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(HANSARD)

Tuesday, December 4, 2007

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, December 4, 2007

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, pursuant to Standing Order 83(1), I have the honour to table a notice of a ways and means motion to introduce an act to give effect to the Tsawwassen First Nation Final Agreement and to make consequential amendments to other acts.

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

* * *

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 fourth report of the Standing Committee on Procedure and House Affairs.

If the House gives its consent, I intend to move concurrence in the fourth report later this day.

LIBRARY OF PARLIAMENT

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, I have the honour to present the first report of the Standing Joint Committee on the Library of Parliament regarding its mandate and its quorum.

PROCEDURE AND HOUSE AFFAIRS

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, pursuant to Standing Orders 104 and 114, I move that the fourth report of the Standing Committee on Procedure and House Affairs presented to the House earlier this day be now concurred in.

(Motion agreed to)

The Speaker: I believe the hon. Minister of Indian Affairs and Northern Development had something else to table besides his ways and means motion and between us we may have overlooked this.

Does the minister wish to table something else? I will happily go back to tabling of documents if I made a mistake.

* * *

TSAWWASSEN FIRST NATION FINAL AGREEMENT

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Thank you, Mr. Speaker. I think the confusion is on my part. I tabled the ways and means motion.

I would like now to have the honour to table, in both official languages, the Tsawwassen First Nation Final Agreement and related side agreements.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if Question No. 100 could be made an order for return, this return would be tabled immediately.

The Speaker: Is it agreed that Question No. 100 be made an order for return?

Some hon. members: Agreed.

[*Text*]

Question No. 100—**Hon. Scott Brison**:

> Have there been any meetings or discussions, including but not limited to those conducted electronically, between the Deputy Minister and senior officials at Agriculture and Agri-Food Canada and staff members of the Atlantic Food and Horticulture Research Centre, or between the Deputy Minister and senior officials at Agriculture and Agri-Food Canada regarding the Atlantic Food and Horticulture Research Centre, since February 6, 2006 and, if so: (*a*) who participated in these meetings or discussions; (*b*) what was discussed; (*c*) what was the outcome of the discussions; and (*d*) what plans, if any, were discussed regarding the future operations of the Atlantic Food and Horticulture Research Centre and, if so, (i) what did these plans consist of and (ii) what are the associated timelines?

(Return tabled)

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CANADA MARINE ACT

The House resumed from December 3 consideration of the motion that Bill C-23, An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence, be read the second time and referred to a committee.

The Speaker: When this matter was last before the House, the hon. member for Abbotsford had the floor. He has four minutes left in the time allotted for his remarks. I therefore call upon the hon. member for Abbotsford.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, when debate adjourned last night, I understood I had three minutes. This is wonderful news. It is one more minute for a politician to talk.

When I left off debate, I was talking about the opportunities that Canada has in the area of international trade. As we know, Canada is a trading nation. It is one of the most successful trading nations in the world. In fact, it is perhaps the most resource rich country in the world. The nations of the world are beating a path to our doorstep not only for our resources and commodities but they are also looking to us for the technological expertise and much of the information we can deliver to make the world a better place.

When I left off debate, I was raising a number of reasons why we face challenges in Canada in trying to maximize the benefits we get from international trade. The first of these reasons was the awful truth that previous federal governments had essentially abandoned any significant effort to build our national infrastructure and the result was an aging infrastructure that was ill-suited to compete with the demands of the 21st century.

That is why the Conservative government, of course, introduced a $33 billion building Canada fund, which is a plan that is going to rebuild and renew our national infrastructure. It is the largest investment of its kind certainly in the last 50 years, if perhaps not in Canadian history. The building Canada fund is going to be rolled out over the next seven years.

There is a second reason why we have challenges in the area of making sure that we compete internationally for trade. That was the fact that the level of service in transportation, specifically railway transportation, was in a critical state of affairs. For many years virtually everyone in the shipping industry had complained about the fact that the level and quality of service delivered by our large national railways had declined.

To address this concern, our government introduced Bill C-8, which goes a long way to improving the level of service in our national railways. It ensures that the dispute resolution mechanisms available for shippers are efficient, low cost and timely.

The third reason why Canada is beginning to have challenges in the area of its gateways and trade corridors is the fact that our country does not have the legal flexibility given to its ports to be able to adapt to a rapidly changing economic environment. When I talk about ports, I am talking about marine ports, such as the port of Vancouver, the port of Montreal, the port of Halifax.

