what should be done, which is that all parties are working together to problem solve. We are standing as one voice to ensure that the parties involved in the U.S. understand that the outlet needs to be closed.

The problem is that the scientific data is not as extensive as we would like it to be. There needs to be more scientific study. Right now, with the opening of the outlet, the IJC has been engaged to oversee biological analysis on Devils Lake, the Sheyenne River, the Red River and Lake Winnipeg. This does interrupt it to a degree.

What we are doing tonight, working together to problem solve, is exactly what needs to be done.

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, I listened attentively to my hon. colleague and one of the things she said was that the government was sympathetic and that mostly Manitoba members of the Conservative Party were sympathetic.

Obviously she was not able to use her influence to prevent this from happening in the first place.

● (2140)

**Hon. John Baird:** Give me a break. You are pathetic. You are so partisan.

**Hon. Raymond Simard:** Mr. Speaker, would you please?

The Bloc Québécois member just said a few minutes ago that the cost of doing nothing was atrocious. It could be hundreds of millions of dollars and that is an absolute fact. The cost of the solution could be between \$7 million and \$15 million.

Is my colleague planning on using her considerable influence to influence the minister who does absolutely nothing—

**An hon. member:** Oh, oh.

**The Acting Speaker (Mr. Andrew Scheer):** Order, please. The hon. member for Kildonan—St. Paul.

**Mrs. Joy Smith:** Mr. Speaker, it is regrettable that the member opposite turns this into a political debate. Members opposite had 13 years to do something about this issue and they never did one solitary thing about it until the dying days of government.

Our government has put in \$7 million for the Lake Winnipeg basin. We have a national—

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

**The Acting Speaker (Mr. Andrew Scheer):** Order, please. There is less than an hour left in the debate and I would like to be able to hear the rest of it. I would ask all hon. members to hold off on any extra commentary until it is their turn to speak or in questions and comments. The hon. member for Kildonan—St. Paul has 20 seconds left.

**Mrs. Joy Smith:** Mr. Speaker, we have a national water strategy in place and dollars going toward the cleanup of Lake Winnipeg. I think we should centre on the problem-solving of this issue, not political debate on this issue tonight.

**Mr. Steven Fletcher (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I would like to thank the member for Kildonan—St. Paul for her excellent contribution this evening and, in fact, for her excellent contribution since being elected and as an MLA before that.

The member for Selkirk—Interlake also has to be commended for what he described as his crusade. He is a very passionate advocate for Lake Winnipeg in all aspects, and in particular the problem that we have with Devils Lake.

The Devils Lake outlet remains a persistent irritant for the Government of Canada and the management of its overall—

**The Acting Speaker (Mr. Andrew Scheer):** Order, please. Perhaps the Minister of the Environment and the hon. member for Saint Boniface could maybe sit together for the next little bit and carry on their conversation a little bit quieter, so that the rest of us can hear the hon. Parliamentary Secretary to the Minister of Health.

**Mr. Steven Fletcher:** Mr. Speaker, as I was saying, the management of the overall transboundary water relationship with the United States has been a major irritant for the Government of Canada.

*S. O. 52*

I am pleased to speak on this matter tonight. As many members will know, the Assiniboine River is the major tributary to the Red River and the Assiniboine River flows through my constituency with its many tributaries, like Sturgeon Creek and others.

The reason why I raise this is the fact that this issue goes far beyond Lake Winnipeg. It goes to the entire watershed and that includes the prairie provinces, Ontario, and who knows where it goes beyond that. This is an important issue for all Canadians and it is really important that we work together to solve this problem.

It is important that we continue with the critical science and engineering efforts that are currently underway. I wish to assure members that the Devils Lake outlet and its implications for Manitobans are key concerns for the federal government.

The President of the Treasury Board has spoken with his colleague the Minister of the Environment and the minister of water stewardship in Manitoba on the decision by North Dakota to operate the outlet.

The governments of Canada and Manitoba are united in their concern and disappointment over North Dakota's move to release water in the absence of a permanent treatment system at the outlet. The governments of Canada and Manitoba have been steadfast allies throughout the Devils Lake outlet dispute and we will continue to support each other's efforts to address this issue.

