CANADA

House of Commons Debates

VOLUME 142 • NUMBER 011 • 2nd SESSION • 39th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, October 30, 2007

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, October 30, 2007

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*Translation*]

SECURITY INTELLIGENCE REVIEW COMMITTEE

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, pursuant to section 53 of the Canadian Security Intelligence Service Act, I have the honour of tabling, in both official languages, the Annual Report of the Security Intelligence Review Committee for 2006-07—An Operational Review of the Canadian Security Intelligence Service.

[*English*]

Nineteen recommendations have been put forward in the annual report of the Security Intelligence Review Committee. All recommendations are either implemented now or are in the process of being implemented by CSIS.

* * *

SUPPLEMENTARY ESTIMATES (A), 2007-08

A message from Her Excellency the Governor General transmitting supplementary estimates (A) for the financial year ending March 31, 2008, was presented by the President of the Treasury Board and read by the Speaker to the House.

Hon. Vic Toews (President of the Treasury Board, CPC): Mr. Speaker, I have a copy of the supplementary estimates (A) and a copy of the vote allocations by the standing committees.

* * *

● (1005)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, pursuant to Standing Orders 104 and 114, I have the honour to present, in both official languages, the first report of the Standing Committee on Procedure and House Affairs regarding the membership of committees of the House.

ACCESS TO INFORMATION ACT

Hon. Larry Bagnell (Yukon, Lib.) moved for leave to introduce Bill C-470, An Act to amend the Access to Information Act (response time).

He said: Mr. Speaker, I am delighted to introduce my first private member's bill. It will help improve the speed of answers on access to information requests. Many members know that there is a need for amendments to the Access to Information Act. My bill would have the government explain why an access to information request was not completed within 100 days and set a projected completion date for the information to be released.

The bill will bring greater transparency and clarity to access to information. If it takes over 100 days to reply, it really makes a joke of the system. If a request is not completed within 100 days, the government will have to report to the person on the reasons why. It will have to report to the Information Commissioner and the Information Commissioner's annual report will show which agencies have these outstanding reports. Hopefully this will make the system more effective and I hope all parliamentarians will support such an improvement.

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

* * *

PETITIONS

CRIMINAL CODE

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, pursuant to Standing Order 36 I have the honour to present petitions on behalf of a number of concerned citizens residing in my home province of Saskatchewan. The petitioners call upon the government to proceed with changes to the criminal justice system so that those convicted of serious Criminal Code offences serve their time consecutively, not concurrently, and that those convicted of multiple Criminal Code offences have time served for parole eligibility with those convictions counted consecutively.

These petitioners want to ensure that the victims of violent crime see justice done in our criminal justice system.

ASBESTOS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I am presenting a petition today signed by dozens of Canadians in their effort to force the Government of Canada to stop subsidizing the asbestos industry, to prevent Canada from promoting asbestos overseas, and to put in place a just transition program for those working in the asbestos industry. As we all know, asbestos is one of the leading industrial killers in the world. This is a substance that has many, many years and many thousands of documents behind it. It is time the Government of Canada actually stood up and paid attention to Canadians' desires.

MEMORIAL WALL OF NAMES

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, it is a great honour to rise this morning to present thousands of names on petitions calling on the government to provide a suitable area of public lands to be used for the location of a memorial wall of names for all of Canada's fallen. The poppy reminds us of the 115,000 fallen who have their graves in 75 countries around this world. The petitioners ask that the government consider sharing funding arrangements with the established registered charity 84021 for the creation of and future maintenance of this national shrine to Canada's fallen.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1010)

[*English*]

NUCLEAR LIABILITY AND COMPENSATION ACT

Hon. Gary Lunn (Minister of Natural Resources, CPC) moved that Bill C-5, An Act respecting civil liability and compensation for damage in case of a nuclear incident, be read the second time and referred to a committee.

He said: Mr. Speaker, it is my pleasure to rise in the House to present Bill C-5, the nuclear liability and compensation act. This legislation will replace the 1976 Nuclear Liability Act.

The purpose of this bill is to update the insurance framework that governs the nuclear industry and protects the interests of Canadians. This is an area in which we as a federal government have a responsibility to take action. The existing insurance framework was introduced in the 1970s and has become outdated in the last 30 years.

Today, I would like to explain a bit more about our role in this area, the principles of the insurance framework, and the modernizations this bill proposes.

The history of nuclear energy in Canada goes back some 75 years. For the past 30 years, nuclear power has been an important part of Canada's energy mix. Currently, there are 22 nuclear reactors in Canada providing over 15% of our electricity needs. These reactors are located in three provinces: Ontario, Quebec and New Brunswick.

The operators of these reactors are different in each province. In Ontario, Ontario Power Generation and Bruce Power are the operators. In New Brunswick, it is New Brunswick Power. In Quebec, it is Hydro-Québec, which has safely managed its nuclear program for more than 30 years.

Decisions on the appropriate role, if any, that nuclear energy plays are decisions made by individual provinces. As I have said before, at the end of the day it will be up to each and every province to decide on its own energy mix, but we will be there to support them if they believe nuclear power should be part of their energy mix.

The responsibility of providing an insurance framework for the nuclear industry falls under federal jurisdiction. The Government of Canada has a duty to assume responsibility in this area. I am pleased to say that we are doing just that.

Canada addressed this responsibility with the enactment of the Nuclear Liability Act of 1976. This legislation established a comprehensive insurance framework for injury and damage that would arise in the very unlikely event of an incident. It is the framework in existence today. Both this earlier legislation and Bill C-5, now before the House, apply to nuclear power plants, nuclear research reactors, fuel fabrication facilities and facilities for managing used nuclear fuel.

The framework established under the legislation of 1976 is based on the principles of absolute and exclusive liability of the operator, mandatory insurance, and limitations in time and amount. These principles are common to the nuclear legislation in most other countries such as the United States, France, the United Kingdom, Germany and Japan. These principles are just as relevant today as they were when the original act was introduced.

Let me explain these principles in more detail.

Absolute liability means there is no question as to who would be at fault in the unlikely event of an accident. There is no need to prove that an operator was at fault in an accident, only that injuries and damages were caused by the accident.

As well, the legislation holds the operator of the facility to be exclusively liable for civil damages. In other words, no other business, organization, supplier or contractor can be sued for these damages.

This has two advantages. First, it makes it very easy for those who would make a claim for damage. They know who is liable. They do not need to prove fault or negligence. The other advantage is that exclusive liability allows the insurance industry to direct all of its insurance capacity to the operators.

The principle of mandatory insurance is straightforward. All nuclear operators must carry a prescribed amount of liability insurance in order to be licensed to operate its facility. This is a widely accepted practice across the world in countries generating nuclear energy.

The Canadian regime also places limitations on liability in both time and amount. In terms of the amount, the maximum that is payable under the current 30 year old legislation is $75 million. As well, injury and damages claims must be made within 10 years of an incident.

● (1015)

These underlying principles of Canada's existing nuclear insurance framework both protects the interests of Canadians, ensuring that they are covered in the unlikely event of a nuclear incident, and provides the certainty and stability that allows the nuclear sector to develop.

The insurance framework makes it easier for claimants and guarantees that funds are available to provide compensation.

Although there have been no major claims under the act, it has served as an important safety net for Canadians. At the same time, it has provided the stability and security needed to support the continued development of Canada's nuclear power industry.

Although the basic principles underlying the existing legislation and insurance framework remain valid, the act is over 30 years old. It needs updating to keep pace with international norms and standards.

The bill is intended to strengthen and modernize Canada's nuclear insurance framework through an all-encompassing package of amendments. It would put Canada in line with the internationally accepted compensation levels and it would clarify definitions for compensation: what is covered and the process for claiming compensation.

The bill is a culmination of many years of consultation involving extensive discussions with major stakeholders, including nuclear utilities, the governments of nuclear power generating provinces and the Nuclear Insurance Association of Canada. They wanted to be consulted and they have been.

Canada's nuclear compensation and liability legislation should be consistent with international nuclear liability regimes. This requirement goes beyond financial issues related to liability and compensation. It extends to definitions of what constitutes a “nuclear incident” and what is a “compensable damage”, and so on.

Consistency brings Canada a broader national benefit. It makes it possible for us to subscribe to international conventions we do not already belong to should we wish to subscribe in the future. There are two international conventions that establish compensation limits: the Paris-Brussels regime and the Vienna Convention.

In the case of the Paris-Brussels regime, the maximum compensation is approximately $500 million Canadian, available through a three tier combination of operator, public and member state funds.

The Vienna Convention sets the minimum liability limit at approximately $500 million Canadian. The operator's liability can be set at $250 million by national legislation, provided public funds make up the difference to $500 million.

Although Canada is not a party to either of these conventions, it has participated in them in order to monitor international third party liability trends and other issues of interest, such as definitions of nuclear incidents and the extension of time limits for death and injury claims. It encourages investment in Canada. It also levels the playing field for Canadian nuclear companies interested in contracts abroad. These companies may be inhibited from bidding because of uncertainty about liability and compensation issues.

Consistency is important for a more fundamental reason. It demonstrates Canadian solidarity with other nations on issues of safety and liability. And, as a major user and exporter of nuclear power technology, Canada must uphold its reputation for uncompromising excellence, responsibility and accountability.

The key change proposed in Bill C-5 is an increase in the amount of the operator's liability from $75 million to $650 million. The current limit of $75 million is outdated and unrealistically low. Changing this limit balances the duty for operators to provide compensation without burdening them with huge costs for unrealistic insurance amounts. This increase would put Canada on par with most western nuclear countries.

It is important also that what is proposed in this bill is consistent with international conventions, not only on financial issues but also in regard to definitions of what constitutes an incident, what qualifies for compensation and so on. These enhancements would establish a level playing field for Canadian nuclear companies that will welcome the certainty of operating in a country that acknowledges international conventions.

● (1020)

Both the current insurance framework and Bill C-5 contain limitation periods restricting the time period for making claims. Under the current act, claims must be made within 10 years of an incident. However, since we know today that this is not adequate, the limitation period has been extended under Bill C-5 to 30 years for personal injury claims.

Both the current legislation and Bill C-5 provide for an administrative process to replace the courts in the adjudication of claims arising from a large accident.

The new legislation clarifies the arrangements for a quasi-judicial tribunal to hear claims. The new claims process would ensure that claims are handled equitably and efficiently.

In developing this legislation, we needed to be fair to all stakeholders and to find the right measures to protect the public interest. I firmly believe that the proposed legislation fully meets this challenge.

We have consulted with nuclear operators, suppliers, insurers and provinces with nuclear installations and they are supportive of the changes I have described. It is our intent to continue this practice and that stakeholders with expertise are consulted as the necessary regulations are drafted.

I know that some nuclear operators may be concerned about the cost implications or higher insurance premiums but they also recognize that they have been sheltered from these costs for some time. Suppliers welcome the changes as they provide more certainty for the industry. Nuclear insurers appreciate the clarity provided in the new legislation and the resolution of some long-standing concerns.

Provinces with facilities have been supportive of the proposed revisions to the current legislation. Municipalities that host nuclear facilities have been advocating for revisions for some time. They are supportive of the increased levels of the operator liability and improved approaches to compensation.

Parliamentarians have also spoken on this issue. In 2001, the Standing Senate Committee on Energy, the Environment and Natural Resources recommended that the government increase the mandatory operator liability limit from $75 million to $600 million.

In short, Bill C-5 was not developed in isolation.

The evolution of policy was guided by consultations with key stakeholders over the years and by experience gained in other countries.

I will now broaden my remarks and talk about the context within which I put forward the proposed legislation. As I said earlier, nuclear energy in Canada has a long history that goes back some 75 years. I should note that never in the history of Canada have we had a significant nuclear incident. We are a leader in peaceful development of this technology.

To highlight one of the great Canadian success stories, Canada is a leader in the production of radioisotopes, an element produced by nuclear reactions. Isotopes have been put to dozens of uses that have improved agriculture and made industry more efficient. Their most significant applications, however, have been in medicine where they have performed wonders in the prevention, diagnosis and treatment of disease.

It is a little known fact that Canada supplies 50% of the world's reactor-produced radioisotopes for nuclear medicine and is used for the treatment of cancer and in over 12 million diagnostic tests each and every year. I believe the medical isotopes produced here in Canada are used in some 76,000 medical procedures each day.

The most widely used radioisotope is produced at AECL's Chalk River laboratory and prepared at MDS Nordion's facility in Ottawa. The short half life of this radioisotope requires efficient transportation around the world. Shipments are on airplanes within 24 hours of the material coming out of the reactor. Globally, an estimated 76,000 people benefit from these diagnostic procedures each day.

The improvements provided by Bill C-5 are now necessary for Canada to remain a leading player in the nuclear industry.

Much of our work in the nuclear industry has been to produce electricity, electricity to provide home comforts, to drive industry and to promote jobs across the country. Nuclear electricity has contributed to a healthy environment and affordable clean energy.

● (1025)

Purely from an environmental point of view, one has to consider nuclear power as a clean, greenhouse gas emission-free technology. Our government recognizes that Canada needs this type of clean energy. We need to encourage the development of all types of clean energy in Canada.

I believe that as an emerging energy superpower, Canada must become a clean energy superpower.

Under our eco-action plan, we are contributing to the development of clean energy technologies and practices that will provide cleaner air, reducing pollution and greenhouse gases and sustaining both our environment and economic competitiveness.

These cleaner sources involve hydroelectric power, wind, solar, tidal, biomass and other forms of renewable energy. I see nuclear power as part of that clean energy mix that will advance Canada as a clean energy superpower.

However, in order for Canada to advance in clean energy production, we need the certainty provided by the appropriate and up to date nuclear reliability framework to protect Canadians and provide stability to this important industry.

Canada's nuclear safety record is second to none in the world. Nuclear power is an important part of Canada's diversified energy mix. Now we need to update and modernize our nuclear insurance framework to reflect international norms and continue to provide the protection Canadians deserve. For this reason, I would ask all members to support this legislation.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I listened with great interest to the minister's comments on this nuclear limited liability program, for which I think many Canadians would have some concern.

When we look at nuclear accidents that have happened around the world, let us call it what it is. Nuclear reactors do break down. It could be human error or it could be mechanical failure. We all would like to believe and hope they would never happen but, as we know, accidents are not predictable and they do in fact happen. We can ask the residents of Chernobyl if they expected it the day before their accident.

The figures promoted by the government may not be sufficient to allow full compensation of the potential costs of such an accident. If we look at where the nuclear plants in Canada are located, many of them are near large population centres. Many of them are very close to vast drinking water supplies for tens of millions of Canadians and Americans.

The compensation package is based upon historical evidence as to what it costs to actually clean up a site because the waste is so hazardous. It is the most hazardous waste material we know of on the planet. It is not simply taking a broom and sweeping it up. This is an extensive and expensive cleanup.

First, with regard to the liability limits he has prescribed, what happens if claims exceed those liability limits? What happens if there are claims in excess of what the government has laid down? Who picks up the tab? It is a fair question to put to the minister. Is it the public coffers that pick it up? He has obviously limited the liability in this bill regarding the suppliers who may have supplied some materials that in fact caused the accident. This is a confusing piece.

Second, and perhaps an equally important point, his claims of the nuclear industry being able to provide so-called clean power excludes the very notion of what nuclear waste is. He at one point spoke of being willing to take the nuclear waste from Canada's reactors into his riding. He was quoted as saying that it would only fill a couple of gymnasiums. That makes it sound as if it is not much, that it is not dangerous and that it does not last forever.

The Deputy Speaker: Order, please. I am sorry but the hon. member has gone on for a couple of minutes now and we need to give others a chance.

The hon. minister.

Hon. Gary Lunn: First of all, Mr. Speaker, I did not say that. There are proper storage facilities. Let us bring this debate back to a factual basis and that is what we are purporting to do. We should take the politics out of something that is this important.

As far as the liability limit today, the act is 30 years old. The current amount is $75 million. The international standards and the Paris-Brussels regime has a maximum compensation of $500 million. It is $500 million minimum in the Vienna convention. We are purporting to set the minimum at $650 million. Arguably, this is the adequate amount. We will continue to pursue this.

As far as the volume of nuclear waste is concerned, that is another issue that is being dealt with. The Nuclear Waste Management Organization was set up by the previous government. It is an independent body with some leading scientists, who made a recommendation to government, and we have adopted that recommendation. It will begin a very lengthy consultation process on the storage of nuclear waste. Right now all of this is regulated.

Just to bring it back full circle, safety is fundamentally the single most important aspect of anything to do with nuclear energy, not to mention that it touches all our lives with the use of medical isotopes. The Canadian Nuclear Safety Commission, which regulates the industry, does an outstanding job. It monitors the most extensive standards of any country in the world to ensure the safety of all Canadians. We should support it for that effort.

This amount of $650 million is above both the Paris-Brussels convention and the Vienna convention.

● (1030)

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, this legislation is a very important and timely resolution in terms of an issue that has been going on for some time. We all recognize that $75 million may not be enough.

The House will know that the first large commercial nuclear reactor is located in my riding of Pickering—Scarborough East. It employs well over 2,000 employees of the Power Workers' Union, who live in that community. We would like to believe that the reactor is not only safe but that regulations and legislation are following to make these things, to a greater degree, far more important so that our constituents and certainly Canadians in my province will benefit as a result of lower emissions in terms of nauseous gases and the burning of fossil fuels.

I would like to ask the minister if he envisions a greater role for the mayors of host towns such as Durham and Clarington in Ontario. Will mayors such as my great mayor David Ryan, and of course the mayor for the Bruce Peninsula, have a much more meaningful role to play in terms of the deliberations of this liability since the host communities tend to take a significant amount of the responsibility for nuclear waste as well as the responsibility for the potential for liability, which we hope does not happen?

Hon. Gary Lunn: Mr. Speaker, we have had an opportunity to talk to the Power Workers' Union. As the member has expressed, this is a great organization and it should be commended for its leadership and its consultations, which have been going on for some time.

A Senate committee reported back to this House in 2001 or 2002 that this had to be done. There have been ongoing broad consultations. I do not have the specific information with respect to those mayors, but officials in my department would be happy to entertain a discussion with each and every one of them to ensure that their views are on the record. We would endeavour to proactively do that through the officials in my department as this bill winds its way through the parliamentary process. I will follow up to ensure that happens.

Mr. Nathan Cullen: Mr. Speaker, I will repeat my question for the minister as he may have missed it the first time.

It is possible that there will be more than $650 million involved with respect to claimants considering where these nuclear plants are actually located and the number of people who would be affected by a major nuclear disaster such as a meltdown or other such thing. I know the minister has based this amount on others, but we do know of countries that have gone into the billions of dollars in terms of setting their cap. Why limit the liability? If the liability is limited to this point, clearly it is an investment certainty, who would pay the tab beyond that? Will it fall to the public sector? Would Canadians, who are in the process of suing for some compensation, be left out in the cold?

It is a very straightforward question, and I would appreciate an answer.

Hon. Gary Lunn: First, Mr. Speaker, the member said that some countries set their caps in the billions. This is not a cap. The $650 million is the minimum that would be required. It is important to set the record straight.

In the unlikely event that something would far exceed this, there actually is a report tabled in Parliament which explains this in great detail, not that I would be able to do that in a few minutes in the House but he would obviously be welcome to access that. That would precisely answer his question in the event that the resulting incident was over $650 million.

This is the correct amount. All the consultations with all the sectors and international standards, as I said, today are $75 million. We have to set a realistic amount. As I said, the other international conventions are at $500 million. This is at $650 million. This is the correct amount and I think we should again keep this based on the facts before us and listen to the experts in this area. That is exactly what we have done. This is not an issue to be politicized.

● (1035)

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Mr. Speaker, I appreciate the opportunity to speak to Bill C-5. I want to thank the minister for tabling the bill and I also want to take this opportunity to thank department officials for providing me with an informative and educational briefing session yesterday afternoon.

As the minister extensively outlined, the bill is a housecleaning bill which updates the 1976 act and reviews the liability limit that was set in that act. He also did talk about the fact that it is a culmination of many years of discussions and consultations. In fact, I am aware that the Senate tabled a committee report a few years ago that recommended adjusting that limit. So this is a very important bill and I will be recommending to my caucus and my leader that we support it and send it to committee. In committee we will be doing our job as official opposition listening to stakeholders and experts, and we will review the bill in detail.

Since I am given the opportunity today to speak on this bill I want to discuss the importance and the significance of the energy file to our country. Energy is an important dimension of the triple E triangle. The triple E triangle is made up of energy, environment and the economy. Energy relies and has an impact on the environment. The economy depends on energy and this ongoing circle or triangle is very important and significant to the future and success of our country.

Unfortunately so far, the Conservatives have presented no national energy strategy. They have outlined no vision and have not acted. I want to take this opportunity today to call on the Conservatives to put some energy into their energy plan and produce real action and an outline for Canadians of what they plan on doing for this sector.

The Prime Minister always likes to talk about how Canada is an energy superpower, but he has yet to outline for members of this House and for Canadians what he means by that and what he plans on doing with that power. I agree with him that Canada is rich in natural resources. Canada is rich in skills and talent. Canada is a major producer of energy to the world, but what are we doing about that? We need real action and a real plan.

I want to take this opportunity to highlight an example that I would call on the Prime Minister to follow. The Ontario Liberal government under the premiership of Dalton McGuinty has just outlined a 20 year energy plan to set a strategy for the Province of Ontario for the electricity production system. The plan talks about conservation, renewable energy, nuclear and natural gas, power production, and this is a really important milestone in the history of the Province of Ontario. Obviously this was overdue after the eight years of mismanagement by the Conservative government in Ontario.

I would like to call on the Minister of Natural Resources and the Prime Minister to review this plan and to follow the lead that was set by Premier Dalton McGuinty in outlining a 20 year plan for energy supply needs.

Energy supply, energy suppliers, economists and industry talk about the need for energy predictability, and so far we are lacking that at the national level. We need to talk about conservation, about renewable energy plans, new technology, environmental considera-tion, and about our short term, medium term and long term goals.

My Liberal leader has already taken a leadership role on that and he has outlined various plans to address these concerns. My leader has talked about his carbon budget to address our environmental need for meeting the most important challenge that our planet is facing, climate change. We cannot sustain the rise of greenhouse gas emissions and we must put in a plan to deal with this increase.

● (1040)

My leader has clearly and strongly outlined what we could do about confronting this challenge. He set an ambitious target of 12,000 megawatts of renewable power, almost 10% of our total electrical power. He has outlined a vision of how to get there and that we must get there by 2015. We talk about energy conservation and working with industries and Canadians on how to achieve those goals.

Obviously nuclear energy is an important component and an important source of electricity as we face the rise in increasing needs. Greenhouse gas emissions are garnering greater attention than before. This deserves more debate and thoughtful discussion.

The Minister of Natural Resources said earlier this year that we are a nation of energy consumers and we must be prepared to have an open discussion about nuclear power. I could not agree with the minister more, but I am still waiting for the open discussion that he talked about. I am still waiting to receive an invitation to those discussions. I am hearing from stakeholders and Canadians in general that there is a great concern about the increased secrecy and lack of accountability when it comes to nuclear energy in particular.

It was reported in 2006 that the Prime Minister had been engaged in discussions in the global nuclear energy partnership initiative. It has been more than a year and we have yet to receive any information about what the Prime Minister plans to do, what the Prime Minister has committed Canada to doing and what the Prime Minister has in mind.

There is an increased shroud of secrecy, lack of accountability and an avoidance of openness. There are many unanswered questions. This initiative brings forward many issues to which Canadians want answers, for example, on waste disposal and the production of nuclear power. There are many unanswered questions. The government which claims to be a champion of accountability and openness appears to be avoiding this discussion. It does not want to reveal any information.

The Minister of Foreign Affairs did not want to answer questions earlier this month about his discussions with our international partners. It appears as though this discussion has become too radioactive for the Conservatives. I am not clear as to why. Even though they wanted to talk about it initially, all of a sudden it is a matter of secrecy and darkness.

We in the Liberal Party want to shed light on these discussions. We want to be involved in the discussions. We want all Canadians to be involved in the discussions. We call on the minister and the Prime Minister to open up the discussions and invite thoughtful debate.

I understand that the Conservatives do not appear to be that energetic about this discussion. I understand there is no political excitement in this topic, but it is very important for Canadians. We as elected officials must play our roles and accept our responsibility toward Canadians by engaging in debate. It is incredibly important for the well-being of our country economically, environmentally and socially.

I call on the minister and the Prime Minister to show leadership and to heed the calls of economists, engineers, environmentalists, other stakeholders and Canadians in general to follow the lead of the Liberal Party leader and the Ontario Liberal premier and articulate a national energy strategy that can set the tone for the next few years. This would create predictability for the industry and energy producers. It would respond to the needs of Canadians and put them at ease with regard to the many unanswered questions.

● (1045)

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, the member opposite challenged us to show leadership on the energy file and on this file in particular. That is what we have done. That is why we are here this morning. That is why this bill is important enough that it is at the lead of our legislative agenda.

The member opposite said that the Liberals would like to do something on this. They had a report for over five years that encouraged them to do exactly what we are doing, which is to raise the liability limit under the Nuclear Liability and Compensation Act. We are doing that. The Liberals did nothing.

While the member was speaking, I noticed he was extremely vague about the position that he is going to be taking on this issue. Could the member tell us if the Liberals are going to be supporting the bill or opposing it, or has the Liberal leadership confusion over there resulted in their not knowing what position they are going to be taking at this point?

Mr. Omar Alghabra: Mr. Speaker, I am not so sure what the member's question indicates about his listening capacity, but the first thing I said in my speech is that we will support sending this bill to committee and that we will perform our duty as the official opposition in listening to stakeholders, in listening to experts and in having discussions with our colleagues in the House and in committee and then perhaps producing amendments.

In the meantime, I want to stress the fact that we have been very clear and we have taken leadership on this issue. The member himself and the Minister of Natural Resources know that this bill was started under the previous Liberal government. The minister said in his speech that this was a combination of discussions that took place over a few years.

I am glad this bill has come to fruition, and we will be performing our role as the official opposition.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, the member is treating this issue with great vigour and dedication. He brings a very fresh perspective to the area as critic for natural resources. Ostensibly, issues of energy will flourish over the next few days, certainly, with the cost of energy as we head into a colder period of time.

During the deliberations, will the hon. member be able to provide direction to the government, considering what has happened south of the border in the United States? In California, a relatively depopulated area, we see that the forest fires there have accounted for well in excess of $1 billion in liability. Considering the cost of damage and that a number of our reactors find themselves in populated areas, I am wondering if the hon. member would be able to provide at least some direction to both the committee and to the House, should this bill be referred to the committee, as to whether or not that amount itself would be sufficient given the current realities in market valuations.

Mr. Omar Alghabra: Mr. Speaker, I want to thank the member for his ongoing dedication to his riding and to his constituents.

I know that in his riding there is a nuclear power generation plant. I can assure him that I will be consulting with him and other stakeholders in his riding about the future of this bill and the direction it will be taking. From what I understand so far, the minister has outlined that this comes up to international standards. It certainly is a significant improvement from the previous one. The information that I have so far leads me to believe that it is close to the international standards. I am certainly keen to listen to the ideas and the advice of expert witnesses in considering the future of this bill.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I am glad my colleague has such enthusiasm for a bill I am not entirely sure he has read.

When the question was put to the minister in terms of what happens to liability claims that go beyond the cap of $650 million, the minister replied that there is some legislation in front of the House which means that, just so everybody is clear and we understand, if the claims go beyond the liability the provider is meant to hold, then a committee is set up by this place and the committee would designate how much money the public coffers of Canada would dole out to the actual victims of a nuclear reactor disaster.

If the public in this case were to pick up the cost of any unforeseen accidents, is that a good scenario in terms of the public purse?

● (1050)

Mr. Omar Alghabra: Mr. Speaker, the problem with the NDP is that it lacks pragmatism. The NDP has absolutely no idea how the world operates. The NDP can live in utopia and can pretend that it is defending the interests of Canadians but all it is really doing is living in a fantasy world.

The reality is there has to be a balance between what could happen and what should happen. If we did not set any liability, nobody would ever produce nuclear energy in our country.

We have to make assumptions on what is the most foreseeable unlikely possibility and make calculations based on that. What we do though is leave room so that in the case of a catastrophic failure there is some mechanism to deal with it. We cannot make assumptions on a daily basis under the worst case scenario that is most unlikely to happen and end up bankrupting the energy sector and the industries.

That is my response to the hon. member's question.

Mr. Nathan Cullen: This is very intriguing, Mr. Speaker. I am fascinated by the member's response because he is talking about worst case scenarios. We are talking about nuclear disaster. That is a worst case scenario. That is why we are talking about insurance and liability, because Canadians need to have that assurance in case there is an accident.

Nuclear energy has benefits but there are also concerns. One of them is waste and another one is accidents.

In the scenario that there is an accident, the bill right now has a limit to what the nuclear provider will carry in terms of liability. Beyond that limit, which is possible in terms of claims, especially considering where these reactors are based, their proximity to a massive amount of drinking water for a huge number of people, the public purse is likely to pick up the rest of the tab. Is he comfortable with that scenario, yes or no?

Mr. Omar Alghabra: Mr. Speaker, I am never comfortable when we talk about nuclear accidents and this bill is not intended to talk about that.

I want to ask the member, what did he do in 1976 when the liability act set the amount at $75 million? Did members of the NDP support it at $75 million? If the NDP felt that $75 million was unacceptable, why did those members not raise the issue before? Why have they been silent on this issue for years?

The NDP can do nothing about it. All those members do is exploit the angst and feelings of frustration, and fearmonger, but they are unable to present practical solutions. They are unable to deal with the real life situations for Canadians.

I commend the hon. member for his ability to inflame emotions, but as far I am concerned, I am here to do my job. I am here to protect the interests of Canadians. I am here to work with my colleagues in the House of Commons. I will do what is best for Canadians.

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, far be it from me to get in the way of my colleagues from the Liberals and NDP disagreeing, but I want to ask my colleague across the way a question.

We are talking about liability and risk management and all of those sorts of things. Is he aware and could I get his comments on the fact that in 2003 NRCan and the Canadian Nuclear Safety Commission contracted an independent firm to study an off-site impact of worst case scenario, design based accidents on two sites, Quebec's Gentilly-2 and Ontario's Darlington plant? That study said that the worst case scenario accident could range from a cost of $1 million to $100 million depending on the time period for the controlled release of radioactive material and so on. Based on that study we do seem to be within the bounds of the limits that are proposed under this bill. Could the member comment on that?

● (1055)

Mr. Omar Alghabra: Mr. Speaker, I want to echo what the member is saying. I also want to add that this amount reflects those studies and also reflects international standards and what other countries have been doing for the last few years. It reflects the Senate committee report that was tabled two years ago. I agree with his sentiment and I believe that this amount is reasonable in this day and age.

Obviously I am very interested in hearing from witnesses and experts at committee, but at this point I am willing to recommend that we send the bill to committee.

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, I am very pleased to speak to this important government bill, specifically, Bill C-5, An Act respecting civil liability and compensation for damage in case of a nuclear incident.

We recall that this bill was introduced by the Minister of Natural Resources during the previous session of Parliament and had to be introduced in this House again after prorogation. It was quickly reinstated and has now been assigned the number 5, which says a lot about this government's priorities.

I would first like to give an outline of the bill and briefly put it into context. Like many environmental stakeholders, the Bloc Québécois has noted a renewed interest in nuclear energy, across Canada and around the world. In Canada, we have been hearing a lot about it since the current Conservative government was elected. A number of statements by the Minister of Natural Resources, who is one of its main proponents, clearly illustrate his government's renewed interest in the nuclear sector—at least, that was the case until very recently.

According to the newspapers, it will now be harder for the Minister of Natural Resources to promote nuclear energy. *Le Droit* reports that ministers will now have to tread lightly when promoting nuclear energy because Quebeckers and Canadians are particularly concerned about this controversial subject. It may therefore not be in the government's interest to hold a public debate on the issue just now.

The minister seems to have forgotten that nuclear energy is not, as he claims, clean energy. Radioactive waste is still a big, expensive problem. After 40 years, Canada still does not have a solution. That is why, when it comes to nuclear energy, the Bloc Québécois is calling for strict, effective control at every stage of the process, from extraction and transportation to the generation of heat and electricity.

For these reasons, the Bloc Québécois supports the principle underlying this bill concerning operator liability in the event of a nuclear incident. Nevertheless, it is deplorable that the Conservative government has failed to respond to recent reports, such as the one last June about burial of nuclear waste, by holding Canada-wide consultations on nuclear power.

The government has decided to promote nuclear energy without holding a debate even though there is no consensus at all on the issue. In fact, environmental groups are very critical of nuclear energy. The Bloc Québécois refuses to make compromises when it comes to the safety of Quebeckers. We must never forget what happened at Chernobyl in Ukraine and at Three Mile Island in the United States, where the fallout from nuclear incidents was extremely serious. We must do everything in our power to prevent such incidents.

I would like to reiterate the goals of Bill C-5, which, and I quote, “establishes a liability regime applicable in the event of a nuclear incident that makes operators of nuclear installations absolutely and exclusively liable for damages up to a maximum of $650 million.”

Bill C-5 also seeks to amend and update the Nuclear Liability Act. It also replaces the power to create a nuclear damage claims commission with the power to create a nuclear claims tribunal.

In Canada, the Nuclear Liability Act, which came into force in 1976, assigns liability for nuclear damage to the operators of nuclear installations. The maximum coverage under the law is $75 million. Part II of the act enables the governor in council to create a Nuclear Damage Claims Commission, which examines the claims for compensation in cases where the federal government is of the opinion that the cost of damages caused by a nuclear incident could be more than $75 million.

● (1100)

Since the operator's liability is limited to the amount of its insurance, $75 million, it is presumably the federal government that would have to make up the difference.

The act is administered by the Canadian Nuclear Safety Commission, which designates the nuclear installations subject to the act, determines who is the operator by issuing permits in accordance with the provisions of the Nuclear Safety and Control Act, and establishes the amount of the basic insurance with the approval of the federal Treasury Board.

The framework for nuclear power for civilian use is particularly developed in Europe. European states that were promoting the use of stand-alone nuclear power plants for the generation of electricity wanted to ensure adequate financial compensation would be available for victims in the event of an accident.

They were the ones who initiated the first instrument to be put in place, the Convention on Third Party Liability in the Field of Nuclear Energy of July 29, 1960, known as the Paris Convention. Developed under the auspices of the OECD and covering European countries, it incorporated a number of principles governing nuclear liability law.

In Canada, nuclear liability is based on the same principles: operators are absolutely liable for damage suffered by a third party; operators are exclusively liable for damage suffered by a third party; operators' liability is limited in terms of time and amounts claimed; and operators are required to hold insurance or some other financial security to cover their liability.

However, although limitation of liability is a known principle, European countries and Canada interpret it differently. There are gaps. One of these gaps has to do with the amount of liability.

In chapter 8 of her 2005 annual report, the Commissioner of the Environment and Sustainable Development dealt specifically with insurance coverage for operators of nuclear facilities, in response to two petitions. The commissioner indicated that the accident insurance requirements for nuclear facilities did not comply with international standards. The $75 million of coverage required by the Nuclear Liability Act is woefully inadequate by international standards.

Senior officials with Natural Resources Canada said that, with inflation, $250 million of coverage in current dollars would be equivalent to the amount required in the act when it was passed and that to meet international standards, roughly $650 million Canadian would be required. This opinion was shared by the Commissioner of the Environment and Sustainable Development in her own report in 2005.

Under the Paris convention, which most European governments signed, the recommended limit is $600 million. Why Canada is lagging so far behind, when the parliamentary committee that examined the bill before it was passed in 1976 recommended that it be reviewed every five years? Twenty-five years later, it still has not been updated.

The then Minister of Natural Resources stated in March 2003 that “it is time to bring forward revisions to the Nuclear Liability Act to update it and bring it up to international standards”.

Clearly, the current Nuclear Liability Act, with its limit of $75 million, is even more inadequate in 2007, and it is time the act was updated.

● (1105)

Now I want to talk about the review of the Nuclear Responsibility Act. This is the second deficiency. In an evolving issue such as this it is imperative to adjust the legislative and regulatory framework regularly in order for new realities to be taken into account. Review of the maximum award for which nuclear plant operators are liable has been quite deficient so far.

In 2003, officials from Natural Resources traced the history of the Nuclear Responsibility Act and the review process that should have increased the liability threshold. The act was passed in 1970, but not enacted until 1976, after an agreement was reached with a group that is now known as the Nuclear Insurance Association of Canada, or NIAC, on the matter of liability. In 1982, six years after the legislation was enacted, the Canadian Nuclear Safety Commission asked an interdepartmental working group to review the act. In 1984, the working group presented a discussion paper in order to get public input. It was not until 1990, however, that the recommendations were forwarded to the Minister of Energy, Mines and Resources. We also had to wait until 1995 for a new interdepartmental review committee to resume the modernization work. This work was not done until February 2001. The minister finally received the recommendations, but never carried them out. It is only now in 2007, 31 years after the legislation was put into force, that a bill is finally being introduced to modernize legislation that was supposed to be reviewed every five years. Thirty-one years in such a critical area clearly illustrates a significant deficiency.

Although Bill C-5 is rather voluminous in clauses and pages, it can be summed up in three major points: first, the definition of an operator's responsibility—by operator we mean the operator of a nuclear power plant or installation—the terms and financial limit of the liability and, lastly, the establishment of a nuclear claims tribunal, which would adjudicate claims for damage arising from any nuclear accident and determine who is liable for said accident.

Bill C-5 establishes the specific responsibilities of operators of nuclear installations and clearly indicates the damages that can be compensated and those that cannot. Of the most important clauses, clause 9 specifies that the operator's liability is absolute, and more importantly that it is automatic in the event of radiation emissions, as proof of fault is not required. Clearly, that means that in the event of an incident, no matter the cause—except for war, civil war or insurrection—the operator of the installation is liable and must compensate the persons harmed. Clauses 13 to 20 list all compensable damages and expenses, including bodily injury and property damage, economic loss, costs related to the loss of use of property and costs incurred for preventive measures ordered by an authority acting under federal or provincial legislation relating to environmental protection.

The second aspect deals with the financial aspects of liability. The main clause, clause 21, states that the liability of an operator under this act for damage resulting from a nuclear incident is limited to $650 million. The Governor in Council may, by regulation, amend subclause (1) to increase the amount. Subclause (1) does not relieve an operator from payment of the costs of administering claims, court costs or interest on compensation.

● (1110)

Thus, liability is being gradually increased from $75 million to $650 million over a period of four years. This considerable jump must not obscure the fact that such an adjustment is necessary at this time, precisely because of the federal government's failure to regularly adjust the amount.

If the federal government had fulfilled its responsibilities in this matter for the past 31 years, the amount of insurance would have been raised gradually to allow for suitable compensation, instead of increasing it so drastically, because it has become apparent that the amount is ridiculously low.

We can consider ourselves lucky that there were no major incidents here in Canada in the last 30 years, because citizens and communities would not have received enough compensation.

In clause 23, the bill specifies that insurance must be maintained separately for each nuclear facility, which only makes sense, since each facility could, on its own, be the source of an incident.

Lastly, the bill also establishes a special tribunal to hear claims, when the Governor in Council believes that it is in the best interest of the public.

The Governor in Council may declare that the claims in respect of a nuclear incident are to be dealt with by a tribunal, if the Governor in Council believes that it is in the public interest to do so, having regard to the extent and the estimated cost of the damage, and the advantages of having the claims dealt with by an administrative tribunal.

Subsequent clauses define the powers of the nuclear claims tribunal, granting it broad powers intended to accelerate and simplify the claims process, whenever circumstances and considerations of fairness permit.

Finally, in an effort to process claims expeditiously, the tribunal may establish classes of claims that may be determined by a claims officer without an oral hearing and designate as a claims officer anyone it considers qualified.