There are numerous other inland and marine ports across Canada that have challenges. They have transportation pinch points that restrict the ability of those who carry on trade with Canada and within Canada to get the job done. That is why we have introduced Bill C-23. It provides much more flexibility to the ports to be able to adapt to changing environments.

One of the areas where we are providing more flexibility is, for example, in the area of land management. Ports will now have more powers and authority to manage their lands, to lease them, to sell them, and to use them for the purposes they deem necessary for their businesses. We have also expanded the whole area of legal authority and the ability to borrow money, which again had been severely constrained until now.

We believe this flexibility is going to allow our ports to become even more dynamic because if we do not become more dynamic in the area of trade and ensure the infrastructure in Canada is in place to adapt to increasing trade, we are going to lose out.

There are many other ports across North America now that are competing with us and they are very aggressive. We need to make sure that our ports in Canada have the ability to meet the challenges of the 21st century.

I am thankful for the opportunity to address this very important issue for Canadians.

● (1010)

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, it is an honour today to have the opportunity to elaborate on certain aspects and provisions of Bill C-23. Specifically, I would like to focus on the impact of the proposed changes to the Canada Marine Act on Canadian port authorities.

We have entered a new era obviously in global trade. The patterns of our trade partnerships and relationships continue to change with the growth of our overseas markets, and that has been illustrated in earlier comments.

Canada must work to position itself strategically with east-west trade routes, routes that by their very nature require the transport of goods by marine mode.

New realities are upon us including the reality that marine based trade is becoming more and more important to our economy in terms of volume and the value of goods.

Our ability to accommodate this trade is integral to tapping the opportunities being generated by the ever-expanding markets. Ensuring that appropriate port infrastructure and the intermodal connections exist are crucial to allow for the increase in the volume of goods to flow unimpeded.

Not only does Canada have the opportunity to directly grow its Asian trade relationships but the prospects of developing Canadian gateways and corridors as the pre-eminent transportation routes into the heart of North America will result in numerous value added initiatives translating into long term high paying jobs.

In short, if Canada does not have the necessary infrastructure in place to accept the North American bound trade, it will go elsewhere and the spin-off opportunities will obviously be lost.

Since their inception, the 19 Canadian port authorities that form the backbone of the national port system have been self-sufficient entities that have effectively used their own revenues and borrowings to finance investments in port infrastructure; in other words, building the port capacity that is necessary for security trade growth with overseas markets.

On the whole our port authorities have been successful in pursuing new investments and have been very creative in the partnerships and financial arrangements that have made a large number of infrastructure projects possible.

Our ports have been able to maintain growth due to good management practices and without access to the federal treasury which aligns with the original objectives of the Canada Marine Act. However, the global economic realities of today are not the same as when the Canada Marine Act came into existence in 1998.

During the period that the Canada Marine Act was being developed national economic priorities reflected deficient deficit reduction. Our principal trade focus was with the United States, global logistics changes were in their infancy, and the federal government had minimal involvement in strategic infrastructure investments.

In the last decade, however, various federal funding programs related to infrastructure have been created. The recently announced building Canada fund includes $2.1 billion for gateways and border crossings as well as $1 billion for the Asia-Pacific gateway and corridor initiative. Within all of these strategies and initiatives it is clear that Canadian port authorities have a critical role to play.

Today there is significant pressure, especially on our west coast, to do more to accommodate growing maritime traffic. Canada's bilateral trade with China has increased 500% in the last 10 years. From 2001 to 2006 Canada's exports and imports with China recorded an average annual growth of 12% and 22% respectively.

Some experts are forecasting that container movement at west coast ports will quadruple by 2020. In terms of the time required to ensure that appropriate port related infrastructure is in place to handle this traffic 13 years is an extremely short period of time when we are dealing with port authorities.

● (1015)

Most of this container traffic represents inbound consumer goods, although Canada's booming energy sector and expanding Asian economies are increasing the demand for Canada's energy products and other commodities. Between 1996 and 2006, marine exports to China almost tripled to reach $7 billion.

Canada's west coast ports are planning to invest over $1 billion themselves in the next 10 to 15 years in order to address issues of capacity, including capacity for bulk and liquid bulk exports. However, given the forecast of trade growth within the Asian economies, it is unclear whether these investments by the ports alone will be sufficient to maintain Canada's market share of the anticipated traffic.

While the Canada Marine Act governs several components of our national port system, the proposed changes outlined in Bill C-23 will most profoundly affect Canada Port Authorities. There are several important amendments proposed to the Canada Marine Act; however, the cornerstone of Bill C-23 is a change contemplated in section 25 that would give port authorities the same ability to access federal funding as other transportation infrastructure providers.