Engagement by the Minister of Foreign Affairs, the Minister of International Trade, the Minister of the Environment, Canada's ambassador to the United States, and other officials have underlined the government's commitment to put our concerns about Devils Lake front and centre in our dealings with the United States.

This government has conveyed Canada's concern regarding North Dakota's Devils Lake outlet to the highest levels of the U.S. government on many occasions and we will continue in these efforts until the matter is resolved successfully.

Our consistent aim is to address Canada's concerns regarding the outlet, including safeguards to prevent the transfer of invasive species from Devils Lake to Lake Winnipeg. Our government believes that the Devils Lake outlet should not operate until measures are implemented to ensure the protection of downstream waters from the potential threat of invasive species transfers.

Based on the boundary waters treaty of 1909, water that flows across the international boundary "shall not be polluted on either side to the injury of health or property on the other". Our government takes its obligations under the treaty seriously and expects the U.S. government to make every effort to ensure that it upholds its side of the bargain.

In addition to exposing Canadian waters to an unknown and unwarranted degree of risk, North Dakota is jeopardizing very important binational scientific work on invasive species in the Red River basin being conducted under the International Joint Commission. The IJC is the international organization created by the boundary waters treaty to help resolve and prevent disputes on matters arising related to waters shared between Canada and the United States.

Based in part on the advice of this House and the terms of the 2005 joint statement on Devils Lake flooding and ecosystem protection, the Canadian and U.S. governments have engaged the commission to conduct a survey of fish parasites and pathogens in Devils Lake and the broader basin. This work will help shed light on the risks posed by the outlet and aid in informing the development of a permanent treatment regime.

As well, the U.S. Environmental Protection Agency, in consultation with Canadian technical experts, is undertaking an important engineering analysis on the design of an effective treatment system for the outlet.

● (2145)

North Dakota's decision impedes the important progress that has been made with the United States toward resolving the Devils Lake outlet dispute. Further, we remain dissatisfied by North Dakota's effort to relax the terms of the operating permit for the outlet, a move that has allowed the outlet to run this year.

A key constraint on releases from the outlet into the Sheyenne River is the maximum sulphate concentration allowed in the river. Last year North Dakota's health department approved a request from the North Dakota state water commission to increase the allowable sulphate concentration in the Sheyenne River by 50%, from 330 milligrams per litre to 450 milligrams per litre. Our government was and remains critical of this weakening of the permit.

In its submission to the North Dakota health department on the permit modification, our government pointed out that the changes could result in degraded water quality at the international boundary and increase the risk of harm. In the final analysis, our government underlined its belief that there was simply not sufficient science to warrant the proposed changes. Lack of sound science has continued to be a persistent feature of the entire state of the outlet project.

Along with insufficient science to allow for informed decisions about the operating permit, the state outlet has proceeded without a proper environmental impact assessment. For these reasons, Canadian waters face an unknown risk from the Devils Lake outlet.

Because of this unknown risk, our government has worked closely with Manitoba and the U.S. government to advance our understanding of the potential threat by the outlet and to design an effective treatment system so that the outlet can be operated safely.

Once again, I hope that the House will support the government's efforts in pressing North Dakota to close the outlet and allow the engineering work now underway on a permanent treatment facility as well as to allow the important biological survey to continue unhampered by discharges from Devils Lake.

This is an important issue for Manitoba and all Canadians, and I hope we stand united to fight and continue to work on the science, so that we can make the best decisions with the information available.

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**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, I will be splitting my time with my colleague, the member for Newton—North Delta.

I am very pleased to take part in this debate. I have noticed that up to this point, most of the speakers have been from Manitoba or from the west. I feel somewhat like a visiting relative on this issue.

I am very interested in the whole issue of the government's approach to water policy. This interest flows from my membership on the Standing Committee on Environment and Sustainable Development and the work I have done with the national Liberal water caucus.

As I have said before in this House, we cannot say that a government has a complete environmental policy unless it also has a strategic and comprehensive approach to the issue of how to protect and manage our water resources.

Tonight's emergency debate is welcomed. It is important for a number of reasons in my view.