In closing, I would like to point out that the Minister of Natural Resources seems to have little credibility when it comes to nuclear energy. Indeed, the minister's enthusiasm for this energy resource, even though no serious debate has been held—a debate we in the Bloc believe is necessary—leaves us fairly speechless.

In his press releases and speeches, the minister alleges that nuclear energy is clean because it emits virtually no greenhouse gas. While it is true that nuclear energy produces only a small quantity of greenhouse gas, it does produce radioactive waste that is difficult and expensive to manage. To ignore this is to neglect an important consideration and mislead Canadians, especially when the Minister of Natural Resources is in favour of using nuclear energy to boost production of oil from the tar sands.

Nuclear energy may produce little greenhouse gas, but oil produces a great deal. The equation is simple. The benefits of using nuclear energy—reduced greenhouse gas emissions—will be offset by increased oil production.

The Minister of Natural Resources should show some restraint when it comes to this energy source, because it is far from being unanimously accepted by Canadians, and especially Quebeckers, and it carries very real risks.

Without being alarmist, we have to realize that nuclear energy should not be this minister's first choice. He should invest more in developing clean energy such as wind, solar and geothermal power.

The Bloc Québécois therefore supports Bill C-5 in principle, but will examine the bill carefully in committee to make sure that it has no loopholes that will allow operators to shirk their responsibilities, that taxpayers will not unduly share the risk and the cost of compensation and, finally, that the amount of insurance coverage is reviewed regularly, in compliance with international standards, and represents the real cost of the damage that may result from a nuclear accident.

● (1115)

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to congratulate my colleague from Beauharnois—Salaberry for her excellent speech. It was very clear and unequivocally stated the Bloc's position. However, I would like her to return to the issue of liability amounts. If I understood correctly, in the case of a war, sabotage or terrorist activity, the insurance would not apply, which means that in this case, citizens would pay. But we know that nuclear plants are prime targets for terrorists. There is no bigger target than that in Canada.

Are the minister and the government really irresponsible enough to propose nuclear power instead of other sources of clean energy, as my colleague mentioned? These energy sources are definitely not dangerous and there is no need to take out insurance to protect them.

Is Bill C-5 not in contradiction with the energies available now, in 2007? This is no longer 1970, when the original bill for this law was introduced. I would really like my colleague to assess the possibilities and risks that the costs would fall on citizens.

Mrs. Claude DeBellefeuille: Mr. Speaker, I would like to thank my colleague for his question. Obviously, when we read the bill, this clause is surprising. My colleague and I, on the Standing Committee on Natural Resources, are committed to questioning the government and the witnesses on this clause in particular. It is true that a nuclear plant is a likely target for a terrorist act. So, this clause needs to be clarified.

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, the member's speech was well thought out.

I point out that the government is bringing its debate forward. We are discussing these issues today and we have no fear of doing that. In the past the bill was set aside time and time again. She has a reasonable critique by saying that it is supposed to be reviewed every five years, and it has not been done.

However, the minister has taken great leadership on this file. He said that this was an important issue that we needed to bring it forward. We need to modernize this. It is unfair of the her to criticize him and say that he is unwilling to take responsibility for the file. He clearly has.

The government is finding a balance. We have talked a lot about the various sources of energy. We have talked about our biofuels initiatives, which have been important, especially for agricultural producers. We have brought forward proposals on clean energy and alternative energy.

How can she accuse the minister today of not taking responsibility for this file when he has shown such tremendous leadership on it?

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Speaker, I thank the parliamentary secretary for his question. It gives me an opportunity to explain that, although the minister is being responsible in introducing this bill, it is not just by chance that he is doing it now.

We are seeing the emergence of nuclear energy as an energy issue. For 27 years no one said anything about it. The federal government was in absolutely no hurry to get this legislation sorted out. If they are in such a hurry now, it is because Canada is being pressured to get its practices in order. If it wants to respond to the invitation it received from the Global Nuclear Energy Partnership, it must be able to meet the standards. If it wants to do a lot of business in the area of nuclear power, it cannot be out of step with the prevailing standards because of the insurance question.

I wish the Minister of Natural Resources were able to weigh the pros and cons of this. He is selling us nuclear power as if it were the magic bullet that will solve the problem of reducing greenhouse gases in Canada and around the world. Even with the new generation of nuclear reactors, however, we will still have the waste problem that we have failed to solve for the last 40 years.

They think they can bury the waste. Canada has decided on a method for doing so, but we have not decided yet on the locations. I will bet right now that when they decide on a location for burying the radioactive waste, whether it is in Quebec or elsewhere, there will be an enormous outcry.

Nuclear energy is very controversial. They should give the public an opportunity now to debate it. This issue had been set aside, but now they want to impose nuclear energy on Canada without any chance for Canadians and especially Quebeckers to discuss it.

I would therefore like to ask the Minister of Natural Resources to allow us to debate this, at least in committee. Of course the bill will enable us to initiate a bit of a debate on nuclear energy, but we will still have the bill to deal with and will have to confine ourselves to its parameters. We need a chance to really debate nuclear energy and seek answers to our questions. We also need to think very seriously before joining the global nuclear club because it will probably not be in Canada's interests.

● (1120)

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, on the member's last point with respect to liability, is the member satisfied that the regime presented through this bill satisfies the existing liability? We have huge amounts of nuclear waste being stored in barrels around the various plants across the country. As part of the regime, does the bill assess and establish to protect the existing liability?

Would the member like to comment again on how absolutely critical it is to this industry to find appropriate storage within the context of some of the recommendations made by the commission currently reviewing this issue?

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Speaker, I thank my colleague for his question. The law that applies at present is the current act, before Bill C-5 is enacted. Of course, nuclear installation operators are liable for up to $75 million, which would not really be enough. If a disaster occurred, communities would be at a serious disadvantage in terms of compensation, and the consequences would be terrible.

With respect to waste, I would recall what the Minister of Natural Resources said. He said himself, in a speech, that we are still decades away from being able to determine how, and most importantly where, to store this waste. We know that the waste is currently being stored underwater for a decade and then put in dry storage.

But what will happen if we create more and more nuclear installations and waste? We really have to think about this and debate the question publicly. I urge all of my opposition colleagues to put this request to the Minister of Natural Resources.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, I would like to ask my colleague a question, given that we have started talking about managing nuclear waste. She told us that some progress had been made on this question and a method has now been adopted. The big question still remains: the question of where.

We are well aware that of the 22 or so nuclear power plants in Canada, there is only one in Quebec. I imagine that the same sort of principle will govern nuclear plants' waste as governs the management of household waste: nobody wants it in their backyard.

Given that Canada seems to be intending to move toward expanding nuclear power generation, and given that at present the largest producer of nuclear waste is of course Ontario, we can perhaps assume that those provinces are not necessarily interested in keeping their waste in the long term. We are perhaps seeing a potential danger emerging from the fact that someone somewhere is going to be made the "where", but it will be outside the provinces engaged in large-scale nuclear power generation.

● (1125)

Mrs. Claude DeBellefeuille: Mr. Speaker, I thank my colleague for his comment. In fact, he is correct. Three percent of Quebec's energy is nuclear and it has only one power plant within its borders, unlike Ontario which has 18 or 22.

Certain places have been designated and Quebeckers know very well that the Canadian Shield is one of them. I do not believe that the people on the North Shore want to become the dumping ground for Canada's nuclear waste, or perhaps even other countries' waste, given that waste might be coming from abroad.

This is an important issue for Quebec. We are fortunate to have hydroelectric potential that enables us to produce electricity without generating greenhouse gases. We operate only one nuclear power plant. On this point, the Government of Quebec is currently studying various possibilities: whether to go ahead with rebuilding that plant or to dismantle it. That decision is now up to the Government of Quebec. In any event, the question of waste has always been an important issue for Quebec, particularly given that Quebec is a province where a potential location for burying waste has been identified.

The Minister of Natural Resources can rest assured that as natural resources critic I will be keeping a very close eye on this issue.

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I rise today to speak to the nuclear liability bill that is in front of us. It quite clearly has been brought forward in order to facilitate the development of the nuclear industry in Canada. In the original development in regard to nuclear liability, going back to the 1970s, we established that limit because private insurers of course would not deal with nuclear accidents. We set a liability limit of $75 million then.

Let us think of that number. We can refer to the American Brookhaven report of 1957, which suggested that liability for nuclear accidents could be in the $7 billion range in 1957 dollars. We can see that this limit was set very significantly to develop the industry. The industry has had a long tenure of development and has moved on. Now we are moving into designing legislation that will increase the amount of liability held by companies that develop or own nuclear plants.

Contrary to what the minister told us earlier, under this new act the liability for an operator for damage resulting from a nuclear incident is limited to $650 million. While small nuclear incidents such as the loss of a fuel bundle and the resulting contamination of an area of 400 metres, let us say, might be covered under this amount, certainly the larger scale nuclear accidents that we have seen in the world would not be covered.

We have a new bill in front of us in Parliament that is trying to catch up to something done in the early 1970s. Is it adequate? Has this bill been presented in an adequate enough fashion? Is the government willing to negotiate in an adequate enough fashion to make this bill acceptable? I have yet to hear that in the debate today. As such, NDP members will be considering what we hear as the debate moves along to the point of deciding to support or not support the bill.

I come from the Northwest Territories, an area of Canada that has had plenty of experience with nuclear contamination.

Let us think back to the 1930s and a community called Deline, which for many years was known as the village of widows because the men in the village serviced the development of Port Radium. They hauled the yellowcake on their shoulders in burlap bags which were put on barges and sent down the river to service the emerging nuclear weapons industry in the United States. There was no compensation for this. There was no consideration of this at the time.

There is a longstanding contamination issue. This year, finally, in Port Radium there is an ongoing cleanup effort at the mine site, some 70 years later. The mine site cleanup is not extensive, but it is costing in the tens of millions of dollars.

The nuclear trail from this contamination extends all the way down the river system. AECL came to my community in 1985 to examine the presence of nuclear material along the river system. My community was a portage point for all of the material that came out of the Port Radium site. At that time one could still find on the ground burlap sacks that had been dropped from trucks. The presence of the material after 70 years was still such that it could be detected quite easily and isolated.

● (1130)

That radioactive material was in the community for that many years, which suggests to me that when we talk about 30 years of liability for nuclear material in our environment, in our communities, we are talking about a number that perhaps does not match up with reality.

We also could talk about the Ray Rock Mines where there is still 71,000 tonnes of uranium mine waste. Ten families had to abandon their homes due to contamination from the mine. Radionuclides and heavy metals from the tailings have found their way into fish and mammals in the area. There has been no compensation. This is still part of the nuclear industry that we have in Canada.

We can see that in the Northwest Territories we do not have a great record when it comes to dealing with nuclear waste.

There is another incident of contamination that I would like to mention. It is about contamination that comes from an external source, one that is not covered in the bill. Canada has no liability coverage for external acts whereby contamination from nuclear waste comes from another country, but we live next to a very large country that uses a lot of nuclear energy.

However, I am talking about Cosmos 954, which in 1978 burned up in the atmosphere over the Northwest Territories. The nuclear reactor onboard a satellite is pretty small. It would probably fit in an average thermos bottle. My community was some 300 miles away from where that small nuclear reactor burned up in the atmosphere. The next year, I had officials from AECL in my driveway picking up identifiable pieces from Cosmos 954 and that nuclear accident. Those small bits of nuclear fissionable material spread over 124,000 square kilometres.

Therefore, when we talk about liability in the nuclear industry and the nature of what we are dealing with here, we are talking about a very serious issue.

I would like to refer to another matter that speaks to this as well. That is the Giant Mine, where in order to deal with an industry that has closed down, we now are dealing with 270,000 tonnes of arsenic. It is going to be left in the mine shafts. It is going to be frozen in there. This method of dealing with contaminated material is not to move it. It is simply to freeze it in the ground, right in the middle of the largest community in my riding.

Our record of dealing with contamination in this country, of dealing with the impact of industrial development that leaves behind material harmful to human existence, is not that great. It is not that perfect. Our record is nothing that we can stand up and be proud of in this country.

Therefore, when we speak about protecting working families in Canada with legislation, we have to be pretty careful about what we are going to do. We have to examine what we are doing here in great detail. We cannot just simply slap something through to make up for the 30 years of inaction by the government on this subject.

In 1957 the liability limit for a nuclear plant in the United States was $560 million. What is it today for our neighbour, the one we share so much with, the one the Conservative Party loves to harmonize with, the one the Liberal Party has worked so hard to harmonize with over so many years? It is now $9.7 billion. So what is going on here when we are setting our limit at $650 million? The public will have to pay for any amounts over the limited liability. Contrary to what the minister says, that is what is going to happen.

This liability level has to be increased. It has to be increased to a level commensurate with that of our largest trading partner, and not simply with signed treaties or conventions, but with the actual practical use of nuclear energy on this continent.

● (1135)

Limited liability was needed when the industry was getting started. The question is whether it should it be in place today. Do we put limited liability on a wind farm? Do we put limited liability on solar panels? We do not. Do other countries have limited liability? Germany does not. Germany, of course, lives downwind from Chernobyl and it has unlimited liability on its nuclear industry. Did its nuclear industry quit with that? No. Did the nuclear industry in the United States close up because it had a $9.7 billion limited liability? No, it did not.

What is different about Canada? How is Canada different from the United States? Why would our industry flee if we put a proper liability in place for it? It is a question that we can all ponder as we debate this subject.

The liability within the bill is too narrow. There are many more accidents of small amounts of nuclear material than there is from large plants and yet that is not covered in this legislation. Many times we have seen contamination coming forth from medical equipment, equipment that is used in the oil and gas industry and from various sources of radiation that are used in industry in our daily lives. Those are also things that should be legislated. They should be under some measure of control to ensure that the operators that use them dispose of them correctly and protect Canadians. Without legislation, people need to sue to get compensation from these types of actions, and that is not fair.

The definition of damage in the bill is also troublesome. Damage can be in the environment, as well as in one's building and in one's personal self. It can be long-lasting in the environment. I talked about it earlier in my speech. These are things that remain behind with the nuclear industry. The bill needs to have a proper definition of damage.

A damage definition could be expanded to include damage due to a loss of business or due to a fear of contamination like Japan. This could be part of the bill. We will be talking about this more as the days go on.

As I mentioned earlier, there is no particular protection for incidents that can happen from external sources of contamination from the nuclear industry, nuclear satellites, nuclear ships and all manner of the use of nuclear energy.

Germany provides this type of compensation and it has good reason to do so. It understands the issue.

If I may, I will bring this around to economics. What is it about setting a limit that is so much below the limit of our largest trading partner? What will that do to the industry? Does it subsidize the Canadian reactors over the U.S. reactors? Perhaps it does if they are built by American companies for export of electrical energy to the United States.

We could find ourselves in a situation where we are paying for the development of nuclear reactors for another country with our limited liability here, with our lesser standards for the use and development of this industry. Therefore, we need to be very careful about what we are doing in relationship to our major trading partner, the partner with which we engage in so many other harmonization activities.

The whole issue of the use of nuclear energy and moving forward with it should be part of a larger energy strategy. We cannot determine the future direction of the Canadian energy matrix without having everyone on a level playing field. If a level playing field means that the nuclear industry must carry the liability for its product, for its industry, for its demobilization and for its safe storage of hazardous waste, that should be it, that should be part of its equation. Just as part of the equation for the use of solar energy is the need to reduce the cost of manufacturing panels and just as the cost of wind power is the intermittency of its production, these are things that need to be put in context with each other.

● (1140)

We are dealing with the nuclear industry today. Let us deal with it and put it in a context that makes it fairer for Canadians for the future. When we make decisions about the direction we should take in Canada with energy, they should be made with the assurance that all is understood, that all is put into the equation and that it all makes sense. This is not the case right now. The bill does not go far enough to allow that to happen.

I want to hear what other parties have to say about this because is a tremendously important issue. We want to understand whether this is worthwhile to go to committee and whether we can get an acceptable result in committee for all the problems that we have identified in the bill today.

I have enjoyed the opportunity to speak to the bill because in many ways we need a frank discussion on the nuclear industry in Canada. We need to understand what it means to develop in this direction, what it costs and what we are leaving behind for our children and grandchildren.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, first, I commend the member for Western Arctic on probing into the bill from a perspective that is very important given the discussions we have had on possible environmental disasters in Arctic sovereignty, our responsibilities with respect to the north. I would hope that we would support the bill going to committee.

Could the member follow up with respect to unlimited liability, given that the use of nuclear submarines, the use of surveillance aircraft and so on with respect to the north is becoming a major issue for the government and our country's policy, and expand upon the implications of the bill as it relates to unlimited liability with respect to possible environmental disasters that could occur as a result of the increase in nuclear usage?

It is extremely germane and the House would appreciate the bill perhaps being expanded to accommodate some of the concerns that have been raised by the member.

● (1145)

Mr. Dennis Bevington: Mr. Speaker, if we consider it, a major nuclear catastrophe probably would not be covered by any sort of limited liability, whether it is $10 billion or $650 million.

There may be a requirement to create a nuclear liability regime of two tiers. The first tier would be liability insurance, which we are proposing here, but the second tier could be an unlimited amount paid initially out of the public purse with all the nuclear operators that are engaged in the same industry being required to pay back on a divided pro-rated basis. Therefore, we could have some protection within the industry as well, which might be one of the ways that we could expand the liability.

We are interested in the thoughts of members on this issue. These are potential changes that could be made to the legislation with the support of all parties.

As we have seen in the past, when we have gone forward with amendments that go beyond what the minority government wants, it simply does not bring the bill forward. We are concerned about that because it is not a useful situation in the work we do in Parliament.

We would like to see some frank discussions about the bill before we make our choice about how we vote on it.

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, just of interest, I was in Oslo, Norway when Chernobyl went up. We were kept in an underground bunker for an extra day at our NATO meeting because of that. It obviously was a terrible event.

My hon. colleague raises some valid points but he tends to focus on a doomsday scenario. However, in his last response he alluded to some reasonable limits, the $650 million being a reasonable limit, which is in accordance with most of the other people we deal with.

I would like to get the member's appreciation of the reasonableness of those limits based on the standards that are applied to nuclear facilities in Canada. It reads, “The Canadian Nuclear Safety Commission has concluded the process and mitigating systems required in the design of Canadian nuclear power plants rendered accident scenario with any significant release into the environment to be unreasonable”.

The Three Mile Island accident cost the U.S. $42 million, about $100 million in current Canadian dollars. The Canadian Nuclear Safety Commission has also said that a worst case scenario accident would range from $1 million to $100 million based on the kind of standards we are talking about with Canadian technology.

I am wondering if my hon. colleague would comment on the protection provided by Canadian technology and how that marries up with some reasonable limits of liability.

Mr. Dennis Bevington: Mr. Speaker, I go back to the American limit of $9.7 billion. The Americans had experience with Three Mile Island and they have had extensive experience with nuclear reactors. That is the limit they have set on their industry.

In looking at our industry, we have $75 million right now, so we obviously need to change. Where do we change to? If what the member is saying, that the likelihood of an occurrence of a large event with Canadian safety records and with the good work that Canadian engineers do we will not have a big event, I would suggest that might mitigate the charges that would go to accompany under any liability but does not necessarily mean that we need to limit the amount. The liability carried could be carried at a higher level regardless of what the anticipated occurrence cost is going to be. The occurrence cost is one thing and the liability is another.

When we look at the industry in North America and put it into context with what the United States is doing, where are we?

● (1150)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to congratulate my colleague from Western Arctic on his very clear presentation. I would also like to congratulate him on the work he is doing as part of the Standing Committee on Natural Resources. I hope that he will raise these questions about this bill in committee.

I would like to ask him a question. We heard about the trials and tribulations that his riding has been facing. Would the people in his riding like it if the government decided that it wanted to bury future nuclear waste there?

I would also like to point out that $75 million, as set out in Bill C-5, is 150 times less than $9.7 billion. One hundred and fifty times less is a big deal. Can he explain how the government arrived at that figure? Even if that number was to reach the $650 million suggested by the commissioner in 2005, that would still be 16 times less than $9.7 billion.

I would like the member to comment on that and to help us understand what is going on.

[*English*]

Mr. Dennis Bevington: Mr. Speaker, as I mentioned in my speech in response to the question from my colleague, our experience in the Northwest Territories with industrial development, the responsibility for the clean up of contaminated sites, and the ongoing problems in human health has been almost non-existent.

What we have seen, what the past has given us, is not really all that favourable toward the industry. On the other hand, we all know that there are countless junior companies looking to explore for uranium in our region. We do recognize as well that the nuclear industry is an industry that is a well established industry in Canada.

To speak to what my constituents want is a difficult issue just as it is a difficult issue for everyone in the House. What we have to do is come to a rational understanding of the nature of the nuclear industry and the requisite amounts of liability that should be put in place that will put the industry on a level playing field with other energy sources in the country. To me that is a fundamental thing that should happen here. If we do not do that then as parliamentarians and as legislators we are not fulfilling our role but acting for special interests or acting in a manner that is not compatible with what Canada needs.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I will be sharing my time with the member for Cypress Hills—Grasslands.

I rise in support of Bill C-5, An Act respecting civil liability and compensation for damage in case of a nuclear incident. The intent of this bill is to repeal the Nuclear Liability Act, and in the process to update and modernize Canada's liability and compensation insurance framework.

I will take a few minutes to outline the rationale for this bill and explain why the changes that it proposes are necessary. In doing so, I will touch on the general principles that are the basis for both the current act and the bill before us, but first, for the benefit of the hon. members, I would like to underline the contributions that nuclear energy makes to our national well-being.

Canada was a charter member of the original nuclear energy club and today is a world leader in the development and use of nuclear power for peaceful purposes. We have remained in the vanguard of many critically important fields, including reactor technology and safety.

With regard to the issues that this bill addresses, liability and compensation, we are pioneers in these areas. Canada can proudly claim to be among the first nations to establish an insurance framework that addresses the special circumstances of the nuclear power sector.

Concerning our national interests, the hon. members know that strong nuclear energy brings great economic and environmental benefits to Canada. The CANDU reactor is the workhorse of Canadian nuclear energy and it is one of the most environmentally clean energy sources available to us. Without it, Ontario, for example, would not have been able to reach the levels of industrialization that it has. Indeed, if it had not been for CANDU reactors in Canada, we would have had to burn huge quantities of coal to feed the furnaces, to turn the turbines of Canada's electrical generating stations.

Let me now turn to the bill itself. Like the current act, it is based on three fundamental principles: absolute liability, exclusive liability and mandatory insurance.

Absolute liability means that a nuclear operator will be held liable for an accident whether or not the operator was at fault. This means that even if the incident is a result of the actions of others, vandalism for instance, or negligence on the part of a supplier, the operator will be held exclusively liable for compensating third parties.

The concept of absolute liability has a great practical value. It means those affected will not have to wind their way through a highly complex industry to determine who is at fault because in all scenarios there will be no question of where to take a claim for compensation. Liability belongs with the operator and the buck stops there.

The second principle, exclusive liability, is closely allied to the first. It means that no party, other than the operator, no supplier or subcontractor, for instance, will be held liable for an incident.

This principle benefits both the nuclear industry and Canadians who could be potentially affected by a nuclear incident. For industry suppliers or subcontractors, it removes a liability risk that would deter them from getting involved in a nuclear project, especially when insurance against this type of risk is narrowly limited. For others, the principles of exclusive liability makes it easier to file the claims.

These principles are embedded in both the Nuclear Liability Act and in the bill before us, and for good reason, for without the certainty that the act provides on a question of liability, insurers would not be able to marshal the necessary insurance capacity to cover the facilities. Under these circumstances, without insurance, who would want to invest or get involved in nuclear development?

The Nuclear Liability Act has been a serviceable instrument, but nevertheless, it is time now to update it, modernize it and simplify it. This is entirely what one would expect. The existing act now dates back 30 years.

● (1155)

Indeed, if we started the clock at 1970, when the act was drafted, the legislation could be said to date back a full 37 years, which is several lifetimes in terms of nuclear technology and the related technologies such as computer compatibility.

The act, in its present form, thus reflects the technology, the science, and thinking of an early age and experience gained up to that time. In the interim, however, while the nuclear industry has evolved and improved dramatically, inflation and our evolving jurisprudence have caused the potential liability for incidents to increase.

Accordingly, the legislation must evolve. We must maintain the basic concepts of absolute and exclusive liability, but we must increase liability amounts, increase mandatory insurance requirements, add new concepts of damage, and provide better definitions of the compensation process. What we must do is meet the practical requirements and the realities of a new century.

The proposed legislation makes significant changes in the matter of compensation. In financial terms, it increases the liability for nuclear operators. The Nuclear Liability Act sets the maximum at $75 million, an amount that now stands as one of the lowest limits among the G-8 group of nations.

The proposed legislation would better reflect the conditions of today by raising that limit to $650 million. The proposed legislation would increase the mandatory insurance that operators must carry by almost ninefold. It would permit operators to cover half of their liability with forms of financial security other than insurance. This could be, for example, letters of credit, self-insurance and provincial or federal guarantees. All operators would be required to conform to strict guidelines.

In terms of time limits on compensation claims, this bill also raises the limit from 10 years to 30 years for claims related to injury or death. This change recognizes the reality that some radiation-related diseases remain latent for long periods.

This bill would include modern definitions of nuclear damage reflecting today's jurisprudence and international conventions in this area.

I want to emphasize that the issues and changes that the proposed act addresses are the products of years of experience, deliberation and above all compensation. We did not want the Government of Canada to proceed unilaterally or in a piecemeal fashion because such approaches do not make for either consistency or certainty. There are reasonable expectations and we have respected them. We will continue to do so.

The practical benefits of this proposed legislation to the people of Canada are many.

I am particularly pleased to recognize the important work of the 2,513 employees who work directly in the nuclear industry in my riding of Renfrew—Nipissing—Pembroke and the 4,834 AECL employees across Canada.

At 6:10 a.m., November 3, 1957, the National Research Universal, NRU, reactor at AECL's Chalk River laboratories reached the starting point for the first time. Designed for research and plutonium protection at a cost of $60 million, with that landmark achievement, Canada's science and technology stepped onto the world stage.

I encourage all parliamentarians to join me in congratulating AECL as it celebrates this 50-year milestone in the history of nuclear research in Canada. I am pleased to recognize Mr. John Inglis, the shift supervisor and engineer in 1957 for the startup. Mr. Inglis still resides in Deep River today.

I support this bill because it makes for progress in a field of critical importance to our economic and environmental well-being. There is no question that Bill C-5 well services the national interest and the public good. I therefore urge hon. members to give it their support.

● (1200)

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, I am pleased to have the opportunity to add my voice in support of Bill C-5.

All members of the House know that nuclear energy is important to Canada's energy supply. Three provinces produce electricity from nuclear power. Ontario, Quebec and New Brunswick have safely used nuclear power for many years in their energy mix.

Nuclear power contributes 15% of Canada's electrical generation. Fifty per cent of Ontario's energy needs is nuclear. Nuclear is a clean greenhouse gas emissions-free technology and it is part of our energy security. It is also extremely important to our commitment to reduce greenhouse gases in Canada.

The debate should not be about alarming people, but the NDP seems to have taken that position. It should be about assuring Canadians that our energy future is safe and secure. We have generated electricity in Canada using nuclear power for more than 30 years, and we have done it safely and without mishap.

We fully expect that the nuclear industry's fine safety record in Canada will continue for many more generations and as technology improves, so should safety. As my colleague just pointed out, it has been 40 years since the debate begun on the issue of nuclear liability and the Nuclear Liability Act and has represented several generations of nuclear technology. It is time to update this act.

The government is also being realistic and responsible in its treatment of nuclear power. In the unlikely event that there should ever be a problem, we intend to be properly prepared to help Canadians. This is an important reason why the liability legislation is now being modernized.

The 1976 Nuclear Liability Act established a compensation and civil liability insurance framework to address damages resulting from a nuclear accident. It applies to Canadian nuclear facilities, such as nuclear power plants, nuclear research reactors, fuel processing plants and facilities for managing used nuclear fuel. The proposed nuclear liability and compensation act improves the claim compensation process for potential victims and requires nuclear plant operators to maintain financial security sufficient to cover potential liability.

We are modernizing Canada's nuclear liability legislation to give us nuclear legislation comparable to that of other western countries. We believe that Canadians deserve that protection.

The proposed new legislation will increase the amount of compensation available to address civil damage, broaden the number of categories for which compensation may be sought and improve the procedures for delivering that compensation.

The monetary limit in the proposed legislation for operator third party liability has been increased to $650 million from $75 million in the present act. Under Bill C-5, the operators will be required to carry at least $650 million in financial security to cover potential liability. This is in line with current international standards.

It is important that I correct something the NDP has been saying this morning and the impression it has been leaving.

In the United States individual operators are responsible for a limit that is very similar to what we are proposing in Canada. They are required to carry $330 million in primary insurance on their individual operations and $100 million secondary coverage for each reactor on the site. Therefore, the $650 million is within the range of what is happening in the United States.

The government is also prepared, through the legislation, to provide coverage for certain risks for which there is no insurance and it will cover smaller facilities through an arrangement with approved insurers. Under proposed Bill C-5, claims for compensation will be pursued through the operator and the insurer and such claims may be settled through the courts and a tribunal system, which we will establish through the bill. As I mentioned, the bill provides for an administrative regime, a nuclear claims tribunal, if deemed necessary by the government.

Since the Nuclear Fuel Waste Act was passed in 2002, almost $1 billion has been invested in trust funds by nuclear energy corporations for eventual use for the long term management of used nuclear fuel. When combined with modernized legislation, Canadians can be assured that the operators of Canada's nuclear facilities will be able to meet all of the financial costs associated with both long term waste management and potential liability. Unlike some industries, Canada's nuclear operators manage the effects of their own nuclear operations. This should address some of the concerns the Bloc has had on this issue.

Modernizing the legislation will ensure the highest standards for nuclear power in Canada. The new bill reflects the Government of Canada's commitment to taking clear and decisive steps to protect the well-being of Canadians and our future needs for power.

● (1205)

Our discussion today has focused on the issues of liability and compensation, but I want to assure Canadians that the emphasis on insurance does not mean we have become somehow more vulnerable. The fact is a Chernobyl type accident is not possible at a Canadian nuclear power plant. This has been the conclusion of a number of studies made of Canadian reactors to assess the degree of risk associated with their use. My colleague from Edmonton Centre mentioned two of these studies earlier this morning to make that point.

We have a number of inherent safety factors built into Canadian nuclear power plants, safeguards that would prevent the significant off site release of radioactive material.

Dr. Kenneth Hare was commissioner of an Ontario ministry of energy study. He said:

> —if a shut-down system with the capability of a CANDU shut-down system had been available to the operator of the Chernobyl reactor, the accident would not have occurred.

The government is acting responsibly in regulating Canada's nuclear industry. Nuclear energy is vital to Canada's economic and environmental well-being. It is a clean emissions free technology and it will add substantially to our collective efforts to reduce greenhouse gases.

Bill C-5 would create the legislative infrastructure for the orderly development of this energy source to benefit all Canadians. The bill merits our support and I look forward to the support of the other parties in the House.

● (1210)

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, the hon. parliamentary secretary's comments on the proposed legislation are well exercised. I have both a question and an offering, which his minister may have discussed a little earlier.

It appears at first glance that no municipality currently host to nuclear waste or that houses a facility, such as mine in Pickering, has been consulted on the bill. While these are early days, it has our party's support to send it to committee to have that consultation, Would the hon. member accept an undertaking to consult the mayors of Clarington, Pickering, Kincardine and the member for Renfrew's mayor as well?

It seems to me that the municipalities carry an uneven burden. In terms of the liability immediately and the cost of deployment with any difficulties that occur, the municipalities tend to be on the hook for this.

Could the hon. member inform the House as to whether some facilities are now in the hands of the private sector, particularly the Kincardine Bruce power facility? Does the act in any way detract from or does the fact that some of our nuclear facilities, at least one, being owned in the private sector, create any problems as far as the bill is concerned?

Mr. David Anderson: Mr. Speaker, as the member heard earlier, the minister has made a commitment to consult widely on this issue. He has mentioned that the principle of the bill has been discussed for several years now and there has been wide consultation in the past.

We look forward to consulting with people. I know there has been interest this morning in the committee having hearings on the bill and we look forward to hearing from a wide variety of people. Therefore, we will be looking at that.

The point of the bill is to make it easier for operators in the country to access the insurance they need to operate their nuclear facilities. We look forward to the opportunity for all of the operators to meet those requirements.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the member talked about American regulations and laws. Is one of the objectives of the bill to encourage American companies to operate and invest in Canada's nuclear industry?

Mr. David Anderson: Mr. Speaker, I am not sure if the member was present a little earlier. One of the members of the NDP continually raised the issue of liability in the United States and wanted to talk about those limits.

I specifically talked about the fact that the bill would bring our compensation limits into line with those of many other countries, including the requirements in the United States. The NDP wanted to use that example so I thought it was important to respond specifically to that.

One of the concerns I have had this morning with the NDP's position is its members would oppose the bill if the liability amount is set at zero. They would oppose it if it is set at $75 million. They seem to be willing to oppose it if it is at $650 million. I believe they would oppose the bill no matter what the amount would be.

The concern of the NDP does not have to deal with a realistic situation, as the Liberal critic pointed out earlier. It can stand in opposition on almost anything. However, we need to work to find a realistic solution for the industry in order to provide insurance coverage for it that is reasonable, given any likely scenario.

We think we have done that. It appears we have the support of a couple of the other parties in the House. We think this is a reasonable amount.

● (1215)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, the Bloc's position is clear. With regard to nuclear energy, the Bloc is calling for strict and effective controls at all stages: extraction, transportation, and generation of heat and electricity. For these reasons, the Bloc Québécois supports the principle of the bill on operator liability in the event of a nuclear incident. However, it is deplorable that the Conservative government has failed to take advantage of the recent announcement—regarding radioactive waste disposal—to launch public consultations about nuclear energy. The government is going ahead without any debate while the use of nuclear energy has far less than unanimous acceptance.

The Bloc Québécois does not want any compromises where safety is concerned. The disasters of Chernobyl, in the Ukraine, Three Mile Island in the United States, many small accidents in China and India, and all the incidents which almost became accidents and which fortunately were not very serious, underscore and must always remind us of the serious consequences of nuclear accidents and incidents and the importance of doing everything to avoid them.

By answering to the powerful nuclear lobby, the Minister of Natural Resources is becoming one of the principal promoters of nuclear energy. The minister seems to forget that nuclear energy is not, as he mistakenly claims, a clean energy. Radioactive waste is still a significant problem and very expensive to manage. The Minister of Natural Resources, who continues to be optimistic about nuclear energy—primarily with regard to tar sands extraction—should exercise caution with regard to a source of energy for which there is less than unanimous acceptance and with risks that are far from benign.

In Pickering, waste from the nuclear plant is contaminating the lake. Thus, there are dangers at all stages of nuclear generation. Without being alarmist, we must realize that nuclear energy should not be this minister's first choice and he should insist more on the development of energy sources that are truly clean such as wind, solar and geothermal energy, which could meet all of Canada's energy needs.

I would like to point out that we are currently developing wind energy in a big way. For some provinces in particular, wind energy is starting to complement hydroelectric stations. Solar energy should be developed on a much larger scale. Nonetheless, I want to mention geothermal energy in particular, not at the surface, but at medium depths. Geothermal energy at depths of 3,000 to 5,000 feet can provide enough energy to drive co-generation electricity turbines for every small community in Canada and Quebec. This type of energy does not require any legislation to protect people. This energy is available and renewable for life.

We see that promoting nuclear energy is on the agenda for the Minister of Natural Resources. He wants to call it clean energy, but we do not necessarily think it is as clean as he claims because of its waste.

It is true that we gain in terms of greenhouse gases, but not if we use nuclear energy to extract oil from the tar sands. The greenhouse gases created by extracting the oil will not be offset by the nuclear energy that does not produce greenhouse gases. It does not justify extracting more oil and creating more greenhouse gases that have an irreparable impact on climate change.

● (1220)

The Bloc Québécois will study Bill C-5 carefully in committee in order to ensure that there are no loopholes that will allow operators to shirk their responsibilities, that taxpayers will not unduly share part of the risk and the cost of compensation, and that the amount of insurance coverage is reviewed regularly with a view to international standards and unstated risks.

This bill includes an amount that is not what the international community considers realistic. It is therefore obvious that taxpayers, Canadians, will have to pay any cost exceeding this premium in the event of an accident.

Furthermore, it is very important to assess the real cost of the damages that could result from a nuclear accident, so that we get the right amount of insurance. Earlier the Conservative government was saying that their studies show that damages would only be as high as a few million dollars. The committee will go over these studies with a fine toothed comb because we would very surprised if they had not been conducted by proponents of nuclear energy.

By introducing this bill on safety and liability in case of incidents, the minister is acknowledging that nuclear power poses a huge potential threat. Otherwise, he would not introduce bills about solar power. Truly clean energy sources, such as wind, solar, geothermal and hydro, do not need bills like this one. If this bill is passed, it should include a framework that really improves safety.

The Minister of Natural Resources does not have much credibility when it comes to nuclear energy. In fact, his enthusiasm for this energy source indicates that he is merely answering to lobbyists even though a thorough debate is needed. It is hard to believe that he himself decided nuclear is a good idea.

In recent press releases, the minister alleges that nuclear energy is clean because it emits virtually no greenhouse gas. While it is true that nuclear energy produces only a small quantity of greenhouse gas, it does produce radioactive waste that is difficult and expensive to manage.

To ignore this would be to mislead Canadians and Quebeckers who are afraid of nuclear and want nothing to do with it, especially in Quebec. Why are the minister and his government failing to recognize the concerns of our nation and avoiding a broader discussion and in-depth consultation with the people?

The Minister of Natural Resources announced that he had chosen the recommended approach, adaptive phased management (APM), to ensure the long-term management of spent nuclear fuel in Canada. APM includes the isolation and containment of used nuclear fuel deep in the earth. Where? Who knows. The government has been looking for a place to put it for 40 years now. As a temporary solution, the government will be looking for shallow underground containment. That is what the minister himself said. Clearly, he has no idea what to do with nuclear waste.

The minister also said that this is a safe long-term approach. How can he be so sure of that?

● (1225)

In that announcement, one also reads:

> APM will ensure the used nuclear fuel is monitored—

Clearly the minister is not sure that nuclear waste can be safely stored this way. It must be monitored. Who will pay for that monitoring? It is certainly not the companies that use nuclear fuel. There is no reference to that in the bill. So, taxpayers will pay for that monitoring, and for the monitoring against terrorism at nuclear reactor sites. It will always be taxpayers who pay. The bill has nothing to say on that subject.

Further on, we read:

> The [Nuclear Waste Management Organization] will begin planning and designing a site-selection process collaboratively with Canadians.

The Minister of Natural Resources is laughing at us. That is exactly what they have been trying to do for 40 years, plan a site, and it still has not been done. So, there must be major problems. The moment that the location of the site is decided, there will be such a public outcry that the minister will have to change tack.

It especially unsettling to know that the Minister of Natural Resources is in favour of the use of nuclear power to increase production of oil from the tar sands. Once again, he is being irresponsible. The minister has this to say:

[*English*]

“As we see the potential increase in oil sands production moving from a million barrels a day up to four or five million barrels, we need to do better. I think there is great promise in the oil sands for nuclear energy”.

[*Translation*]

The more oil we produce from the tar sands, the more greenhouse gases we will produce, and nuclear energy will not prevent greenhouse gas emissions, quite the contrary.

We ask the minister how this bill will protect the health of Canadians. That is what he says he wants to do. However, we know that nuclear power stations send contaminants into the air.

How can he show us that there is no more danger? He would not need this bill if this were the case. If he does not include this in the bill, we may conclude that he does not know how to protect the health of Canadians. Bill C-5 forces nuclear power stations to insure themselves against the damage caused by an accident. It does not deal with protection of public health.