The federal government recognizes the need to provide our ports with additional flexibility so that investments in important infrastructure may be made to meet new opportunities. The proposed amendment to section 25 of the Canada Marine Act would remove the existing legislative barrier that prohibits Canada Port Authorities from accessing contribution programs for infrastructure projects.

Access to contribution programs would place Canada Port Authorities on an equal footing with other major infrastructure providers and better reflect the government's current approach to financial investments, an approach which recognizes that from time to time a case may be made for federal investment that is in the public interest and that positions Canada within international trade dynamics, but in such a way that the commercial spirit and independence of the port authorities are not compromised.

The proposed access to contribution programs reflects the priorities of the government and will be focused on capital costs of infrastructure projects, environmental sustainability and security initiatives. Certainly in terms of security funding, these amendments are required to allow a continuation of contributions to ports, which as of the end of this month will no longer be provided under the Marine Transportation Security Act.

Bill C-23 also recognizes the diversity of port operations across the country, including the inherent role of some port authorities within gateway and corridor frameworks and the need to move these ports with significant revenue generating power closer to a self-governing borrowing regime.

In this regard, ports that achieve $25 million in operating revenues for three consecutive years will have the choice of moving to a new tiered structure under which there will be no aggregate borrowing limit. Rather, these ports would be subject to a code of borrowing established in their letters patent and a board-approved borrowing policy to reflect the requirements of the code.

This structure will result in more comprehensive reporting requirements to ensure borrowings are compatible with the policy and the code, but will also allow much greater flexibility to borrow according to the market conditions in order to address time-sensitive opportunities.

For those ports that are not subject to the new borrowing regime, it is important to note that, as a parallel policy initiative, guidelines have been developed that are designed to significantly shorten and clarify the borrowing limit increase approval process. That is important.

Other elements of Bill C-23 relate to strengthening the governance provisions of the Canada Marine Act. In addition to a number of general housekeeping amendments, the introductory provisions of the Canada Marine Act will be changed to recognize the historical, contemporary and future significance of marine transportation and its contribution to the Canadian economy.

The proposed amendments to the Canada Marine Act are integral to the long term objectives of our national gateway and trade corridor strategies. Simply put, the marine system is a major component of our national transportation structure and the Canada Port Authorities truly are the marine gateways for domestic and international markets. Without these important legislative amendments, it would be extremely difficult for our gateways and trade corridors to meet their full potential.

● (1020)

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, it is a real pleasure for me to rise here today to speak to Bill C-23, An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence. The purpose of the strategic framework for Canadian federal ports, established in 1995, was to eliminate excess capacity and create a new governance structure in order to support a more trade-focused system. International trade changed the context in which the federal ports were operating.

A review committee consulted various stakeholders and prepared a report, which was tabled in the House of Commons in June 2003. The report listed a number of recommendations that were fully endorsed by Canadian port authorities.

The principal concern identified during the review focused on the marine sector's financial flexibility, especially for port authorities, in order to maintain economic viability and respond effectively to changing market demand, as well as access to federal funding for infrastructure investment.

In terms of funding, Canadian port authorities cannot rely only on their operating revenues and private lenders. They do not have access to most federal funding. Industry observers have pointed out that Canadian port authorities, because of their structure, are hindering their own ability to procure the necessary funding for investments, which would allow them to maintain or improve their competitiveness. They can ask to have their borrowing limit raised, but a lack of real property to offer as collateral makes lenders nervous.

The bill before us today aims to strengthen the operating framework for port authorities by modifying the current borrowing regime, providing for access to contribution funding, and clarifying some aspects of governance.

The Bloc Québécois believes that this bill will increase the competitiveness of the St. Lawrence by maintaining and improving the port infrastructure required to develop the St. Lawrence-Great Lakes trade corridor. At the same time, this will also promote intermodal transportation and benefit the environment.

The Bloc's key concern with this bill is the competitiveness of the St. Lawrence River, which has always been a major asset to Quebec's development. It is closely linked to the economic development of all its regions. Eighty percent of Quebec's population lives on the shores of the St. Lawrence and over 75% of its industry is found there. The strategic location of industries in relation to the St. Lawrence River means it can be used for nearly all international trade outside the United States.