By debating this issue and giving it some attention and hopefully some headlines, we are offering our moral support to Manitobans. Obviously, this issue impacts on them directly. It is important to support our fellow Canadians in this complex struggle they are engaged in with regard to the state of North Dakota and of course against, in some way, the federal government of the United States.

North Dakota has acted unilaterally and in so doing, is harming the biological integrity of the Red River and Lake Winnipeg. The U. S. federal government's involvement is almost involvement by not being involved. The EPA has delegated to North Dakota the authority for setting the quality standards for the water involved. The Bush administration has not been overly aggressive in lobbying the state of North Dakota to cooperate in this matter for two reasons, specifically: one, it has a philosophy of not wanting to interfere with state rights; and, two, Governor Hoeven is a powerful Republican governor in the Republican family which is currently in the White House.

I know that this problem was not created by the government. It has been a long-festering problem. If I could ask one question right now of the foreign affairs minister or the environment minister, it would be why we did not see the reopening of the outlet coming. It happened on Monday, June 11. It seems to me that if we had been monitoring the situation, we might have seen the probability that the outlet would be opened and perhaps we could have raised the issue before action was taken by the government of North Dakota.

The problem with the water from Devils Lake entering into Lake Winnipeg stems from the fact, among other things, that Devils Lake has high concentrations of mercury, phosphates, arsenic and salt, making it too contaminated for local irrigation. I think that answers the question of my hon. friend across the way who asked, given that there are water shortages in the United States, why water from Devils Lake is not diverted to other areas of the United States. I am not a scientific expert, but my hunch would be that the water is too contaminated.

● (2150)

One of the reasons the water is so contaminated is that Devils Lake is somewhat isolated from other water flows in its vicinity. It really has no outlets and no inlets. The water has been sitting there fed by precipitation and so on and so forth for about 1,000 years.

Estimates indicate that if nothing is done to resolve this situation, 40,000 pounds of phosphorous will reach Lake Winnipeg each year resulting in a five inch algae layer on approximately 10 miles of beach.

The second reason to have this debate is it is important to keep the federal government focused on this issue. The government is dealing with many environmental issues, of course climate change being one of them. There have been indications that perhaps the government is not taking this issue that seriously. It is very important to keep the government focused on the Devils Lake issue.

One thing the government should do in order to give attention to this issue but also to the whole range of water issues that are very complex, that touch on many jurisdictions and that involve at least 20 departments and agencies across the federal government, is to create a secretary of state for water policy. This would give focus to the issue of water and would be a champion on the issue of water. It would take a greater lead in protecting Canada from the outflow from Devils Lake. The government could take that important step.

The third reason to have this debate is it is very important to raise awareness both inside and outside this House that North Dakota's unilateral action on this issue has put into jeopardy perhaps the long term viability of the boundary waters treaty. Article IV of the 1909 boundary waters treaty states that cross-border water flows "shall not be polluted on either side to the injury of health or property on the other". In a sense, the current situation is in clear violation of the treaty and it is leading many people to ask whether the treaty is at all effective.

It is important to have a debate around this issue and impress upon Canadian citizens and our American friends who are listening to this debate that this is an important issue and that the actions of North Dakota are putting in jeopardy perhaps the long term viability of the boundary waters treaty.

The fourth reason we need to have this debate is that Devils Lake is one flashpoint in the issue of cross-border water resource management but there are others below the surface. We will have to be ready in future to deal with those other flashpoints as they ignite, and they will. I think there are over 40 tributaries or rivers that cross in and out of the United States and Canada. It is only a matter of time before problems arise similar to the Devils Lake problem.

The question becomes, what should the federal government do? We have heard a lot about talk, diplomacy, scientific studies, analysis and work going on at the EPA in an effort to develop a better permanent filter. We need some innovative leadership on this issue. Strong aggressive lobbying is needed both on Capitol Hill and in the states that go along the Canada-U.S. border.

*S. O. 52*

We have to tell our American friends what is going on. We know that they have a sense of fair play and the more people south of the border we sensitize to this issue, the more pressure they will put on their own politicians to protect North American water resources.

● (2155)

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I would like to congratulate the member for Wetaskiwin for having taken the Chair.