Since the accident in Russia, at Chernobyl—more specifically, in Ukraine — energy safety has become the major political priority. In Europe today, for example, all possible solutions other than nuclear are being reconsidered. In England, a parliamentary commission has warned the public about the construction of new stations. A simple sentence confirms the fears of those who accuse the British prime minister of yielding to the nuclear lobby. In 2003, the government published a white paper on energy that emphasized renewable energy and ruled out any renewal of a civilian nuclear program.

I want to come back to the accident that occurred in Chernobyl 20 years ago. Twenty years later, people have visited the site, which is still radioactive. This site is still dangerous, and the effects of the accident are still being felt.

How does the Minister of Natural Resources think that a bill can protect people against radioactive fallout for 30 or 40 years or more?

Bill C-5 provides for $75 million, the same amount as in 1976. If this amount had at least been adjusted for inflation, it would be $250 million. The Paris convention recommends $600 million, and the international agreements refer to $650 million, an amount that the Commissioner of the Environment and Sustainable Development endorsed in her 2005 report. This is a far cry from the proposed figure of $75 million. Rest assured that we are going to find out why. Can the Minister of Natural Resources justify why such a low amount was proposed for liability?

In conclusion, a thorough debate is needed. The government cannot deal with the issue of nuclear energy simply by saying that everyone is in favour of it. This is not true. Some people are not in favour of it. I do not understand how a government that claims to be in touch with the people can be unaware that people are reluctant to embrace nuclear energy.

We know that radioactive waste is difficult and expensive to manage. Other sources of energy exist, as I have already mentioned. I want to stress that money should be invested in these energy sources. Every year, Canada invests about $500 million in nuclear research. This year, the government is investing an estimated $807 million in safety, research and promotion. If the government had invested such an amount for years, it could have invested in research into really clean, safe energy and it could be developing these alternate energy sources, so that nuclear energy would not be needed.

● (1230)

We cannot ignore this reality and overlook an important option, that of replacing nuclear energy with other kinds of energy.

It is equally important that the public not be misled into thinking that legislation alone, such as Bill C-5, will protect them. That is not true. This bill is about compensation. It is merely an insurance policy in case of an accident. We all know what an accident means. This does nothing about people's health.

Knowing that, how can the minister continue to promote nuclear energy? By introducing this bill, he has made it clear that he has only one objective, which is to really develop the nuclear sector. He is using the reduction of greenhouse gases as a springboard. However, once he wants to invest in the oil sands to produce petroleum, we see what he is up to. This simply does not make sense.

The minister and the Conservative Party must show some restraint regarding this energy source, which we think is dangerous because of the emanations and waste produced when the plants are operational. Furthermore, it is far from being unanimously accepted.

The same amount of money needs to be invested in renewable energy sources, given that the risk of accidents is minimal and the entire population is much more interested in such energy sources.

To sum up, we are in favour of this bill, because it focuses on safety. However, we will examine it very closely, because we think it falls short of what is required, and is outdated by about 30 or 40 years. We truly hope that, if the government decides to turn to nuclear energy without consulting the public, that it will at least do so as safely as possible.

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, this morning we have talked a little about balance. As the Liberal critic mentioned earlier, there is a balance of three things, the three E's, the environment, energy and the economy. We have worked hard to protect the environment over the last year and a half. We are trying to find a balance that will work for Canadians with respect to energy, and of course we want to maintain a strong economy at the same time.

I want to ask a specific question of the member. He said that nuclear power must be replaced with other types of energy. I think that is what I heard in the translation. For a number of years now, Quebec has relied upon nuclear power, as well as other sources. Is it the position of the Bloc that the nuclear power generation in Quebec should be shut down and that Quebeckers should have no option of nuclear power as one of those energy sources that is available to Canadians?

● (1235)

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I thank my colleague for his question. In fact, in Quebec, we have only one nuclear power plant and it is operating at low capacity. Contrary to what my colleague has just said, I must point out that electricity production in Quebec is not based on nuclear power, given that we have only one power plant. In addition, we are currently considering the question to determine whether we should renovate that plant or instead close it completely. Nuclear energy is therefore not expanding in Quebec.

As well, the general public is much more in favour of closing that nuclear power plant than of upgrading it, because it does not comply with the safety standards that people expect of an power generating site.

In terms of the economy, as my colleague heard me say, we can perfectly well develop our economy using other sources of energy, clean energy. I reiterate this because it is of real importance: research has been done, particularly in the United States and Europe, into medium-depth geothermal energy sources—great-depth geothermal energy sources may be tapped in the future. That research shows that we could produce the same quantity of energy from those sources as is produced in nuclear power plants.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, I listened carefully to the comments by the member who just spoke. He gives us the impression that the city of Pickering is not a safe place.

I would first like to ask the member a simple question: whether he has ever in his life been in a nuclear power plant. If he has not done it, he should do it. I invite him to visit my riding. At some point, it might be a good idea for the entire committee to come to Pickering or somewhere where there are other nuclear plants. He would understand the situation clearly.

When we constructed that building in the 1960s, nearly 50 years ago now, there have been no major incidents involving people living there for a long time. The member should know that in my riding there are two million people living in the vicinity of the nuclear plant, within 25 km of that plant.

I have to say that I am not a nuclear power promoter—I have never worked in that field—but I know very well that the workers, the employees who work there, provide good management of the plant. Everyone who works there always lives in the region, they are proud of their work. We are not flooding great expanses of land or displacing people to build a hydroelectric generating station.

I invite the member, before he says any more about things that affect my riding, to come at our expense, at some point, and visit the power plant to learn the measures that are taken there. I believe that he will have a completely different opinion about our nuclear power plant.

Mr. Christian Ouellet: Mr. Speaker, I was not trying to offend my Liberal colleague. I only wanted to say that I had read a report.

It is true that I have never been in a nuclear power plant, but I do not think that I have to go there to be aware of what is going on. I read a report that stated very clearly that the nuclear power plant was contaminating the water in the lake and that the water was actually contaminated. I did not say that it was dangerous to humans. I only said that the water in the lake was contaminated. That is undeniable because an official report has been published, dealing with the water in the lake.

It is obvious that walking about in a nuclear power plant will not prove that it is not dangerous. Nuclear radiation is invisible, and you can not feel it on your body. So, visiting a nuclear power plant is no way to determine that it is clean.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the member has made some very good comments on the bill.

We know that in places like Alberta there is talk about putting in nuclear energy to support the tar sands. We have heard a number of people talk about nuclear energy as being clean energy. There is a mining process and a transportation process before a nuclear plant is even built. I wonder if the member thinks those factors should be included when determining whether or not nuclear energy is actually a clean energy source.

● (1240)

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I thank my NDP colleague for that excellent question.

That is exactly our objective. If it is possible, without changing the meaning of the bill, our goal is to include the mining process in this bill. Indeed, there is a danger during the mining, refining and transportation of such material.

That is where we see that building and operating nuclear power plants creates a danger to human health for all of the people who work in the production of nuclear energy for heating or electricity.

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, our colleague has had some very specific questions from other members about the bill we are debating. I would like to ask for his comments on a much broader subject.

We learned this week that the French president has just asked the European Commission to introduce a European tax, no more, no less, on any product coming from a country that does not conform to the Kyoto protocol.

In economic terms, especially, I wonder what that means to my colleague, in the broader sense of the environment, obviously.

Mr. Christian Ouellet: Mr. Speaker, the French president has discussed a series of actions that he is preparing to take. They are very valuable for the environment and we applaud him for that. Obviously, this is far removed from Bill C-5. We notice that the French president did not place an emphasis on the production of nuclear energy. Nor did he say that he would not use it. We know that France does rely a lot on that kind of energy; but he did not emphasize the fact that he would produce even more. Quite the contrary. He talked about a tax on products that are not produced by countries that comply with Kyoto. He added that he would build 2,000 km of very high speed train lines in France. He also spoke of introducing taxes on overloaded trucks.

Thus, the French government is proposing a very interesting series of measures for the environment. We would hope that the government has the same intentions.

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, I want to commend the hon. member for his speech. I would like to ask him a question.

He has done a lot of travelling and has met with many people, including a number of European parliamentarians. Could he tell me why Germany, for example, has decided to abandon nuclear energy? What are the advantages and what are Germany's reasons? That country is currently creating a lot of economic wealth by supporting and encouraging solar energy. Can he provide some arguments to inspire the Minister of Natural Resources?

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Brome—Missisquoi has 30 seconds to answer the question.

Mr. Christian Ouellet: Mr. Speaker, it will be hard to answer in 30 seconds. Indeed, Germany is somewhat on the leading edge. It is selling its technologies in other countries. That is how the German economy does so well in terms of clean energy.

In Germany, the entire population truly realizes that it can produce the energy it needs without using nuclear energy. The Germans find they do not really need nuclear energy and that is one of the reasons they are turning away from it. I hope the Minister of Natural Resources will realize that even though lobby groups have an appetite for nuclear energy, the global community is currently expressing reservations about it.

● (1245)

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with great interest that I enter the debate today. I have listened to a number of my colleagues from all sides of the House, and it is with growing concern rather than reassurance that I rise today to address the bill, simply because of my concern about the depth of knowledge of my colleagues and about whether some colleagues who have spoken to the bill have read the piece of legislation or considered its implications.

In the nuclear energy context, I think there are two central facts around which people pivot their concerns. One probably gets an undue amount of attention, and I think there is a need for greater balance, and it is around the environmental component and the fact that the off-products of nuclear are serious, long-lasting and immensely damaging not only to human health but to the planet in general. The second is financial, as to whether the nuclear industry, if left to its own devices, would be able to compete with the other forms of energy that exist within our energy mix in the country. It is a subsidized industry at various points along the process, and now we are entering the debate very specifically about the limited liability that the government is putting forward.

Allow me to say two things first before I get into the details of each of those aspects. One is that the review of this act is long overdue. The world has moved on significantly from when the act was first put together. Its application is no longer connected with any reality in regard to what is happening in the world and in the state of the nuclear industry.

Second, let me just comment that I think the Minister of Natural Resources, who spoke earlier today, did himself and the issue a disservice by not coming forward completely and transparently with what the implications are. There were several direct questions that we in my party put to him, just to simply lay the facts on the table, not one way or the other, but simply to put them on the table so that we can have a fair and honest debate in this place. At every opportunity, the minister chose to avoid answering the questions directly.

This pertains specifically to the liability question and the fact that within the bill the movement is from a $75 million cap to a $650 million cap on limited liability. The minister pretended, and in a sense stretched the point to nearly misleading the House, to say that the cap was a floor and that liability would start from $650 million and then go up.

I then took the bill itself to the minister to show him that in fact this is not a floor. As written in the bill, it is a ceiling. If he wishes to change that, then we look forward to the amendments, but presenting it as a floor as opposed to a ceiling changes the whole context. The $650 million that is noted in the bill as limited liability for the industry suggests to us and to many others who study these issues that beyond $650 million there is another question that arises: who picks up the tab in the event of a nuclear disaster or accident if the claims go beyond $650 million?

To some Canadians who are watching and following this debate, a little over half a billion dollars might seem like quite a bit, but we have to localize and contextualize the discussion. These nuclear plants do not tend to be located in far-flung places. They tend to be located in densely populated parts of our country. They tend to be located right next to much of the most significant drinking water supplies for our country and also for our neighbours to the south.

As for the implications of an accident, we certainly do not wish it and we encourage the government to take every mean and measure possible to prevent it, but an accident by its very nature is not predictable. An accident is an unknown, but it can happen, and if it never did we certainly would not need the insurance industry at all. However, the implications are extraordinary.

Of course when we get into debates on energy use and the profile of this country, the words and specific attributes of every energy source are important. The nuclear industry has gone to great lengths and measures to present itself as clear and clean. It uses a very well polled and well versed terminology to assure Canadians that it is an okay source of energy with few implications.

We do not have to be rocket scientists to understand that nuclear waste is extraordinarily dangerous. It lasts far beyond our lives and may last far beyond the existence of countries as we know them today. We are talking about hundreds of thousands of years.

● (1250)

There are implications for us as parliamentarians, as decision makers and leaders of this country, when dealing with issues that have implications that last many generations. There are implications that are more serious than we have seen in the debate to this point. We have a responsibility and an obligation to dig through the bill, to dig through the issue itself with the greatest scrutiny available to us, with all the information and the power we can muster, simply because the ramifications of what happens as a result of our decisions will not in all likelihood be borne by us but by generations to come.

We all care for our children, our grandchildren and our families. It is most important when dealing with issues like this one that we take the time as the parliamentarians to scrutinize those issues to the fullest extent.

So when the nuclear industry comes forward and says it is clear and clean, with all the rest of the jargon and spin it hires very competent marketing agencies to do, it flies in the face of what is actually in the bill. That is simply because to say there is no risk or no element of risk within the nuclear industry is a bit specious considering that under the list of compensatory damage are listed: "Bodily injury or damage to property; Psychological trauma; Close personal relationship; Liability for economic loss; Costs and wages; Power failure"; and "Environmental damage". These are all conditions under which, in this piece of legislation, the supplier of nuclear energy can be taken to court and sued.

Let us take a look at that list. What is the limit for psychological trauma as a result of a nuclear accident? What is the limit on psychological trauma suffered by anyone in a close personal relationship with a person who has suffered bodily injury as a result of a nuclear accident? What about liability for economic loss? What about economic loss due to power failure or economic loss due directly to the incident itself? As for costs and wages, again, is it for those people directly affected or for anybody in an ancillary position who has been affected as well?

These are extraordinarily extensive realms and parameters in which someone could apply for compensation from the courts. As for suggesting, then, that we are going to limit the liability for this to provide what is essentially investor certainty for anyone looking to make a dollar through the nuclear industry, and then suggesting that this Parliament will then convene a special committee to pick up the tab for the rest of any damages that are forthcoming, let us be honest about the debate, folks.

Let us simply name it as it is and say that this is the ceiling. That is what is described in this bill as we have read it. The minister has said otherwise. In that case, I am not sure that he has read the legislation or if he is choosing to interpret it in a way opposite to how it is written.

There is obviously special treatment for the nuclear industry. This has been an industry that Canada has fostered for many decades. It has attempted to export it to other countries, with some success and some failure in bringing our technology to other countries. There are negotiations going on right now with some countries in the developing world to further export this technology, again with long term and serious implications in regard to the decision.

One wonders if the same application, the same treatment, is given to other industries, other industries with major investment, which the nuclear industry has had, other industries that have incurred liability. When an airline is begun in Canada or when someone brings an airline to Canada, does the government offer a limited liability insurance guarantee through the Parliament of Canada? When the auto industry got its start in Canada, was there an implication of the limited liability applied to the auto sector to say that if it had a major malfunction in any of its products, any of its cars, that the government would pick up the tab beyond a certain point?

We are aware of none. Perhaps some of my colleagues from the government can offer some points and suggest that in fact the nuclear industry is not treated as a special circumstance. That would be enlightening for us.

The nuclear debate is an extraordinarily sensitive hot topic. There is a lot of to-and-fro. There are extremes on both sides. Over the years we have seen various politicians go to the lengths of actually taking effluent from a nuclear plant and drinking it to show just how incredibly safe that effluent is. Those folks are no longer with us.

It is lamentable, but it shows that in the face of serious concern and evidence, in order to play politics, in order to assure Canadians that everything is okay despite overwhelming evidence, some politicians have gone to the extreme and have threatened and ended their own lives.

There is also the other extreme, with people presenting the case of nuclear energy in such tones of conflict as to suggest that it is the devil incarnate and brings forward all sorts of destruction by its very existence.

● (1255)

We think the balance point is in between. We think there is a place where we can achieve a serious and honest debate about the use of nuclear energy in our energy mix in this country. It is necessary to do that and we need to have representatives of the government come forward to present the facts as they are written in the legislation and not try to pretend they are otherwise.

There is indeed a lesson of unintended consequences when looking through legislation like this. It is very difficult for parliamentarians to imagine the various trajectories that can be taken with an issue like this. It is difficult to imagine what the energy mix, profile and demands will be in 50 or 100 years.

That brings me to the second point, which is about the environment. The financial circumstances of the nuclear industry, at least within this province in which we are debating, Ontario, have been mixed at best. There have been cost overruns. There have been liability claims. Ontario taxpayers, and through them the federal coffers as well, have picked up an enormous debt. It is for the Ontario voters to decide what they will do. Let us not kid ourselves. There have been rampant issues with and difficulties faced by the nuclear industry in making ends meet in simply operating cost-efficient electricity production.

On the environmental side, there are obviously the two main components of this. In this particular bill we are dealing with accidents. We are dealing with those times when things go wrong in a serious and significant way with implications that are far-reaching.

My colleague spoke earlier of the nature of a nuclear accident and its ability to produce a variety of contamination effects that can spread out over many thousands of hectares. The cleanup of such effects is extraordinarily expensive, never mind the cost to human health and insurance as dealt with under the bill.

The other component of the environment, of course, is the legacy of the waste. What do we do with the waste? The minister did speak truthfully earlier. It was a unique and enlightening moment when he talked about the creation of a committee that has gone around the country to talk about the issue of nuclear waste.

When those committee members came before the environment committee some time ago, the only real question I had for them about the 200 or so community visits they conducted across the country was to find out in how many communities, as I suggested at the end of their presentation, a nuclear waste facility was welcome in the municipality. Most of these presentations were done at the municipal level. If we want to talk for a moment about a legacy, the question is being put to these small regional districts and small communities in a presentation of facts by this nuclear waste committee in regard to making a decision that would last for generations to come.

It is a fascinating thing to look at the structure of municipal politics within this country, because most people enter politics for a three year term. They enter for a variety of reasons, such as making the sidewalks better or changing the tax base within their community, but rarely have I heard a municipal politician running for office say, "Vote for me because I want to make decisions about nuclear waste for our community". Rarely have I heard municipal politicians say they want to make decisions that will have implications and effects that will last for generations to come. It is just not within the general context of what happens within municipal affairs.

I asked the committee members how many communities, mayors, councillors and presidents of chambers of commerce approached them during, afterward or before the presentation and said, "Please come and be a part of our community and form your industry here". After four attempts at getting an answer, one was finally delivered. "None" was the response. There were no communities that said this. Of course the government has since gone ahead and is pushing the debate further in trying to find a place to put the waste. It is a serious implication.

Earlier a number of my colleagues raised the issue of climate change. We have to keep in mind that globally in the nuclear industry the amount of power provided by it is smaller than that provided by what we now call the alternatives: wind, solar, wave and tidal. There is often a perception out there that the nuclear industry and nuclear power provide this source of energy that is just absolutely irreplaceable.

This is so often trotted out as an excuse for why the energy mix is the way it is and why it will be so forevermore. Governments will come forward with self-fulfilling prophecies and say that currently we produce 13% of our energy through coal or nuclear, or whatever the case may be, and if we were to strip that out tomorrow, this is what the implications would be; therefore, they say, we need to continue with the source of energy that we find worrisome, whether it is with respect to climate change or other environmental concerns.

● (1300)

If we continue to point ourselves in that direction, that is the place we will end up. That has been the legacy of energy policy in Canada for the last 40 years. It is a continuance of more of the same.

Now we have questions and concerns coming out of the U.S. The energy agency is now looking at the tar sands as one of its major focuses, not simply to take energy from them but concerns around the climate change impact of what that energy delivers. This is a classic example of a government getting on a track and enjoying the gravy train so much that it cannot consider pulling in the implications of what the true cost of doing business is.

Looking at the nuclear front, we must include the true cost of doing business. If we put false ceilings on liability, if we continue to subsidize various parts of the chain, we present a false debate and a false option to Canadians. We pretend that the cost of production is only so much per kilowatt when actually it is much more because the subsidies are built in all along the way and not accounted for, as are the externalities, in this case the externality of liability, the externality that is put forward as waste management.

We can no longer consider this term "externality" as a viable economic argument. It is specious, it is wrong and it will continue to lead us in the wrong direction when it comes to caring for the planet and the implications of climate change.

If business is what the government claims to be all about, then it should allow business to do what it does, which is to find economic solutions to the problems posed by society. Subsidies are no way to solve an energy mix. Subsidies are no way to look at what it is we want our future generations to be left with. Clearly, the forces of the market can allow themselves to work and find a happier compromise.

If levelling the playing field is what the government is truly interested in doing, then I can assure it, and many Canadians will join me, that in given options, time and again Canadians will pursue the option that has the least implications and impact for the environment. We clearly see this on a number of fronts that are happening in the commercial sector and in its products.

Time and again, industries realize where the benefits may be. One of the greatest challenges the auto sector has been faced with is the continuance of the making of models that it believes Canadians want while, on the other hand, the price of gas at the pump goes up week on week and Canadians are seeking lower emission cars, higher efficiency cars and yet we stay in a rut that takes us in a different direction and then lament the fact and look for help from government, which the previous government and the current government consider somehow to be a viable economic strategy.

The truth presented in this bill is that there are serious and significant implications when dealing with a nuclear accident. If it were not so, then the government would not need to, under the advice of its lawyers and insurance consultants, list bodily injury, psychological trauma, close personal relationship and trauma to somebody affected, liability for economic loss, costs of wages, power failure and environmental damage.

If there were not strong and significant implications, we would not need to list any of those. If there were not strong and serious implications for human health, we would not list them. Of course we need to list them because they need to be considered. The consideration back to government is: Why would one limit liability within the industry? Why would one then share the liability across the entire country?

I represent people from British Columbia. They will rightly ask me, as they will ask any member from British Columbia or the other provinces that do not currently use nuclear energy, "If there is an accident and if the accident exceeds the government's cap, why is the cost then spread across all provinces and all taxpayers?" It is a reasonable question. It is a question that the government needs to answer. If the government has a viable and ready answer for us, then we are prepared to discuss it. It is only in the interests of truthfulness and looking for full disclosure as to what this debate is really about.

The final point I would like to make, which has been raised by some of my colleagues, is that in the United States no similar cap can be identified that limits the nuclear energy producers to this liability limit. Does this start to create a scenario in which there is an enhancement for creating nuclear facilities north of the border rather than south? One of the greatest costs is the cost of insurance when dealing with the nuclear industry. If one of those costs is considered more favourable in another country, it starts to distort the market forces that we think deserve their time to work.

● (1305)

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I listened with interest, as I always do, to my hon. colleague whose passion for the environment I applaud and I share.

However, I would like to talk about insurance just for a minute. Insurance is all about risk assessment. If I do something stupid with my car, my insurance company will pay someone $2 million. If the person does not think that is enough, there are ways the person can get more out of me.

I wonder if my hon. colleague believes that the Canadian Nuclear Safety Commission is a credible organization. It has said that the maximum foreseeable liability for a worst case scenario is anywhere from $1 million to $100 million. Risk assessment for insurance, of course, is based on standards, on history and on many things that are factored into that assessment. That is what insurance is all about. All insurance has a limited liability, regardless of whether it is for my car or for a situation like this.

Does my colleague believe that the Canadian Nuclear Safety Commission is a credible body? If the answer is no, fine, he can disregard the question. However, if the answer is yes, then why not give some credence to its assessment of this situation?

Mr. Nathan Cullen: Mr. Speaker, we think the folks at the agency do good work. They attempt to mitigate the inherent risks that exist within this industry.

Part of the intention of my speech earlier was to highlight and acknowledge those risks. I think it is specious to present to Canadians what some elements of the nuclear industry have done, which is to present little puffy white clouds on a blue background with words like "clear" and "giving assurance". The reason we need to give assurance is that the nuclear industry had a bit of a rough ride through the eighties and nineties in terms of liability.

I have a question for the government, which remains unanswered. We are very well aware of the concept of limited liability for insurance. If claims go beyond the cap that is set under the bill—and other industries have put caps of $1 billion and more, by the way, for contextual reasons, higher density populations and the rest—we simply want to know who picks up the tab. I think it is a fair question. We have yet to hear an answer from any member on the government benches.

If the answer to that question is no, that this will not be levelled on the taxpayers, this will not be spread across every federal taxpaying person in Canada, that this will be concentrated back to the industry and the industry will then need to somehow grab those costs, then we look forward to the answer. However, we are yet to hear it. That is a straightforward and simple question and it deserves a straightforward and simple answer.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, my colleague from Skeena—Bulkley Valley certainly has insights into this issue of liability. I would like to expand on one point that he made with respect to the appetite that the public has for taking on high risk public interest related responsibilities.

He has indicated that across the country there is not a case where one would go out and ask whether someone would like to have a nuclear waste facility. I would like to point out that there have been examples where referendums have been taken and, in the higher public interest when risk has been minimized, the public has said that it will take certain responsibilities with respect to solid waste.

Therefore, it is not totally out of keeping with the public. Given that the risks are explained to them and every check and balance has been put in place, they will accept that risk.

In terms of unlimited liability as it relates to mining, subsidiary processing activities and so on, and particularly from a northern perspective, is the member satisfied that the bill covers that kind of liability that people would have confidence in this kind of legislation and support the industry?

● (1310)

Mr. Nathan Cullen: Mr. Speaker, in terms of the communities' representation in taking on the risk of containing and holding nuclear waste for generations, the record is certainly mixed.

When the Nuclear Waste Management Organization was asked how many of the couple of hundred communities it visited came forward with interest in proceeding with the investigation into taking in this waste, the answer from that organization was none. I know its agenda was different.

The important thing for communities to consider is who gets to make the decision at the end of the day, and whether the people making that decision have the necessary information in order to make a decision that will have long-lasting implications far beyond their tenure, far beyond their lives on this earth.

The promotion of false promises is a very dangerous thing when it comes to the environment. I think Canadians are at a point of discouragement right now when considering the government's ability to deal with environmental issues that are facing it, whether it is species at risk or climate change, which is directly connected to this questions of the energy mix that we use.

All we suggest and all we encourage is that the debate become as transparent and as open as possible when talking about unlimited or limited liability as to who picks up the tab.

In terms of the mining sector, I will be honest with my colleague that the mining associations I deal with in British Columbia do not mine any of these materials. We have not yet seen an implication of unlimited liability apply to mining for uranium. We would be interested in and look forward to the debate in committee.

However, we know that the bonding scheme that has been encouraged through the mining associations has much improved over the last 15 years but it needs a lot more work.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I thank the member for Skeena—Bulkley Valley for his very good presentation on some of the key issues here. I also want to acknowledge the fact that he is really talking about deferring liability to future generations.

I want to ask him specifically why he should trust this current Conservative government or, in the past, Liberal governments when they left legacies in communities where the governments have failed to clean up. Although it is not nuclear, we have former DEW line sites in northern Ontario and in other parts of the north where communities, decades later, are still facing serious cleanup issues and they cannot get any results from government to help them out. Certainly there are the tar ponds in the east.

We have a government that is currently looking at converting freshwater lakes to tailing ponds. We know that future generations will need to deal with that cleanup. A cap on liability, which will then be passed on to taxpayers, why would any community have any faith that it would actually be able to get money out of the taxpayer system?

Mr. Nathan Cullen: Mr. Speaker, I know this is the issue of legacy, and liability is significant in her part of the world where there have been a number of near experimentations tried when it comes to energy mix and some more proposed liquefied natural gas and the rest.

I think Canadians can be forgiven for having a great deal of suspicion and doubt when government speaks about the environment. I actually feel a small amount of sympathy for the Conservatives on various days when I watch them try to wrestle their ideology with what the current polling trends in Canada are showing them, which is that there is a deep and heartfelt concern for the environment, particularly around the issue of climate change, but it extends to other issues such as water quality and species at risk.

The suspicion is well warranted, frankly, because I have watched the government and the previous government up close, a little too closely many days, trying to wrestle with the various choices that they have had available to them. Members all remember the initial thrust of the current government coming into office when it had virtually no interest in the environment whatsoever. It has struggled and stumbled. Canadians can be forgiven for suspecting the government all the more.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I want to respond to the question that the member for Skeena—Bulkley Valley had about why this bill has been introduced. It is actually quite simple.

The reason the bill has been introduced and tabled in the House and why we believe it should pass is that sometimes litigation, in our increasingly litigious society, outweighs the public good. If we look at the experience in the United States with litigation on many issues in the past number of decades, often what happens is that private interests trump the public interest.

We have seen, time and time again, south of the border and sometimes here in Canada where civil suits brought against public or private companies or against governments end up hurting the public interest. That is why there have been caps on litigation and why there have been caps placed on liability. That is the purpose of the bill.

I also would say that nuclear power is an important part of the energy mix and Ontario accounts for 50% of our power output. Many of these reactors will need to be replaced in the coming years and this legislation would assist in that regard.

● (1315)

Mr. Nathan Cullen: Mr. Speaker, my colleague is now straight into the realm of law reform and potentially limiting liability and lawsuit claimants in other jurisdictions. There has been much research on this and I claim no expertise, but oftentimes people point to south of the border and what happens there, where someone sues for $6 million and the net benefit to society diminishes through this structure of law and the ability to seek compensation. If that is the proposal of the government, I have yet to see it. It has not been suggested as a priority if that is where it is headed.

On this issue though, all we have asked is if the Conservatives are going to limit liability that they be up front with Canadians because we will be on the hook collectively for any accidents that go beyond the limit.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, thank you for the opportunity today to comment on Bill C-5 and the modifications of Canada's nuclear liability framework.

Canada was, and if I may say so, is a pioneer in the development of atomic energy. We were at the creation, so to speak, in the 1940s at Chalk River and Montreal. During that period nuclear energy was developed through the cooperation of scientists in a few countries. We continue in that mode today but in a much wider circle.

I would like to centre my remarks on the international aspects in comparison of Bill C-5. I want to put the changes proposed by this piece of legislation into a broader global context. They relate to modifications in international conventions that were first influenced by events abroad. I would like to comment on these conventions and their relationship to Canadian interests, both domestic and international.

Let me begin with the proposal that Canada's nuclear compensation and liability legislation should be consistent with international nuclear liability regimes. This requirement goes beyond mere financial issues related to liability and compensation. It extends to definitions of what constitutes a nuclear industry, what is compensable damage and so forth.

Consistency brings Canada broader national benefits. It makes possible for us to subscribe to international conventions we do not already belong to and makes it easier should we wish to subscribe to them in the future.

There are two such conventions which are important and relate to this legislation, both of which date back to the early 1960s. The first is the Paris Convention on Third Party Liability in the Field of Nuclear Energy. Adopted under the auspices of the OECD, the Organisation for Economic Co-operation and Development, it is very much a European accord. It was reinforced by the Brussels Supplementary Convention. The second accord is the Vienna Convention on Civil Liability for Nuclear Damage. This is a product of the International Atomic Energy Agency, a United Nations body. It is modelled after the Paris Convention but is open to all members of the UN and is not merely concentrated on Europe.

Canada is not a party to either of these conventions. However, the Nuclear Liability Act is a sensible step in the direction of these conventions. It is important for our liability framework to remain consistent with these conventions as they evolve with our international partners.

The two conventions establish compensation limits. In the case of the Paris-Brussels regime the maximum compensation is approximately $500 million Canadian—but may I say that with our rising dollar, who knows where that number will be—and is available through a three tier combination of operator, public and member state funds.

At the time it was adopted, the Vienna Convention set the minimum liability limit at $5 million U.S., based upon the gold standard, the common international exchange mechanism at that time. Today the value is approximately $75 million Canadian. However, in 1997 the signatories revised the convention to establish significantly higher limits for operators. It is now approximately $500 million. The operators' liability can be set at $250 million by national legislation provided public funds make up the difference to $500 million.

At the time of these revisions, a new nuclear liability regime called the Convention on Supplementary Compensation for Nuclear Damage was adopted under the auspices of the International Atomic Energy Agency of the UN. This convention guarantees the availability of approximately $1 billion to compensate for nuclear damage. Half of this amount will be available under the national law of signatory nations and half through contributions made collectively by states that are party to the convention on the basis of their nuclear capacity and a United Nations assessment rate.

This convention is open to all countries regardless of whether they are parties to any existing nuclear liability accord. As a matter of interest, the United States ratified the Convention on Supplementary Compensation for Nuclear Damage in 2006.

● (1320)

Although Canada is not a party to either of these conventions, we participated in their review. We did so in order to monitor international third party liability trends and other issues of interest, such as definitions of nuclear incidents and the extension of time limits for death and injury claims.

For Canada the net result of these changes is a widening gap between Canada's regime and international standards. This makes it increasingly important to update and modernize our own liability arrangements. As a result, the changes in these conventions have influenced Canada's revision of the 1976 Nuclear Liability Act and many of the changes proposed in the new act bear their imprint.

International consistency in these areas benefits Canada at many levels and in many ways. It encourages investment in Canada. It also levels the playing field for Canadian nuclear companies interested in contracts abroad. These companies may be inhibited from bidding because of uncertainty about liability and compensation issues.

Consistency is important for a more fundamental reason. It demonstrates Canadian solidarity with other nations on issues of safety and liability. As a major user and exporter of nuclear power technology, Canada must uphold its reputation for uncompromising excellence, responsibility and accountability.

Bill C-5 is the culmination of a comprehensive review of the Nuclear Liability Act of 1976, which included an examination of its relationship to international standards. This examination led to the proposal of several improvements.

The current $75 million limit has been increased because it would likely not be sufficient in the event of a major nuclear incident. The $650 million that the new legislation proposes reflects the requirements as we understand them today.

Bill C-5 would also extend from 10 years to 30 years the period for a victim to claim compensation, a proposal which increases flexibility for ordinary citizens who may not immediately understand what may have affected them.

The proposed changes also include a redefinition of compensable damages to include environmental damage, preventive measures and also economic loss.

Bill C-5 is important to Canadians, the strength of our nuclear industry and our international stature. It deserves the support of the House.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the member for Skeena—Bulkley Valley pointed out earlier that so far no member of the government had talked about what would happen if claims should exceed the cap that is outlined in the bill. I wonder if the member could comment specifically on that since, as I pointed out in an earlier question, we currently have any number of situations in this country where people who are residing in areas who have had other kinds of contamination are still waiting for some sort of movement from the government. The former DEW Line sites would be a classic example.

I wonder if the member could comment specifically on that question.

Mr. Bradley Trost: Mr. Speaker, I will put my hon. colleague's comments and question into context on a few things.

First, as the bill provides, should the damages on a potential low risk incident rise above $650 million, Parliament would be brought together to discuss it. I want to put that $650 million into context.

Studies have been done on whether or not there would be liability in the event of a major incident and what that liability would be. The incident at Three Mile Island in the United States was looked at. Translated into Canadian dollars, real dollar value now, the liability from that incident, which was viewed as a major incident, was about $100 million.

I would like to add to the basic background to give some sort of an idea of what sort of damages we may be potentially looking at.

In 2003 the Canadian Nuclear Safety Commission contracted an independent firm to study what the economic loss, the personal loss, et cetera would be from a major incident. It went through the criteria, looked at a possible major incident in a plant, and I believe that Darlington was the plant that was used as the model, and it came to the conclusion that as a worst case scenario, it was looking at $100 million with what we have in Canada.

While I am very open to hon. members thinking that $650 million would not compensate, independent studies in 2003 indicated it would be well below that level. There are other aspects available for other funds, and also, there is a provision in the bill where every five years the minister would be required to review it. I believe the $650 million figure could rise, which is something that has not been noted in the bill yet, and if in the future it was felt this amount was insufficient protection for taxpayers, the limit could be raised.

Looking at the numbers, $100 million is what the amount has been in the past and what has been estimated would happen. I think that $650 million, with the potential for that amount to be raised, is sufficient before the issue would be brought to Parliament to be looked at further.

● (1325)

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am delighted to speak to Bill C-5, An Act respecting civil liability and compensation for damage in case of a nuclear incident.

This is an important debate in this Chamber today, because the issue of nuclear energy will occupy a greater place in our discussions in the years to come. There are three important issues that I would like to point out before heading directly into the debate on Bill C-5. First, this government decided in recent weeks to join the nuclear club and to use all international forums to promote an energy source which, according to the federal government, is considered clean.

I was in Kyoto in 1997, when the international community decided to exclude nuclear energy as an energy source that could benefit from emission credits under the Kyoto protocol. I remember the debates we had in Japan about this energy source. Of course it can reduce our greenhouse gas emissions but it creates other important external factors including, among others, radioactive waste. No one can promote this form of energy and this alternative without having a plan for better ways of managing the resulting waste.

A major conference called Climate 2050 was held in Montreal last week. A leading researcher, Thomas Cochran, appeared before the international community and said that, in the view of American environmentalists, the nuclear industry must play a more active role in dealing with the problems related to the underground storage of nuclear waste.

These problems are extremely important in Canada, where some provinces have decided in favour of nuclear energy. I could mention Ontario, which, among other things, has just decided to modernize its nuclear facilities. I could also mention New Brunswick, which recently decided to favour this approach.

The controversy surrounding nuclear power will therefore only intensify in the years to come. We will have to remain very cognizant of the technologies that are developed and the approaches that the government recommends in the years to come.

We will have to be vigilant because we know as well that Quebec has only one nuclear power plant on its soil. This facility is responsible for barely 10% of the nuclear waste produced in Canada. Nevertheless, among the storage sites and possible sites that the federal government has recommended so far, we find the Lower North Shore. We certainly would not want Quebec to become the nuclear garbage bin of Canada when we account for barely 5% of Canada's nuclear waste.

I therefore call upon the government to be very careful with the decisions it makes in the next few years. The liability regime in case of nuclear accidents is very important. This is the issue addressed in Bill C-5. Its stated purpose is to establish a liability regime applicable in the event of a nuclear incident that makes operators of nuclear installations absolutely and exclusively liable for damages up to a maximum of $650 million.

Back in 1976, Canada passed the Nuclear Liability Act, which made the operators of nuclear installations liable for damages in the event of nuclear incidents and set the amount of coverage required at $75 million. Part II of the act enabled the Governor in Council to establish a nuclear damage claims commission to deal with claims for compensation in the event that the federal government concluded that the cost of the damages resulting from a nuclear accident could exceed $75 million.

● (1330)

Since the operator's liability was limited to the amount of its insurance, the federal government would therefore probably have to absorb the difference.

We can hardly oppose a proposal to increase the amount of coverage to $650 million. I will come back later to the question of whether this increase to $650 million is enough. There will certainly be a debate in the Standing Committee on Natural Resources, on which my friend from Brome—Missisquoi sits, because there is good reason to think that this is not sufficient at the present time.

In Chapter 8 of the 2005 annual report of the Commissioner of the Environment and Sustainable Development, she dealt with this issue of the insurance required of operators of nuclear installations. What did she conclude? She said that the accident insurance requirements for nuclear facilities did not meet the international standards. This meant, among others, the Paris convention and the Vienna convention. The coverage would therefore inevitably have to be increased.

The Standing Senate Committee on Energy, the Environment and Natural Resources studied this issue, as we recall, in June 2002. It concluded that the $75 million of coverage required under the act was terribly inadequate. I repeat that, in the committee's view, this coverage was inadequate in light of the prevailing international standards. The committee set the stage, therefore, for the conclusion that the Commissioner of the Environment and Sustainable Development would reach in 2005.

The committee added that when the senior officials from Natural Resources Canada appeared they even said that, taking inflation into account, $250 million in today's dollars would be equivalent to what the act provided for when it was passed, and that to come up to the international standard, that would have to be increased to about $650 million.

As a result, despite the changes and the increase in the number of facilities that can be anticipated as a result of the decision by some provinces to encourage the construction and modernization of some of their nuclear installations, the bill simply brings the coverage up to standard in terms of the international conventions. Given the decisions that will be made in Ontario and New Brunswick, we might even doubt that $650 million will be considered to be an adequate coverage level, since taking inflation alone into account would call for coverage of $650 million to comply with the international conventions.

We should also note that in the United States, as my colleague in the NDP was saying earlier, the Price-Anderson Act limits the liability of commercial nuclear plant operators to $9.4 billion U.S. nation-wide. For each reactor, the operators have to take out private insurance for $200 million U.S. plus a second-level policy for $88 million U.S. South of the border, the operators' coverage and liability requirements are already higher than what we have here in Canada.