When considering the St. Lawrence Seaway in the North American context, the importance of its economic impact becomes even more obvious. Indeed, the St. Lawrence River provides privileged access to the heart of North America. It not only allows access to 90 million inhabitants and the industrial heartland of the United States, Canada and Quebec, but it also provides a shorter route for major European carriers. For example, the distance between Montreal and Rotterdam is 5,813 km while the distance between New York and Rotterdam is 6,154 km.

This strategic asset is the reason the Canadian and American governments have done much work since the start of the industrial age to provide easier access to the Great Lakes for international carriers. In 1959, the opening of the St. Lawrence Seaway provided greater access to Lake Ontario and the rest of the Great Lakes.

The St. Lawrence Seaway is underutilized, however. The total amount of goods transported via the St. Lawrence dropped from 130 million tonnes in the early 1980s to approximately 100 million tonnes 10 years later, only to hover around 105 million tonnes since.

● (1025)

However, in the past 30 years, shipping has increased by 600% worldwide. Closer to home, the Mississippi system, which competes directly with the St. Lawrence, has seen its annual traffic go from 450 million to 700 million tonnes. Seaports on the east coast of the U.S. have also seen a steady rise in traffic.

A similar trend is affecting traffic going through the St. Lawrence Seaway. After reaching a high of 70 million tonnes, the quantity of goods being transported via the seaway stabilized around 50 million tonnes per year. This is due to different factors, mainly the fact that the St. Lawrence Seaway is not competitive, because of Ottawa's failure to pay attention to marine infrastructure in Quebec, particularly along the St. Lawrence—Great Lakes trade corridor.

Moreover, at a time when marine transportation is increasingly important to international trade, the federal government has been slow to take steps to make the St. Lawrence more competitive. I should mention that this sector of Quebec's economy faces extremely stiff competition from American ports.

Marine transportation plays a key role in the global economy, with nearly 90% of trade taking place by ship.

The importance of marine transportation is also growing with globalization. Internationally, marine transportation represents nearly 400 million tonnes of goods annually, with a total value of more than $80 billion. It is estimated that marine traffic will triple in volume in the next 20 years because of globalization. There is enormous potential there, and the ports along the St. Lawrence must be equipped to benefit from this growth.

Despite favourable economic conditions, Quebec is faced with strong competition from American ports. For example, container traffic has grown far more in the ports south of Washington than in Montreal. An important reason for this is the way American ports are funded. American ports have access to a number of sources of public and private funding. In addition to their operating revenues, major U. S. ports can issue bonds—some tax-exempt—take out loans, apply for subsidies and receive money from all levels of government. Many can collect property taxes, and few have to pay any money to the government.

By enabling the port authorities in Quebec to amalgamate, receive federal funding and take out commercial loans for infrastructure improvements, Bill C-23 will help ports compete more effectively against the ports on the American east coast.

In the past few years Ottawa has given Canada's west coast a number of financial benefits for developing the Pacific gateway and opening it for trade with Asia. There is also increasing talk about setting up an Atlantic gateway, to be located in Halifax, to ensure trade with the eastern United States.

What about the plan for the Great Lakes-St. Lawrence trade corridor, which is a matter of priority to the St. Lawrence Economic Development Council, or SODES? This concept of the trade corridor is based on an obvious fact. The ports along the St. Lawrence must establish a common strategy for facilitating the most efficient transport of goods possible amongst themselves and towards the destination markets. The competition is no longer among Montreal, Quebec City, Sept-Îles or the other St. Lawrence ports, for their share of global marine traffic. They are competing against the American ports, and that is the competition they must face.

It is therefore important for users and stakeholders of the St. Lawrence to join forces to make the most of their assets and improve what is called the "logistics chain" in order to make the river and its estuary a quintessential trade corridor.

● (1030)

Such development must focus on the complementarity and advantages of each port and on the complementarity between the different modes of transportation. The obstacles and bottlenecks that slow down the movement of goods must be identified in order to prioritize the investment needed to correct those slowdowns.

The primary challenge is to get not just the port authorities and the regional ports, but also the carriers, namely the railway companies, to buy in to this concept.

The railway companies and the trucking companies do not have a history of cooperating. However, cooperation is essential to the development of the trade corridor, as we can see from Vancouver's example.

The St. Lawrence Economic Development Council, SODES, through the St. Lawrence and Great Lakes Gateway Council, is giving these matters a great deal of thought, as is the Comité interrégional pour le transport des marchandises for the Montreal area.

The Government of Quebec supports this initiative since it has injected $2.6 million into the marine transportation support program and has released $21 million for the assistance program for modal integration in order to facilitate the rehabilitation of strategic marine and rail infrastructure.