I am happy to have this opportunity to speak to this issue of the Devils Lake outlet project today. I would like to thank my colleagues on both sides of the House who have worked on this issue diligently throughout the years and who continue to bring this important issue to the attention of Canadians.

I can understand the reason for this project. Devils Lake has grown from 70 square kilometres to over 200 square kilometres flooding communities, schools and farms. This was a lake that almost entirely dried up in the sixties and has only recovered its water in the past 30 years.

However, let me be frank about the actions of the North Dakota government. In January 2004, then secretary of state Colin Powell wrote to the governor of North Dakota encouraging him not to proceed with the unilateral action on the state funded Devils Lake outlet. The secretary of state identified four conditions that should be met before proceeding with this project: a biota survey, Canadian participation in the survey, no inlet from the Missouri River, and a resolution of other science-based concerns relating to mercury levels.

North Dakota has proceeded anyway with this unilateral action and has addressed none of these conditions. North Dakota has not even met the standards of a previous army corps of engineers' proposal on which the U.S. government had previously approached Canada in 2002.

When the North Dakota project came forward in 2004, the United States refused to refer this state project to the International Joint Commission. One can imagine the political reasons in Washington for this decision.

I had the opportunity to visit North Dakota many times as I was admitted to the masters of engineering program at the University of North Dakota in Grand Falls. North Dakota is a state which does not have an environmental protection agency and whose legislator only meets on odd numbered years.

This is about an irresponsible state government in North Dakota unilaterally opening the Devils Lake outlet without first addressing the environmental concerns it had agreed to fix first.

Canada and the United States have a long history of cooperation and co-management of our boundary waters despite this ongoing disagreement over Devils Lake.

In fact, in just two years we will reach the 100th anniversary of the signing of the 1909 boundary waters treaty which laid the foundation for the establishment of the International Joint Commission.

It consists of three American and three Canadian commissioners and traditionally undertakes action to investigate pollution problems

and other issues in lakes and rivers along our border after a request from the Canadian or American governments.

Unfortunately in this case, the International Joint Commission has not been asked by either government to initiate action. In fact, on the IJC website we will not find Devils Lake mentioned despite all the attention to this issue.

I am told that the IJC has been monitoring test results conducted by the Red River board consistent with the precautionary principle that is within the principles and guidelines of this organization. However, these results have not been made public because there has been no referral or request from either government and I have no idea why this continues to be the case.

We are playing politics with our ecosystem and this is totally unacceptable. This issue is a black hole in water management relations between Canada and the United States, and this situation cannot be allowed to continue.

● (2200)

Article IV of the 1909 boundary water treaty states that waters flowing across the boundary shall not be polluted on either side to the injury of health or property of the other. The treaty could not be more clear and without definitive scientific study, it will never be clear whether the claims of invasive species and other pollutants or the denials of this are actually true.

In the absence of a definitive study or the release of those test results, no diversion with the potential to abrogate article IV of the treaty can be allowed to occur.

The longer the situation continues, the more Canada and the United States will be abrogating their responsibility to adhere to these treaty for the good of the citizens of both countries.

This issue was last at the centre of public attention in 2005 when North Dakota had completed this project. At the time, the environment and sustainable development committee, chaired by the member for York South—Weston, unanimously passed a motion calling on the Government of Canada to exhaust all diplomatic and legal options to stop the Devils Lake diversion until it had been reviewed by the International Joint Commission.

The United States is hardly 100% behind North Dakota's position in this matter either. I have copies of letters from various U.S. senators, congressmen and governors, written to the secretary of state in 2005 on this issue. Let me give some of examples.

Senators Mark Dayton and John Marty and Governor Tim Pawlenty, all of Minnesota, stated that the Devils Lake outlet would destroy the integrity and reliability of the boundary waters treaty. The state of Minnesota is strongly opposed to this project.

Governor Bob Holden of Missouri wrote that he was fearful of a potential inter-basin water diversion from the Missouri River into the Hudson Bay basin through Devils Lake, and he called for a referral to the IJC.