An American study done in 1982 showed that the worst-case scenario for an accident in a nuclear plant would result in costs on the order of $24.8 billion U.S. and $590 billion U.S. Coverage is therefore needed. In a few weeks, members will be able to consider in committee if our coverage is sufficient.

● (1335)

What is even more deplorable is the slack approach taken by the government since 1976, especially since the worst nuclear catastrophe the world has seen, Chernobyl, happened in 1988. How is it that the federal government has waited all this time before acting and proposing an increase in the coverage level?

Today, I would make it clear that we support Bill C-5 in principle. However, as parliamentarians, we will have to focus on the entire issue, both the question of nuclear power and the question of nuclear waste. We will also have to consider those questions with a view to the danger of nuclear weapons proliferation in the world in future.

In my opinion, this issue must be examined in its entirety. Naturally, we support Bill C-5, as my colleague has said. Of course, an in-depth discussion must be held about both the question of radioactive waste and the advisability of encouraging this type of power. Most importantly, we will have to examine the level of coverage and liability for nuclear energy promoters in Canada.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to congratulate my colleague for his speech, which was very clear.

I would like to ask him a question about the life cycle of a nuclear plant. A life cycle includes all costs: research and development, construction, operation, insurance, police surveillance around the plant, security, decommissioning, demolition, decontamination and the monitoring of waste for one or several thousand years.

I would like my colleague to tell me one thing. If all these resources were invested and the government was not involved, would the private sector still be interested in operating nuclear plants, for which the costs are very high? I would like him to tell me if he thinks that the costs are enormous.

If the project was truly evaluated, given its life cycle and including the externalities which are not usually covered by the private sector, would a nuclear plant be feasible and profitable?

● (1340)

Mr. Bernard Bigras: Mr. Speaker, one environmental concern that must always be examined when considering such a question is the life cycle of a product. That is crucial. Issues linked to the transportation of waste must also be examined. Basically, someone has to ensure the necessary investments are made, from the research and development stage to the waste treatment stage.

We can see very clearly where the nuclear industry is headed in Canada. For example, certain areas of Quebec and Canada will be asked to bury nuclear waste in their land, with the promise of astronomical payments. In reality, that waste must be treated.

I am very concerned about the scenario being presented by the federal government, where three sites are the focus. I am thinking specifically about the Labrador site, but also about the North Shore site. An attempt is being made to convince certain mayors that taking on this kind of waste will enrich their region.

One thing must be considered, and that is the Seaborn commission report. My colleague from Sherbrooke, who is present here today, was our natural resources critic at the time. What is needed is a solution that is technologically acceptable. Yet the Seaborn report indicated that social acceptability is just as important in any proposed solution.

As my hon. colleague from Brome—Missisquoi said, this assessment must take into consideration the entire life cycle of the product, and not be conducted only by sector or by niche. The problem is comprehensive and the solution must be equally comprehensive.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, I would like to begin by congratulating my colleague on his speech about the nuclear industry and nuclear waste management. These days, as we all know, when it comes to disposing of any kind of waste, people almost always say, “Not in my backyard”. That is currently the biggest problem we have with household waste.

In terms of nuclear waste, apparently they have figured out a way to treat it or bury it, but deciding where to bury it is a big problem. Earlier, they said it might be in Labrador or on the North Shore, and they promised astronomical compensation and fees.

When I was a member of the natural resources committee, I was worried that once they found a so-called acceptable method, Canada would open its doors to nuclear waste from other countries because nobody on this planet wants to worry about managing it. It also looks like locations have been selected. Nearly all of the locations where the government wants to bury nuclear waste are in Quebec, even though Quebec is home to just one of Canada's 22 nuclear plants and accounts for a very small proportion of the country's nuclear production.

I would like my colleague to comment on the possibility that countries that are currently producing nuclear power will be looking for places to bury nuclear waste that are not on their own soil.

Mr. Bernard Bigras: Mr. Speaker, that is a very good question. Quebec has only one nuclear power plant, and the preferred waste disposal site is on the lower North Shore. For the information of the Conservative member from Quebec, there is only one nuclear plant in Quebec: Gentilly.

The federal government needs to keep in mind that Quebec is responsible for about 5% of the nuclear waste produced here in Canada. Yet the government has included three sites, including the site on the lower North Shore. My colleague is right. We also have to look at how we will move this waste. Will we use the St. Lawrence Seaway, which our friends opposite claim could be a terrorist target? There is a very real risk associated with the government's decision to choose the lower North Shore site for the treatment and disposal of nuclear waste in Canada. There is the question of responsibility.

Let me give the House some background. In the 1960s, we had the choice between nuclear and hydroelectric power. We chose hydroelectricity. In Quebec, 95% of our electricity is hydroelectricity and comes from renewable sources. And today, we are being told by the members opposite that Quebec would be responsible for 95% of Canada's nuclear waste? I do not believe that Quebeckers will be very happy to make that choice. That is why I do not believe this waste should be treated in Quebec.

● (1345)

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak to Bill C-5, An Act respecting civil liability and compensation for damage in case of a nuclear incident.

From the outset, we will have to make changes in committee. The Bloc Québécois will have to make improvements to the bill, as it always does to protect the interests of Quebeckers as well as Canadians. I must say that just because we are tackling Bill C-5 to increase compensation for damage, does not mean we support the Conservative government's whole plan for developing nuclear energy.

I find it very inconsistent of the government to introduce a bill in this House to increase compensation for damage while the Prime Minister is currently prohibiting his ministers from discussing the entire nuclear energy plan. It is being discussed in secret, behind closed doors, with the United States among others, in the framework of the global nuclear energy partnership.

Those who follow the news in print media understand quite well that the Prime Minister's Office issued an order banning his ministers —and his members of Parliament—from talking. It is clear that the Conservative Party intends to move forward with developing nuclear energy. It is not for nothing that it is introducing Bill C-5 to increase compensation for damage. Since 1990, the government has been very lax and has not increased the amount of compensation for damage in case of a nuclear incident.

Today, the government is introducing a bill as a precursor. It is increasing compensation for damage. It seems that the Conservative government intends to push the development of nuclear energy and invest time and money on the side, in secret, while preventing its members of Parliament and its ministers from talking about it.

This is very difficult for us, as Quebeckers, in the Bloc Québécois. Earlier my colleague from Rosemont—La Petite-Patrie explained quite well that there is only a single nuclear power plant in Quebec. Roughly 95% of our energy comes from hydroelectricity, without a cent from the federal government. I want to remind my colleagues from all the parties that Quebec developed hydroelectricity without any federal money by using the hydroelectricity fees and the taxes paid by Quebeckers.

So, you will understand our hesitation when we see the federal government using public funds to invest in nuclear energy or any other kind of energy while we in Quebec have developed hydroelectricity using our own tax revenues. Yet we pay one quarter of the bill when the government decides to invest in nuclear or other, fossil fuel energy. It is difficult to accept, especially because the wrong message is being sent. The Conservatives have become the master impressionists. They are trying to give the impression that they will solve our energy problems.

Witness the news release issued in June by the Minister of Natural Resources. The title was “Canada's Nuclear Future: Clean, Safe, Responsible”. The minister wanted to spread the message that it is clean energy. However, in responding to a journalist’s question about what would be done with radioactive waste, if nuclear energy were developed, he said that he did not know. They do not know where they will bury radioactive waste. They have not yet decided.

As my colleague from Rosemont—La Petite-Patrie said, there is one part of Quebec where they hope to offer significant royalties to Quebec for burying radioactive waste produced in other parts of Canada. Surely, you will understand our hesitation. They are trying to make us believe that nuclear energy is clean, even though there is a large and serious problem concerning nuclear waste. This Conservative government, just like the Liberal government before it, has not been able to solve this problem.

Nuclear energy creates considerable waste. Where and how is that waste going to be buried? What will be the result of all that, especially, in terms of transport? Absolutely nothing has been settled but the federal government decided to go ahead and participate, under the table, as I have explained, in discussion with other partners, including the United States, as part of a global nuclear energy partnership. They want to develop a nuclear network. They do not know where the radioactive waste will be disposed. Obviously, they hope that Quebec will accept it. You should understand that we produce only about five percent of all the nuclear waste produced in Canada.

● (1350)

Some people want Quebec to accept all the nuclear waste. You must know that the people of Quebec will not be fooled. This bill, which is in three parts, covers the operator’s responsibilities, the conditions and financial limitations of responsibility and the establishment of a nuclear claims tribunal.

The fact that the amount of damages jumps from $75 million to $650 million reveals the laxity of the federal government over the past 31 years because there have been no amendments in all that time. This is the first time that a major amendment has been introduced.

Clearly, one must ask a serious question. Is the amount of $650 million sufficient, considering that, in our opinion, the federal government should not be investing any money in nuclear development?

We should leave the responsibility of paying the full amount of the bill to those who want to develop this kind of energy. You must understand that in Quebec, it was Quebeckers themselves who paid for hydroelectric development. Therefore, it would be perfectly normal that those who want to develop the nuclear option should pay the whole cost.

Quebeckers do not need to be obliged to pay one-quarter of this bill because they already provide between 23% and 25% of all the money that Canada spends. We would like to say something about the fines. If there is a violation some day, will $650 million be enough? We will study this in committee. Witnesses will be called and we will place our trust in the committee responsible for improving this bill.

At first glance—and from reading articles by people who are knowledgeable and expert in the field—we are inclined to say that the fines will have to be substantial because the damages from nuclear catastrophes can be incredibly large. In view of what happened at Chernobyl, the last great nuclear catastrophe, I do not think that $650 million will suffice. The bill should be very clear on the levying of fines and the way in which the nuclear industry should be allowed to develop so that funds can be created that are sufficient to deal with nuclear incidents or catastrophes.

If Canada wants to go in this direction and the Conservatives intend to continue what they have started over the last few weeks and months, that is to say, international negotiations or discussions on the development of the nuclear industry, it will be very important for them to be able to impose rules on the people involved in this form of energy. In our view, it should not be up to the federal government to provide any money at all for the development of nuclear power.

The provinces and people who want to have this kind of power should do it, but they should also create a compensation fund so that it is not the taxpayers, including those from Quebec, who are summoned once again to cover some of the bill.

I will never be able to say it enough, but it is very important for my colleagues to understand that the federal government did not contribute any money at all toward the development of the entire hydroelectric system in Quebec. It was Quebeckers who did it. The federal government never contributed. This was not the case, however, of the development of fossil fuels, including oil, and more than $40 billion has been invested since 1990 in the development of other kinds of energy, including nuclear.

We would therefore like it to end. We have to stop making Quebec pay for developing other people’s energy, while we ourselves are paying, with no federal assistance, to develop our own energy. It bears repeating: hydroelectricity is clean energy and we are proud of it. This is a choice that Quebeckers made in the 1960s. We could have chosen nuclear power, but we decided to invest in hydroelectricity, and it has paid off for us. It is what has made Quebec the first province to be able to meet the Kyoto objectives.

If Quebec were a country, we would have ratified the Kyoto protocol. We would be taking part in discussions about the carbon exchange and we could be benefiting our businesses, which have clearly made efforts, in both the manufacturing sector and the aluminum industry, and which have succeeded in reducing their emissions based on the objectives set in the 1992 Kyoto protocol.

Quebec companies have thus done far better than the Kyoto objectives set in 1992. As of today, we would be able to sell credits on the carbon exchange. That is not the case, because obviously we are part of Canada, which will never ratify the Kyoto protocol, regardless of what the federal government's environment ministers may say, particularly the Conservatives, who are trying to negotiate agreements with other countries that would run flatly counter to the Kyoto protocol and try to create their own system for doing things.

● (1355)

All the while, the icebergs are melting in the North and we are talking about a navigable passage in the North. This is a direct consequence of the greenhouse gases that are destroying the most beautiful ice fields on the planet, on which a large part of our ecosystem depends. This is a choice made by the Conservatives. We see it again today, with bills to oversee nuclear development, with a Prime Minister who stops his ministers from even talking to journalists about the nuclear option. We see where this government wants to go: against the Kyoto protocol, pro-nuclear, pro-war, everything to destroy our wonderful planet. This is the choice made by the Conservatives.

It is clear that the purpose of my speech is to state that although the Bloc Québécois does support this bill to increase liabilities and fines for those who could cause damage through a nuclear catastrophe, it is not because we support the development of nuclear energy. Quite the contrary, we will completely defend only the development of clean energy that does not produce radioactive waste.

Once again this government is making a mistake by trying to sell nuclear energy as a clean energy source. No, it does not emit greenhouse gases, but it does produce radioactive waste that takes tens of millions of years to break down. The exact figure has not yet been calculated. We should be able to decontaminate this waste. We must stop trying to bury it. Given that the technology has not yet been developed, Canadian regions, including Quebec's North Shore among others, are offered large sums. There is a wish to bury the waste from other Canadian provinces in Quebec, despite the fact that Quebeckers decided to develop a clean energy, hydroelectricity, using their own money.

It is clear now that the Bloc Québécois will support bill C-5, but it will make improvements to it in committee. As for the $650 million in damages, we find that a very low figure given that a nuclear catastrophe would cost a great deal more. Witnesses will be called in order to adjust this amount. This does not mean that, while we support Bill C-5, we support the way in which this Conservative government has decided to develop nuclear energy, behind closed doors, in secret negotiations with other countries.

● (1400)

The Speaker: I am sorry to interrupt the honourable member for Argenteuil—Papineau—Mirabel. He will have seven minutes for his comments after oral question period.

AUDITOR GENERAL OF CANADA

The Speaker: I have the honour to table the report of the Auditor General of Canada for 2007. The report includes a supplement on environmental petitions from January 5 to June 30, 2007.

[*English*]

Pursuant to Standing Order 108(3)(g) the document is deemed to have been permanently referred to the Standing Committee on Public Accounts.

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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The Speaker: I have the honour to lay upon the table, pursuant to subsection 23(3) of the Auditor General Act, the report of the Commissioner of the Environment and Sustainable Development to the House of Commons for the year 2007.

[*Translation*]

This document is referred permanently to the Standing Committee on Environment and Sustainable Development.

STATEMENTS BY MEMBERS

[*English*]

MALARIA

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Speaker, spread through the bite of an infected mosquito, malaria is the leading killer of children in Africa. A child dies every 30 seconds, 3,000 children every day. It is horrific and shocking statistic, particularly when we know that malaria could be prevented through the use of an insecticide treated bed net.

Established in 2004, Buy-a-Net Malaria Prevention Group is the first Canadian citizen driven initiative aimed at the prevention of malaria, one village at a time in Africa. Buy-a-Net is an example of effective action and leadership on the global war on malaria.

Through Buy-a-Net, Canadians have the opportunity to truly make a difference in the battle against this preventable disease.

It is with pride that I bring attention to the efforts of Canadians helping to protect children in Africa from malaria.

* * *

PETER GARRISON

Hon. Raymond Chan (Richmond, Lib.): Mr. Speaker, on October 19 a terrible tragedy befell my community of Richmond. Peter Garrison died when his plane crashed into a high-rise. The accident cost us his life, injured two others and left as many as 135 members of my community homeless.

I am proud that our community has responded spontaneously. The Tsu Chi Foundation was first at the scene and S.U.C.C.E.S.S. and the Richmond emergency social services unit were all there to help the victims. Many citizens have opened up their homes to help.

I have met with many of the victims and they have several important questions to ask the government.

Why is the minimum airplane insurance set at $100,000?

Should changes be made to the flight plans taking planes away from densely populated areas?

Should stricter licensing requirements be made based on age and previous accidents?

We must take the necessary steps to make sure this never happens again.

* * *

[*Translation*]

ACCESS TO WATER

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, we would like to offer our sincere congratulations to Guy Laliberté for launching ONE DROP, a global foundation to deal with access to water issues.

The founder of Cirque du Soleil has committed to a $100 million contribution over the next 25 years. The Royal Bank of Canada and the Prince Albert II of Monaco Foundation were among the first to join the initiative.

Guy Laliberté's desire to create this foundation reminds us of a serious problem: at least every eight seconds, a child dies because of lack of access to drinking water. A pilot project has already been implemented in Nicaragua, one of the poorest countries in the world, with the help of OXFAM International.

The Bloc Québécois believes that anything done to improve the living conditions of impoverished people throughout the world represents a step forward for humanity. For this reason, we would like to commend the ONE DROP initiative.

* * *

[*English*]

GOVERNMENT PROCUREMENT POLICY

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, we make the best buses in the world right here in Canada, but when the military needed 30 new troop carrier buses, it gave the contract to a company in Germany. Why? Because the German bid was one-half of 1% lower than Motor Coach Industries in Winnipeg or Prévost Car Inc. in Quebec.

Canadian workers got screwed out of these jobs for less than $2,000 per bus on buses that cost $500,000 each to build. We sold out Canadian workers for less than the cost of a set of tires.

Now our tax dollars are creating jobs in Germany instead of in Winnipeg or Quebec. Now government will not get the tax revenue that would have paid for a quarter of the total purchase cost of the buses and, worst of all, this shortsighted stupidity sends a message to all of our NATO allies, “Hey, if you want to buy a really good troop carrier, buy German. That's what we did”.

We need a made in Canada procurement policy. If our own government will not stand up for Canadian manufacturing jobs, who will?

● (1405)

[*Translation*]

DAVIE SHIPYARD

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, a new day is rising on Lévis.

Yesterday, I was at the Champlain dry dock of Canada's largest shipyard to attend the laying of the first block ceremony for an ultra-sophisticated offshore-built ship in the presence of 425 workers, dignitaries, clients and journalists.

Twenty months ago, the Davie Shipyard, which had been in operation since 1825, was on the verge of bankruptcy and engaged in an almost irreversible final winding-up process. This might have happened had it not been for the extraordinary persistence and perseverance of those who built it and who work there.

Today, it is a revitalized shipyard with state-of-the-art equipment, an impeccable yard and orders for five ships totalling $635 million to be delivered by 2010. What spectacular turnabout.

I want to tip my hat to Davie's president, Gilles Gagné, and his loyal team of experienced managers, to the union's president, Paul-André Brulotte, and all the workers and their families, as well as to Tore Enger and Sigurd Lange, from Teco Management. I pay tribute to them for having lead the shipyard to a successful recovery against all odds.

Long Live Davie Quebec.

* * *

[*English*]

NEW DAWN ENTERPRISES

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, I have the pleasure today to rise to speak about an organization in my riding called New Dawn Enterprises. It is a private, volunteer directed, not for profit organization dedicated to building community.

New Dawn has units of affordable housing located on the old radar base in Sydney, Cape Breton, which has been renamed the Pine Tree Park. The Pine Tree Park has about 40 units of affordable housing, but now only 17 are occupied. Other units cannot be occupied because the soil is contaminated.

The community council, made up of various community organizations, have taken the lead in trying to get the Department of National Defence to act.

I am calling on the Department of National Defence and the minister from Nova Scotia to take action and have this site cleaned up without delay. Currently, there are 23 units vacant and this is unacceptable as they can be occupied by families in need.

* * *

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY

Mr. Mervin Tweed (Brandon—Souris, CPC): Mr. Speaker, it is with great pride and honour that I rise today to speak about the brave men and women of 2nd Battalion Princess Patricia's Canadian Light Infantry.

In the new year, approximately 800 personnel from 2nd Battalion based in CFB Shilo will be deployed to Afghanistan. Although PPCLI from our local Canadian Forces Base Shilo has been active in every deployment to defend the Afghanistan people, this is by far the largest contingent. They are preparing to play a lead role in the mission to rid the country of the Taliban terrorists and bring freedom and democracy to the people.

Much has been done, but there is much more to do. I salute these brave men and women of CFB Shilo, as well as all of our Canadian troops as they continue their work defending and rebuilding the war-torn country in their quest to bring peace to the people of Afghanistan.

On behalf of the people of Brandon—Souris, myself and all Canadians, I wish them all the best and a safe return.

* * *

[*Translation*]

SENIORS

Mr. Raymond Gravel (Repentigny, BQ): Mr. Speaker, October 1 was International Day of Older Persons. To mark the occasion, the federation of seniors' clubs of eastern Quebec organized a seminar and invited all of the political parties. The only one to attend was the Bloc Québécois. It was clear from the seminar that the Bloc Québécois is needed, now more than ever, to relay seniors' demands to Ottawa.

Lack of representation from federalist parties says a lot about how important they think seniors are. The Bloc Québécois, on the other hand, will continue to bring seniors' demands to Ottawa. The Bloc demands full retroactive payment of all moneys owed from the guaranteed income supplement. The Bloc also demands that the government invest necessary funds in social and affordable housing, transfer funds to Quebec to provide adequate support to caregivers, and substantially increase the guaranteed income supplement.

In conclusion, my colleagues and I will continue to stand up for the men and women we now call seniors, the men and women who shaped our society.

* * *

[*English*]

AFGHANISTAN

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, last Thursday the chief government whip and his wife Leah, together with Afghan Ambassador Omar Samad and his wife Khorshied, co-hosted a hugely successful shawl sale at the National Arts Centre here in Ottawa.

These beautiful scarves are hand-woven by talented women in Afghanistan, using pure silk from Herat, an ancient city in western Afghanistan.

At last week's event, 296 scarves at $80 each were sold and a total of $23,680 was raised. Every dollar will be returned to these entrepreneurs, providing them with critical financial support while promoting literacy among Afghan women and children.

We wish to thank the NAC, Apotex and all the MPs and staff who supported this effort to help women and their families in Afghanistan.

This very successful event so well demonstrates the enduring Canadian spirit of people helping people, both here, at home and around the world.

* * *

● (1410)

ARCTIC SOVEREIGNTY

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, Arctic sovereignty begins at home, as Mary Simon, Canada's former Ambassador for Circumpolar Affairs, wisely points out.

[*Translation*]

We need to focus on positive references to northern Canada and the emphasis on Arctic sovereignty in the Speech from the Throne in order to ensure that aboriginal peoples share that vision and can take part in the sustainable development of the changing landscape in northern Canada.

[*English*]

This means consulting with Inuit, Métis and first nations people of the north as Canada's strategy for that region is developed.

International Polar Year runs through 2008 and marks the largest ever international program of scientific research focused on the Arctic and Antarctic regions. Thousands of scientists and researchers from more than 60 nations around the globe are participating.

Congratulations to Canadian Inuit leader Sheila Watt-Cloutier, who was a recent runner-up for the 2007 Nobel Peace Prize for her work on climate change and human rights.

We have started, but more needs to be done. Let us get on with it.

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CANADIAN COAST GUARD AUXILIARY

Mr. Fabian Manning (Avalon, CPC): Mr. speaker, I am proud to rise today and acknowledge the hard work and dedication of the Newfoundland and Labrador members of the Canadian Coast Guard Auxiliary.

The Canadian Coast Guard Auxiliary was established in 1978 and is made up entirely of dedicated volunteers.

The courageous 924 men and women of Newfoundland and Labrador assist the Coast Guard in marine search and rescue operations and prevention. Through joint efforts they work together to achieve the common objective of preventing the loss of life.

Today in particular, I would like to highlight: Mr. John Roberts of Woody Point, Ford Ward of La Scie, George Durnford and George Fudge of Francois, Nelson Waterman of Fogo, and Raymond Cull of Joe Batts Arm, who have all recently received lifetime dedication and service awards.

As well, Claude Normore of L'anse au Loup, Kenneth Mesher of Happy Valley, Raymond Petten of Bareneed, and Perry and Glenn Burton of Lewisport, who have received their 25 year service awards.

Congratulations. Our many thanks and much applause for their great contributions.

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NUCLEAR WEAPONS

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, last Thursday the International Campaign to Abolish Nuclear Weapons, ICAN, was launched by Physicians for Global Survival, the Parliamentary Network on Nuclear Disarmament and Canadian Hiroshima survivor Setsuko Thurlow.

ICAN's goal is a nuclear weapons convention banning the development, possession and use of nuclear weapons.

Nuclear weapons have no military or security utility and their use can never be justified. Accidental use poses serious risk.

Nuclear weapon states continue to upgrade and build new nuclear weapons and other states seek to acquire them. De-alerting nuclear weapons must happen immediately. A no first use policy, a pledge never to initiate a nuclear exchange, must become universal.

Canada must become a nuclear weapons-free zone, call for the dismantling of nuclear weapons assigned to NATO, deny entrance to nuclear weapons in our ports, and stop exporting uranium to any nation that has nuclear weapons or has not signed the Nuclear Non-Proliferation Treaty.

* * *

AUTOMOBILE INDUSTRY

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, last year the Canadian auto sector had a trade deficit for the first time since 1987 and is on track for a much larger one this year.

Massive restructuring at GM and Ford, and the huge rise of the Canadian dollar have eroded our auto trade surplus for exports to the United States. At the same time, our automotive trade deficit with the rest of the world has grown.

The result has been the loss of tens of thousands of Canadian jobs in this sector. The region of Waterloo alone has lost 2,850 auto parts jobs in the past three years due to closures and downsizing.

Canada has a $3.5 billion trade deficit with Korea, $1.7 billion of which is in the auto sector. An unfair trade deal with Korea will mean over 4,000 more jobs lost in the auto sector and over 30,000 manufacturing job losses for Canadians. We must say no to a free trade agreement with Korea.

* * *

[*Translation*]

LOCO LOCASS

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, it gives me great pleasure to pay tribute to the francophone rap group Loco Locass, which was named patriot of the year by the Société Saint-Jean-Baptiste. This title is given each year to people who have distinguished themselves with their enthusiasm for defending Quebec's rights as a nation. This year's choice confirms that the younger generation in Quebec is committed and ready to continue the fight for the French language.

This francophone rap group is made up of Quebeckers of diverse and mixed origins who describe themselves as being like a quilt. French and independence are their causes and their themes, which they explore in their exquisite rhythms and wonderful lyrics.

My Bloc Québécois colleagues join me in congratulating Loco Locass on being named patriot of the year. We are proud of its commitment to defending sovereignty and the French fact.

* * *

● (1415)

REMEMBRANCE DAY

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I would like to take advantage of the occasion of Remembrance Day to pay tribute to all the men and women who have fought on behalf of Canada to ensure a free and prosperous future for Canadians.

In remembering the millions of Canadians who have served their country during various conflicts, as well as the tens of thousands who have given their lives defending our ideals, we recognize the importance of their sacrifices.

These men and women believed that their actions would have a positive impact on the future and they were right.

What is all too often forgotten, however, is that when Canadians went off to war, they did so, first and foremost, to defend our values, institutions and democracy.

Thus, it is our duty to ensure that their dream of peace is realized and lasts forever. Let us never forget.

* * *

[*English*]

ECONOMIC STATEMENT

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, today the statement on Canada's economic and fiscal health will be delivered outside the House of Commons because of obstructionist tactics by the NDP.

The NDP's latest move is an outrageous and hypocritical reversal of its previous position that major announcements should be made in the House.

The NDP House leader sat on a parliamentary committee which recommended that “more ministerial statements and announcements be made in the House of Commons”.

Perhaps the NDP has changed its position because it does not want Canadians to be reminded that it is under this Conservative government that the economy is growing. We have the lowest unemployment rate in 33 years and taxes are being cut, leaving more money for Canadians to spend, save and invest.

Canadians know that it is thanks to this Conservative government that they have more money in their pockets. They deserve better than petty NDP partisan games. It is time that the NDP started working with this Parliament instead of holding it back.

ORAL QUESTIONS

[*English*]

ELECTIONS CANADA

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, on Monday, when I learned about the allegations of improper campaign spending by a Liberal MP, I took immediate action.

However, months after Elections Canada ruled against 17 Conservative MPs, the Prime Minister has done nothing and even refuses to answer questions about the Conservative electoral scam.

Why, what did he know and when did he know it?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I continue to be amazed that the Liberals rise on this issue.

I think John Ivison put it best in the *National Post* today when he wrote:

> What can be said with confidence is that the Liberals are wasting their daily parliamentary showcase.... Unfortunately for the Liberals, it's their brand that has cornered the market on illegal party funding in recent years.
>
> All this suggests that [the Liberal leader's] problems cannot be explained by bad luck, his poor English or his lack of charisma. Rather, it is a question of judgment. Some really questionable strategic decisions have been made by the leader.

I think that is pretty clear.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Conservative Party would be better off reading Elections Canada rather than the *National Post*. It would learn that of the $1.2 million in over-the-limit election expenses for the last campaign, the Conservatives are attempting to get $800,000 back from Canadian taxpayers. The Prime Minister says nothing and does nothing but he must answer for this.

What did he know about these election shenanigans? When did he find out?

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, yesterday, the member for Notre-Dame-de-Grâce—Lachine stood in the House and said that the member for West Vancouver—Sunshine Coast—Sea to Sky Country did the right thing and today it sounds like the Liberal leader agrees.

Let us review what he did according to his campaign workers: illegal cash payments, non-disclosure of campaign expenses, deliberate efforts to hide spending from Elections Canada and swept it all under the rug until it was on the front page of the Vancouver *Province*.

That may be what the Liberals call doing the right thing but that is what Canadians call Liberals doing business as usual.

● (1420)

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the contrast is striking. The Liberal Party is asking Elections Canada to investigate immediately. The Conservative Party is attacking Canada in court.

The Prime Minister does nothing but one day he will have to answer. He will have to explain himself. This is unavoidable. Why not now?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, as I have said many times, all our activities are entirely legal and follow the law. In fact, they are all publicly recorded and transparent.

It is very different from the Liberal practice. I will read, just for nostalgia, from a *Globe and Mail* report from 2005:

> Marc-Yvan Côté, the Liberals' top organizer for eastern Quebec, distributed $60,000 in cash to several party candidates gathered in Shawinigan for the launch of Jean Chrétien's riding campaign in the 1997 election....

It sounds like the cash envelopes that were handed out in west Vancouver to Liberal organizers.

* * *

INCOME TRUSTS

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, one year ago tomorrow, the Minister of Finance devastated the savings of Canadians and wiped out $25 billion in market value in one press conference. Happy Hallowe'en, Mr. Minister. That was all because he broke a promise not to tax income trusts.

This afternoon, the same Minister of Finance will make more promises to Canadians. Considering his record, how can Canadians believe anything the Minister of Finance will promise them?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I thank the hon. member for his question that does lead into a wonderful opportunity. We are all looking forward to hearing the Minister of Finance deliver a fall update. Unfortunately, we are unable, because of the NDP, to hear it in the House where it should be given.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, one year ago, the Minister of Finance betrayed those Canadians who believed the Conservative promise that they would not tax income trusts. The savings of millions of Canadians disappeared like snow in the sun. This afternoon, this same Minister of Finance will make more promises.

How can Canadians believe him given that he did not keep his past promises?

[*English*]

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I think we would be assuming the promises that will be made. However, we all need to look forward to some good news coming out of this that I wish everyone in this House could be in their seats to listen to.

It is all about tax fairness and it is a little coincidental that opposition members are talking about tax fairness when they do not seem to be able to support the initiatives in our budgets and in our Speech from the Throne.

* * *

[*Translation*]

AFGHANISTAN

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, the Minister of Foreign Affairs said that allegations of torture in Afghan prisons were nothing but Taliban propaganda. However, according to the Afghanistan Independent Human Rights Commission, one third of prisoners are still being tortured. Even Foreign Affairs Canada's departmental spokesperson admitted that she had heard the allegations of torture. I do not suppose that she is a member of the Taliban.

Given that Canadian representatives have visited Afghan prisons 11 times, will the Prime Minister release a report on these visits so we can all know what happened?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is the nature of the Taliban to make such allegations. We should not assume that all of these allegations are based in fact. Nevertheless, in accordance with the agreement signed with the Government of Afghanistan, whenever such allegations surface, the government investigates.

● (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it may be the nature of the Taliban to make such allegations, but is it the nature of the spokesperson for Foreign Affairs Canada and of the Afghanistan Independent Human Rights Commission to take such allegations seriously?

Is the Prime Minister aware that as soon as such allegations surface, Canada must stop turning detainees over to Afghan authorities because to do so would be a violation of the Geneva convention? That is serious.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, there is a process in place to deal with all such allegations. We have an agreement with the Government of Afghanistan.

The Government of Afghanistan committed to doing certain things, and this government can follow up to ensure that the agreement is being respected. Our information indicates that the agreements are being respected.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Geneva convention is designed to protect prisoners of war and avoid reprisals.

Does the Prime Minister realize that because of his government's failure to meet Canada's international obligations, not only is he exposing Canadian soldiers to the risk of prosecution for non-compliance with the Geneva convention, but he is also endangering soldiers by exposing them to retaliatory measures?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, the Bloc Québécois supported the agreement we signed with the Afghan government, which was duly elected in May.

Our dealings with the Afghan government are based on that agreement. I can also tell this House that our country is concerned about human rights. We have a process. That process is followed. And we make sure the Afghan government also meets its international obligations.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, as the leader of the Bloc Québécois said yesterday, the minister can boast all he wants about having the best agreement in the world, but if that agreement is not honoured, then what is the point? That is the problem here. The government is boasting that it is in Afghanistan to bring the rule of law to the Afghan people.

Will the minister agree with us that the rule of law starts with full compliance with international laws, including the Geneva convention, which is clearly not happening at present?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, my colleague is right that the agreement we signed with the Afghan government is now a standard for the international community. It is one of the best agreements of all the NATO countries.

That agreement includes mechanisms whereby we can hold discussions with the Afghan government and make sure human rights are respected. We are meeting our international obligations, and we are honouring the agreement we signed with the Afghan government.

* * *

FINANCE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Canadian dollar is 1¢ away from its all-time high, yet consumers are not benefiting. Families have to go to Plattsburgh to shop. That is unacceptable. The government has failed. The same thing happened with ATMs. Harry Potter is not going to help.

My question is directed to the Prime Minister. What tangible results came out of the meetings between his minister and retailers on this issue?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, some companies have announced their intention to cut prices. In addition, the government is continuing to look into the problem. We intend to take action.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, that is exactly what we heard when we were talking about the unjust bank fees. People are still being robbed blind when they try to take their own money out of the bank.

What do we see when it comes to the rise of the Canadian dollar, the government cannot get its story straight. The finance minister said last week that it had to do with domestic factors, but the Governor of the Bank of Canada has now said that it does not seem to be related to domestic factors.

Who does the Prime Minister believe, his finance minister who says that the high dollar is the result of the Canadian economy or the Governor of the Bank of Canada who says it is not? Which one is it?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am not sure in the end I completely understood the question, but if we go back to the issue of retail prices, the Minister of Finance raised this issue before it had even been noticed by any of the opposition parties. He has discussed that with Canadian retailers. We understand that retailers in several cases are looking forward to lowering their prices, particularly as inventories turn over.

At the same time, let me assure Canadians that this government is concerned with the prices consumers are paying and the government will take action.

* * *

● (1430)

[*Translation*]

AFGHANISTAN

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, yesterday, while the Minister of Foreign Affairs was burying his head in the sand and casting doubt on the professionalism and integrity of an experienced journalist, his own department confirmed allegations of torture of some of the Afghan detainees transferred by our troops. This is quite serious. This government has a responsibility to enforce the Geneva convention before, during and after transfers.

Will the government make a promise today to stop transferring Afghan detainees until we can get firm guarantees that the Geneva convention will be respected?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, as I said yesterday, we expect these types of allegations from the Taliban. In terms of international agreements with different countries, the agreement we have is exemplary. We know that it is a good agreement for us and for human rights, since Amnesty International said:

[*English*]

It certainly is an improvement. In many respects, I wish this had been the agreement that had been the starting point of the debate, the one the previous Liberal government signed. We had a better agreement than it.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, it is Conservative incompetence that is responsible for this confusion. Those ministers are jeopardizing the efforts of our soldiers on the ground in Afghanistan.

This is about accountability. The government is perceived to be complicit in torture allegations because it keeps denying first-hand information from its own foreign affairs department.

When will the government learn? Why will it not stop these transfers until we receive a real assurance that the Geneva Convention will be respected?

[*Translation*]

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, again, my hon. colleague needs to know that the facts are misleading. The reality is that we are talking about a newspaper article that is quoting unnamed sources.

As soon as we have allegations, we take them very seriously. We have a process. This process is in the agreement we signed and it is a model international agreement. Not only are we saying so, but Amnesty International and the entire community are saying so.

[*English*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, on one hand, the Department of Foreign Affairs is confirming reports of torture in Afghanistan and on the other hand, the government House leader is denying everything and calling it propaganda.

On one hand, the Prime Minister claims to want to extend the mission until 2011 but General Hillier says "our troops should not leave before 2017". The two are not the same.

Why can we not get one clear answer about that mission from the government?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, let me be very clear, as we have been clear time and time again. The mission has an expiry date of February 2009, as per the vote that was taken in the House of Commons in the spring. We have spoken in the throne speech of the Afghanistan Compact, which runs until 2011.

We have committed to having a vote in the House of Commons again were there to be an extension. The member knows that. She is the one who is trying to confuse Canadians.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, we learned this morning that representatives of the Canadian government cannot visit the Mirwais hospital in Afghanistan.

The government has invested $3 million in this hospital through the Red Cross. The government has no way of knowing what is going on in Afghan hospitals.

How can the government justify the fact that it did not guarantee itself right of access to verify how aid is being used?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am told that these reports are not true and that representatives of the Canadian government visit that hospital every month.

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, this government prides itself on being transparent, but nothing could be further from the truth. It sends millions of dollars for a hospital in Kandahar, but we know absolutely nothing about how it is all administered and managed. The minister wanted a specific example yesterday and here it is.

Will the minister finally acknowledge that she is unable to monitor how taxpayers' money going to Mirwais hospital in Kandahar is being spent?

● (1435)

[*English*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, that is totally incorrect, as the Prime Minister has said. CIDA officials have visited the hospital. CIDA representatives in fact go to the hospital once a month to monitor progress and we will continue to do so.

[*Translation*]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I will rephrase the question I asked yesterday in this House.

Will the government table, in this House, a detailed report on how the money is used and the results in terms of humanitarian aid in Afghanistan?

[*English*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, as I indicated, when we get a request for information on any specific project, we would be pleased to provide the information. We have a website that makes information available and we do make reports to the House in the department's annual performance review.

* * *

[*Translation*]

NUCLEAR ENERGY

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, a month ago, the Minister of Natural Resources said there would be an open discussion concerning the growing use of nuclear energy to extract the oil from the oil sands. However, the Prime Minister ordered his ministers not to say anything on the matter. Some transparency.

Can the government deny that it is currently attending secret meetings with the United States as part of the Global Nuclear Energy Partnership?

[*English*]

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, that is absolute nonsense. Any decision for nuclear energy is a decision of the province and the province alone, so if any province in this country wants to pursue new energy with respect to nuclear, we would respect their jurisdiction on that.

There are absolutely no discussions going on at this time with me or my officials.

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, as the minister knows very well, the security, safety and management of waste falls under federal jurisdiction.

While these meetings continue behind closed doors, the Minister of Natural Resources candidly admits that he does not yet know where to bury nuclear waste.

Before rushing into all manner of nuclear development behind closed doors, will the Prime Minister stop muzzling his ministers on this issue and put on the table the debate that must be held on Canada's management of the world's nuclear waste?

[*English*]

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, the member is very ill-informed and obviously is not paying attention to what is going on. In fact, this government accepted the decision of the Nuclear Waste Management Organization, which made a recommendation to the government.

We accepted its recommendation in full. It was done after very thorough consideration by a number of experts, so they will begin that process. It will take literally years and years, which will begin with an exhaustive consultation process in dealing with this issue.

Again, this was stated in the House. I am not sure where the member has been but maybe she should pay a little more attention.

* * *

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the governments of 15 countries, 13 U.S. states, British Columbia and Manitoba met yesterday in Lisbon, Portugal, to expand their fight against climate change.

Thirty governments have signed the International Carbon Action Partnership, which allows big industries to reduce greenhouse gases cheaply by allowing them to trade emission credits, but Canadians living outside of British Columbia and Manitoba are not being represented because the government took a pass on this meeting.