The federal government has to do its part too. Once Bill C-23 is passed, it will make a modest contribution to the development of the Great Lakes-St. Lawrence trade corridor. As such, the government should provide the same level of political and financial support to the Great Lakes-St. Lawrence trade corridor as it does to the Asia-Pacific gateway and corridor initiative.

The signing of a memorandum of understanding between Ottawa, Quebec and Ontario in July 2007 was a first step toward implementing an action plan. Over the next two years, partners in the public and private sectors will collect and share data to guide future multi-modal strategies, projects and investments. This is a step in the right direction, but it is still far from the billion dollars invested in the Asia-Pacific Gateway and Corridor Initiative.

We are not opposed to federal initiatives to support the Pacific gateway, but the federal government should also be supporting similar efforts to develop the Great Lakes-St. Lawrence trade corridor.

I would now like to turn to an aspect of maritime transportation that is of special interest to me because it has a major impact on environmental protection. I am talking about intermodal transportation that promotes cabotage on the St. Lawrence. By supporting investment in infrastructure belonging to Quebec's port authorities, Bill C-23 supports intermodal transportation.

How can we make the best use of the unique characteristics of maritime transportation while respecting the private sector's need for fast, low-cost transportation?

Europe came up with an answer because traffic on its road system exceeded capacity. This is also happening in the rest of the world, particularly in the United States.

The solution is intermodal transportation, which is growing at a phenomenal pace thanks to the increased use of standardized containers. Intermodal transportation combines energy efficiency with the rapid transportation of goods.

For the past few years, intermodal transportation has been getting some attention from both private and public sectors. Since 2001, the Government of Quebec has made developing intermodal transportation a priority in its maritime transportation policy. It has invested $1.5 million in an intermodal transportation project at the port of Sept-Îles.

Right now, concrete initiatives designed to develop a real intermodal transportation network are being implemented in several regions of Canada and Quebec.

As you can see, Quebec is well ahead of the Conservative government in this matter. Other intermodal transportation projects are moving forward. For example, there is the Kruger project which transports 300,000 tonnes of wood chips per year by barge from Ragueneau and Forestville to Trois-Rivières. This use of the St. Lawrence will replace 18,000 truck trips per year.

● (1035)

At present, only one quarter of the vessels using the river engage in cabotage or short sea shipping. All stakeholders in this area confirm that this type of transportation has considerable development potential. Therefore, developing intermodal transportation is a very important option for Quebec for the economic development of the St. Lawrence River.

Bill C-23 will allow the use of certain port facilities in the regions and will also maximize the use of the rail network, which has some underutilized lines. This will be the primary means of developing the St. Lawrence Seaway corridor and ensuring that it becomes the true gateway for goods from the Atlantic.

As we can see, this mode of transportation is more environmentally friendly than current modes used. Transportation is responsible for one quarter of greenhouse gas emissions. Emissions resulting from marine transport of goods represents only 1.25% of this total; road and rail transport combined produce 9% of these emissions.

Studies have shown that marine transportation is safer, uses less fuel and produces fewer emissions per tonne-kilometre than rail or truck transportation.

Marine transportation uses only 10% to 20% of the fuel consumed by road transportation. One tonne of freight can travel 240 kilometres by ship on a single litre of fuel. By train, it will travel less than 100 km and by truck, the distance is even smaller, only 30 km. The future of marine transportation depends on recognizing its environmental advantages.

The Bloc Québécois obviously supports this bill because it will foster the economic development of the St. Lawrence River and will help to protect our environment by reducing greenhouse gas emissions.

● (1040)

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, the member for Alfred-Pellan talked about one of the goals of this bill, which is to improve the navigability of the St. Lawrence and everything related to it.

I would like to ask him what this means for what I would call the St. Lawrence-eastern Quebec corridor. I am sure he will understand why: my riding and my region are in that area.

I would like to know if Bill C-23 will have a direct or indirect impact on port infrastructure belonging to the federal government, be it Fisheries and Oceans Canada or Transport Canada. I am talking about the entire east coast, both the north and south shores of the St. Lawrence. Given that the government still owns much of this infrastructure, it is responsible for it. Fishing is not the only kind of business that goes on there. The federal government is carelessly neglecting its duty.

I would like to know how Bill C-23 addresses this issue: superficially or in depth?

Mr. Robert Carrier: Mr. Speaker, I thank my colleague for her question.