*S. O. 52*

The governor of Ohio wrote of his long cooperation with the Canadian government and his work on the Great Lakes charter annex with Quebec and Ontario and pointed out that a lack of cooperation with respect to the boundary waters treaty would affect his state as well as Canada.

There are dozens more letters from congressmen, senators, governors and non-governmental organizations and everyday citizens.

What happened with all these powerful politicians of every political stripe from across North America writing to the secretary of state after Canada's request for a referral to the IJC? We put out a joint statement from Canada of the United States, North Dakota, Minnesota and Manitoba announcing an agreement. The agreement called for environmental safeguards, a scientific review of aquatic nuisance species, which is diplomatic code for invasive species. It called for a bio-assessment. It called for a rock and gravel filtration system, as well as a more advanced filtration system.

The goodwill generated from this agreement looked promising at the time, but the agreement has now been broken. It seems that diplomatic channels have been exhausted.

This is an international issue and it has international importance. I am very happy to see that all members, irrespective of their political stripe of where they were elected, are united on this issue to mutually send a strong message to North Dakota that it has to stop and it has to do something to deal with the Devils Lake project.

After the unanimous motion is passed in the House, I would like to see our Minister of the Environment and our Minister of Foreign Affairs take this to the U.S. government to take action on this important issue.

• (2210)

**Hon. Raymond Simard (Saint Boniface, Lib.):** Mr. Speaker, just a few minutes ago my colleague, the member for Lac-Saint-Louis, indicated that most speakers on this topic were from Manitoba. I find it refreshing to have a speaker from Quebec and now from B.C. getting involved in this discussion.

It was interesting that today the member for Newton—North Delta insisted in speaking on this topic. I know the Lake Winnipeg basin reaches the Rockies. Why was he so interested in speaking on this topic, because I thought his speech was excellent.

**Mr. Sukh Dhaliwal:** Mr. Speaker, first, I congratulate all the members in the House who have spoken today irrespective of their stripes. In particular, I commend the good work done by the hon. member for Saint Boniface and the member for Winnipeg South Centre from the Liberal caucus in dealing with the issue of Devils Lake.

Lake Winnipeg is the 10th biggest lake in the world. As Canadians, we have to be united on this issue, as was talked about earlier, so we can send a strong message to the U.S. government. When I speak here as a member from British Columbia, I send a message to my neighbouring state, Washington, that this kind of action cannot be tolerated.

I earlier mentioned that I have a whole bunch of letters from governors, congressmen and senators from the U.S. condemning the actions of the government of North Dakota on Devils Lake.

I congratulate, one more time, all members who spoke today for the good work they have done.

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I rise on a point of order. Discussions have taken place among all parties and I believe you would find consent for me to move a motion, seconded by the member for Selkirk—Interlake, the member for Saint Boniface and the member for Rosemont—La Petite-Patrie. I move:

That this House call on the government to continue to employ every means possible to have the flow of water from Devils Lake into the Canadian water system stopped immediately and to coordinate with the relevant authorities in North Dakota and the United States to ensure the principles of the August 2005 Joint Statement to halt the diversion of water from Devils Lake until adequate environmental and health protection measures, including the construction of advanced filter, are respected.

**The Acting Speaker (Mr. Andrew Scheer):** Does the hon. member for Winnipeg North have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Andrew Scheer):** 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)

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, first, I want to thank and congratulate the member for Winnipeg North for all of the work she has done in getting this issue to this place and on the table tonight so that we might discuss it.

**Hon. Mauril Bélanger:** Mr. Speaker, I rise on a point of order. Since the motion has been adopted, could you please advise the House as to what is under debate now?

• (2215)

**The Acting Speaker (Mr. Andrew Scheer):** Pursuant to the special order made earlier today, the debate is scheduled to go on until 10:30 p.m. Nothing in the motion, which was just adopted unanimously by the House, precludes that from happening. If there are still members who wish to make some remarks tonight, they are free to do so.

**Hon. Mauril Bélanger:** Mr. Speaker, my question was simply, what is the motion currently under debate? For the House to be debating, it has to be debating a motion. Could you advise the House what the motion is that we are debating right now, after you said we were resuming debate?