Why did the Conservative government not even bother to show up?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the Government of Canada was represented at the meeting by our ambassador in Lisbon.

Hon. John Godfrey (Don Valley West, Lib.): With the power to negotiate, Mr. Speaker?

[*Translation*]

It is sad to see Governor Arnold Schwarzenegger devoting all his efforts to the fight against climate change, while our Prime Minister only pretends to care about the environment.

The climate change crisis will not be resolved until all governments around the world join forces and get to work.

Why did the Conservative government shirk its responsibilities to Canadians and refuse to attend this important meeting?

● (1440)

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, we sent a senior representative of the Government of Canada, the most senior representative in the country, to be part of these meetings. I look forward to meeting with Premier Campbell tomorrow to learn more about these exciting things.

To hear the Liberals go on about climate change and global warming is shameless. Nothing embarrasses the Liberals because they do not know the meaning of shame. They are without shame. They are shameless. Do we know who said that? It was Bob Rae.

Some hon. members: Oh, oh!

The Speaker: Order, please. That question and answer are now finished. The member for Don Valley East has the floor.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, the Conservative government is cheating Canadians when it claims to be working with international partners to fight climate change. The only international partnerships the government joins are ones that have absolutely no targets, no timelines, no consequences and no power.

The minister supports APEC's position because it is only “aspirational”. That is two rungs below voluntary. Climate change is a global crisis requiring global effort. Why will the government not sign on with the rest of the international community and commit to solid goals?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, we will go anywhere, anytime and any place to work with other countries to tackle the important issue of global warming.

We were pleased to have representatives in Lisbon. The Prime Minister provided real leadership at APEC. We have met with the Commission on Environmental Cooperation, with large emitters in Washington, and with the United Nations under the leadership of the Prime Minister in New York.

We are committed to working on real global action on global warming, something that would see countries like the United States, China and India take action, but something that also would see Canada finally begin to take action, something that member's government did not do for 13 long years.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, governments that actually care about climate change are in Lisbon, but our environment minister just sits over there with his rusty old plan.

British Columbia and Manitoba have decided to bypass the government and take real action on their own. There can be no Canadian plan when the Prime Minister refuses to work with the provinces and leaves premiers to show international leadership.

When will the Prime Minister finally call a first ministers meeting and work with the provinces instead of against them?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, I am pleased to get a question from the Liberal Party. I have not received one on the environment since June, by the way. We are committed to real action on the environment.

I sent a copy of Canada's plan on fighting global warming to someone, who said:

> The approach you've taken, looking at the twin benefits of reducing emission of greenhouse gases and air pollutants, is exactly what we need to do on a wider scale... Congratulations once again for putting Canada in the ranks of those countries moving aggressively to reduce...greenhouse gases.

Do we know who said that? It was said by the executive director of the United Nations environment program.

[*Translation*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, the Competition Bureau says that today's families are paying too much for generic prescription drugs. Canada spends more on prescription drugs than on doctors. The Conservatives are moving in the wrong direction: they do not have a plan for cheaper prescription drugs.

When will they decide to support bulk purchases of prescription drugs? When will they help families save money at the pharmacy?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, over the past two years, the government has committed over $2 billion in new money for health care.

[*English*]

I would say to the hon. member that she and I are on the same side. We both want to see reduced prices for generic drugs, which is why I have said to my counterparts at the provincial and territorial levels that we can work together. It cannot be a situation where the hon. member supports the idea that we are the blank cheque that rights this. We have to work together to have innovation and reform in our health care system, which is why I am willing to work with my territorial and provincial counterparts in that regard.

● (1445)

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, we have reasonable recommendations from the Competition Bureau and from the pharmacists of the country, yet when it comes to helping families pay less for their drugs, the government is going in the wrong direction. There are some very reasonable things it could do.

It could start with catastrophic drug coverage for all families, move on a national pharmaceutical strategy, help the provinces and territories coordinate bulk buying, and stop extended patents on brand name drugs. Why is the government ignoring these reasonable ways to help Canadians save money on the drugs they need but cannot afford?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): As the hon. member well knows, Mr. Speaker, first and foremost these are issues that are of the provincial and territorial governments, but I would say to the hon. member that the federal government can be part of the solution. Typically for the NDP, its only solution is to tax Canadians more, spend more of their hard-earned money and not work on the innovative solutions that are there, in place, and can be done.

We are for innovation. We are for better health care. We are not for wasting the taxpayers' money.

The Speaker: The hon. member for Mississauga—Streetsville. I am sorry. I missed the hon. member a minute ago.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Thank you, Mr. Speaker.

The government has taken a leadership role in the fight against cancer all across Canada.

Some hon. members: Oh, oh!

Mr. Wajid Khan: If those members would sit back and listen they could learn a thing or two from the government.

I understand that the Minister of Health recently attended an event of the Terry Fox Foundation. Would the minister inform the House of the action the government is taking to deal with cancer?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Indeed, Mr. Speaker, earlier this week I was on hand in Toronto for the official launch of the Canada-wide Terry Fox Research Institute. That is why we are here: because we are helping that research institute, just as we have created a Canadian partnership against cancer, just as we have spent over $250 million on cancer health research, and just as we have put $10 million directly into that foundation.

Terry Fox was a true Canadian hero. We are on the side of the research institute. We are on the side of the foundation. We are going to help find a cure for cancer.

* * *

INCOME TRUSTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the government not only broke its promise to not tax income trusts, but it failed to be open, transparent and accountable. Expert witnesses testifying before the finance committee proved that the analysis presented by the finance minister was flawed, false and just plain wrong.

The finance minister did not challenge or refute that testimony nor did he provide one shred of evidence to defend the indefensible. Why has the minister failed to be accountable to Canadians, especially seniors from whom he took $25 billion of their hard-earned retirement savings?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, the hon. finance minister would love to be accountable to Canadians and he would like to do it in the House this afternoon by providing an update on the fiscal situation in Canada, but unfortunately he is unable to.

We are providing tax fairness to Canadians. We will continue to do that with or without the support of the Liberals, whether they sit or stand.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the Conservatives will not answer the House and they do not answer Canadians.

The expert witnesses were very specific in their reasons for concluding that the estimated income trust tax leakage was unfounded, incorrect and unsubstantiated. For example, the experts pointed out that the finance minister forgot to take into account legislative tax changes that came into effect in 2007.

Will the minister confirm that he made a mistake and will he finally be open, transparent and accountable and release the correct analysis?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, thank you for the opportunity to speak again about what this government has done for Canadians.

There are many different opinions and we can bring up expert opinions on both sides of that issue, but the fact is that Canadians want to be taxed fairly. The Prime Minister and the finance minister have repeated that we will cut taxes for businesses, for corporations, for small businesses and for individuals. We will continue to do that.

* * *

AIR TRANSPORTATION

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, the Minister of Transport's no fly list keeps failing the test of privacy and sovereignty. Even as the United States secretary of state admits American error in the Arar case, the minister cannot get Mr. Arar or any other Canadian removed from the U.S. no fly list. But the minister now has his own list, one he apparently must share with, among others, the United States homeland security office.

Will the minister tell the House how he can secure the removal of Canadians wrongly placed on the American no fly list when the United States secretary of state cannot?

● (1450)

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, my hon. colleague knows that we have come forward with a passenger protect list. Within the passenger protect process, that list does provide the opportunity for Canadians who have been mistaken on that list, and that is very exceptionally rare, to follow a procedure to be able to get themselves off that list.

If there is any confusion on that, my hon. colleague is probably barking up the wrong tree, because in passenger protect we do have provisions that have been validated by the information commissioner to be able to do it.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I think he is in denial and his assurances are not having any impact when the Americans continue to demand copies of passenger lists for U.S. overflights.

Is he aware that such lists will provide American authorities with names of Canadian business persons travelling to Cuba? Is he aware as well that the Helms-Burton Act imposes American law and its consequences on foreign companies and their officers doing business in Cuba?

How will he then defend Canadian interests and Canadian sovereignty? What protection from American interference is he offering Canadian citizens?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am wondering if my hon. colleague is aware that Canadians should also know that Canada-Cuba flights are only possible with United States cooperation. Every flight between Canada and Cuba requires U.S. air traffic controllers in Miami to talk to their Cuban counterparts.

[*Translation*]

AGRICULTURE AND AGRI-FOOD

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, today the Fédération des producteurs acéricoles du Québec is holding its annual general meeting in Victoriaville.

The sugar maple growers of eastern Quebec are going through difficult times. Some have had their production decrease by up to 70%, with financial losses of 40%, or $25 million for these 1,000 producers.

The CAIS program does not meet the needs of sugar maple growers. When there is assistance, it comes much too late and only covers part of the losses. What is the government waiting for to provide a real income support program?

Hon. Christian Paradis (Secretary of State (Agriculture), CPC): Mr. Speaker, as my colleague knows, we are working on the new agricultural policy framework.

As for the sugar maple growers, my colleague knows very well that interim payments of significant amounts were made. We will continue to work in the interests of producers in this matter.

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, to listen to the Secretary of State, all is well and good; however, that is not the case. Producers have something to complain about. I would like to hear what the new Minister of Agriculture and Agri-Food has to say about this.

The CAIS program places those companies that have diversified their activities, which is most of them, at a particular disadvantage.

I hear the Conservatives boasting about taking action. What about their promise made in 2005 to include a true catastrophic component in the existing program?

Hon. Christian Paradis (Secretary of State (Agriculture), CPC): Mr. Speaker, if they want to talk about numbers, so be it. To date, $3 million has been paid out to 225 producers. Fifty applications are still being processed.

If they want to talk about action, then the member and his colleagues should explain why they voted against supply management as raised in the throne speech. This is historic and is now part of the record. The Bloc voted against it. Now it should explain to the producers why it did so.

* * *

[*English*]

FISHERIES AND OCEANS

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, there are strong indications that the fisheries minister is considering eliminating transferring a portion of the gulf snow crab quota to inshore fishermen who rely heavily on the snow crab draw which is held every spring from the proceeds of that transfer.

I ask the minister to show some support for the inshore fishery and do the right thing in this House today. Through you, Mr. Speaker, I ask the minister, will he inform this House that he does not plan to eliminate the gulf crab draw in the gulf region?

● (1455)

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, through you, let me inform the member that as usual he has his facts all wrong. Last week we saw him cause all kinds of concern about those huge draggers that would be taking all the herring. He found out that he was wrong.

I come from a small boat inshore fishing background. I will make sure we look after the small boat inshore fishermen.

* * *

THE ECONOMY

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, after 13 years of Liberal dithering and a leaderless economic vision that saw Canada's continued decline in competitiveness and productivity, this government, led by our Prime Minister, has put Canada back on track and punching above its weight. Unlike the party opposite of a thousand or more priorities that just did not get it done, this government has got it done.

Could the Parliamentary Secretary to the Minister of Industry please describe to this House some of the successes in Canada's economy and jobs?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I would like to thank the member for Prince Edward—Hastings for all his work on economic development.

I am pleased to let him know that Canada is back on track. Since the start of this year, we have added almost 300,000 new jobs. We have the lowest unemployment rate in a generation, at 5.9%. Eight out of ten manufacturers are looking at increasing or maintaining employment levels over the next quarter. CIBC's Benjamin Tal says that Canada's high-paying jobs have improved dramatically. Manufacturers are competing or paying higher wages. Job losses are being offset by gains with higher employment quality in other sectors.

Despite the—

The Speaker: The hon. member for New Westminster—Coquitlam.

* * *

NATIONAL DEFENCE

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, the Auditor General's report on military health care found serious problems. Many of the medical practitioners interviewed could not provide accreditation and there was no system for monitoring the quality of care at clinics.

Soldiers returning from Afghanistan are facing long lineups for mental health care and other services. The forces can track every bolt bought for a frigate, but it does not know how many soldiers are standing in line, waiting for mental health care.

Returning members of the forces should not have to wait in line to get health care. Why are they waiting?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the short answer is that the previous government did not do enough. This government is doing enough and we have acted quickly.

I thank the Auditor General for her report. I met with her yesterday specifically on this issue. This government, along with others, has worked very closely on this issue. By 2009 we will have $100 million poured into the issues of mental health. This will allow us to double the current personnel, adding more than 200 mental health care professionals. We do rigorous pre- and post-deployment interviews. Questionnaires are filled out. We are going to do more to support the soldiers.

* * *

GOVERNMENT CONTRACTS

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, the Auditor General also reported that the Conservatives are not following basic protocols for protecting our national security. They are giving sensitive government contracts to private companies that have not met the standards for keeping national defence, police and other government secrets. Half of the private companies did not have the necessary security clearance before they were awarded contracts.

Will the minister commit today that all DND and RCMP contractors will have the required security clearance? If not, will he immediately—

The Speaker: The hon. Parliamentary Secretary to the Minister of Public Works and Government Services.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, we appreciate the report from the Auditor General.

The Auditor General made four very specific recommendations in her report today. In fact, we have actually already implemented all four of her recommendations. We are creating clarity between departments on contracting. We have updated contracting procedures and training. We have doubled funding on these new procedures. We have updated the government's security policy.

When it comes to protecting taxpayers' dollars and national security, we are getting the job done.

* * *

FISHERIES AND OCEANS

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, in 2006 the Conservatives promised custodial management outside the 200 mile limit, but now they have done worse than the opposite. Article VI, clause 10 allows NAFO to apply regulation inside Canadian waters. No wonder they stonewalled my request for a copy of the proposed convention.

Why has the minister broken his promise and sold out our sovereignty? The Prime Minister talks about fish or cut bait. When will he stop playing bait and switch?

● (1500)

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, again the hon. member has read only part of his documents. He has to spend less time listening to disco music and watching horror movies. He has to start reading files that are pertinent.

No way has this government given away any jurisdiction inside the 200 mile limit. The only time any NAFO country or NAFO can come inside is if we invite them to do work for us and even then we have to agree to their coming. That is standard across the world. That is acceptable.

* * *

JUSTICE

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, just yesterday in my riding of St. Catharines a man who is on probation, a man who drove without a driver's licence and fled the scene of a crime, a man who struck and killed a young woman walking on her way to work, was sentenced to just three and a half years in jail. He will actually serve only three years. Because he was in pretrial custody for six months before his trial, he was given credit for one full year off his sentence.

I ask the justice minister, when are we going to get rid of this appalling two for one justice system and enforce that convicted criminals serve their full sentence?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, first I want to congratulate the member on his appointment as chair of the legislative committee on Bill C-2, the tackling violent crime legislation. I know he will do an excellent job.

I do not comment on specific cases, but in the last election we made reforming the credit system for pretrial custody one of our commitments to Canadians. We have been busy fighting crime in this country with our tackling violent crime bill. We will introduce legislation reforming the Youth Criminal Justice Act and changing Canada's drug laws. We want to get it all done, but as I always say, when it comes to fighting crime in this country, we are just getting started.

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ATLANTIC ACCORD

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, Ind.): Mr. Speaker, the Minister of National Defence recently announced that legislation to implement the new agreement with Nova Scotia would be tabled this fall, but last week his cabinet colleague, the government House leader in the other place, said:

> There is no legislation to be tabled...people are misinformed if they think this agreement was a new agreement...

The answers could not be more opposite. One minister says there will be legislation and the other minister says there will not. Would the government clarify this so that Nova Scotians can know whether there will be legislation or not and when they will see it?

Speaker's Ruling

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, unfortunately, my colleague has his facts wrong. There will be, obviously, legislation forthcoming in the fall. There will be budget amendments tabled in November.

The reality is on this subject matter that Nova Scotians are happy and the government of Nova Scotia is very happy. The premier has spoken on this. The former premier, John Hamm, has spoken on this. Nova Scotians are well served by the flexible and fair approach taken by this government.

* * *

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, when it comes to the environment, the Conservatives are starting to look a lot more like the Liberals. Another commissioner of the environment report and another disaster for Canada's environment. Spanning two disastrous regimes, twelve years, four government plans, six department strategies and there is one more failing grade for a government on the environment.

When is the government going to take the issue seriously and start delivering for this country?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, we take the recommendations of the Auditor General's report and the report of the Commissioner of the Environment and Sustainable Development very seriously. We are going to work hard to implement all of the recommendations to ensure that we do a better job for the environment.

However, I do note that the NDP member is the same member who stood up and supported the Liberal government in its inept ways on the environment and he should be ashamed.

The Speaker: That will conclude question period for today.

The hon. member for Pickering—Scarborough East is rising on a point of order.

* * *

● (1505)

POINTS OF ORDER

ORAL QUESTIONS

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, emanating from question period, the Prime Minister, in response to the leader of the New Democratic Party, suggested in very plain language that no member of the opposition had raised the issue of concern about the Canadian dollar's valuation.

In fact, on September 20, CANOE publication of the *Toronto Sun* suggested otherwise. In fact, this member of Parliament in his capacity as critic for consumer affairs did indeed raise this. It states:

> The federal Liberal Party's consumer affairs critic [the member for Pickering—Scarborough] said it's about time that Canadians started to see an increase in their standard of living as a result of the soaring loonie...

The bottom line is I have raised this with the Prime Minister. He has the same note. I hope the hon. Prime Minister will have the courtesy now to clear the record and point out that the opposition was on this issue long before his party was.

The Speaker: I think the hon. member knows that this would really be a matter for debate. Sometimes members disagree over their interpretation of certain facts. It is not for the Speaker to adjudicate on those kinds of matters, tempting as it might be.

* * *

[*Translation*]

PRIVILEGE

ALLEGED IMPEDIMENT IN THE DISCHARGE OF A MEMBER'S DUTIES — SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on October 18, 2007 by the hon. member for Skeena-Bulkley Valley concerning the alleged obstruction of his ability to carry out his duties as a member of Parliament.

[*English*]

I would like to thank the hon. member for raising this issue, which is of importance to all members. I would also like to thank the hon. member for Cariboo—Prince George, the hon. House leader of the official opposition, the Parliamentary Secretary to the Leader of the Government in the House of Commons, the hon. member for Mississauga South and the hon. whip of the Bloc Québécois for their comments.

In bringing this matter to the attention of the House, the member for Skeena—Bulkley Valley stated that in a press release issued on August 21, 2007, by the member for Cariboo—Prince George, Ms. Sharon Smith was identified as the person his constituents should contact if they required assistance in dealing with the government or with members on the government side of the House. He alleged that this was an attempt to usurp his role as member for the riding of Skeena—Bulkley Valley and that in so doing it obstructed him in carrying out his proper functions. He also claimed that the effect of the press release and of subsequent statements made by the member for Cariboo—Prince George was to confuse his constituents concerning the fact that he was their duly elected member of Parliament.

[*Translation*]

In replying to these charges, the member for Cariboo-Prince George stated that his only objective had been to see to it that people in the riding of Skeena-Bulkley Valley received adequate service. He rejected the suggestion that there was any other motive behind his actions and asserted that he had no intent to interfere with his colleague’s ability to do his job. The importance of this issue was underlined by the opposition House leader.

[*English*]

In his remarks, the Parliamentary Secretary to the Leader of the Government in the House of Commons drew the Speaker's attention back to what he took to be the crux of the matter, that is, whether the member for Skeena—Bulkley Valley had successfully made the case that he had been obstructed in his work as a parliamentarian.

[*Translation*]

House of Commons Procedure and Practice, p. 71, states:

> The rights, privileges and immunities of individual Members of the House are finite, that is to say, they can be enumerated but not extended except by statute or, in some cases, by constitutional amendment...Moreover, privilege does not exist "at large" but applies only in context, which usually means within the confines of the parliamentary precinct and a "proceeding in Parliament".

[*English*]

In a ruling on May 3, 2006, *Debates*, page 845, I reminded the House that previous speakers had consistently upheld the right of the House to the services of its members free from "intimidation, obstruction and interference", but that for that protection of parliamentary privilege to be successfully invoked, the member's activity must be linked to a proceeding in Parliament. This point is clearly set out at page 93 of *House of Commons Procedure and Practice*, which states:

[*Translation*]

> Every Member has duties as a representative of the electorate. A Member may only claim the protection of privilege relating to his or her parliamentary duties—

[*English*]

As I indicated in my remarks when this question was first raised, what is said outside the House is beyond the Speaker's purview.

However, there does exist an important exception to this general principle, one which was cited by the member for Skeena—Bulkley Valley. For the benefit of members, I will repeat the citation, which is found at page 87 of *House of Commons Procedure and Practice* and is taken from Mr. Speaker Fraser's ruling of May 6, 1985.

● (1510)

[*Translation*]

> It should go without saying that a Member of Parliament needs to perform his functions effectively and that anything tending to cause confusion as to a Member's identity creates the possibility of an impediment to the fulfilment of that Member's functions. Any action that impedes or tends to impede a Member in the discharge of his duties is a breach of privilege. There are ample citations and precedents to bear this out.

[*English*]

Footnote 173 on the same page provides an example of such a case, namely a ruling delivered on May 30, 1985, where an advertisement identifying an unelected individual as a member was found to constitute a breach of privilege.

I have examined with great care the press release and the transcripts provided to me by the member for Skeena—Bulkley Valley. I have also taken into consideration the remarks made by the member for Cariboo—Prince George. I am satisfied that there was no intent to mislead the constituents of Skeena—Bulkley Valley concerning the identity of their MP and that the texts I have examined do not do so. I point out, as an example, that the press release explicitly refers to the member for Skeena—Bulkley Valley as "an MP from the fourth party in the House".

Accordingly, while I will concede that the hon. member may well have a grievance, I have to conclude that he was not obstructed in the performance of his parliamentary duties. I cannot therefore find that a prima facie breach of privilege has occurred in this case.

[*Translation*]

Although that disposes of the procedural point which was raised, I think it is proper to underline to the House that the member for Skeena-Bulkley Valley and other members who intervened have raised important issues concerning the ability of members to advocate for their constituents that may concern members on all sides of the House. The House will recall, specifically, that the member for Mississauga South alleged that he was encountering other difficulties in dealing with the public service and ministers' offices on behalf of his constituents, and the whip of the Bloc Québécois further alleged that there was at least one further example of misleading information being disseminated to the public concerning who their elected representative is. These allegations may not meet the recognized criteria of matters of privilege but they are not concerns to be dismissed lightly.

[*English*]

Should the procedure and House affairs committee, within whose mandate such matters fall, think it appropriate, it might choose to examine any or all of these issues more closely.

Once again, I would like to thank the hon. member for Skeena—Bulkley Valley and others who made interventions on this important issue for raising a matter which I believe is of concern to all hon. members.

GOVERNMENT ORDERS

[*English*]

NUCLEAR LIABILITY AND COMPENSATION ACT

The House resumed consideration of the motion that Bill C-5, An Act respecting civil liability and compensation for damage in case of a nuclear incident, be read the second time and referred to a committee.

The Speaker: Resuming debate. Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. member: On division.

The Speaker: Accordingly the bill stands referred to the Standing Committee on Natural Resources.

(Motion agreed to and bill referred to a committee)

* * *

● (1515)

AERONAUTICS ACT

Hon. Stockwell Day (for the Minister of Transport) moved that Bill C-7, An Act to amend the Aeronautics Act and to make consequential amendments to other Acts, be read the third time and passed.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am pleased to address the House today at third reading of Bill C-7, An Act to amend the Aeronautics Act.

The Aeronautics Act has been in place since 1919 and last underwent a major overhaul in the mid-1980s. Many of the amendments made at that time were aimed at enhancing the compliance and enforcement provisions of the act, including the establishment of the Civil Aviation Tribunal, which was later converted into the multi-model Transportation Appeal Tribunal of Canada.

The act was further amended in 1992 to authorize the making of interim orders by the transport minister, the making of agreements with provincial land use authorities for airport zoning, and to further enhance the compliance provisions of the Act. Other amendments were also made to enhance aviation security.

It has now been more than 20 years since the Aeronautics Act has had a substantial review and it is considered important and timely that the act be updated at this time to mostly improve the safety of the travelling public and to reflect the current needs of the aviation industry in our country. That is the goal of the government and that is the goal of the act.

Canada has the sixth largest aerospace manufacturing sector, the second largest population of licensed pilots and aircraft maintenance engineers and the second largest civil aviation aircraft fleet and over six million aircraft movements in Canada every year.

More than 1,000 air operators carry passengers and accommodate the needs of some of the most isolated places in the world. The aviation industry connects dozens of mid- and small-sized cities and towns in the country to the vast grid of worldwide air travel.

The aviation industry is also part of our competitive advantage in this global economy. To remain competitive globally, the industry must continue to improve its safety performance. While Canada is recognized worldwide as having an excellent safety record, in fact one of the best in the world, this enviable safety record does not mean that we can sit back and rest on our laurels and be complacent. In fact, we must move forward aggressively with better safety compliance.

In today's challenging and rapidly expanding world of aviation, the government is always looking for new ways to achieve a higher level of safety by improving the sound regulatory base on which the system currently operates.

The department has a responsibility as well to have the tools and the guidance in place to actively improve on the safety performance of an already very safe industry in Canada in anticipation of further growth and increased activity, while taking advantage of continuously evolving technology.

Allow me to summarize the various legislative steps through which the bill has already passed. The bill was introduced in the House on April 27, 2006, and second reading began shortly thereafter in May. During second reading, members in the House heard that the amendments proposed to update the Aeronautics Act would provide for a modern and flexible legislative framework that would enable a number of aviation safety enhancements over the next several years. It is very important to move forward with safety for Canadians, and the government is taking action on that front.

Members also heard that the bill placed emphasis on managing safety from an organizational perspective and expanded the enabling authority to facilitate the implementation of management systems as well as provided the protection provisions required to obtain safety information.

The bill also proposes increases in penalties that may be imposed under the current act. These penalties have not been increased for a number of years and the increases are intended to deter non-compliance to not allow violators to have business as usual and to pay and to live on a fine system.

A new part 2 of the act was also added to allow Canadian Forces investigators to have legal authority to investigate accidents involving civilian military personnel that were comparable to the authorities exercised by the Transportation Safety Board investigators in civilian accidents.

A number of housekeeping amendments will also clarify some relationships and ministerial authorities between the act and other acts, such as the Canadian Transportation Accident Investigation and Safety Board Act and the Civil Air Navigation Services Commercialization Act.

It is a very complicated issue, and it took our committee much time to deal with it at that time.

● (1520)

Consultations began on the amendments in 2000, first by Transport Canada and then continued when the bill was referred to the Standing Committee on Transport, Infrastructure and Communities. for review in February 2007.

The committee heard from key transportation representatives from the private sector, all of whom share a commitment to aviation safety, as well as private individuals representing the public interest, officials of Transport Canada and, of course, the Minister of Transport, Infrastructure and Communities who works so hard in the House.

I would like to take this opportunity to thank the members of the committee who worked with myself on this particular legislative initiative, especially for taking the time to hear more than 30 witnesses during this session and for conducting such a thorough review of the bill.

I am very pleased to comment on the improvements to Bill C-7 that were made by the committee. Committee members provided valuable input during consideration of the bill resulting in several refinements of the bill itself. Certainly the committee itself was seized with the issue of safety for Canadians as being our utmost concern. We believe the bill now addresses those issues.

Although there was broad support for passage of the bill, many witnesses requested some improvements to be made. The committee has considered these requests and a number of changes were made that will improve the regulatory framework, therefore benefiting all Canadians and, ultimately, the safety of all Canadians.

The enabling authority for safety management systems regulation is valid and authorized under the existing Aeronautics Act. Bill C-7 proposes amendments related to the management system to maximize their effectiveness and to further facilitate the implementation for certificate holders.

The amendments allow, in part, the Minister of Transport, Infrastructure and Communities to require by order certificate orders to enhance their safety management systems or take corrective measures when these systems are considered deficient.

SMS regulations are necessary to increase aviation safety. Safety management systems is not about self-regulation as was brought forward by at least one witness and it is not about deregulation. Rather, it is an additional layer over and above what we currently have in Canada, a layer that is considered to produce more safety for Canadians.

The role of the minister in the oversight of aviation safety was further clarified by an amendment stating that the minister shall carry out inspections of the aeronautic activities of holders of Canadian aviation documents who are required to have a management system.

With respect to the designation of organizations to certify certain segments of the industry, this new authority in the Aeronautics Act will not allow the minister to abdicate his oversight responsibility to an industry body. Indeed, these designated organizations will be allowed to monitor the activity of a specific segment of the industry if it represents a low risk level in relation to aviation safety.

The key is that the committee looked at the safety of Canadians and took it forward as the primary concern that we have.

An amendment was adopted at committee l to clarify under what circumstances organizations, whose activities relate to aeronautics, may be designated by the minister.

With respect to the reporting of safety information, the protection afforded by the proposed amendment will help nurture and sustain a safety culture, which is so important from the mechanics, to the baggage handlers, to the very pilots. This culture must be enhanced and encouraged and we would suggest that the bill goes some way in doing that. Employees can confidentially report safety deficiencies without fear of subsequent punitive action.

Amendments found in Bill C-7 provide for protection of those reporting information through a safety management system.

However, additional protection was introduced at committee after much discussion to clarify that a holder of a Canadian aviation document shall not use information disclosed by an employee under a safety management system process requiring or encouraging disclosure of information to take any disciplinary proceedings or take any reprisal adversely affecting working conditions against that employee who disclosed the information, provided that certain conditions are met.

● (1525)

It should be made clear that safety management systems do not relieve operators from compliance with any of the current Canadian aviation regulations and standards. It also does not eliminate the taking of enforcement action when necessary, including fines and/or suspensions.

On the contrary, the regulations actually add an additional layer of requirements for operators to establish integrated risk management programs aimed at taking proactive action before the issue of safety actually arises in a more serious way and to address safety issues before they develop into a more serious incident or accident.

I am also very pleased that during the report stage debate the House decided on motions following a fulsome discussion on this issue. While most of the motions that were accepted are editorial in nature and do not affect the substance of the bill, they do serve to improve the intent of the amendments.

An updated Aeronautics Act is absolutely essential to continue to advance aviation safety while respecting the continuously evolving operational environment in which operators find themselves.

I would, therefore, at this time encourage all members to vote to pass the bill so that our colleagues in the Senate can start the process of reviewing the bill without delay and we can keep Canadians safe.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I heard some wisdom in the speech of my colleague, the parliamentary secretary and a committee member.

It is important for airlines and other companies to understand that the safety management system does not replace the obligation of Transport Canada to conduct inspections.

My colleague understood the efforts that the Bloc Québécois and other opposition parties were making to try to improve this bill. There was the ICAO representative who came to tell us that when a safety management system is put in place, it is extremely important not to abandon the inspection system. Safety management systems are just getting started. They are in the process of being integrated into airlines throughout the world, not just in Canada. So it is important to maintain an inspection system.

I would like the parliamentary secretary to tell me whether this bill will maintain an inspection service, supported by Transport Canada, which will be just as good as before.

[*English*]

Mr. Brian Jean: Mr. Speaker, I can assure the member that inspections will continue. This is an added layer of safety. Academics, leading safety experts and international bodies, such as the one my friend mentioned, the International Civil Aviation Organization, all advocate that greater attention be paid to managing systems at the organizational level.

What we are doing is adding an additional layer. The inspections are important but what is really important is to create a real culture of safety and to continue to keep Canadians safe. The is what the legislation is going to do. That is what the government is going to do.

• (1530)

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I want to compliment the parliamentary secretary for bringing back a bill that the committee, as he acknowledged, worked diligently to promote. I am especially delighted because this is another one of those bills in a long list of bills that has been derived from Liberal initiatives in the last Parliament, similar to Liberal initiatives of the last Parliament or depend heavily on those transport bills that were introduced prior to the 2005-06 election.

I had hoped that the parliamentary secretary would have taken a little more of a moment to celebrate the success of bringing forward such legislation, inasmuch as it indicates that this Parliament can actually work. No bill can come out of committee without the cooperation of the majority of the members and that means there is a coming together of ideas on the main points of the legislation.

I am still looking forward to a piece of legislation that will be uniquely government and not so dependent on the opposition. However, speaking for all Canadians, this actually is a classic bill that deserves to be passed through the House with great speed because members of all parties worked to perfect it. In fact, every member of all three opposition parties worked hard and debated vigorously, sometimes acrimoniously, to ensure there were improvements.

As the parliamentary secretary has indicated, a series of witnesses appeared, and appeared more than once, and they too presented some suggestions for improvement that would have enhanced air traffic and air travel in the aviation industry in Canada. We all assume that everybody is working for the public good.

However, under the scrutiny of questions from members of Parliament of all parties in committee, demonstrating that this democratic process does work and in fact worked productively, we were able to come forward with what is now Bill C-7 and present it to the House.

Regrettably, and I must introduce this little negative moment, the bill did not get through the House in June, as it should have. I think all of us were expecting that it would, especially when all members were working together. One of my colleagues from the NDP, who worked diligently in committee to fight every improvement and then voted to accept them all, came into the House and said that he had changed his mind. Such is the way of politics. However, my compliments still go out to that member for having helped to improve the bill. He was not alone. Government members had to demonstrate that they were ready to accept the very good positions that other members had worked diligently to bring forward.

The parliamentary secretary says that he wants to put everybody's mind at ease, and so he should. He should put everybody's mind at ease because the bill was structured such to establish a new management system, the main focus of which would be the ongoing improvement of safety measures. Safety first. Imagine, with air traffic and air travel constantly on the increase, that we would have, as our very first and most important consideration, the safety of the travelling public. That safety can have absolutely no compromise.

When the debate came forward on the kinds of systems that would be in place, voluntary ones some would say, that would encourage employees, employers, entrepreneurs and all those associated with the aviation industry, whether they are ground crew or air crew, to come forward and make their own suggestions to this system without penalty, that they would do so without fear of retribution.

• (1535)

Imagine, in 2007 we are talking about people who have to be given assurance that to do the right thing should not bring any negative consequences to their jobs. Imagine that. Imagine for a moment that some of those people might not have done the right thing and put in jeopardy a flying public, a travelling public, that increasingly depends on air transportation to move from point A to point B.

I focused on the travelling public, but of course there is also cargo that depends on this modern mode of transportation. It was sufficiently important to give that kind of assurance to establish a psychology of cooperation, to establish a common psyche, that says we all have a commitment to each other and we must all work to ensure that the equipment that we take off the ground and put in the air is safe for all those who use it, whether they are up in the air while it is being used or on the ground when it eventually comes back down again.

Members of Parliament understood that very important feature and said what we need to do is establish that climate, make sure that people voluntarily come forward and put in place a mechanism that says there must always be a ministerial presence, that government will always be there to ensure that the regulatory process guarantees that there will be no transgressions committed against those who come forward to contribute to a climate of mutual cooperation.

There are some pretty heavy and committed interests who came forward and said, “We want you to be absolutely sure”. Members from all sides said these people had a point and in amendment after amendment, debate after debate, all of these issues were put forward.

We see before us now a bill that says we have taken into consideration all of those issues and have put in place a safety management system that does not replace the ministerial regulatory oversight required to ensure that the weight of the law is behind all regulations, all systems, and all requirements to ensure that the public that is being served is always put forward with its security and safety first and foremost. If nothing else, merited support in this bill, that one factor does.

All members of Parliament on that committee deserve credit for this because all of them knew that was something upon which no one could compromise, and no one did. No one did. There was no partisanship associated with that, but there was a lot of very difficult introspective scrutiny applied to each and every sentence. And I dare say, and I know the parliamentary secretary will agree with me, that every word, in some cases punctuation marks, was scrutinized for fear that the bill would be less than what the intention of every member around the table thought it should be.

[*Translation*]

This was done in English and in French. It was the same for members of the Bloc. They have a completely different political position than we do here, but they too were concerned about the interests and safety of the travelling public. The discussions and debates were the same in both French and English, and equally vigorous.

[*English*]

Everybody wanted to move forward. That is why I needed to introduce that little moment of regret because the bill should have sailed through the House at third reading in June. It should have received royal assent in June. It should have been proclaimed in June.

I know, Mr. Speaker, you are really interested in this because there are a lot of Canadians, not only in your province but in the provinces that all of us represent, who are interested in the consequences of the bill not only immediately but economically as well.

Why would we not have done this in June? Why are we waiting until almost November? Good legislation takes a while in its construction, in the infrastructure to put it together, and to get a consensus built. It is time consuming and energy demanding.

Why are we waiting until the beginning of November for a bill that was virtually unanimously agreed upon? I know my colleague from Burnaby will say it was not unanimously agreed upon. He had an opportunity to vote on every single amendment, sometimes he accepted it, sometimes he did not. We agreed with much of the input that he presented for our consideration. When it came time to support the bill, he withdrew his support. That was his decision. He represents a party that has a particular position. God bless those members, they have to address that with their own constituents.

That was not our decision. When I say ours, I mean the constituency of all Canadians who want to ensure that the system that is put in place to guarantee the safety and security of the aeronautics industry is one that should be first and foremost for us all.

We went a little bit further than that. We also took into consideration the role of military DND flights in Canada. We examined the role that it plays in establishing such a system and how it operates in the event that there are incidents or accidents that involve either its personnel or its aircraft.

Some people might ask why that would be significant. It is significant for all of us because it is the one time that one department transcended the interests of all other departments with respect to jurisdiction and what it would do in the unhappy event of an incident or an accident that would engage either DND, its personnel, or any of the private sector players in the field.

We took a look at their considerations. I dare say that members of Parliament began to challenge some of the jurisdictional expertise that was brought to bear and tried as much as they could to bring about a confluence of the interests that are pan-Canadian.

We also looked at the distinctions that surface between the small operators, and there are many of them in Canada given our great geography, our great distances, and the nature of the business itself, as well as the large carriers, those that employ thousands of Canadians in a fashion that many of us do not appreciate fully. But without the kind of rigour and oversight required, and without the commitment of each and every one of those men and women, whether they were working on air side or port side, whether they were working on the technological side or whether they were working in terms of establishing that environment for service, each and every one of them had to make a contribution toward that cooperative, collective sense of mutual benefit, mutual cooperation, and mutual security. Those were other issues that were addressed.

● (1540)

There were moments, I am sure the parliamentary secretary in his statement said there were some difficult moments and some issues that were designed to come forward. Transport officials began with a particular position and ended up with a position that was reflected in the bill that is before us today. They brought forward their technological expertise, their understanding of the issues and, compliments to all members who were on that committee, caused committee members to absorb all that expertise and that experience, and then to work together. It is a unique situation. I am sure that the parliamentary secretary will agree.

In fact, it was the chairman of the committee who probably guided everybody toward this particular position where he essentially said all of this must reflect all of us. There was no "we-they" in a situation that saw the expertise of Transport Canada coming forward through this bill.

I said at the outset in some jest, but actually reflecting the reality of the situation, that I was a member of a government that brought forward the parent of this legislation and a series of others. I am hoping that the Minister of Transport will go through all those bits of legislation that we presented and say that we have to revive these, just as we revived this one.

I must say that there are rare moments in this House when all members come together and say, "This bill should be passed immediately. Let's eliminate the rhetoric associated with delay. Let's eliminate all the issues that are related with partisanship and the perceived advantage that one gets by delaying".

From our perspective, this is one bill, and I repeat myself, I know, I am not in the habit of doing that as my colleagues on the committee will tell, but we should do it and do it today. In fact, if the parliamentary secretary calls for unanimous consent to have this passed at third reading today, he would get it from me. But I know he would not get it from our good colleague from Burnaby, who has developed sort of I guess it is a cheval de guerre position against the bill.

I know members want to hear what everybody else has to say. Compliments to members of Parliament who have acknowledged the Liberal genesis of this bill. Compliments to those Liberal members on the committee who saw the wisdom of the changes that we put forward and said, "Let's get it done together". I do not want to be too begrudging of compliments to the others, but there were Bloc members and Conservative members who said, "We see eye to eye on this, so let's get it done". And we have got it done.

Now we rely on the government and the Bloc to make sure that this passes right away and if they are convincing enough, apparently they can be, they can convince the NDP members to say, “We said all we had to say in June”. I am sure they exhausted their voices. Now all they need to do is recognize what is right and pass this legislation.