In any event, the ports she mentioned as still belonging to municipalities are part of a federal port divestiture program, which has been under way for several years but has not yet been completed. These ports are therefore not necessarily covered by the current bill, because this program is already under way.

The Bloc Québécois is pressuring the government to step up the divestiture program and give grants to municipalities or local agencies that take over ports.

On the other hand, the bill provides that several ports with a smaller capacity than Montreal, Quebec City or Sept-Îles can amalgamate to obtain the funding they need to expand and to pool their resources. This is the main advantage of the bill. At the same time, the bill would enable ports to access existing federal infrastructure programs to which the port authorities do not currently have access.

That is why we have heard favourable testimony from a number of representatives of small ports. I recently heard the testimony of representatives of the port of Saguenay, who are very much in favour of the bill, as it would give them greater flexibility in their financial administration.

[*English*]

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, in Sault Ste. Marie, Ontario, we also have a terrific waterway that is not being maximized in terms of some of the transportation possibilities that exist.

When we look at the map, Sault Ste. Marie is hard to miss because it is right in the middle of three of the biggest Great Lakes: Lake Superior to the north, Lake Huron and Lake Michigan. A lot of goods come in from the west through Thunder Bay and then down through Sault Ste. Marie. We also see ourselves as a gateway into the midwest United States. We are also connected to the St. Lawrence Seaway via all the connecting waterways: Lake Erie, Lake Ontario and other paths that come up and go into Lake Huron and then down into Michigan.

We also are asking to be included in the government's plans to ensure all our ports are up to standard and up to scale and we are able to meet the demand and actually take advantage of the potential that is there. My community is talking very aggressively these days, including the government, the private sector and others, about multimodal.

Does the member think that places, like Sault Ste. Marie, which are obviously so very strategically placed to take advantage of new transportation and distribution systems that are evolving, should also be included in any plan that the government undertakes to expand and make our port system better?

● (1045)

[*Translation*]

Mr. Robert Carrier: Mr. Speaker, I want to thank the member from the NDP for his question.

This allows me to specify that when I talk about the Great Lakes-St. Lawrence trade corridor, it includes the Great Lakes in their entirety. We are talking about a navigation system and the government has recognized the importance of this seaway.

The bill will allow greater flexibility and more borrowing and governance opportunities for the port authorities.

That said, despite the fact that we are in favour of this improvement, the federal government must get involved, as it did for the Pacific gateway. The federal government must recognize the importance of this corridor, which leads to the very heart of North America. The St. Lawrence is more than just the stretch located in Quebec, which serves as an entrance way; it connects with all the Great Lakes.

Through a federal government investment program, the port authorities could become involved and respond to a development program promoted by the federal government. The port authorities could respond effectively if they were given the power to borrow money and to amalgamate ports, thereby eliminating competition among them.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to have this opportunity to rise in the House to speak today on second reading of Bill C-23, An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence.

I have to say that when the bill came up in our caucus we had a lot of discussion among our members. It became evident very quickly that there was a lot of interest in the bill because it will have impacts on ports across the country and certainly on ports in our ridings. It became very clear that a number of us, for a long period of time, have been dealing with issues surrounding ports, port development and the interface between port lands and residential lands.

So on the one hand I am very glad that the bill is coming forward, because it does allow us the opportunity to raise I think some very longstanding systemic issues concerning the operation of our ports and the relationship that ports have to local government and local communities.

In my riding of Vancouver East, the whole northern boundary of my riding from Cambie Street all the way to Boundary Road, where we have the boundary with the municipality of Burnaby, borders the waterfront and is structured through the port of Vancouver. The port has a huge impact on the people who live in east Vancouver in terms of employment, economic development and the relationship between what happens in the port and the impact on the surrounding community.

I want to begin my remarks today by saying that overall we recognize the importance of port lands, port activity and the number of jobs that are contained in the port of Vancouver. It is a significant employment generator. There is huge spinoff activity. Certainly the port of Vancouver is the largest port in Canada, with significant container port activities.

These are all things that drive the economy of British Columbia. They drive the economy of Vancouver, being on the Asia Pacific gateway. We recognize that there are significant jobs related to the port. They are generally good jobs. There are issues that arise, but we understand the importance and the value of the port in our local community and the local economy.

However, I also have to point out that over the years we have dealt with many issues relating to port development. The thing that I find most difficult is the relationship with the local community and the fact that there has been a lack of an adequate, proper and sustained planning process. In the bill before us, a number of issues that are dealt with warrant our serious attention. I know that we in the NDP will be very active when the bill goes to committee, because we will be seeking changes and amendments to reflect the concerns that we have had expressed to us by local residents.