**The Acting Speaker (Mr. Andrew Scheer):** During an emergency debate, the motion being debated is “That this House do now adjourn”. That is the wording of the motion that we are now debating.

The hon. government House leader.

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**Hon. Peter Van Loan:** Mr. Speaker, I would simply add my contribution that my understanding is that there is an order in place right now, and I know it is very interesting what I have to say, which has been agreed to by this party. However, the Speaker also does retain the discretion, as the Speaker always does, on an emergency debate, to conclude the debate at such time as in the Speaker's opinion the debate has run its course.

**Ms. Libby Davies:** Mr. Speaker, with all due respect, there was an agreement that the debate would go until 10:30 p.m. It is a very important subject. The member for Sault Ste. Marie has risen and is asking to speak for about 10 minutes. I do not think that is an unreasonable request, so we would ask the members of the House to allow the member to rise to speak.

The fact that we have approved the motion was great and we thank the members of the House for agreeing to that, but it does not end the debate. We would ask the Speaker to allow the debate to go until 10:30 p.m., as was agreed to by all members, so that we can conclude this in the proper time.

**The Acting Speaker (Mr. Andrew Scheer):** As all members know, chair occupants are servants of the House, and the House did adopt a special order to have the emergency debate tonight on this subject for three hours until 10:30 p.m. As long as there are members who would like to continue speaking up until the time that the three hours expire, the Chair will recognize them and they will have that opportunity to do so.

I thank members for the opportunity to clarify that, and we will continue with the hon. member for Sault Ste. Marie.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, we could have gone on for the next 12 minutes with that useless banter back and forth about whether we should speak further here tonight, but I prefer to return to the substantial issue that is on the table.

I want to thank my colleague from Winnipeg North for working so hard to bring this issue forward so we could debate it and have this resolution that we have all supported. I thank her for the work she has done in getting us to a point where all of us could agree to a resolution that we will, through the government, put to our U.S. neighbours, and thereby we perhaps will have some constructive and positive resolution to this very difficult and worrisome challenge. It is being faced now and will continue to be faced by the member in her riding and by others who have spoken here tonight if we just continue on the path we are on.

It is also interesting that we who have brought the motion forward had only one speaker tonight on this matter, so I think it appropriate that we have a second shot at putting some matters on the record about this important issue.

In the time I have, I want to make a few brief comments on three areas that this subject allows us some opportunity to speak about. One is the ongoing problematic issue, I believe, and certainly as New Democrats we find this in terms of U.S.-Canadian agreements that we enter into on all kinds of subjects. At the end of the day, we end up in situations such as the one we have here tonight. We work at it, we think we have agreements, we get close to something that would be satisfactory, and then the U.S. decides unilaterally that in its own interest it is going to do something that is going to affect very

negatively the interests of Canada and Canadian jurisdictions, both in the short term and in the long term.

Over and over again we have seen that problem and we see it again here tonight. I think the government needs to address that when it goes with this resolution in hand to speak to the government of North Dakota and to our U.S. counterparts in Washington about this particular issue. It is a trend that we have to nip in the bud. We have to stand up and be counted. We have to fight on behalf of Canadian interests to make sure that our sovereignty is protected, our land is protected, and our ecosystem and our resources are protected.

This is one piece that I think needs to be put on the table here tonight as we discuss this issue. It is indeed important. It will become more important as we try to protect this scarce resource we have that is so valuable and so important: our water and our water systems. We must not allow anything in the interests of protecting one or the other jurisdiction to affect this natural resource, which in fact is at risk as we speak here tonight.

The second issue that I think is important for us to reflect on is the issue of invasive species and what this diversion of water from Devils Lake into the Red River system and into Lake Winnipeg now presents to us as Canadians. We have seen it over and over again as we have not paid attention, as we have turned our backs, and as we might have thought that someone else was paying attention.

We have had invasive species come into our country. Not only have they affected us in the short term, but they are doing so now as we move forward into the long term and as we try to protect the integrity of our natural resources against species that do not belong here in the first place. They are species that cause us all kinds of concern and will attack our ecosystem in a way that could destroy it altogether if we do not stand up and do something, particularly immediately and initially when we identify that we have a problem coming at us.