● (1545)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I enjoyed working with my colleague, the member for Eglinton—Lawrence. He has great ideas, he is a hard worker, and he obviously has very persuasive arguments, but I do have one question. I cannot leave it alone.

I have three sons. My youngest son actually asked me the other day what was the difference between a Liberal and a Conservative, and I had to explain it to him. Because I was in a bit of a rush I said to him, “Son, there are two kinds of people: there are those people who talk about getting things done and there are those people who get things done”, and he understood from that, that obviously the Liberals talk about doing things and the Conservatives get things done.

I am curious. With 13 years to get the job done before, most of it in a majority government, he never got it done. I am wondering what stopped him and his government from getting this done when they just did not get it done and we did.

Hon. Joseph Volpe: Mr. Speaker, I did not want members to think that I was completely non-partisan about this, although I was hoping that the Parliamentary Secretary to the Minister of Transport might have passed on the temptation to shed partisanship into a discussion that was actually emerging from, how dare I call it, the NDP approached partisanship.

I can already see that my colleague from Burnaby is getting himself all excited, but I think he has already had his impact on the parliamentary secretary who missed the opportunity to say, “You know what? This is a gracious moment for all of us.” I give him an opportunity to recant.

Those of us who have presented legislation in the past and have met with obduracy by the Conservatives, when they were in opposition, are magnanimous enough to work on a good idea, even if it was ours.

● (1550)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I will start by pointing out the Liberal member's conciliatory tone, and his desire to help this minority government work, going as far as groveling at times. I hope he will stand up to the Conservatives a little more firmly in the future.

That said, I should point out to him that Bill C-62 introduced under the Liberal majority government was nothing like the one before us today. A Liberal bill was introduced when the Liberals were in the majority. It was a far cry from this bill resulting from accommodations thanks to which we were able to open the government's eyes because, in a minority government situation, the opposition parties are in the majority at committee.

Just the same, I do hope that my hon. Liberal colleague realizes that Bill C-7 is not at all similar in nature to Bill C-62 introduced under the Liberal government.

Hon. Joseph Volpe: Mr. Speaker, I wish to thank my hon. colleague. It was very gracious of him to recognize that I am able to remove myself when there are theatrics going on, but that I am one of those who work hard when there is work to be done. What we have before us is the result of such work.

I want to reassure the hon. members that, even if the Bloc Québécois member contends that this bill is not similar to Bill C-62 introduced by the previous Liberal government, as I have said, and I will say again because I like to repeat it, this bill is the result of the work of members who wanted to lay upon the table a bill meaningful to all Canadians, regardless of where they live in Canada.

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I listened with great interest to my colleague from Eglinton—Lawrence talking about just getting this bill through. There is only one problem with that: this is not in the public interest.

Coming from British Columbia where we have self-managed systems, where basically the former Liberal government turned over safety management systems to the railway companies, we have seen the impact. We have seen an escalating derailment rate. We have seen major problems in British Columbia because the railway companies no longer have the oversight.

Now, with this unsafe skies act put forward by the Conservatives, we see that the difference between the Conservatives and the Liberals is like the difference between Coke and Coke: there is no difference. We have unsafe railways and now we have the unsafe skies act.

I have a question for the member for Eglinton—Lawrence. Why should we rush the bill through the House when we know essentially what this does, given the attrition rate with inspectors and the fact that there are dozens of inspector positions that are unfilled and given that the government is trying to get out of inspections and hand over, piecemeal, the safety of our skies to the companies themselves, some of which will handle it well and some of which clearly will not?

Why the rush? Why ram this through, Liberals and Conservatives working together, when this is not in the public interest and when Canadians need to see safer skies, not unsafe skies?

Hon. Joseph Volpe: Mr. Speaker, I do not know which bill the hon. member is talking about, because he was on the committee for all those days and hours that I was there. Yes, we took a look at the public interest, and to suggest that this is not in the public interest is to deny all the work that was done.

If this was going to be a position that he was going to hold from the very beginning he would not have put the Bloc, Liberal and Conservative members through the exercise of making a bill undergo the scrutiny that it requires and then emerge from that committee to come back to the House. There were 15 members on the committee. Fourteen of them cannot all be wrong and only one of them right.

● (1555)

Mr. Peter Julian: Twelve.

Hon. Joseph Volpe: On, no. We added a couple just so we could have greater weight in consideration.

I just wonder what the hon. member is talking about when he says this is not a bill in the public interest. I am sorry. I think that we spent several months of study to ensure that it would reflect the public interest. To come into the House and deny the work of committee members to ensure that the public interest is first and foremost and put in this legislation so that it will be the law of the land is an unfortunate reflection on the good solid work of members of Parliament. I think he should withdraw that statement.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak today to Bill C-7, An Act to amend the Aeronautics Act and to make consequential amendments to other Acts.

As several of my colleagues have said already, this is a bill that has evolved over the course of many discussions, including those held in committee. We must remember that before the Conservative government decided to prorogue the House, the Bloc Québécois had voted against this bill—which was then Bill C-6—at second reading. Today, we are supporting Bill C-7 because it has changed considerably. I will try to explain this.

Earlier, I was talking about the history of this bill to my Liberal colleague. In the previous Parliament, when the Liberal Party formed a minority government, it introduced Bill C-62, in November 2005. Like the bill now before the House, that was a bill to amend the Aeronautics Act and to make consequential amendments to other acts. When the Conservatives, in turn, formed a minority government, they brought back that bill in almost identical form, but for a few words. Those are the facts.

When the Conservatives reinstated Bill C-6, they did not bother to ensure that it met the needs of the industry and the people responsible for safety. I am referring to Transport Canada inspectors, and any other agency with the very specific task of looking after safety. We must not forget that Transport Canada had already allowed the airlines to implement their own safety management system without having any legislation for overseeing that system. Before reintroducing Bill C-6, the Conservatives did not bother to make sure that the safety management system had been accredited, although it was included in Bill C-6.

For those who are listening to us, I will try to summarize what the safety management system is. What it does is allow companies to have an internal way of operating that makes it possible for employees to report safety violations within the company. Without this framework, employees might be deterred from working to develop the security management system because they were afraid of losing their job or being reprimanded by their superiors.

This was the Bloc's big concern. We did not want the safety management system being proposed again in Bill C-6 to replace the entire inspection system in place at Transport Canada. That system is in fact the source of the excellent safety reputation of the entire civil aviation system in Canada, and obviously in Quebec, for the Quebeckers for whose interests we stand up every day in this House. In our opinion, it was very important that the safety management system not replace the entire Transport Canada inspection system. That is why we voted against Bill C-6 at second reading.

We asked that witnesses, including representatives of the International Civil Aviation Organization, be invited to explain to the committee the entire process of implementing the safety management system. Canada was indeed a leader in implementing the safety management system in civil aviation. However, the ICAO representative gave us to understand that implementing a safety management system inside the airline....

Some hon. members: Hear, hear!

Mr. Mario Laframboise: I thank my colleagues for the applause. So if ever...

Some hon. members: Hear, hear!

● (1600)

The Speaker: Order, please. The hon. member for Argenteuil—Papineau—Mirabel.

I am sorry, but first, the Minister of Finance want to raise a point of order.

* * *

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I thank the member for Argenteuil—Papineau—Mirabel for permitting me to interrupt him here.

Pursuant to Standing Order 83(1), I wish to table a notice of ways and means motion to amend the Income Tax Act and to amend the Excise Tax Act, the Excise Act, 2001, and the Air Travellers Security Charge Act.

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

* * *

ECONOMIC STATEMENT

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, pursuant to Standing Order 32(2), I wish to table the government's Economic Statement 2007.

Some hon. members: Speech.

The Speaker: Yes, we will have a speech.

[*Translation*]

The hon. member for Argenteuil—Papineau—Mirabel will have 15 minutes to conclude his speech.

AERONAUTICS ACT

The House resumed consideration of the motion that Bill C-7, An Act to amend the Aeronautics Act and to make consequential amendments to other Acts, be read the third time and passed.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I was pleased to allow the hon. Minister of Finance the opportunity to speak. As you know, the Bloc Québécois would have liked to see this budget statement given before this House, but of course, the NDP refused. I therefore had the pleasure of giving the Minister of Finance a few minutes to put on his show.

Once again, I would like to return to the safety management system. It is very important that our citizens clearly understand the changes preferred by the Bloc Québécois regarding this bill, particularly in the interest of their safety. Civil aviation must reassure its clientele, and this was the Bloc Québécois' guiding principle when we voted against Bill C-6 at second reading and as we worked in committee, trying to advance the bill and convince the government that it was off track.

Still we succeeded thanks to the testimony of various stakeholders who did a good job of making the government understand the situation. It finally agreed that civil aviation companies could not be allowed to have a security management system that would replace Transport Canada inspections. The Bloc Québécois wanted to ensure that the entire inspection service was kept, including the inspectors, check pilots, and all the people who can show up occasionally at companies without warning to ensure that they are complying with high security standards. This inspection service had been the great strength of the civil aviation security system in Canada and Quebec.

That was how we did it. Similarly, we were able to make our various partners understand that a vote against this bill on second reading could become a vote in favour of it so long as some important changes were made. I am quite happy with the results. In a minority government, it is the opposition parties that have a majority in committee and we managed together to re-work this bill so that the security management system would be supported and supervised by a good inspection system similar to what we used to have and to what the witnesses told us.

As I said before, the International Civil Aviation Organization representative came to tell us that when a country decides to go to a security management system, it should keep an inspection service to supervise it. That is what this bill does: the minister and Transport Canada are required to inspect the large airlines that have their own security management systems. The management system is just added to the entire security service. It does not replace Transport Canada's inspection service but is added to the security already provided. This will enable employees to report security problems within the company to their employer without having to fear disciplinary action, thanks to an entire system established under this bill.

We obviously needed to ensure that employees who reveal information about security lapses are protected. We did not want to go so far as an informer system but chose rather a system that would help improve the company and improve its security. This whole system is supervised, and we were obliged, of course, to ensure that the Canada Labour Code took precedence over anything in the legislation. This took time, but the government and my colleagues in the opposition understood very well why we were doing it.

We needed to make sure that if employees had employability problems as a result of making statements within the framework of this system, their employment would be protected. As far as the Canada Labour Code is concerned, it was important to us that it take priority over this bill because this affected the interests of employees in the entire civil aviation system.

Obviously this safety management system starts with those who work on maintenance on the ground or those who take care of any type of maintenance of the plane, including pilots and cabin crew. All these people who work in the civil aviation industry and in a company are now part of this safety management system, which currently applies to the eight major airlines and will also apply to smaller companies.

● (1605)

As far as the smaller companies are concerned, Transport Canada came up with what is called a designated agency, whereby the smaller companies that take adventure tourists by jet or by helicopter to tourist destinations in northern Quebec or other parts of Canada, can be supervised by a designated agency.

Until the larger companies manage to establish a truly effective safety management system, properly inspected by Transport Canada, then it will be rather difficult hand off to designated agencies the companies that are beacons to every part of the industry, the smallest public air carriers, where there are fewer travellers than on the major airlines.

As long as there was no balance in the larger companies, we felt it was too soon to entrust this to other agencies, to create designated agencies to take care of the smaller companies that would have to follow the same safety standards as the larger companies. That is what we wanted to be sure of.

However, before delegating to intermediaries the monitoring of all these activities at smaller public airlines, we wanted to ensure that the system was well in place at major companies. This is why there will be a waiting period before the designated organization is established. Indeed, this organization may become operative three years after the bill receives royal assent. Therefore, designated organizations are maintained. Indeed, such organizations can be established under this legislation.

During those three years, Transport Canada will be able to properly select these organizations, so that we, and of course the public, can be quite familiar with the organizations that will monitor smaller companies. We must be in a position to ensure that they are properly inspected and monitored. It is possible that companies that build aircraft or other things be appointed as designated organizations. This is rather difficult, because these companies have clients.

We want to ensure that these people, because they deal with clients, tighten up safety standards somewhat. We want to ensure that an effective inspection and management system is in place, so that the people, the organizations or the companies that become designated organizations are well aware that they will be monitored by Transport Canada. This is why inspectors will be conducting on-site verifications and inspections at any time, at both larger and smaller carriers, so that everyone who may some day travel on a public airline will be truly protected, and so that their safety will never be compromised.

This is the objective that has always been behind the Bloc's statements in the House. This is why, as I said, we voted against Bill C-6, which is now Bill C-7, at second reading. That bill was incomplete, and it did not guarantee that the inspection system in Canada would be preserved. Instead, it suggested that the safety management system would replace Transport Canada's whole inspection system, which has been in place for the past 30 years.

This bill incorporates the same inspection service. We have been assured that the same number of inspectors will be maintained and perhaps even increased, if necessary. Moreover, the security management system within an operation will allow all employees, regardless of category, whether they work on the ground, in maintenance, in passenger service, as pilots or in other occupations, to file a complaint or disclose a breach of security, which would then enable Transport Canada to investigate any safety management system.

There would be Transport Canada specialists to verify the safety management system and there would also be inspectors to go into a company at any time to examine the quality and condition of aircraft, to determine whether pilots have the required skills, and so forth. All of that, of course, is intended to protect the safety and security of Quebeckers as well as that of Canadians.

● (1610)

On that point, we will never back down.

Apart from the safety management system, we agree with the objectives of this bill as presented: to maintain current monitoring and inspection measures; to qualify designated organizations by establishing a period of three years before they are authorized to exercise their responsibilities. During that period, Transport Canada will take the time to train, coach and supervise those organizations, and later, inspect them. Finally, this legislation will be harmonized with the Canada Labour Code.

If we are moving toward a system where employees have the privilege and the power to point out breaches of security within their operation, it is essential that those employees are protected. To do that, this bill must be harmonized with the Canada Labour Code. We want whistle blowers to be protected. In that way, people who file complaints or disclose breaches of security will be protected and there will be access to an audit and inspection report, through access to information procedures.

On the subject of access to information, the Conservative government still has the bad habit of making such reports as inaccessible as possible. That is not acceptable as part of a bill that provides for 95% of what we are asking for. Obviously, some documents will be made available to the public, but they will protect the great majority of documents from access to information.

Transport Canada and the federal government tell us that it is also necessary to protect the individuals who make those disclosures. Their names and other information must be hidden. We were ready to do that and even to give direction to the information commissioner. We are aware that this could cause problems for national security. Some information must not be disclosed.

However, for the rest, if we know that some employees have made disclosures after an accident, within a company where a safety management system has been established, we would want the entire file to be available to the public. We now understand that will not happen. Only a summary of the disclosure will be available to the public.

We have made some gains but some day there will have to be a real battle over this bill. Time will tell what kind of documents are provided through access to information.

We can understand that it is necessary to protect the names of the people who disclose information. We also understand that those must be voluntary disclosures. Accordingly, companies must encourage their employees to make voluntary disclosures. We can also understand that if the documents are made public, some companies would want to prevent employees from doing so.

We think that once the whole system is up and running, we will have to revisit the access to information issue. If ever an incident or a disaster were to occur, the people of Canada and the whole world would want to know about the company's safety record. That way, we would know whether such accidents happen often and whether companies are doing everything they can to prevent them.

All we are saying is that Transport Canada's report will be made public. The report will summarize briefly—or at length—audits of the company.

That means that we will never see the statements signed by employees. We will just have to accept Transport Canada's periodic audit reports. When Transport Canada audits a company, it has to keep an audit report that details certain criteria, requests and complaints submitted by the companies, but that does not name names. It will be pretty vague. In time, we will see how well this works.

Refusing to make these documents public is the Conservatives' modus operandi, as we have seen over the past few months.

We, the Bloc Québécois, are rather satisfied with the rest of Bill C-7. It differs significantly from what the Liberals introduced in Bill C-62 when they formed a minority government. It even differs significantly from what the Conservatives first introduced.

● (1615)

They copied and pasted what the Liberals did without consulting industry and without ensuring that appropriate safeguards would remain in place. Fortunately, the Bloc Québécois was there to help our colleagues understand that once again, safety was about to be eroded. We protected the interests of Quebeckers and those of Canadians, and we are proud of that.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank the hon. member for Argenteuil—Papineau—Mirabel for his presentation.

He spoke about the fact that, at the outset, the bill had many problems. The Bloc and the NDP voted against Bill C-6 at second reading, given all the problems with the legislation.

Because of the many problems with the bill, we were able to correct barely half. This bill still has tremendous problems.

First there is the problem of self management. My colleague knows that allowing airline companies to manage their own safety systems poses a problem. Next, chief executives are not penalized if they violate Canadian laws. In addition, there is the matter of access to information and the fact that we now have seven additional sections. The information to which Quebec consumers have access should be set out in the Access to Information Act.

Given these three major problems that were not corrected in committee, because the Liberals decided to support the Conservatives, I find it difficult to understand how the Bloc could support such a bill. It is true that the Bloc and NDP efforts did make it possible to correct some of the problems with this bill. However, the bill is far from being in the public interest. I do not understand the position of the Bloc Québécois.

● (1620)

Mr. Mario Laframboise: Mr. Speaker, I will try to make my NDP colleague understand the problem he did not see.

Safety management systems already exist in Canada. If we do not do something quickly, this could deteriorate. For the Bloc, it is clear that self-assessment, along with maintaining an inspection service identical to the one we have now—as we succeeded in making the government understand—is no longer self-inspection. The system is in addition to current safety measures and is supported by Transport Canada. This was difficult because Transport Canada wanted to replace its inspection service with this safety management service. The problem is that it is already in force. The eight biggest airlines are already using the safety management system. They must be encouraged.

As for the other part of his problem—making everything public—that worries me. One thing is certain: if we want to encourage the disclosure of information, we must encourage the company to give its employees the requisite means. If everything down to the last comma is made public, there could be a problem when it comes to implementation. We want this to be implemented as soon as possible. This is why I said we would probably change our minds about what is made public through the Access to Information Act. I think that when there are tragedies, there will be questions from the public and the media, who will find that what Transport Canada provides is not enough. I do not want to jeopardize the ICAO's supervision of the existing system. We are not the only people in the world with this system.

The International Civil Aviation Organization would like safety management systems to be implemented in all countries. Canada has implemented such a system, and our great concern is that it will eventually replace the inspection system, which would be a mistake according to ICAO representatives. I think that the problem is that my NDP colleague might have had a little trouble grasping that but, the more he discusses with us in this House, the more he is progressing.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I have no problem understanding the dynamics or the bill. The comments made by my hon. colleague raise new thoughts and questions. Because the government was going ahead anyway, he suggested that this bill should be passed even if it was not in the public interest. I will come back to all these issues about inspections.

The hon. member knows as well as I do that, in recent years, the government has continuously been cutting positions. It started under the previous Liberal government and it is continuing under the Conservative government. Positions exist, but are not being filled and are therefore vacant. That is nonsense. As a result, dozens of inspectors are no longer available to carry out inspections to make sure that planes can safely take off.

Do these cuts the government is making while positions remain vacant worry him? Should a different approach not be taken to ensure that there is an air safety management system in place in the interest of the general public in Quebec and Canada?

Mr. Mario Laframboise: Mr. Speaker, I shared the hon. member's concerns before. However, he must realize one thing. The numbers that were given to us by Transport Canada, and those that were submitted by, among others, labour unions, were very different. We were provided with an explanation regarding the discrepancy of 400 inspectors, namely that some had been transferred to NAV CANADA. We had the opportunity to put questions again to Transport Canada officials, and my impression is —but the hon. member is certainly entitled to his own opinion—that, over the past two or three years, the number of inspectors has not gone down, under the Conservatives. We have to give them credit for that, because that number had diminished somewhat under the Liberals.

It is true that some positions are not being filled and that there are retirements, but what the government and the bill guarantee is that inspection services will be maintained. In order to do that, the government will have to fill these vacant positions. It is our job as MPs to ensure that this whole system is maintained. However, I cannot say that there are 400 fewer inspectors than in the past, because some of them have been transferred to other organizations, including NAV CANADA.

I am sincerely convinced that, with this bill, the inspection service that was in place at Transport Canada will be maintained. However, we are all entitled to our own opinion on the explanations that were provided to us. We always have that opportunity in committee. The hon. member has the right to believe what he thought. I asked many questions because, until the last minute, I was having a lot of problems with the numbers provided by Transport Canada. That department provided documents to us on three occasions. I am now comfortable enough with what Transport Canada presented us.

● (1625)

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am saddened to rise in the debate on Bill C-7, which essentially is former Bill C-6, which the NDP stopped from being pushed through this House in June for the simple reason that this is clearly not in the public interest. I suppose that is why the government is pushing this forward on the eve of Halloween. This is just another way to scare Canadians, the unsafe skies act. The government is pushing forward legislation which inevitably, even though it may save some costs to government, is going to make our skies less safe.

The genesis of this goes back to the former Liberal government that was trying to do the same thing. The Liberals wanted to do the same thing to airlines that they did to the railways, and I will come back to that in a moment.

When the bill was introduced in the spring, Bloc members and NDP members voted against the bill at second reading. The bill went to committee. There was a whole range of amendments, pages and pages of amendments to fix this bad bill. As my colleague from Eglinton—Lawrence mentioned earlier, some amendments were adopted. There was some progress on the bill. We managed to fix about half of it. We managed to shore up two of the walls in this crumbling edifice that is air safety under the Conservative government, but the other two walls are there and are ready to fall at any minute.

For any member of this House to come forward and say that we have shored up two of the four crumbling walls, so we should fast track this bill through Parliament, I say that would be irresponsible. There are two walls ready to collapse at any time. The Conservatives refuse to fix the many bad aspects of this bad bill.

Regrettably, despite the fact that the NDP put forward the road map to actually get this bill to where the Conservatives purported to want to take it, half of those amendments that were proffered by the NDP, sometimes in conjunction with Bloc members or Liberal members, were rejected.

What we come to now is a bill that has some improvements, but under no circumstances should it be passed or fast tracked, because it has the major problems that the former bill had at second reading. The Bloc members voted against it at second reading, as did the NDP. To say that somehow this bill has been fixed I think would be trying to pull the wool over the eyes of the Canadian public.

Let us go through some of the problems with the unsafe skies act of 2007, Bill C-7. Despite the fact that the NDP brought forward very clear objections in this House, the Conservatives have decided to push the bill through. The Conservatives seemingly have the cooperation of the Liberals again. I do not know if the Liberals are going to vote or not. This time they may actually vote. They did not vote on the throne speech. Regardless, to vote for this bill would be irresponsible. Let us look at the major concerns.

I should mention that at the committee stage, major concerns and worries were brought forward by people who know the business better than anyone else. Justice Virgil Moshansky, who ran the Dryden crash inquiry, brought forward major concerns with this bill.

We had the inspectors themselves, the Canadian Federal Pilots Association. Who knows safety better than the inspectors themselves? They talked about the attrition and the downgrading of the key inspector roles in Canadian aviation, and I will come back to that in a moment in regard to Jetsgo of which many Canadians are aware. The fact that the Canadian Federal Pilots Association would come forward should be a red flag for any member of this House.

We had the Canada Safety Council and some smaller air operators that raised legitimate concerns about having to compete with other air operators that have lower safety standards. They talked about what that would mean both to their ability to deliver safety and compete in a marketplace where safety should be the first and foremost function of air operators.

The committee heard from Ken Rubin, the access to information expert. The committee also heard from the Canadian Union of Public Employees which represents flight attendants.

There was a vast array of objections to this bill. There was a vast array of concerns raised, and despite the fact that some of the amendments were adopted, we are still at this place where half of the edifice is crumbling.

● (1630)

We need to be very careful about pushing this legislation through. We need to know what the implications will be for airline safety in the next year or in the next two or three years. The decision we make at third reading of Bill C-7 will have implications for Canadians and we need to be very careful about voting for it. Each member needs to weigh what the consequences could be for Canadian families before they rush to vote through the legislation.

The first area of concern that has not been addressed is the whole question of safety management systems. This is an area of huge concern because we have seen what happened to Canada's railways when safety management was turned over to them, Canadian National being the best example with its CEO Hunter Harrison. He has simply put into place a system that, according to many observers, is fast-tracking profits at the expense of safety.

In British Columbia, we know this perhaps better than Canadians in any other part of the country. We have seen an escalation of derailments, some involving deaths, many involving property damage and environmental devastation, and that has happened since safety management was turned over to the railways. The minister simply does not have the tools to ensure that our railway system functions in a safe way.

What has been the fallout from that? In the Fraser Canyon of British Columbia, Cheakamus River and Wabamun Lake in Alberta, we have seen environmental devastation and deaths.

Bill C-7 essentially turns over safety management systems to the airlines themselves. For some airlines that may be no problem at all. There are many responsible airline operators in this country and they will ensure that the highest possible standards are maintained, but that will not be the case for all air operators.

I would like to read into the record one of the articles that came out last year in the *Toronto Star*, the *Hamilton Spectator* and the Kitchener-Waterloo *Record* about one particular air carrier. The headline reads:

> Jetsgo problems ignored; Probe into death of the discount airline last year reveals major shortcomings of Transport Canada
>
> National regulator was slow to take action as safety problems continue to climb, investigation shows
>
> Transport Canada stood by while thousands of Canadians boarded Jetsgo planes amid a growing list of safety problems at the discount airline.
>
> More than a year after the death of Jetsgo, Transport Canada insists it did the right thing in keeping the doomed airline flying and has not changed its procedures in light of the Jetsgo experience.
>
> Jetsgo, which offered tickets as low as $1, had repeated mechanical breakdowns, shoddy maintenance practices, inexperienced pilots and midair mishaps.
>
> Transport Canada, which is mandated to keep Canada's skies safe, knew of the problems, but for 2 1/2 years dismissed the troubles as the growing pains of a start-up operator.
>
> Only after a near-crash in Calgary in January 2005 did it take tough action, but even after a special inspection the next month revealed serious trouble, the regulator continued to publicly tout the airline as “safe”.
>
> Interviews with former employees, incident reports filed with Transport Canada and the Transportation Safety Board, and internal government documents paint a picture of an airline so badly run that some considered a major accident inevitable.
>
> The Jetsgo experience underscores some of the major findings that are part of an ongoing investigation into aviation safety by The Toronto Star, Hamilton Spectator and The Record of Waterloo Region. The probe has found a system struggling to keep up with the demands of higher passenger traffic and a disturbing number of mechanical problems.

It goes on to talk about the problems of Jetsgo itself. It reads:

> Problems emerged early. Three months after the launch of the discount airline, sloppy maintenance forced an emergency landing in Toronto. The pilots noticed they were losing the hydraulic fluid that helps run aircraft systems.... Mechanics had installed a temporary hydraulic line with the wrong pressure rating, and it failed within two flights.

The article goes on about other incidents: leaking hydraulic fluid; engine failures; and a clogged engine oil filter that forced an emergency landing in Winnipeg.

> The engine had been left in storage and didn't get a proper check when it was installed, according to a Transportation Safety Board report.

● (1635)

The article talks about flames coming out of an engine on a Jetsgo plane that had just left Toronto for Mexico. It goes on to talk about emergency landings and about organizational problems within the airline.

This one article alone should be a cause for alarm. Why are we turning over safety management systems to the airlines themselves when right now the system is not functioning properly and another Jetsgo could arise?

What we are doing with Bill C-7, if the Liberals and Conservatives get their way, is turning over safety management, as with Jetsgo, to the airline itself. What is wrong with this picture? How many Canadians would vote to have an airline like Jetsgo, with all those problems, repeated safety violations, have responsibility for its own safety management system?

In other words, let us keep cutting back on federal flight inspectors and let us keep the attrition rate high so we will gradually empty those positions out and we will not have the same safety oversight when the airline takes care of itself. What is wrong with this picture? How many Canadians would vote for this? Virtually none of them because they certainly would not want to see a system where their loved ones are in increased danger.

Instead of going for lower safety standards, we should be looking for higher safety standards. Absolutely nothing in Bill C-7 guarantees a higher level of safety, not one line.

Some amendments take some of the most egregious aspects of the former Liberal legislation and current Conservative legislation out, but there is nothing that indicates a higher level of safety when we have SMS, when we have airlines like Jetsgo that are essentially given a blank cheque to run their own safety management.

Clearly there are many reputable airline companies in Canada that will maintain a high standard but there are companies that clearly will not, which is why the NDP will not support Bill C-7. We do not believe we should be playing with the safety of Canadians. We do not believe in an unsafe skies act. We do not believe that the federal government should try to cut costs through attrition of simply not replacing federal flight inspectors, but that is okay because companies, like Jetsgo with repeated mechanical problems, can simply run themselves. It is simply not okay. That is only the first of the three egregious aspects.

Let us go on to number two, which is corporate CEOs, for example, of the aforementioned company. They get a get out of jail free card with no consequences for actions that are irresponsible or detrimental to the public interest. Essentially it is a get out of jail free card.

We spoke out very clearly about Bill C-6 in the House at second reading, at third reading and in committee that we do not believe corporate CEOs should be let off the hook when the public is in danger. We cannot provide a get out of jail free card to a corporate CEO. However, that is what Bill C-7 does.

We have talked about the safety aspects and about this get out of jail free card for corporate CEOs. Perhaps the most egregious one is the whole aspect of access to information, the access to information that is in the public interest.

We just talked about some of the problems around Jetsgo. This came out after Jetsgo stopped flying but these were problems that Canadians needed to know about. When Canadians put their loved ones on an air carrier they need to know that air carrier is being run responsibly and it is being run with all due attention to safety. That is of fundamental importance.

We have problems now with access to information in terms of flight safety and knowing which companies are acting responsibly and should be patronized, the airlines we should be putting our loved ones on because we know they are being run properly, responsibly and safely, and we need to know which companies are being run irresponsibly.

● (1640)

We can imagine how deeply felt it would be to lose a loved one and to know that the government knew about those safety issues and safety problems but did nothing about it and simply withheld that information from the public.

In Bill C-7, we now have an extension of more than seven areas on access to information, the flight attendant, the mechanic. The consumers will no longer be able to get that vital information on the safety of the air carrier from which they are purchasing their tickets. Perhaps that is the most egregious aspect of Bill C-7. What we have now is less safety and more secrecy.

When the Conservatives ran for election in 2006, they pretended they would run things differently, that they would somehow be a new government and it would be more responsible. They said that there would be a higher level of safety and less secrecy.

In Bill C-7, we are seeing the same old same old. We are seeing a continuation of the old Liberal agenda that covers up safety problem, that hands over direction for safety issues to company CEOs, and now, perhaps most strikingly unfair, it give those same company CEOs a get out of jail free card if they choose to diminish passenger safety.

Those three fundamental elements are not areas that the Liberals and Conservatives were not in favour of amending and that somehow we have a bill that is almost right. That is simply not true. This bill is fundamentally flawed and wrong. It puts Canadians in more danger. It keeps Canadians from knowing the truth about the airline they are putting their loved ones on and then, at the end of that whole process, it gives the company CEOs for those companies that choose to be irresponsible to increase their profit line, a get out of jail free card.

For those reasons, we simply cannot support Bill C-7. I would ask members in all four corners of the House to really reflect upon the legislation itself, not the political spin but what this would do to our airline industry. This continued agenda to offload costs from the federal government and put them on somebody else's back is not really in Canada's interest. Is it really in the public interest? We say that it is not. We cannot pretend it is in the public interest. We cannot pretend that less safety and more secrecy is in the public interest, no matter how we slice it.

The issue is quite simple now. We have here, in a very real sense, tragically, since the throne speech, a functional majority government. The Liberals have simply given up any opposition to the Conservative agenda. In fact, in most cases, if not all cases, it is a former Liberal agenda that has just been adopted by the Conservatives.

Nothing has changed in Ottawa. We still have the pushing forward with the support of lobbyists for things that are clearly not in the public interest. However, individual MPs still have the power to say no to their leaders. When it is not in the interest of the public, MPs, whether they are Conservatives, Liberals or Bloc members, can say no, that they will not vote for Bill C-7 because it is not in the public interest. They do not need to give in to this functional majority, where we simply allow in any piece of legislation, no matter how badly flawed and no matter how it makes the edifice of important elements, like air safety, crumble, and vote for it.

I would ask, on behalf of the NDP, that members in all four corners of the House vote down this legislation because it is not in the public interest. They should vote it down because it calls for more secrecy and because it is patently unfair. A CEO who breaks the law gets a get out of jail free card. They should vote it down because it essentially gives over the whole question of air safety to the company itself and takes the federal government out of ensuring passenger safety on Canada's airlines. That is wrong and that is why the NDP is voting no.

● (1645)

The Acting Speaker (Mr. Andrew Scheer): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Cape Breton—Canso, Equalization Payments; the hon. member for Notre-Dame-de-Grâce—Lachine, Elections Canada; the hon. member for Malpeque, Agriculture.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, my question is for my hon. colleague in the NDP. I really enjoy discussing things with my hon. colleague, especially this bill, because he worked very hard on it, just as we did. It is true that, like us, he voted against Bill C-6 on second reading. My problem is that things have changed and that is what my question is about.

I can understand some of what he had to say. We saw the amendments that the NDP proposed, including on the entire safety management system. It was no longer interested in the designated organizations. We talked and talked about it. We wanted to allow time for the designated organizations to develop, as I explained in my presentation. All together, the majority decided that they would come into effect in three years to give Transport Canada a chance to develop the safety management systems in the big companies.

When he did not win out on this point, he decided that he did not want to hear anything more about designated organizations. Then we talked about the voluntary reporting system on which the safety management system is based. We tried to work with him. But he decided that the voluntary reporting system should take effect in three years. The problem is that the safety management system is already in effect in Canada.

The hon. member is like a child who did not get what he wanted and so he threw a little tantrum in the corner. He is sulking now and it is over: he has decided not to support the bill.

That is why it is hard to understand. I would just like him to grow a little along with us and reach adolescence. He needs to understand that the ICAO, the International Civil Aviation Organization, recommends that countries have a safety management system. Canada established one in the large companies and what we want is to improve it so that employees are protected. The hon. member fails to understand that what he proposes would not protect employees, would not establish the safety system, and would therefore make civil aviation safety less respected than it is now. I hope the hon. member understands that.

Mr. Peter Julian: Mr. Speaker, I am disappointed with the member for Argenteuil—Papineau—Mirabel, because he is starting to make personal remarks. This is unworthy of him, given his past and all the work he has done in committee.

In many respects, we are the only adult party in this House. It is not childish to adhere to basic principles. It is not like the Bloc, which wanted absolutely nothing to do with the softwood lumber agreement and then changed its mind 24 hours later. The same thing happened with the Conservative budget. The Bloc was opposed to the budget, then supported it. The Bloc was opposed to Bill C-7 and now is in favour of it. They have to justify these flip-flops, which are clearly not in the interests of Quebeckers.

We always said we were opposed to the idea of the companies managing safety themselves. We always said we did not want to give in on the whole issue of access to information. We were firm about that. There is also the whole issue of allowing company executives to break the law without suffering the consequences. We always said were opposed to those aspects of the bill.

From the beginning, the NDP was consistent, at second and third reading. What I do not understand is why the Bloc changed its mind when that is not at all in the interests of Quebeckers.

● (1650)

[*English*]

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, if I did not do it before, I compliment the member for Burnaby—New Westminster on his enthusiasm, but I take some umbrage at his reference to the way the bill is structured. It is up to the government to defend its own bill, so I will not do that.

As a result of the member's decision to refer to Judge Moshansky, and the government referred to him in another issue, I want to set the record straight. I was there when Judge Moshansky delivered his introduction, his observations and when he answered questions. He said that the bill, and the amendments that many of us then subsequently proposed, would be a good bill provided that government oversight stayed in place. Therefore, we collectively ensured that would be the case.

I do not understand why the member, who is otherwise honourable in his observations and his analyses, would attribute to Judge Moshansky a negative perception on a bill when we accommodated what he expected committee to do in its work. This was also the observation of various others who the hon. member mentioned and colleagues around the table in committee took great pains to implement this.

If we took into consideration what public interest groups asked us to take into consideration, implemented what they wanted us to implement, why would the member insist on taking a negative perspective and projecting that perspective as the general view one should attribute to the work now before us? I dare not use a more modest word, but does the member not think that is wrong, at the very least?

Mr. Peter Julian: Mr. Speaker, I support the word wrong. I think Bill C-7 is simply wrong.

The witnesses who came before committee, not the ones who were trying to promote the theory of SMS, consistently said that with respect to the actual practicality of its application, this was the wrong bill. The parliamentary secretary is trying to pretend that is not the case. It happened. Witness after witness said this was the wrong bill.

Two classes of witnesses appeared before committee: those who supported the theory of SMS but did not in any way discuss the practicality of what was in Bill C-6 and what would be amended in Bill C-6; and those who said the practicality of how this would be implemented would be wrong for Canada and wrong for air safety. That was clearly a contradiction from the very beginning.

Conservatives continued to say that people spoke to SMS in theory so that must have meant they supported the bill. Very clearly, under questioning from the NDP and from other colleagues in the House, witness after witness said that the practical implementation of Bill C-6 was wrong for air safety. That was the conclusion, and that is why we are voting no.

● (1655)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague from Burnaby—New Westminster for the work he has put into this issue to alert Canadians on the true nature of this bill. If people watching at home had only heard the speakers from the other parties, I do not think they would have understood at all the very real concerns of the many witnesses who came before committee.

I know we have very little time so I will only ask my colleague to elaborate on one thing. He made the point that under the bill there would be greater secrecy and less transparency than in the past. This is of great concern to me, given the nature of the subject matter with which we are dealing, passenger safety and the airline industry, and given the trend toward greater transparency and accountability, the very basis on which the Conservative government ran in the last federal election.

Could the member explain how this manifests itself in the bill? What is the concern?

Mr. Peter Julian: Mr. Speaker, I know the member for Winnipeg Centre has been one of the foremost advocates, if not the foremost advocate, of the public's right to public information. He has done his work diligently in the House to ensure Canadians have access to the information that is so vitally important for our democracy and for the functioning of our government.

Now we have another area that is equally important, which is access to safety information. The bill essentially takes seven sections of the Aeronautics Act and adds them to schedule II of the Access to Information Act to ensure there is no public access to that information. This is seven more areas of secrecy, seven more areas that the public has no right to know, and this is critical.

We are talking about areas that Canadians absolutely need to know. When we put our loved ones on an airline, we need to know it is run right, that it is not run like Jetsgo. We need to know we are not going to face a potential tragedy.

This is simply wrong. It is a wrong bill for Canada and a wrong bill for air safety.

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I am pleased to speak to Bill C-7, reintroducing Bill C-6 which we were debating before the House of Commons was prorogued by the present Conservative government.

After first reading and debate on second reading, the Bloc Québécois opposed Bill C-6—that is a fact. In fact, we had a number of misgivings about the safety management systems that would cover all aspects of safety and that did not provide us with guarantees that the scrupulous inspections done by the federal check pilots could continue. At the same time, we had a lot of indications to suggest that the number of check pilots would be reduced in the future.

I and my colleague from d'Argenteuil—Papineau—Mirabel made a serious and careful study of the bill. In committee, we held 11 meetings to hear witnesses from all the parties: pilots, federal officials and lobby groups. We also held six special meetings for the clause by clause study. After examining all of the clauses, we produced a report that has recently been tabled in the House, proposing 20 amendments to the bill.

Our concerns in the Bloc related specifically to the safety management system, and also the designated organizations, because we had no way of knowing precisely what their responsibilities would be in this system as a whole.

We heard the various parties, and even Mr. Justice Moshansky, an aviation expert, who conducted the probe into a major air crash. He told us that the clause dealing with designated organizations should be preserved, but narrowed. That is what we then did, taking into account all of the good comments received, and seeing clearly that this safety management system could produce good results.

It is important to note that opinion on many sides is that air safety in Canada is in very good shape, although it could still be improved. That is why, at second reading of Bill C-6, on November 7, 2006, the Bloc Québécois opposed the bill in principle in its original form. Not only did it not provide for improving safety, it ran the risk of having the reverse effect, based on the content of the bill at that time.