There are issues in the bill concerning the amalgamation of ports. There are issues concerning the restructuring of the governance model. In fact, there is a reduction in the number of directors who can be appointed. In the case of the port of Vancouver, it is between 7 and 11 directors, and there is a concern about what kind of representation that will be. There is also a concern about security issues. I am going to go into each of these issues to spell out some of our concerns.

First, in terms of the governance and security, I recently wrote to the Minister of Transport to point out that under the proposed changes there was no recognition that there needed to be labour representation on the port of Vancouver and presumably on other ports across the country.

● (1050)

When I wrote to the minister, I made this very clear. I will quote from my letter, which was sent in October:

> Labour's longstanding commitment and positive contributions to the success of our waterfront industry must not be undervalued. Labour performs a wide range of important functions in a modern day working waterfront and is a key element to its success. Moreover, not only do they contribute a labour perspective, but also economic, social and environmental perspectives.

The reply I got from the Minister of Transport was that this was all well and good, but not to worry, labour representation will continue in the form of membership on the Vancouver Port Authority user committee. I feel that is a very inadequate response.

I have no problem with labour or other stakeholders being on a user committee, but we are talking about the governance structure and the board of directors itself. It seems to me there has to be a recognition by the government that there should be a labour perspective on the board of directors. There are business perspectives. There are maritime perspectives.

There needs to be a perspective and an analysis brought to that board of directors that come directly from the people who have incredible experience working on the waterfront and who are very familiar with the issue. I was very dissatisfied with the reply from the minister. This will be one of the issues that we will take up in regard to the bill.

Second, in regard to governance and security, the other issue that has been of huge concern for the Vancouver waterfront and what is happening is the question of new rules that are coming in, the maritime security clearance program, which has caused an enormous amount of disruption, anxiety and concern for the many thousands of people who work on the waterfront in terms of what they are now subject to for new security clearance regulations.

I would refer to a press release that was issued by the International Longshore & Warehouse Union of Canada in July of this year, in which the union points out that the security clearance program requires port employees to submit an extensive questionnaire to government, covering matters ranging from the names and addresses of past spouses, to schools attended, to past travel destinations. Further, the program requires employees to consent to the release of this information to foreign governments.

There is an enormous concern about the infringement of privacy rights. In fact, the ILWU submitted a complaint to the Privacy Commissioner in August of this year regarding these new provisions in the security clearance program.

In the complaint the union put forward to the Privacy Commissioner, it points out that the security clearance form collects personal information, which presumably may lead to profiling of employees based on simplistic assumptions about differing regions of the world and to different treatment of employees based on their national origins or countries they may have visited. This raises the concern that Transport Canada may profile applicants, deny clearances and thus deny employment. This is noted in the letter from the ILWU, which is fighting this tooth and nail.

I am proud to say that in our B.C. caucus of the NDP members of Parliament, we have been supporting the union. I know that the member for Burnaby—New Westminster has been very active on this file as well, because we believe that these security measures are completely over the top. They are infringing upon people's rights. There has been very little public information about them. We believe they should be challenged. We support that challenge.

I would say that these new security measures are quite ironic, because we have to remember that it was the previous Liberal government that actually eliminated the Ports Canada Police in 1998. When I first got elected in 1997, this was a very major issue.

● (1055)

In east Vancouver we could not believe that the ports police, who had been a key part of the waterfront in patrolling and dealing with security issues, were going to be eliminated. Indeed, they were eliminated across the country.

It is ironic that a specialized force with experience, knowledge and a background in dealing with security issues in ports across the country was eliminated, while now we are facing these incredibly restrictive and onerous provisions that are impacting individual lives and the lives of family members, even former spouses. This is sort of putting people on a watch list. We have very grave concerns about these provisions. Again, we will be raising these issues as we have more debate on this bill.

My third concern about this bill relates to the large question of, as I mentioned at the beginning of my remarks, the interface between legitimate port activity and residential communities. I do want to reiterate that this issue is not a challenge to the value and the importance of the port. It is a concern that comes up over and over again in regard to the role and the relationship of the port with a local community and a local municipality.

There are numerous issues that involve my riding of East Vancouver that not only I have been addressing as the member of Parliament on behalf of my constituents, but that the former member of Parliament, and the member of Parliament for Vancouver East before that, Margaret Mitchell, whom I am sure members remember, also addressed frequently in the House.