In this instance, we have done that. We can take proactive and preemptive action here. Together, the U.S. government, the North Dakota government, the Manitoba government and the Canadian government could put in place some vehicles that could help us with this.

We have seen it in my own jurisdiction in the Great Lakes and Lake Superior, which are so important to my constituency of Sault Ste. Marie and indeed northern Ontario. We have seen the bringing in of the zebra mussel, which is now causing us such concern and doing such damage. It is costing us literally millions of dollars to try to correct this problem as we go forward.

● (2220)

We did not do anything about the sea lamprey, which has become a huge problem and a huge challenge for us. Every year literally thousands and millions of dollars are being spent to treat the St. Mary's River in Sault Ste. Marie, not to get rid of sea lamprey, which we should be doing, but to simply control the growth of sea lamprey. Sea lamprey attack the fish that are so important to that ecosystem and to the livelihood of many of our constituents, friends and neighbours up there, not to speak of the livelihood of our first nations.

*S. O. 52*

It is important that tonight we address the issue of invasive species and that we have a chance in this instance to take pre-emptive action to stop this problem before it actually gets out of control.

The third issue, and perhaps the most important issue in this whole question, is how we deal with our water. This is a strange situation in some ways.

Last night in Sault Ste. Marie, I hosted a public forum with scientists and engineers from the International Joint Commission. A number of organizations in my area hosted this. These organizations are concerned about the Lake Superior and Lake Huron watershed and the fact that our water is going down.

The water in Lake Superior has gone down by two feet in the last six to nine months. The people who live along that lake are seeing it and they are concerned. They want to know why this is happening. They want to know if there is anything we can do about it. They want to know if together the Canadian and U.S. government can actually determine and detect what is going on so that we can protect our water resource, which is in fact a glacial deposit. Once it is lost, it will not come back again.

Our water is a natural resource that as a nation we have not come to fully appreciate. We have not come to appreciate how valuable our water really is now and how valuable it will be in the future. I am speaking of clean water, water we can drink, water that will sustain life in all of its forms. That is what we are talking about in Manitoba with respect to the Red River Basin and Lake Winnipeg. We are talking about protecting the integrity of that water source so that it will continue to be a source of life for our livelihoods, our fish, our animals, our trees and the communities along that watershed.

It seems to me that if we were being cooperative, if we were honouring and acting in good faith with respect to some of the agreements that we have made with each other, and if those agreements were working properly, we could find a way to protect this valuable resource in a better way than what we see happening in the North Dakota Devils Lake and Red River situation we are talking about here tonight.

Over the years, through the oversight of the International Joint Commission, we have worked quite cooperatively in looking at the

different ways in which we can ensure that the levels of our Great Lakes, and particularly for me the upper Great Lakes, are kept at a healthy balance as we deal with the weather, climate change and all of the other things that affect the amount of water we have and where that water goes.

The work of the IJC, the International Joint Commission, has been quite effective up to now. A \$17 million study by the IJC is about to start and will take probably about five years. Every 10 years the commission takes a look at water quantity in the Great Lakes and how it is managed.

Last night's event in Sault Ste. Marie was an initial attempt to get some public input. It was a chance for the people who are very concerned about the levels of the water in Lake Superior and Lake Huron to speak to these scientists and engineers about what they are seeing every day as they look at the lake that we who live in the area have stewardship over. It was also a chance for the engineers and the scientists themselves to present to my constituents and the others who were there, including some Americans, some of what they see as the important factors in terms of water in and water out.

●(2225)

They presented a very compelling argument that what is happening in the Great Lakes is an effect of climate change. For the last 10 years we have had above normal temperatures and below normal water levels, so we have a problem.

This is what is interesting. We have a problem of lack of water where we are, but parts of the United States are in drought. Parts of the United States have a shortage of water and, looking forward, some areas of the United States do not know where they are going to get water once they use up all the glacial runoff from the mountains—

**The Acting Speaker (Mr. Andrew Scheer):** It being 10:29 p.m., pursuant to the order made earlier today I declare the motion carried.

(Motion agreed to)

**The Acting Speaker (Mr. Andrew Scheer):** Accordingly this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 10:29 p.m.)





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