I would like to list a few of the main amendments to the Aeronautics Act proposed by Bill C-7. First, we are asking for additional regulation-making powers in relation to, for example, measures to reduce aircraft emissions and mitigate the impact of crew fatigue, and safety management systems for Canadian aviation document holders.

Another amendment relates to new powers, comparable to the powers of the Canadian Transportation Accident Investigation and Safety Board, to be assigned to the Canadian Forces Airworthiness Investigative Authority, so that authority can investigate air accidents and incidents involving military personnel and civilian business operators.

A third amendment would add provisions to encourage aviation document holders to voluntarily report their safety concerns without fear of legal or disciplinary action.

We would then like to include provisions for greater self-regulation in low-risk segments of the airline industry.

And last, we are asking that the Minister of Transport, Infrastructure and Communities be given more resources for enforcing the law and imposing more severe penalties on offenders.

The provisions of this new bill are identical, with a few exceptions, to those of Bill C-62. The majority of changes were proposed to improve and increase regulatory powers with the objective of facilitating the implementation of safety management systems.

According to the department, these systems constitute a new approach to safety. Rather than depending on surprise inspections, this new approach places the emphasis on monitoring the safety practices established by the airline companies themselves. For example, a company will implement its own training procedures for its staff. Transport Canada will ensure that these procedures achieve the objectives and are actually followed.

● (1700)

In addition, a voluntary reporting system provides a mechanism for employees to evaluate themselves, enabling them to improve and to set an example for their colleagues. Individuals will not be identified when the self-evaluation forms are made public, in order to allow staff to use this mechanism without fear of consequences.

According to the department, this new approach has had good results in Australia and Great Britain. The purpose is to correct mistakes or failings of which Transport Canada may never have heard. The department believes that this initiative will provide the assurance of additional safety because the company will police itself, even before Transport Canada gets involved. The department hopes to concentrate its resources on the most sensitive areas.

At second reading, on November 7, 2006, our main criticism of the bill was the establishment of safety management systems, or rather the fact that they were being formalized.

It is true that at first glance this mechanism seems promising because it enables all stakeholders to make a contribution toward the improvement of safety. To do that, it provides a certain immunity and confidentiality without compromising information currently available. However, those management systems could very well be a pretext for the department to abandon its obligation for monitoring and inspection so that, in the end, it would have the reverse effect of contributing to an increase in the risks associated with air transport.

Safety management systems effectively remove the burden of safety management from the shoulders of the government and place it on the airline companies that are told to regulate themselves. In the opinion of the Bloc Québécois, that does not make sense. In an industry as competitive as air transport, cost cutting is a necessity. Safety then becomes another expense that has to be reduced as much as possible. Without the standards and frequent inspections by qualified personnel, it is probable that the most negligent carrier will set the standard because its costs will be the lowest. From time to time, an accident will serve as punishment to those who go too far, just as one or more serious accidents will serve to remind parliamentarians that their role is not just to vote for legislation but also to ensure it is applied.

Since that scenario is not the one that we support, the Bloc Québécois has proposed amendments to maintain and improve the monitoring and inspection role of the department. Safety management systems will not replace the department's inspections and will be better defined and regulated. The testimony of Captain Daniel Maurino of the International Civil Aviation Organization before the committee on March 21 speaks for itself.

My colleague from Argenteuil—Papineau—Mirabel told him at that time that what he said during his appearance before the committee was important, and that his words needed to be properly understood. Captain Maurino agreed that ICAO advocated that all safety management systems must be subject to regulatory supervision. In other words, ICAO believes that an SMS is another way of ensuring safety, but we still need to maintain a system of regulatory supervision. When asked that question by my Bloc Québécois colleague, Captain Maurino responded in the affirmative.

The Aeronautics Act will contain a clear definition of a safety management system. It will make the minister responsible because “The Minister shall maintain a program for the oversight and surveillance of aviation safety in order to achieve the highest level of safety established by the Minister.” The legislation will specify the minimum content of regulation of the safety management system.

Concretely, the Minister of Transport could designate one or several organizations under certain conditions.

● (1705)

In particular, the organization would be subject to an aeronautical safety study, and the results of the study must show that its activities represent a low level of risk in relation to aviation safety and security.

Once a year, the Minister of Transport, Infrastructure and Communities will table a list of all designated organizations in both houses of Parliament. Finally, the provisions dealing with designated organizations will only come into force three years after royal sanction of the legislation.

In the view of the Bloc Québécois, this amendment was necessary because, at present, Transport Canada is having some problems in establishing safety management systems. It would thus be premature to give the green light to designated organizations to implement SMS when the department was still testing them.

Captain Maurino from the ICAO summed up the situation following another question when my colleague for Argenteuil—Papineau—Mirabel — who can be rather voluble —indicated to him that Transport Canada’s approach caused a problem for us.

I will quote the exchange between my colleague and Captain Maurino.

> **Mr. Mario Laframboise:** You audited Transport Canada's operations in 2005. In March of 2006, after safety management systems were put in place, Transport Canada terminated the National Audit Program which targeted the eight largest air carriers in the country. This means that the eight largest air carriers are no longer subject to an annual audit.
>
> I won't ask you a question about that, because perhaps you're embarrassed by Transport Canada's actions, but I don't feel that Transport Canada is being reasonable by terminating an audit program simply because safety management systems were put in place.
>
> Would you agree with me?
>
> **Capt Daniel Maurino:** Yes, sir. In any change there is a transition period. What is the safety picture going to be in 20 or 25 or 30 years' time? Nobody really knows. If SMS evolves to the potential that we hope it will achieve, there may be a scenario in which audits are no longer going to be necessary.
>
> But we're at the beginning. I want to reinforce a notion that I have expressed already. We're talking about SMS as if SMS were a done deal. It is not. We're at the beginning. We haven't even landed. We haven't even started this campaign. I believe that what's going on here is the fate that trailblazers suffer, which is growing pains.
>
> In many aspects, we're learning as we move, and we become wiser as we get additional feedback. What I'm trying to say is that this early in the game, taking any radical measures, whatever they might be, would be unwise. I think the elimination of an inspectorate force, audits, or other conventional mechanisms that have ensured safety in aviation for over sixty years would not be applicable until we are absolutely certain that what we're removing is being replaced by a better system.

I want to remind hon. members that Captain Daniel Maurino is the coordinator of Flight Safety and Human Factors for the International Civil Aviation Organization.

One of the Bloc Québécois' concerns involved the possible contradictions between Bill C-6 and certain parts of the Canada Labour Code. In court, the latter must apply. A number of amendments on this passed thanks to the Bloc Québécois. The provisions of the Canada Labour Code will prevail over the incompatible provisions of the Aeronautics Act.

With respect to protection for whistleblowers, the Bloc Québécois proposed an amendment to protect employees who provide safety information to Transport Canada inspectors in good faith. The amendment would prohibit holders of Canadian aviation documents from retaliating against such employees.

Amendments were also proposed to ensure that information used in SMSs, such as Transport Canada's audit and inspection reports, could be obtained through the Access to Information Act. Unfortunately, these amendments were rejected by the Standing Committee on Transport, Infrastructure and Communities. As my colleague said earlier, you can't win 'em all. Once we see how well the law works, it will be clear what improvements are needed.

● (1710)

Even though senior Transport Canada officials said that these reports could be obtained, in practice, the legislation contains a list of exceptions that allow the department to withhold some information from the public. The Bloc Québécois would certainly have liked to change that with its amendments.

I want to emphasize that in the end, most of the Bloc Québécois' amendments to Bill C-7 were accepted, including the main ones concerning the maintenance of Transport Canada's monitoring and inspection measures and the monitoring of designated organizations.

These amendments make it possible for us to support this bill at third reading as amended by the Standing Committee on Transport.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I thank the Bloc Québécois member for his comments.

[*English*]

I listened very carefully to the member who just indicated that he and his colleagues will be supporting Bill C-7. I also listened with rapt attention to the concerns that the member for Burnaby—New Westminster expressed.

Chills went up and down my spine, and probably the spines of many others as well, as I thought about the parallel between the possible safety hazards for airline and rail passengers and what happened in my province of Nova Scotia with the Westray mine. Basically, the company was put in charge of safety. There were inadequate regulations in place. It was an accident waiting to happen. Of course, it is well known that 26 lives were lost. It was absolutely predictable that this would happen.

I am particularly puzzled by the Bloc's support for this bill, because the province of Quebec, over time and across political lines, has always had a better understanding of the importance of strong regulations, an understanding of the structural requirements to ensure, in this case, health and safety, but in other cases other kinds of progressive measures and initiatives.

I want to understand the response from the member. Did he listen to the many interventions of the member for Burnaby—New Westminster when he raised the concern about how ill-advised it is to basically put, and I do not know if it works in French or not, the fox in charge of the henhouse?

● (1715)

[*Translation*]

Mr. Robert Carrier: Mr. Speaker, I thank the hon. member for her question.

Clearly, this bill focuses on aviation. The safety management systems in question are already in operation in several major airlines. With this bill, safety management systems will be better managed and implemented throughout the entire industry and not only within the large companies that have the means to create their own system with their own staff. Designated agencies will see to the implementation of these systems in all the smaller companies.

Through discussion about these systems, which we did not support in the beginning, certain gains were made in terms of Transport Canada maintaining responsibility regarding the inspection of federal pilots. Thus, we really have a system that complements the inspections conducted by federal pilots.

In that sense, we see this as a plus for safety, having ensured that the basic management systems implemented will be even more effective on a daily basis. One must not forget, however, that federal inspectors will continue to regularly conduct their own verifications, just as they did in the past.

Furthermore, as I said in my speech, if, in 15 or 20 years, it becomes apparent that we no longer need to use federal inspectors to oversee the companies, that will be even better, but only time will tell. We therefore see this as an improvement in terms of safety.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I want to start by congratulating my colleague from Alfred-Pellan on an excellent presentation. In committee, he always improves on what is brought in, and that is important.

I have a question for him. In the end, the entire inspection service at Transport Canada should be maintained. The analysis with respect to the inspectors responsible for the supervision of civilian aviation has remained unchanged since 1996, plus or minus a few dozens, and efforts have been made to ensure that this inspection system would be maintained in the legislation.

The difference with the rail system is that a safety management system has been put in place, but there are hardly any inspectors left at Transport Canada to make sure that the tracks are in good condition. I hope I am not mistaken, but I understand that there are fewer than 50 across Canada. This is why it was important to us that the 400 plus inspectors in the inspection system at Transport Canada be maintained.

Does my hon. colleague feel that this inspection service provided by Transport Canada will be maintained under Bill C-7?

● (1720)

Mr. Robert Carrier: Mr. Speaker, I thank my colleague for his question. In turn, I would like to congratulate him on the excellent work he has done, because he has even more experience than I do in transportation in general.

It is true that, thanks to this bill, the whole issue of safety will be improved. Clearly, all the work that has been done shows an awareness of how the Bloc Québécois members are working to make this Parliament function properly, by making a positive contribution that is as important to Quebec as it is to Canada.

With regard to the comparison with the rail system, the mention of deficiencies, by the NDP member as well, is bound to have positive repercussions on the whole issue of safety management in the rail system. This is also being studied by the Committee on Transport, Infrastructure and Communities. We may be able to draw inspiration from what is done in aviation safety management systems in order to improve railway inspections.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to ask my Bloc Québécois colleague a question. It seems as though the Bloc Québécois caucus has a great deal of confidence in the Conservative government's ability to ensure that airline safety systems are well managed.

I would like to ask my colleague a very simple question. Why does he have such confidence in the Conservatives? We know that the Liberals failed when it came to the management system for the railways. Quebeckers are well aware of this. Quebec, like British Columbia, has had many problems with management of the railway safety system. Why does he have such confidence that this Conservative government will make safety systems work better than under the former Liberal government? That is what I do not understand.

Mr. Robert Carrier: Mr. Speaker, I thank my hon. colleague for his rather relevant question. In terms of democracy, my first thought is this: it is not a question of trusting the Conservatives more than the Liberals, but rather trusting a democratically elected government, with which we must all try to work. It is very important to draft clear legislation on which we rely in future.

Thus, it is not a question of trusting a Conservative government, but rather trusting legislation that has been carefully drafted by members who care about the well-being of the public. It is in this sense that I contribute to the drafting of bills, whether the government happens to be Conservative, Liberal or whatever. I think it is important that legislation be clearly drafted, as in the case of all the bills we examine.

[*English*]

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to rise on Bill C-7, An Act to amend the Aeronautics Act . I am pleased to support our party's opposition to this bill. The member for Burnaby—New Westminster did excellent work at the committee level and in making sure that this issue was raised throughout debate today.

I would like to cover some points that have not been addressed. They relate to the safety management system. A couple of things identify the importance of this bill.

We are not opposed to amending this bill and making a new aeronautics act, but at the same time, we want an improvement. Where we really have a difference of opinion is on the safety management system issue that is being advanced through this element. Nobody will disagree that we are literally turning the whole system over to the operators. We are giving them a blank cheque in terms of accountability. That is why we believe this bill needs to be defeated.

It is important to note that Canada has one of the safest aviation records. It is also key for our economic development. Thousands of passengers are shuttled about the country daily. At the same time, we see it as an opportunity for economic development in the future. Why would we put all that risk in that CEOs would not be accountable? Also, there is more secrecy in the industry. Consumers are put at the butt end of this bill.

That is why we believe there should be changes to this bill before it moves forward. That is very important. It is true that the legislation needs reformation. It has been through several machinations over the last number of years and there really have not been any consequential changes in 20 years to the legislation. We agree with that. The member for Burnaby—New Westminster has been trying to advance the issue so that at least we would be able to participate in supporting the bill, but we cannot do so because of its lack of accountability.

Also I think it would eventually undermine a real competitive advantage that we have in our industry. When it comes to safety and openness, that is what consumers want more of these days, not less. They want to know more about fees and charges and safety issues. They do not want to know less about them, nor do they want more obstructions. That is what this bill would do.

It is interesting that it is not just the New Democrats who are talking about this system having particular problems. Basically it is offloading Transport Canada by not investing in the infrastructure for public service when it comes to the safety management system. That is what it is really about, not putting the proper resources into our public service. It is not just the New Democrats who are talking about it; a report was commissioned by the department. CanWest News Service obtained a copy under the access to information act. The report showed that the department itself had concerns about this system going forward.

It is not just the member for Burnaby—New Westminster, but the department itself has flagged this system as a potential problem. We have not seen the consequential changes necessary to alleviate our concerns, and I would argue, probably the department's concerns as well. There has been discussion about that.

I want to read a section of a *National Post* article which encapsulates some of the concerns:

> Specifically, it states that cutting the audit program could increase the chances that certain problems won't be detected, that airlines “will not comply with regulatory requirements,” as well as cause the public to lose confidence in Canada's air safety systems.

Confidence in that business is very important. That is why we have seen a number of different issues. The member for Burnaby—New Westminster talked about the case of Jetsgo, where all these factors came forward later on despite the fact that a number of people could have reported these grievances.

We have seen it in the rail system. The Bloc has said that there are not enough inspectors in the rail system. We would agree with that. We have turned it over to the rail companies. We have seen continued problems and accidents across this country, in particular in British Columbia, but there have been others in Ontario. We have not seen the inspection levels that are really necessary to protect the public and also to maintain confidence in those transportation systems.

The solution is not to deregulate in this manner. The solution is to invest in better public services to ensure confidence in a thriving industry so that once again it will be competitive and reliable.

● (1725)

It is very important because so many other parts of our economy depend upon a viable air carrier service. It is not only the Jetsgo situation that raises concerns about air traffic safety and consumer confidence. For example, I know that the Danish authorities now have grounded the Bombardier planes that are used by Porter Airlines. This is not to suggest that those airplanes that Porter is using are deficient or that there are problems, but the fact of the matter is that the Danes using the same model have taken action.

What we on our side of the House believe should be happening is that the proper systems should be in place. Different from those of the corporate CEOs who have their interests, we should have them out there to protect the public interest. The public interest is served by the impartial regulatory system that is in place today. We would argue that if this capacity is increased it certainly would be better than deregulating to the actual corporate sector the entirety of our safety systems.

This is important because there is a bias and an interest from different employees and different management levels. We have seen this decision making across Canada at different times. Workers and people have been put at risk. Their values have been diminished because of the profits or the interests of those companies.

Jetsgo is a great example in terms of that. How much risk did there have to be or how many more accidents did it take before someone acted? We have seen the airline industry rise and fall in many respects and have a lot of challenges. If the airline industry is vulnerable to different issues, such as profitability and reporting to their shareholders, is it going to come forward and admit to the public some of its safety issues and problems when it could mean loss of profits for the industry and for their people's own personal wallets?

We would argue that this bill needs to go back. It needs more work. It needs to be improved, because it is important for our economy, for consumers and for the Canadian public at large.

* * *

● (1730)

[*English*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—THE ECONOMY

The House resumed from October 25 consideration of the motion.

The Deputy Speaker: It being 5:30 p.m., pursuant to order made on Thursday, October 25, the House will now proceed to the taking of the deferred recorded division on the motion of the member for Markham—Unionville relating to the business of supply.

Call in the members.

● (1750)

And the bells having rung:

The Deputy Speaker: Order. We will have a little order over here and then we will have a little order over there.

Before I proceed with the vote, I would ask hon. members who still have inappropriate props attached to their suits to take them off. I do not mean the poppies. You know what I am talking about, so take them off.

Order. I have all day. I am trusting that hon. members who had the inappropriate stickers on now have them off. We will proceed to the vote.

The question is the following one. The member for Markham—Unionville moved:

> That, in the opinion of this House, while reducing personal taxes and significantly reducing corporate taxes to make the economy more competitive,—

Shall I dispense?

Some hon. members: Agreed.

Some hon. members: No.

[Chair read text of motion to House]

● (1800)

Mr. Bill Casey: Mr. Speaker, I wish to be recorded as voting yea on this.

(The House divided on the motion, which was negatived on the following division:)

(Division No. 5)

YEAS

Members

Alghabra Bagnell
Bains Barnes
Bélanger Bell (North Vancouver)
Bennett Bevilacqua
Bonin Boshcoff
Brison Brown (Oakville)
Byrne Casey
Chan Coderre
Cullen (Etobicoke North) Cuzner
D'Amours Dhalla
Dion Dosanjh
Dryden Easter
Eyking Fry
Godfrey Goodale
Guarnieri Holland
Hubbard Ignatieff
Jennings Kadis
Karetak-Lindell Karygiannis
Keeper LeBlanc
Lee MacAulay
Malhi Maloney
Marleau Martin (Esquimalt—Juan de Fuca)
Matthews McCallum
McTeague Minna

Murphy (Moncton—Riverview—Dieppe) Murphy (Charlottetown)
Neville Pacetti
Patry Pearson
Proulx Ratansi
Redman Regan
Robillard Rodriguez
Rota Russell
Savage Scarpaleggia
Sgro Silva
Simms St. Amand
St. Denis Steckle
Szabo Telegdi
Thibault (West Nova) Tonks
Turner Volpe
Wilfert Wrzesnewskyj
Zed– — 79

NAYS

Members

Abbott Ablonczy
Albrecht Allen
Allison Ambrose
Anders Anderson
André Angus
Asselin Atamanenko
Bachand Baird
Barbot Batters
Bell (Vancouver Island North) Bellavance
Benoit Bernier
Bevington Bezan
Bigras Black
Blackburn Blais
Blaney Bonsant
Bouchard Boucher
Bourgeois Breitkreuz
Brown (Leeds—Grenville) Brown (Barrie)
Bruinooge Brunelle
Calkins Cannan (Kelowna—Lake Country)
Cannon (Pontiac) Cardin
Carrie Carrier
Casson Charlton
Chong Chow
Christopherson Clement
Comartin Comuzzi
Crête Crowder
Cullen (Skeena—Bulkley Valley) Cummins
Davidson Davies
Day DeBellefeuille
Del Mastro Demers
Deschamps Devolin
Dewar Doyle
Duceppe Dykstra
Emerson Epp
Faille Fast
Finley Fitzpatrick
Flaherty Fletcher
Freeman Gagnon
Galipeau Gallant
Gaudet Godin
Goldring Goodyear
Gourde Gravel
Grewal Guay
Guergis Guimond
Hanger Harris
Harvey Hawn
Hearn Hiebert
Hill Hinton
Jaffer Jean
Julian Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's) Kenney (Calgary Southeast)
Khan Komarnicki
Kotto Kramp (Prince Edward—Hastings)
Laforest Laframboise
Lake Lalonde
Lauzon Lavallée
Layton Lebel
Lemay Lemieux
Lessard Lévesque
Lukiwski Lunn
Lunney Lussier
MacKay (Central Nova) MacKenzie
Malo Manning
Mark Marston
Martin (Winnipeg Centre) Martin (Sault Ste. Marie)
Masse Mathyssen
Mayes McDonough
Ménard (Hochelaga) Ménard (Marc-Aurèle-Fortin)
Menzies Merrifield
Miller Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Nadeau Nash
Nicholson Norlock
O'Connor Obhrai
Oda Ouellet
Pallister Paquette
Paradis Perron
Petit Picard
Plamondon Poilievre
Preston Priddy
Rajotte Reid
Richardson Ritz
Roy Scheer
Schellenberger Shipley
Siksay Skelton
Smith Solberg
Sorenson St-Cyr
St-Hilaire Stanton
Stoffer Storseth
Strahl Sweet
Thi Lac Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thompson (New Brunswick Southwest) Tilson
Toews Trost
Tweed Van Kesteren
Van Loan Vellacott
Verner Vincent
Wallace Warawa
Warkentin Wasylycia-Leis
Watson Williams
Yelich– — 199

PAIRED

Nil

The Deputy Speaker: I declare the motion lost.

● (1805)

OPPOSITION MOTION—FEDERAL SPENDING POWER

The House resumed from October 29 consideration of the motion.

The Deputy Speaker: Pursuant to order made on Monday, October 29, the House will now proceed to the taking of the deferred recorded division on the motion of the member for Papineau relating to the business of supply.

[*Translation*]

The question is as follows: The hon. member for Papineau, seconded by the hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, moved—

Shall I dispense?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: The motion reads as follows:

[Chair read text of motion to House]

● (1810)

(The House divided on the motion, which was negatived on the following division:)

(Division No. 6)

YEAS

Members

André
Asselin
Bachand
Barbot
Bellavance
Bigras
Blais
Bonsant
Bouchard
Bourgeois
Brunelle
Cardin
Carrier
Crête
DeBellefeuille
Demers
Deschamps
Duceppe
Faille
Freeman
Gagnon
Gaudet
Gravel
Guay
Guimond
Kotto
Laforest
Laframboise
Lalonde
Lavallée
Lemay
Lessard
Lévesque
Lussier
Malo
Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)
Nadeau
Ouellet
Paquette
Perron
Picard
Plamondon
Roy
St-Cyr
St-Hilaire
Thi Lac
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Vincent– — 49

NAYS

Members

Abbott
Ablonczy
Albrecht
Alghabra
Allen
Allison
Ambrose
Anders
Anderson
Angus
Atamanenko
Bagnell
Bains
Baird
Barnes
Batters
Bélanger
Bell (Vancouver Island North)
Bell (North Vancouver)
Bennett
Benoit
Bernier
Bevilacqua
Bevington
Bezan
Black
Blackburn
Blaney
Bonin
Boshcoff
Boucher
Breitkreuz
Brison
Brown (Oakville)
Brown (Leeds—Grenville)
Brown (Barrie)
Bruinooge
Byrne
Calkins
Cannan (Kelowna—Lake Country)
Cannon (Pontiac)
Carrie
Casey
Casson
Chan
Charlton
Chong
Chow
Christopherson
Clement
Coderre
Comartin
Comuzzi
Crowder
Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)
Cummins
Cuzner
D'Amours
Davidson
Davies
Day
Del Mastro
Devolin
Dewar
Dhalla
Dion
Dosanjh
Doyle
Dryden
Dykstra
Easter
Emerson
Epp
Eyking
Fast
Finley
Fitzpatrick
Flaherty
Fletcher
Fry
Galipeau
Gallant
Godfrey
Godin
Goldring
Goodale
Goodyear
Gourde
Grewal
Guarnieri
Guergis
Hanger
Harris
Harvey
Hawn
Hearn
Hiebert
Hill
Hinton
Holland
Hubbard
Ignatieff
Jaffer
Jean
Jennings
Julian
Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)
Karetak-Lindell
Karygiannis
Keddy (South Shore—St. Margaret's)
Keeper
Kenney (Calgary Southeast)
Khan
Komarnicki
Kramp (Prince Edward—Hastings)
Lake
Lauzon
Layton
Lebel
LeBlanc
Lee
Lemieux
Lukiwski
Lunn
Lunney
MacAulay
MacKay (Central Nova)
MacKenzie
Malhi
Maloney
Manning
Mark
Marleau
Marston
Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)
Masse
Mathyssen
Matthews
Mayes
McCallum
McDonough
McTeague
Menzies
Merrifield
Miller
Mills
Minna
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)
Nash
Neville
Nicholson
Norlock
O'Connor
Obhrai
Oda
Pacetti
Pallister
Paradis
Patry
Pearson
Petit
Poilievre
Preston
Priddy
Proulx
Rajotte
Ratansi
Redman
Regan
Reid
Richardson
Ritz
Robillard
Rodriguez
Rota
Russell
Savage
Scarpaleggia
Scheer
Schellenberger
Sgro
Shipley
Siksay
Silva
Simms
Skelton
Smith
Solberg
Sorenson
St. Amand
St. Denis
Stanton
Steckle
Stoffer
Storseth
Strahl
Sweet
Szabo
Telegdi
Thibault (West Nova)
Thompson (New Brunswick Southwest)
Tilson
Toews
Tonks
Trost
Turner
Tweed
Van Kesteren
Van Loan
Vellacott
Verner
Volpe
Wallace
Warawa
Warkentin
Wasylycia-Leis
Watson
Wilfert
Williams
Wrzesnewskyj
Yelich
Zed– — 229

PAIRED

Nil

The Deputy Speaker: I declare the motion lost.

[*English*]

The House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

● (1815)

[*English*]

CHARTER OF RIGHTS AND FREEDOMS

Mr. Dean Allison (Niagara West—Glanbrook, CPC) moved:

> That, in the opinion of the House, the government should amend Section 7 of the Canadian Charter of Rights and Freedoms to extend property rights to Canadians.

He said: Mr. Speaker, I am pleased to rise in the House today to speak to the motion I originally tabled on April 23 of this year, Motion No. 315, which states:

> That, in the opinion of the House, the government should amend Section 7 of the Canadian Charter of Rights and Freedoms to extend property rights to Canadians.

Protecting property rights in Canada's Constitution is an issue that has been highlighted during previous federal election campaigns and has been discussed in the House many times before. It is an important issue for all Canadians and many residents of my riding of Niagara West—Glanbrook, particularly landowners in large rural areas.

The conception of property rights has material and intellectual connotations. The term "property" is complicated and open to interpretation. Consequently, the entrenchment of property rights in the charter could do more than simply protect those who own real property from expropriation without compensation. Every Canadian, therefore, could benefit from this motion.

Sir John A. Macdonald and the Fathers of Confederation clearly understood the importance of absolute property ownership for all Canadians. They wished to entrench in the institution of a self-governing Canada the primacy of property ownership.

Prime Minister John Diefenbaker established the Canadian Bill of Rights, which, for the first time, included: "the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof—".

Motion No. 315 urges the government to recognize the need to enshrine property rights into the charter. The proposed amendment to the Charter of Rights and Freedoms that is contained in this motion recommends that section 7 extend property rights to Canadians, with the intention of giving individual property owners the right to fair compensation for their property and ensures compensation within a reasonable period of time.

The motion speaks specifically to the need to strengthen the protection of property rights. Every person has the right to the enjoyment of his or her property and the right not to be deprived of that property unless the person is: first, accorded a fair hearing; second, is paid fair compensation; third, the amount of that compensation is fixed impartially; and fourth, the compensation is paid within a reasonable amount of time.

At present, our Constitution lacks any provision that protects the property rights of Canadian citizens. There is an undeniable tension between the fact that on one end property rights appear in the Canadian Bill of Rights, 1960, an accepted piece of federal legislation and the charter's predecessor, and on the other hand they are left out of the charter itself. The tension arises in that property rights are included in the Bill of Rights, but our courts emphasize the Canadian Charter of Rights and Freedoms. This emphasis severely circumscribes the rights of Canadians.

Despite important legal precedents, property rights were deliberately omitted from the Charter of Rights and Freedoms. Professor Peter Hogg wrote about this serious omission in his book *Constitutional Law of Canada*, fourth edition. He stated:

> The omission of property rights from s.7 [of the Charter] greatly reduces its scope. It means that s.7 affords no guarantee of compensation or even a fair procedure for the taking of property by government. It means that s.7 affords no guarantee of fair treatment by courts, tribunals or officials with power over the purely economic interests of individuals or corporations.

Some of us may agree that the absence of the right to own and use property from the charter needs to be corrected. Others may doubt this. To those I advance the following.

First, the right to own property, to enjoy one's property, and not to be unfairly deprived of one's own property is the cornerstone of a free and democratic society. Property rights are essential to the Canadian way of life, to political freedom, and to the well functioning economy. These protections in themselves are not enough, but if property rights are essential for the well-being of our economy and our way of life, do they not need to have greater protection than the charter currently affords?

Second, for centuries the right to own and use property has been the necessary prerequisite to political freedom. Indeed, it has long been at the centre of the human rights movement. As John Locke has argued, if the state was to have legitimacy in the eyes of the people, it had to secure these rights.

Finally, earlier drafts of the charter included the protection of property rights. The Canadian charter we have today therefore appears incomplete and it is the charter's silence on property rights that demands to be corrected.

● (1820)

For a country that prides itself on being the champion of human and individual rights, we have shown remarkable tolerance of governments that infringe on property rights of landowners.

Governments at all levels, federal, provincial and municipal too often display a blatant scorn for landowners, especially rural landowners. Whether through zoning laws, heritage regulations and conservation designations, governments can impose restrictions on the rights of property owners.

The idea that the government can rip away one's property is not merely hypothetical. It is not mere hyperbole or speculation. It is a reality and there are abundant examples in different ridings. Our constituents, and every Canadian, deserve better.

Canadian history is regrettably rife with examples of what happens with property rights that are not entrenched in the charter. Absent entrenched property rights in 1999 led to a Manitoba farmer being denied the right to sell his grain to an American customer because the Manitoba court of appeal found that "the right to 'enjoyment of property' is not a constitutionally protected, fundamental part of Canadian society".

Because of the absence of entrenched property rights 3,200 farm families found themselves displaced in Quebec when a former Liberal federal government decided to expropriate 97,000 acres of Quebec's best farmland to make way for Mirabel Airport. Of those 97,000 acres, only 5,000 were ever used.

With the absence of entrenched property rights the previous Liberal government moved forward with Bill C-68 and was free to ban over 500,000 legally owned, registered firearms and severely restricted the legal ownership of firearms by law-abiding Canadians.

The absence of entrenched property rights in 2002 found mentally disabled Canadian war veterans denied millions of dollars in interest on pension benefits after the Supreme Court ruled that:

> Parliament has the right to expropriate property, even without compensation, if it has made its intention clear and, in s. 5.1(4), Parliament's expropriative intent is clear and unambiguous.

Unfortunately, for the people of Canada these cases are not unique. Examples are abundant on how the current Canadian charter fails to protect one of the most fundamental human rights.

Do such cases comport with the logic of fair practices? No, they do not. However, they are consistent with the law as it currently stands.

If the charter is not amended to strengthen property rights in federal law then the government can continue to take lawfully owned and enjoyed property away from Canadians without due process, and without full and fair compensation.

Farmers and landowners are beginning to conclude that governments conflate private property with public privilege, and that government behaviour and the lack of property rights are the cause of this confusion. Listening to the numerous cases where law ostensibly violates logic, governments at all levels have overstepped the boundaries of reason.

Every Canadian should be protected against arbitrary government intrusions. If it is demonstrated that a government restriction or regulation is indeed for the greater public good, then the landowners should be fairly and appropriately compensated for their loss.

It is time that we entrench property rights in the charter. Canadians deserve a law that will be applied evenly and consistently, not a law that is whimsical and variable.

In my riding of Niagara West—Glanbrook, most residents are property and home owners. Some are new property owners, some have raised their children, and some have called it home for generations. In many cases their land is their livelihood. But as Canadians we only enjoy this land on borrowed time.

Whether it is zoning laws that dictate land use or environmental protection laws that can eliminate property value in an instant, Canadians can find their land taken without any requirement to fair compensation.

Often government restrictions are wrapped in the snow white cloak of the greater social good and so they often enjoy widespread public support. But governments pass laws which affect land use for environmental reasons, social benefit or to contain urban sprawl. However, only recently are landowners stopping to say that the action may have a significant impact on their properties.

The majority of Canadians are mindful of the fact that they are all part of a larger social group. We realize that sometimes the interests of the social group will differ from individual interests. In spite of this and as much as because of this we give governments the power to legislate for the good of all Canadians.

● (1825)

However, when legislation contravenes individuals' interests, the government should mitigate against negative implications, such as jeopardizing property ownership and personal land use.

When the Government of Ontario adopted provincial greenbelt legislation, after modest public consultation, the result was a freeze on future land use. Property owners in my riding saw the value of their land plummet in some cases by approximately half.

These families have survived the challenges of harsh winters, dry summers, tough economies, but a single piece of provincial legislation put at risk the potential of their land, and the future of these landowners and their children.

Do we need property rights to be entrenched in the charter? Clearly, the continued absence of property rights is an assault on Canadian families. At present, these families have no options. They have no recourse in place. Indeed, no Canadian enjoys perfect protection vis-à-vis future legislation that may negatively affect their property values and future financial security.

As parliamentarians, we can help to ensure that every Canadian is provided fair and timely compensation when government legislation negatively affects its citizens. Fair compensation is one means by which property ownership can serve and work together for the greater social good.

Fair compensation recognizes the pride that Canadians take in land ownership and recognizes that property ownership is often the main way that Canadians plan for their future and retirement. Fair compensation would establish the balance necessary to ensure all levels of government respect property ownership.

I do not know how many times a day people call my office and essentially begin a conversation with something such as, "The government should provide better funding for—" and we can all fill in the blanks. They proceed to list their list of pet interests.

Increasingly I am hearing not what government should provide but what it should not be able to take away. They are also becoming concerned that the government has forgotten rural Canadians to the benefit of the environment. Indeed, a petition to amend section 7 garnered substantial signatures from numerous residents in Niagara West—Glanbrook and from across the country.

To press for the entrenchment of property rights in our charter is to press for what so many other countries already recognize. Indeed, the exclusion of property rights from the charter violates the convention. This convention is captured by the 1960 Bill of Rights. The convention is captured in common law. The convention is captured in provincial statute and the convention is captured in the United Nations Declaration of Human Rights.

Article 17 of the 1948 United Nations Declaration of Human Rights reads:

> (1) Everyone has the right to own property alone as well as in association with others.
>
> (2) No one shall be arbitrarily deprived of his property.

Although Canada ratified the UN Declaration of Human Rights over 50 years ago, Canadians continue to be deprived arbitrarily of their property and we have willfully remained out of step with most other signatories.

While Canada is a world leader on so many fronts, it pains me to say that we are far behind other democracies when it comes to the issue of property rights. Other democracies have long taken a lead in property rights legislation, including the United States, Germany, Italy and Finland. Great Britain first introduced property rights in the Magna Carta of 1215. Even Communist China has put forward property rights in its constitution. So why not Canada?

We are a country that stands up for human rights around the world. As parliamentarians we must stand up for the rights of our respective constituents and for all Canadians. Several Canadian provinces, including British Columbia, New Brunswick and Ontario have also initiated resolutions that support stronger protection for property rights. Why should we not do the same? We should not stand by while Canadians suffer the effects of intrusive legislation and sometimes questionable public policy.

Rural property owners have organized themselves into very vocal and active lobby groups, a trend that is spreading across the country. Rural landowners are leading strong grassroots movements in defence of their property rights.

Indeed, just this morning, my office received calls from landowner groups from across the country. Their key message was that they are fed up with undue government interference and want their property rights respected and protected. This is what we hope to accomplish by entrenching property rights in the charter.

The right to own and enjoy property can be a divisive issue. But it does not need to be. Though the role of government in the context of private property is one factor that distinguishes us, the property rights are also at the heart of what makes for a vibrant and healthy society.

● (1830)

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I have a question for the member. First of all, I want to thank him for introducing the motion and for his comments.

I want to point out to the member across that I come from Prince Edward Island. It is a small province in the Gulf of St. Lawrence and because of the size of the province we do have legislation on our books that prohibits non-residents from owning in excess of 10 acres of land or in excess of 135 feet of shore frontage without executive council approval.

This legislation has been on the books for 25 years. I do believe it has the support of most residents of the province. It is my belief that this legislation would be struck down if this private member's motion were to pass. I would appreciate the member's comments on that particular situation.

Mr. Dean Allison: Mr. Speaker, I cannot comment on what would happen with provincial legislation per se, but I know this has been an issue that individuals from not only my riding but from across the country and across the province have been calling for.

Their concern, once again, is that, as they own their property, sometimes they are not able to do with it as they see fit, or they are worried about being compensated fairly in the event that government should ever restrict them in terms of what they are able to do with it, or maybe just in the case of expropriation.

I cannot comment on particular provincial issues but I know this is something that would go a long way to correcting the rights of individuals.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Mr. Speaker, could the member enlighten us any more on the property rights that he is putting forward.

Mr. Dean Allison: Mr. Speaker, I do realize that this is a potentially contentious issue with some individuals but it is important to understand that this has been debated in the House many times and it is something that works in terms of treating people fairly.

As I mentioned, there were mentally disabled war veterans who were denied payments as a result of the federal government deciding that it would take them to court on some of these issues. We look at the issue of the gun registry and Bill C-68 in 1995 that confiscated guns from law-abiding gun owners.

It is very important, as we look at this motion here tonight, that we really do consider it. If we value other things that we have entrenched in the charter, why should property rights not also enjoy that same freedom in the charter?

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, first I want congratulate my colleague across the way for doing something his government has not done. He actually spoke about the importance of the Charter of Rights and Freedoms.

As we know, this is the 25th anniversary of the charter which was enacted April 17, 1982.

Having said that, to me the charter is very much a living document, which I think my colleague across the way said as well, but it is a living document to protect human rights. I think there is a differentiation as to how we might regard what human rights are about.

If we look at section 7, it states:

> Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

It then lays out in the legal section of the charter as to how we protect those rights. We are talking about something that is very much an animate object, which is human beings. Whereas what the member is talking about when he talks about property rights is an inanimate object.

Property rights, to a large extent, are under provincial jurisdiction. They do not rise to the same level as do basic human rights. When one talks about security of the person, one is talking about the security of the individual to not be detained as Mr. Arar was detained and not to be sent to a place of torture the way Mr. Arar was sent to a place of torture.

When we talk about the issue of the security of the person, it is important to focus on all those areas where those rights are still being abused.

I can tell the member across the way what is important to me when we are talking about rights. Let us take something that has been before the House for the past 10 years.

An issue that has been before the House for the last 10 years is something very basic. It is called citizenship rights. Citizenship rights affect deeply each and every Canadian. It is an issue that the citizenship and immigration committee has studied for the last decade and actually beyond the last decade.

In the last Parliament, we tabled an important piece of work from the citizenship and immigration committee which was unanimously approved. It was about upgrading Canada's citizenship law because something as important as citizenship right now is not covered in law. It does not fall under section 7 of the Charter of Rights and Freedoms.

In spite of the fact that the Conservatives, when they were in opposition, were unanimous in support of putting citizenship laws under section 7 of the charter, when they became the government they ignored it. They ignored their own previous stance of a decade. What did they do? They decided, even though it is the 25th anniversary of the Charter of Rights and Freedoms, the 60th anniversary of the first Citizenship Act which was enacted in 1947 and the 30th anniversary of 1977 Citizenship Act which was enacted in 1977, they did not even see the importance of introducing legislation to update those laws.

The hon. member across the way mentioned a veteran in relationship I believe to the gun laws. We have a great deal of respect in the House for veterans, keeping in mind the soldiers who are now serving abroad, in Afghanistan in particular but in other places as well.

● (1835)

What I find mind-boggling, when we talk about section 7 of the charter, is that we do not respect the citizenship rights of the children of our veterans who fought for this country in the second world war.

When we talk about the whole issue of the charter, the access to justice, it is the government across the way that got rid of the court challenges program which gave people access to justice.

I will cite the example of Mr. Joe Taylor, but his case represents thousands like him. Mr. Joe Taylor is the son of a Canadian veteran who fought for this country in the second world war. Mr. Taylor wanted to assert his Canadian citizenship, which he was ordered to receive by an order in council. What happened is that the government denied Mr. Taylor his citizenship on two grounds: first, he was born out of wedlock; and second, because of an archaic section of the Citizenship Act, when he was 24 years old he did not know that he had to apply to retain his citizenship. Mr. Taylor won his case when Federal Court judge, Mr. Luc Martineau, ruled in September 2006 that the minister—

● (1840)

The Deputy Speaker: Order, please. The member is under some obligation to relate the debate he is having about citizenship rights to the private members' bill, which is about property rights and the Constitution. If the member could come back to it and try to make a connection every once in a while that would be good.

Hon. Andrew Telegdi: Mr. Speaker, after Mr. Taylor won his case, the government on the other side got rid of the court challenges program that allowed people access to justice. The government told Mr. Taylor that it was appealing the case to the Federal Court of Appeal and that if it lost in the Federal Court of Appeal, it would appeal the case to the Supreme Court.

That speaks to me about what the Charter of Rights and Freedoms is about. That is a human right. As the charter states:

> Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

That is not property rights. I am talking about a basic human right, the right to one's citizenship, the right to be here and the right to be protected by the charter.

We will have competition of various rights if we ever put property rights into that section. If we put property rights into that section, what do we have? Do we trade off human rights for property rights? That is what it states under section 7 of the charter. I would ask my friends to read it again. What happens when those rights come into conflict?

The situation in Prince Edward Island was already mentioned by a previous member. Prince Edward Island restricts the ability of non-residents to own land in that province given that the land is under its jurisdiction.

When I was a municipal councillor there were times when the municipal council had to expropriate land for the common good of the community. In each and every case that we expropriated land, the property was assessed on highest and best use and the owner was paid accordingly.

The same thing applies to school boards. The same thing applies to the protection of wetlands where we tell individuals that they are the owners of a wetland that is very important to the ecosystem. In that case, if we were to include property rights in the charter, it would be detrimental to being able to protect environmentally sensitive lands. It is the same thing with native rights. It is through the courts and the charter that we have had some of those rights asserted.

The fact that the court challenges program was eliminated shows us that we are dealing with people who do not have the resources to take those cases to court. I submit that people who have property have many more resources than the individual who is trying to defend his or her individual human rights.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, I have the pleasure today of debating my colleague's motion, which proposes that the government amend section 7 of the Canadian Charter of Rights and Freedoms to extend property rights to Canadians. Specifically, the motion wishes to strengthen the protection of property rights. My colleague stated that everyone has the right to enjoy their property and the right to not be deprived of their property without having the opportunity to be heard at an impartial hearing.

For all those listening, although this motion seems to meet a logical need, it is important to clarify something with regard to the protection of property rights. This is not the first time that such a motion has been put forward in the House and I think it necessary that all my fellow citizens have a proper understanding of why this motion is difficult to implement and has often been rejected.

In Canada's case, the federal government is governed by principles of common law which, among other things, prohibit expropriation without compensation, even though the criteria for compensation are not defined. However, in Quebec, the Civil Code clearly indicates that "no owner may be compelled to transfer his ownership except by expropriation according to law for public utility and in consideration of a just and prior indemnity".

My colleague's motion proposes to amend the Canadian Charter of Rights and Freedoms to formally include property rights as a protected right. I maintain that this is a rather cumbersome process for various legal reasons.

My colleagues know that the Charter is an integral part of the Constitution. Consequently, it can only be amended or altered by a constitutional amendment. Based on this, a charter amendment that would permit section 7 to include a reference to property rights would have to be made in accordance with the general amending procedure established in section 38(1) of the Constitution Act, 1982 that Quebec did not sign.

In layman's terms, for those who are not familiar with constitutional rules, the enshrinement of property rights in section 7, as moved in the motion by my colleague, would necessarily require the following conditions to be met: resolutions from the Senate and the House of Commons, and resolutions from the legislative assemblies of at least two thirds of the provinces, the latter representing at least 50% of the Canadian population.

The second condition means that either Ontario or Quebec would have to be one of the provinces supporting such an amendment, since, together, they represent more than 50% of the population of Canada.

In addition to these complications, there is subsection 38(3), which permits the legislative assembly of a province to opt out by passing a resolution of dissent to an amendment of the kind described in section 38(2) "prior to the issue of the proclamation to which the amendment relates." A maximum of three provinces could opt out of such an amendment by passing resolutions of dissent. If there were more than three dissenting provinces, the amendment would not have the required support of two-thirds of the provinces and would therefore be defeated.

I want to come back to subsection 38(1), whereby once the authority for an amendment has been provided by the requisite number of resolutions of assent, the formal act of amendment is accomplished by a "proclamation issued by the Governor General under the Great Seal of Canada". Under section 39, the proclamation is not to be issued until a full year has elapsed from the adoption of "the resolution initiating the amendment procedure," unless before that time all provinces have adopted resolutions of assent or dissent.

The intent here is to allow the legislative assembly of each province sufficient time to consider the proposal. Under section 39 (2), the proclamation is not to be issued if three years have elapsed from the adoption of the resolution initiating the amendment procedure.

As you can see by this brief explanation of procedure, the road to passing the motion is long and unpredictable. However, it is not just the legal aspect that poses a problem.

I would like to remind my colleagues and all of my fellow citizens that past attempts to change property rights often failed at the provincial approval stage. Let us not forget that during the first ministers' conference in 1980, before the Canadian Charter of Rights and Freedoms, the federal government introduced a proposal to guarantee property rights. Some provinces vehemently opposed the proposal. In 1978, Bill C-60, which would have guaranteed the right to own property and not to be deprived of it except in accordance with the law, met with similar opposition.

● (1845)

In 1983, after the Canadian Charter of Rights and Freedoms, the Liberal government tried to reach an agreement with the opposition parties to introduce a resolution to enshrine property rights in article 7. Once again, the attempt failed.

The next significant development occurred in 1987, when the following motion was adopted: "That in the opinion of this House, the Constitution Act, 1982 should be amended in order to recognize the right to enjoyment of property, and the right not to be deprived thereof, except in accordance with the principles of fundamental justice, and in keeping with the tradition of the usual federal-provincial consultative process".

Now, let us leave aside the legal and historical facts and examine the logic underlying this motion.

Obviously, my colleagues and I agree that property rights are important, particularly because they provide security and predictability. As I said earlier, Quebec already has a framework for property rights and the deprivation thereof because it has a unique civil law system that balances property rights and the needs of the community, all without constitutional entrenchment. This indicates that Quebec does not really need the Canadian Constitution to provide a framework for property rights. In fact, Quebec has still not ratified the 1982 Constitution.

The question is what is behind this motion. This is not the first time Conservative or Alliance or even Reform members have introduced such a proposal.

Setting aside partisan or ideological considerations, let us imagine for a moment that this motion is adopted. What will become of municipal zoning by-laws, aboriginal land claims, environmental regulations and spousal property rights in case of marriage breakdown? The list goes on and on.

These are just some of the current rules that would have to be reviewed if property rights were included in the Charter. We can assume that these rights might impede the application of laws that create social cohesion and protect important social interests. We have only to think of the legislation governing land use planning, ownership of real property, the environment, and health and safety.

Nevertheless, the Bloc Québécois is willing to do its part and suggests that the federal government introduce rules, as Quebec has done in the Civil Code, on fair compensation for people who have been deprived of their property rights on the grounds of public convenience. Simple and accessible, the principle of full, fair, fast compensation likely could have changed many things and avoided any problems without requiring that these rights be entrenched in the Constitution. My colleagues will no doubt remember the whole saga around the expropriation of farmland in Mirabel to build the airport.

I will conclude by saying that for all the legal, historical and practical reasons I have mentioned, the Bloc Québécois will vote against my colleague's motion. This motion could have too many unforeseen consequences.

● (1850)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, as this is a private member's motion, there will be a free vote in the House. However, I can indicate, on behalf of the New Democratic Party, that our traditional position on these motions or private member's bills has been to oppose them. I know I will vote against the motion and I expect all members of my caucus will as well.

There are a number of reasons for that. Only having 10 minutes this evening, I doubt I will get through all of them.

Let me deal with the one that I believe, in the context of the Canadian constitutional framework, is the most significant one. It is one that was advocated very strongly back in the late seventies, early eighties as the federal government moved to repatriate the Constitution to Canada, letting us take full control of that. It is the role and the mandate we have between the federal government and the provincial governments.

It is very clear, going back to 1867 when the British North America Act was passed, that property and civil rights were a provincial responsibility, and that never changed. In 1982, when we repatriated the Constitution to Canada so we were completely in control of that as a completely independent sovereign nation, we retained that relationship. This power over property and civil rights remained at the provincial level as it does to today.

For the member for Niagara West—Glanbrook, it is a very fundamental relationship that he in effect is proposing to tinker with, one that is really going down the wrong road.

It was interesting that in 1982 the provinces were very adamant. It was not only the province of Quebec, which does have a somewhat different history with regard to how it treats property rights than what we have in the common law jurisdictions of Canada. All provinces and territories told the federal government "absolutely not". They said we were treading into their area if we incorporated a property right into the Charter of Rights and Freedoms. That message was very clear from all provinces and territories.

If I recall my history, I believe the Conservative Party at the time, under pressure from the provinces, similarly did not push to incorporate a property right clause into the Charter of Rights and Freedoms. I believe that is historically accurate, but I could be corrected. However, we remain in that relationship now. If we go to the provinces today, they will say no. If there is going to be a dealing with property rights in Canada, those are going to be dealt with at the provincial level, not at the federal level, not in the Constitution.

The reason why I believe the New Democrats have traditionally been opposed to this type of motion or bill is it sets up a clash between the Constitution, whose property rights and civil rights are provincial responsibilities and powers, and the charter. It is hard to forecast what the outcome would be. This has happened rarely. In fact, I am not sure if it has ever happened since 1982, where we had that clash between the fundamental rights in the Charter of Rights and Freedoms and the powers in the old BNA Act and now the Constitution.

I suggest for my colleague from Niagara West—Glanbrook that he needs to appreciate that fact. We are exposing ourselves to a clash between those two documents. I believe we should not go down that road because of the risks it poses to the relationship between those two documents in our constitutional framework and the structure of our country. It is way too dangerous.

● (1855)

The third point that I would make is that when we actually look at the Charter of Rights and Freedoms, and I believe my Liberal colleague was making this point but I want to emphasize it, section 2 deals with fundamental freedoms. What are those? They are the freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of the press, freedom of peaceful assembly, freedom of association.

Section 3 deals with democratic rights, the right to citizenship, the right to vote. In section 6 we have mobility rights. In section 7, which is where the hon. member is proposing to put this, we have legal rights. If we look at that section and the ones that follow from it, it really is about "the right to life, liberty and security of the person". Section 8 is the right to be secure against unreasonable search or seizure. Section 9 is the right to be not arbitrarily detained, the right not to be arrested or detained in a draconian manner. In section 15 we have equality rights.

When we look at the rights I have listed, fundamental rights, democratic rights, mobility rights, legal rights, equality rights and language rights, they are all human rights; the point being made, and I want to repeat, is rights to the person. None of them is economic rights. That is really what the member is trying to incorporate for the first time into the Charter of Rights and Freedoms. That is not what the Charter of Rights and Freedoms was designed to do from its inception, nor has it incorporated any of those types of attempts in the last 25 years of its existence. It is the wrong document, the wrong tool to be moving in this direction.

I want to make one final point with regard to the charter and that is section 25.

The member for Niagara West—Glanbrook talked about the role property rights have played historically. That is a somewhat limited perspective on property and how it is treated by various societies. Our first nations did not have the concept of property rights, which the Europeans brought to North America as they occupied it. That has never changed for our first nations. Section 25 of our charter recognizes that. It says that we cannot abrogate those rights that the first nations have had from time immemorial.

I believe strongly that the incorporation of property rights into the charter in fact would clash with section 25, because the first nations in this country continue to this day to look at property rights in a much more collective approach than the individual property rights that Europeans incorporate and which quite frankly are not found in a lot of other jurisdictions in the world. Collective rights with regard to property are seen in a number of other jurisdictions right around the globe. Africa and Asia have not incorporated the European concept of individual property rights. I believe that is what the member is attempting to do. Again, it would clash with section 25.

I want to make one final point and maybe a recommendation to my colleague. He pointed out, and rightfully so, some of the abuses that have gone on, both at the federal and the provincial levels with regard to expropriation of property rights, and they are valid points. I have a hard time with the gun registry, but I will leave that for a moment.

● (1900)

Mr. Garry Breitkreuz: That is a good point.

Mr. Joe Comartin: Mr. Speaker, we will argue that one another day with my friend sitting next to me.

With regard to land, let me deal with that and expropriation generally. If the hon. member really wants to deal with it, that is where we deal with it. He should look at our expropriation legislation and other provincial and federal legislation. We should clean that up and make it clearer. I am not denying there are economic rights there; I just do not see them as fundamental ones that should be in the charter. There are rights there that need to be protected, but the way to do it is in our expropriation legislation or similar legislation, not by tinkering with our constitutional framework, because that is simply too dangerous.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, tonight I congratulate the member for Niagara West—Glanbrook for bringing this long overdue motion to the House. The motion seeks the support of this House to amend section 7 of the Canadian Charter of Rights and Freedoms to extend property rights to Canadians, so tonight I gladly rise to support this motion.

The Constitution is the supreme law of Canada. The Canadian Charter of Rights and Freedoms, which is a part of the Constitution, guarantees those rights and freedoms that define Canada as a free and democratic society. The charter guarantees freedom of religion, expression, assembly, association, the right to vote, the right of mobility, the right to equality before the law, the right to fair treatment in the legal system, language rights and education rights. Elsewhere in the Constitution are aboriginal and treaty rights and commitments to promote equal opportunities for the well-being of Canadians.

These rights and freedoms paint a picture of the kind of society we all enjoy and want to live in, a society that really is the envy of most of the other jurisdictions in the world, but the picture is just not complete. The right to own property, to enjoy one's property, and the right not to be unfairly deprived of one's property are also fundamental to a free and democratic society.

Property rights are essential to our well-being, our economy and our way of life. Canadians across this country own land, possessions and ideas. These are the building blocks of personal autonomy and a thriving economy.

Of course, Canadian law provides some degree of protection for property rights. The common law, for example, presumes that the state will not expropriate property without giving compensation, but the common law presumption is just that. It presumes the state will give compensation when the state's intentions are unclear. It does not require compensation when the state prefers not to give it. In that sense, it hardly deserves to be called a protection at all.

The Expropriation Act also offers some protection for property rights. Under this legislation, if the government wants to expropriate an interest in land, it may have to give notice, hear from interested property owners, and of course, accordingly give compensation, but this is, once again, ordinary legislation. It is not part of the Constitution. Parliament can legislate around it.

It was the Progressive Conservative government under Prime Minister Diefenbaker that gave us Canada's first explicit Bill of Rights in 1960. In fact many of the charter's rights and freedoms were derived from this earlier statute. The Bill of Rights recognized that there has existed and will continue to exist the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof, except by due process of law.

By recognizing property along with life, liberty and the security of the person, the Bill of Rights leaves no doubt that property lies at the foundation, the very foundation, of our social order, but the Bill of Rights does not have constitutional status and therefore does not provide the same degree of protection from state intrusion and unfair expropriation. The Bill of Rights is a federal statute. It only applies to federal laws. It is not part of the Constitution of Canada.

These are our protections. What actually then do they really mean for Canadians? They mean that individuals can face expropriation without any compensation. That possibility does exist and that possibility cannot afford to be brought around to a probability.

One hundred years ago, an Ontario court said that the prohibition “Thou shalt not steal” has no legal force on lawmakers. The law has changed enormously over the past century. The law has evolved to recognize the importance of human dignity and to make the government even more accountable, yet still, property rights remain vulnerable to unfair interference and expropriation.

It is not enough to rely on the common law, ordinary legislation and the Bill of Rights. These are simply not constitutional in nature.

● (1905)

Of course, the state sometimes has to regulate property use. Sometimes the government has to expropriate private property for public works. None of us in this world lives in isolation. The public good sometimes does put limits on our freedoms. No one would want to make it impossible to regulate private property for the good of all. That would be untenable. What we do have to ensure is that individuals are treated fairly when the government inordinately steps into their lives.

What is fair treatment? The Bill of Rights requires due process. That is part of the story. Should that be all? Due process still allows Parliament to expropriate without compensation as long as it is done clearly. Surely property rights need more protection than this in a free and democratic society.

Fair treatment means that people should be compensated when the state takes their property. It is only fair that the public as a whole bears the cost when an individual's property is taken for public use. Should individuals sacrifice their land and the fruits of their labours whenever the state finds them useful?

Some people naturally would call this an overstatement. Some people might even ask why we need to protect property rights in the Constitution. Is there a pressing threat to property rights in Canada? Surely if Parliament takes property rights seriously, it will not pass laws to expropriate without fair compensation.

Canada is a large country. Individuals possibly may be overlooked. We have rights and freedoms to ensure that each person is treated fairly, not ignored or discarded or used as a means to an end. That is why we have the Canadian Charter of Rights and Freedoms. It protects individuals from being overlooked in these rare circumstances. It ensures that basic rights and freedoms are respected. It tells Canadians that their rights, including property rights, matter.

As I said earlier, the charter guarantees our freedom of expression, our right to vote, our legal rights, and other rights and freedoms. Does it not stand to reason that it should protect our property? Yes, it should.

I really believe that enshrining property rights in the charter will remind Parliament to respect the dignity of every person. Property rights will act as a safeguard so that Canadians will not be mistreated when their government pursues its projects. In fact, this is why the charter was originally supposed to protect property rights.

Early drafts of the charter naturally included property rights. Property rights had already been recognized in the Universal Declaration of Human Rights, the protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in the constitutions of other nations.

The Progressive Conservative Party at that time supported including property rights in the charter, but in that tumultuous time it was not possible to achieve consensus on everything. It was a difficult period of give and take. Some provinces opposed including property rights, and more discussions would have been necessary to arrive at a consensus. At that time property rights were left behind. The charter came into force on April 17, 1982. Property rights were simply left for another day.

Here we are today. It is time to retrieve property rights and place them where they have always belonged, in the Constitution of Canada, our supreme law.

The motion that we are debating today will not accomplish an amendment. It will not begin a formal amendment process, but it expresses the support of the House for filling a gap in the charter that has been left open for too long.

There are questions that would be asked and choices that would be made about the nature of the protection and the wording of the amendment. As the Prime Minister said in December, the government does not intend to reopen the Constitution unless the provinces and the public are ready to agree on the amendments.

Let me conclude by urging members of the House to support this motion. By supporting this motion, they will show Canadians that they sincerely and honestly do accord the proper respect for property rights and that they are committed to protecting their autonomy, the fruits of their labours, and their right to be simply treated with fairness and respect in the Canadian way.

● (1910)

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, it is indeed a privilege for me to also enter into this debate this evening. I have had a special interest in this topic since I was first elected 14 years ago.

Since 1983, property rights bills and motions have been debated in the House 10 times. Five of those bills and motions were ones that I have introduced over the past 14 years. That just indicates the interest that I have had in this as well as the importance of the debate.

I will not let go of this debate until it is resolved in the affirmative. That is why I appreciate that the member for Niagara West—Glanbrook again has given us an opportunity to engage in this very important debate.

I only have three minutes to speak, which is why I cannot deliver my speech, so I am going to comment on some of the objections that have been raised.

One of those objections is that property rights cannot work in Canada. Some have made it appear as if this is not anything that can be accommodated by our Charter of Rights and Freedoms and that it would not work with our present political system. However, we are the only modern industrialized country that does not have property rights. How can one argue that they do not work if they work in every other modern industrialized country?

I would like to also point out that a couple of years ago even China saw the importance of this and China is a communist country. It saw the importance of property rights, but we in Canada still have not realized, at least not in this chamber, that this is a very important right.

Some have argued that it is all a matter of conflicting rights, but it flows out of the very fact that we have a right to life. If we follow that up, which I cannot do in two minutes, it follows that we have the right to our labour and the fruits of our labour and no one has the right deprive us of that. Those who want to argue against this would have a very hard time making a solid argument that it conflicts with our human rights, because it does not. I think that needs to be emphasized over and over.

One member argued that this is a right of the provincial government, that this is a responsibility according to our Constitution that follows from the way our Constitution—

The Deputy Speaker: Order. I am sorry to interrupt the hon. member, but perhaps he can take some comfort in the fact that he has about seven minutes left whenever this comes back to the floor of the House.

In any event, the time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1915)

[*English*]

EQUALIZATION PAYMENTS

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, the game of deal or no deal continues to be played out with the people of Nova Scotia and this government. We have seen the photo opportunities in the newspaper when there was a deal made. We are hearing different things in the Senate. Truly, the uncertainty around this whole issue is cause for concern among the people of Nova Scotia.

We saw this play out here with the release of the budget last spring, and we heard the Minister of National Defence say that the new equalization formula in the budget was great for the people of Nova Scotia and if they did not believe him, they could see him in "court" and the government would prove it in court. The people of Nova Scotia did the math and saw that they were going to lose $12 billion.

Even the premier of Nova Scotia at the time encouraged the Conservative members to vote against the budget. Certainly the members on this side from Nova Scotia voted against the budget, because we supported the best interests of the people of Nova Scotia.

We saw the arm-twisting that went on. We heard the promise to the member for Cumberland—Colchester—Musquodoboit Valley that he could vote his conscience and not be expelled from caucus. It was truly unfortunate when he did get heaved.

But the uncertainty continues. The Minister of Finance truly believed that he was honouring the accords. When he spoke in Halifax on June 9, he believed, he said, that the government "is honouring the Atlantic accords fully in its budget". He said, "Nothing has changed...". When asked about a deal that apparently the Minister of National Defence was working on, he stated:

> Our government is not in the process of making any side deals for a few extra votes. You cannot run a country on side deals.

Yet just a couple of weeks ago, we saw the big photo op with the Minister of National Defence, the Prime Minister, the member for South Shore—St. Margaret's and the premier of Nova Scotia. We saw the glad-handing that went on with regard to this new deal.

They took the opportunity, in preparation for a supposed election, to announce this big deal, but we are still not sure if there is a deal. We know there was an exchange of letters. I personally requested, on behalf of all members in the House, to have a briefing by the Department of Finance. We still have not received that. Finance officials are talking about having one next Monday when we are in our constituencies, so they are going to fly 15 people to Ottawa, with no need for that, to present a briefing. We have not been able to get a briefing on this. We know there has been an exchange of letters, but we have not seen any deal.

What adds to the confusion is the Minister of National Defence saying that we have a new deal and there is going to be legislation coming forward, and then in the other chamber, the government's leader in the Senate, Senator LeBreton, saying that "I believe people are misinformed if they think this agreement was a new agreement or some side deal, which it was not". She says there is no side deal.

In this House, there is a deal. There is going to be legislation coming forward. In the other chamber, there is no deal. So I think people can understand why we are concerned back in Nova Scotia as to whether it is a deal or no deal.

I know the parliamentary secretary is prepared to share with us the view of the government. I know he is a good member and I want to save him time. Is there a deal or no deal, yes or no?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I rise today in response to the question by the member for Cape Breton—Canso regarding the implementation of the agreement with Nova Scotia on the Atlantic accord.

Earlier this month, an agreement was announced between the Prime Minister and Premier MacDonald to resolve Nova Scotia's concerns related to recent changes to the equalization program.

This agreement will ensure that the province will receive at least the full benefits it expected to receive from its accord at the time it was signed in 2005 and builds on measures introduced in budget 2007 which set out a new equalization program that applies equally to all provinces while respecting existing agreements with Nova Scotia and Newfoundland and Labrador.

Formal letters have been exchanged between the federal finance minister and Nova Scotia's finance minister outlining details regarding our recent agreement on the accord.

This agreement was consistent with our prior commitment that flexibility would be provided to ensure a smooth transition to the new principles-based equalization program.

We are providing Nova Scotia a cumulative best-of guarantee to ease its transition to the new equalization system, guaranteeing Nova Scotia will do at least as well on a cumulative basis as it would have under the formula in place at the time the 2005 accord was signed.

With this guarantee, Nova Scotia no longer has to be concerned about the risk of opting into the new equalization formula too early and forgoing any potential benefits of the previous formula.

How much Nova Scotia will benefit from this agreement will depend on economic variables from economic growth, tax revenues, population, and revenues from natural resources, including oil and gas.

We can, however, guarantee that under this agreement Nova Scotia will receive all the benefits it expected to receive at the time it signed the 2005 accord, and possibly more under the new equalization formula.

Indeed, for 2007-08 alone, the new formula provides a net benefit of $95 million in equalization and offshore offsets to Nova Scotia, which the province can use for priorities like health care, education and infrastructure.

The equalization changes which have been agreed to will require amendments to the Federal-Provincial Fiscal Arrangements Act and we intend to introduce these changes as soon as possible as part of the second budget 2007 implementation act.

In addition, the agreement with Nova Scotia resolves the long outstanding issue with respect to Crown share adjustment payments. Through an independent panel, we will work to find an approach that is agreeable to both governments, something the previous Liberal government failed to do.

With regard to the concerns of the member opposite, I quote the words of Nova Scotia's own premier:

> The [Liberal] opposition, they want to talk about the pieces of paper, and this and that.
>
> We have the agreements in place and we're moving forward with that.
>
> I think it's unfair to the people of our province that members of the opposition... have tried to paint a picture where somehow there is no agreement. I can assure you that there is an agreement.
>
> If Nova Scotia MPs from all parties are not standing up and supporting this, that says to me, No. 1, that they're not in favour of us receiving the full benefits of the offshore accord.
>
> I hope that our MPs, especially some of our Liberal MPs, after hearing some of the comments...are going to stand up and be counted.

● (1920)

Mr. Rodger Cuzner: Mr. Speaker, they did offer a “best-of”, but it was a best of either world, not a best of both worlds, which the accord was. The Prime Minister continues to say there is no stacking provision. The accord was an opportunity for Nova Scotians to get out from under the per capita debt, the highest in this country, because they would get the best from the revenues, plus they would get the best of the equalization.

I guess we will drill down, because I know the speaking notes are tight over there. Those guys are better than Wal-Mart when it comes to messaging and marketing what they want to say and the spin they want to put on it. The truth is that Nova Scotians are the ones who are suffering for this.

I will ask a very specific question. Are the revenues generated from the offshore factored into the fiscal capacity of the province which in turn determines the amount of equalization that Nova Scotia receives?

Mr. Ted Menzies: Mr. Speaker, the October 10 announcement allows Nova Scotia to benefit from the new strengthened equalization formula, while guaranteeing the province's benefits under the 2005 accord are fully protected.

This government is proud to have worked with the Government of Nova Scotia to resolve its concerns about its offshore accord. Premier MacDonald has made it clear that he believes this agreement provides important benefits to the residents of Nova Scotia.

Former premier, John Hamm, who negotiated the original accord in 2005, said this of the new agreement: “It fits very nicely with the original accord”.

To quote the Halifax *Daily News* columnist Charles Moore, “this is a win-win situation. Kudos to Premier MacDonald, the Prime Minister, the member for Central Nova and the member for South Shore—St. Margaret's for putting their shoulders to the wheel and working to arrive at this accommodation”.

Nova Scotia can no more—

● (1925)

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

ELECTIONS CANADA

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I am quite pleased to take part in this adjournment debate. On October 18, 2007, I asked the government the following question:

> —Elections Canada investigated this $1.2 million Conservative Party laundering scam.
>
> There is no evidence these expenses were incurred by their candidates. Some of their candidates said they did not even know about them. Others said they were pressured to contribute to the national advertising.
>
> Elections Canada says that the Conservative Party used local campaigns to hide the fact that they spent more than they were allowed to and then they had the gall to claim bogus rebates.

Ordinary Canadians may be listening to this and wondering what the importance is of it.

On pages 188 and 189 of Tom Flanagan's book, he states quite clearly in the third paragraph, the second sentence:

> Even though there is a cap on national campaign spending, it is easy and legal to exceed it by transferring expenditures to local campaigns that are not able to spend up to their own legal limits.

That may be the case. The problem exists when those moneys that are transferred into local campaigns during an election are used to purchase national advertising, not local advertising for the local candidate, and then allows the candidate to claim a rebate for expenditures that did not directly benefit that candidate.

We may ask ourselves why that is important. One of the Conservative parliamentary secretaries, who is the member for Beauport—Limoilou, listed, in her electoral expenses to Elections Canada 2006, the amount of $37,454.69 for several ad expenses. In fact, her campaign received a transfer from the national of the Conservative Party of $43,174.69. She then, through her official agent, went on and claimed a rebate of that $37,000, a 60% rebate on the $37,454.69. In fact, that amount represented 81.35% of her total campaign expenses.

However, when one looks at the ads that were bought, those ads do not show her name anywhere, do not show the name of her riding and were not posters in her riding or radio campaigns in her riding or television spots that played giving her name, showing her picture or giving the name of her riding.

Elections Canada has clearly stated that—

● (1930)

The Deputy Speaker: I am sorry but the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons now has the floor.

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 am pleased to rise in response to my hon. colleague's question.

It is quite clear, as we have stated numerous times in this chamber, that we have done absolutely nothing wrong in terms of our election financing. In fact I want to relate back that when I was the general manager of a provincial party in Saskatchewan, I was also on a committee that revised the elections act in Saskatchewan. One of the precedents that we used was the Canada Elections Act. We actually mirrored, I would say, 95% of the rules and regulations contained in the federal elections act in what we wanted to do in revisions to the provincial elections act.

With respect to this issue, there is absolutely nothing wrong, as long as the local candidate who chooses to run a national ad puts a disclaimer at the bottom indicating that it is authorized by the official agent for the candidate, with their name and address, that type of thing. It is quite common. All parties do it and it is legal.

We have done absolutely nothing wrong. Legal opinions, and they are many and varied, have substantiated that. I am sure that the court case that we will initiate so that our candidates can rightfully get the rebates will substantiate our claims.

I want to contrast that which is completely legal with the actions of one of my hon. colleague's members, the member for West Vancouver—Sunshine Coast—Sea to Sky Country who has resigned his seat under allegations of improprieties with elections financing and election spending.

There are allegations that the member for West Vancouver—Sunshine Coast—Sea to Sky Country gave cash payments for services rendered in the last election which is highly illegal. There are serious allegations that the member for West Vancouver—Sunshine Coast—Sea to Sky Country purposely did not disclose election expenses on his election return which is an extremely serious allegation and if proven true, could result in either fines or imprisonment, or both.

I have heard members on the other side try to defend their former colleague's actions. The deputy leader said as recently as yesterday that one cannot be tried by the newspaper, yet what do we hear from members opposite on a daily basis? They take only allegations and try to purport that our party and many of our candidates during the last election purposely did something illegal.

Those members have the temerity to suggest that in here, but none of them will go outside this assembly to make the same allegations and name the same people they have defamed inside this assembly. Of course, everyone knows that members have parliamentary privilege and immunity inside this chamber, but they do not outside the chamber. Not one of them has had the courage to walk outside and make the same claims, the same allegations where they do not have parliamentary privilege and immunity. I think that speaks volumes for the legitimacy of their allegations, what they are trying to do here.

This is nothing more than petty partisan politics. They are trying to smear our candidates because they know that they do not have any other issues on which they can appeal to Canadians.

Hon. Marlene Jennings: Mr. Speaker, this has nothing to do with, as the member over there claims, petty partisan politics. Elections Canada itself has disavowed and disallowed the claims of a significant number of Conservative candidates from the 2006 election, some of whom are sitting in this chamber today. Elections Canada has disallowed their expenses and has refused to issue rebates. In other cases, rebates were issued and Elections Canada is now investigating. That is the second point.

The third point is that when he contrasts, as the member attempted to do, the situation that took place with the member for West Vancouver—Sunshine Coast—Sea to Sky Country, allegations were made of improprieties and possible breaking of the electoral act, how did the member respond? How did the leader of the official opposition respond? He immediately requested the member's resignation. The member gave it. Secondly—

The Deputy Speaker: Order. The Parliamentary Secretary to the Leader of the Government in the House of Commons.

Mr. Tom Lukiwski: Mr. Speaker, it is interesting that the member tries to defend the actions of the member for West Vancouver—Sunshine Coast—Sea to Sky Country by saying that he immediately resigned.

I have been in politics a long time and I have heard allegations levied against many candidates from time to time—

● (1935)

Hon. Marlene Jennings: They asked for an investigation.

Mr. Tom Lukiwski: Mr. Speaker, of course the peanut gallery on the other side do not want to hear the answer, but they are going to be forced to.

I have heard many allegations from time to time levied against candidates and sitting members, scurrilous, untrue allegations, but in my experience if an allegation is not true, the member does not resign because the member knows that he or she has done nothing wrong.

We have an instance here where all of a sudden the allegations were levied and a member resigned.

If the member's point, where they should resign based on allegations is true, what can she say then when in December 2005 in the last election campaign when allegations were levied against the former finance minister in the former Liberal government, the member for Wascana—

The Deputy Speaker: The hon. member for Malpeque.

AGRICULTURE

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, this adjournment debate relates to a question raised with the minister on October 24 when I asked:

> ...the throne speech failed to outline any vision for primary producers in this country. [The minister] virtually ignored the fact that programming agreements with the provinces end on March 31.

Let me repeat that virtually all farm programs related to safety nets depend on those agreements and the government fails to show leadership, either announcing completed agreements or authorizing an extension, but that is not unusual for this new government when it come to farm policy.

Let us review some facts.

During the last election, the Prime Minister promised to eliminate the CAIS program. It never happened. He changed the name and made a few cosmetic changes that were already in the works.

The Prime Minister promised a disaster relief program, but as yet there are no details and no funding.

The Prime Minister promised to undermine the Canadian Wheat Board and in fact directed his minister to spend most of his time pushing that ideological agenda rather than dealing with pressing producer income issues. On that point, the actions of the Prime Minister and his henchmen were found by the Federal Court to be illegal.

While the government sits on its hands, rural MPs are getting calls from frantic producers in the beef and hog sectors who see their whole life's work being destroyed before their very eyes. Their life's work is being destroyed, not because of inefficiencies on their part but because of a high Canadian dollar and a highly supported, vertically integrated industry south of our border. The United States government supports its farmers, while our new government fails to take any action.

It is tragic when we see some of the headlines. A headline today read:

> Beef business going bust; Alberta may lose up to 40 per cent of cow-calf operations by Christmas.

It is the same across the entire country and the minister sits on his hands.

Atlantic Canada is on the verge of losing its hog industry. Many of the most efficient hog operators are packing it in and hoping to get out with some dignity and the minister still sits on his hands. Why?

We saw a huge surplus today and tax breaks but those tax breaks will not do any good to those producers who are out there, who invested hundreds of thousands of dollars and who are seeing their operations go down the drain while the government sits idle.

The minister may dislike ad hoc programs. However, right now we have the livestock industry across this country facing financial ruin that needs immediate help. Farm crises do not occur on the government's timetable. They happen suddenly and require action.

Previous governments acted on potatoes, on PVYn, on poultry and on ad hoc payments for the grain and oil seeds industry when the safety nets did not do the trick. The current government has demonstrated no intent to respond to this farm crisis.

Will the government not act on this crisis facing our hog and beef sectors? Why will it not, at the very least, give some certainty to safety net programming after March 31?

Mr. Guy Lauzon (Parliamentary Secretary to the Minister of Agriculture and Agri-Food and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the hon. member seems to be a step or two behind the rest of the industry. The Minister of Agriculture and Agri-Food, working side by side with provincial and territorial ministers, has not only agreed to a bold new vision for the future of agriculture in Canada, but is well aware of the importance to producers and all stakeholders of a smooth transition.

With a view to developing a new vision for agriculture in the 21st century, governments held extensive consultations over the past year and listened to over 3,000 stakeholders, the majority of whom were primary producers. Based on what was heard, in June 2007 federal-provincial-territorial, ministers of agriculture agreed to “Growing Forward”, a vision designed to address the needs of the primary producer as well as the broad interests of the entire sector.

The intent of “Growing Forward” is to foster an industry that is innovative and competitive, that actively manages risks and that responds to the priorities of Canadians. Federal, provincial and territorial governments are now in the process of negotiating the specific policy outcomes and initiatives to be contained within “Growing Forward”.

While we continue to work with the provinces to develop policy and program details for “Growing Forward”, the Minister of Agriculture and his provincial and territorial colleagues understand the need for continuity. It is for this reason that the ministers agreed late last week to continue current programming while developing new and improved programming to incorporate the bold new vision and principles of “Growing Forward”. It is important that we ensure that the programs under “Growing Forward” work for farmers and the entire industry.

The hon. member is clearly left behind as this government does what it promised to do and actually gets things done. The Minister of Agriculture and his colleagues are delivering on a commitment to replace Canadian agricultural income stabilization with programs that are simpler, more responsive, bankable and predictable.

As part of the "Growing Forward" vision, we are launching a new suite of business risk management programs. The suite of BRM programs includes: AgriInvest, a program where both producers and governments contribute to a producers' savings account that will allow producers to easily predict the government's contribution and have flexibility; AgriStability, a new margin based program that provides support when a producer experiences a decline in farm income of more than 15%; AgriInsurance, an existing program which includes insurance against production losses for specified perils; and AgriRecovery, a disaster relief framework which provides a coordinated process for federal, provincial and territorial governments to respond rapidly when disasters strike, filling gaps not covered by existing programs.

Putting farmers first means moving quickly as possible to implement improved BRM programming. As we move forward, we ensure that the non-BRM programming like the new BRM programming, encapsulates the bold new vision and principles of "Growing Forward".

● (1940)

Hon. Wayne Easter: Mr. Speaker, the minister has a potential agreement on growing together. Is that not something? I took a look back to the 1979 agreement signed by the minister at the time, Don Mazankowski, and it was called "Growing Together", much the same old story. We know where "Growing Together" got us. Farmers went out of business, two-thirds of the industry gone, increasing exports and incomes down. It has been the worst income situation for farmers in Canadian history over the last four years.

We want more than words from the minister. The member talks about a bold new vision. Changing the name of CAIS to AgriStability and NISA to AgriInvest will not solve the problem. When will the minister get real?

We want to see not fancy words. We want to see cash and we want to know when the minister will deliver the cash so the hog and beef industry in the country can survive?

Mr. Guy Lauzon: Mr. Speaker, ministers will continue to involve the sector every step of the way in the development of new programs under "Growing Forward".

Federal, provincial and territorial governments are committed to providing notice to farmers and others in the sector, well in advance of any program changes, and we are working toward a smooth transition from existing to new programs. Continuity is the key. We are committed to ensuring momentum generated under the APF is carried forward into the new framework while taking a fresh look at current programming.

I realize this is a great departure from the 13 years of inaction from the past government. The minister recently spoke with his provincial colleagues and they are in agreement with this approach. These means moving as quickly as possible to implement improved BRM programming. It also means ensuring there is a seamless transition in implementing the new BRM programming.

● (1945)

The Deputy Speaker: Order, please. I am sorry but the time has expired and the motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:45 p.m.)

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