There is a whole series of development questions that have arisen about our port and cause residents to have serious concerns about what kinds of developments take place under the guise of port development, as well as concerns about the negative impact those developments can have on a local community. For example, in the Burrardview community, residents have been fighting the Lafarge concrete batch plant on the basis that it is an inappropriate use to have that plant so physically close to a residential neighbourhood.

We were very disappointed with the Supreme Court decision that allowed this concrete batch plant to go ahead, although we do not know at this point whether it will actually proceed. In July I wrote to the Minister of Transport about it. In fact, I have written many times to the minister, but one of my more recent letters was written in July. I pointed out:

> Although the court has ruled, the decision does not abrogate the responsibility of Transport Canada to respect the needs of residents in the adjacent Burrardview neighbourhood. Given that this is the only location in Vancouver where residents live next to an industrial port—which happens to be Canada's largest and busiest—I believe that a constructive and compatible co-existence must be achieved between the industrial uses of the Port lands and the quality of life of neighbouring residents.

The minister finally wrote back in September, several months later, and said:

> The decision clarifies the authority in the Canada Marine Act under which the Vancouver Port Authority...may lease its Schedule C property (non-federal real property) to Lafarge Canada Inc. Transport Canada and the VPA will conduct their activities with full regard to the decision in this complex case, as well as the needs of the community and the legislative and regulatory framework governing the VPA.

There is an acknowledgement that obviously there will have to be a review if an application comes forward, but this does not leave one with a sense of confidence that Transport Canada or the port authority will, in an open and above board way, recognize and work with local residents to mitigate their concerns and deal with something like a concrete batch plant development, which would have a big impact on local residents. That has been one issue around development.

There have been many others. One example is grain dust. Numerous rail lines go through the port of Vancouver, which is a major terminus for the grain cars coming in from the Prairies. Again, I emphasize that we understand the value and importance of this.

● (1100)

However, the grain terminals are of great concern to people, especially the environmental and physical impacts of dealing with that amount of grain. I usually write several times a year to the port, as well as to the minister. My latest letter was sent in April of this year. I pointed out that a lot of people lived on Wall Street, which is near the port. They have experienced large amounts of dust in the air around the neighbourhood.

I also pointed out that the Port of Seattle had a very comprehensive approach for dealing with grain dust. It utilizes a comprehensive vacuum system as part of its dust management plan. I wanted to know why the Port of Vancouver had not investigated and utilized similar kinds of programs. The grain dust from the terminals is another issue that has been of grave concern in the local community.

Another issue that has impacted the quality of life is the West Coast Reduction plant, a rendering plant that takes waste from many restaurants and businesses. Products are rendered and then sold. When I was on Vancouver city council in the 1980s, the odour and pollution from this plant caused enormous concerns in the local community.

On this issue, the Greater Vancouver Regional District has been quite responsive to resident concerns. It has tried to bring in regulations and ensure that they are met by the West Coast Reduction plant in an attempt to deal with the very serious problems with the odour. Again, I have written letters with regard to this.

The port's reaction has always been that it really does not affect anyone and that the people should live with it. It has not satisfied the concerns of local residents who have to deal with these issues on a day by day basis. It is something that seriously affects the quality of their lives.

Another issue is train noise. When changes took place in the rail yards, the shunting yards were moved further east. This had an enormous impact, particularly in the early hours of the morning when engines were being linked and de-linked. Train noise could go on for hours. We learned that from the rail yard's point of view, it was easier to allow engines idle than to turn them off and restart them.

The impact of the noise on local residents was quite severe. People lost sleep and they could not get to work. We have dealt with this issue on numerous occasions, with many letters back and forth between me, the minister, the port and the rail companies, to try to address this issue.

Finally, the most current question is whether port lands will now be used for a major new soccer stadium development very close to downtown, between what is called CRAB Park and Canada Harbour Place. A significant concern is the proposed development and its impact from the point of view of noise, traffic, congestion and the environment. One proposal had the stadium going over the rail yards, where hazardous materials are transported in containers. There was a lot of concern about what kinds of environmental hazards they could pose.

Right now there are very active groups in the community, such as the Burrardview Community Association, the CRAB-Water for Life Society, the Central Waterfront Coalition, the Gastown Residents Association, the Gastown Neighbourhood Coalition, all of which have a very significant interest in what happens with the proposal for a development for a private soccer stadium on these crucial lands in the central waterfront area in the city of Vancouver.

In November I wrote the minister about this issue. I raised issues about the proposed development, which has not yet been approved, and the impact it will have.

● (1105)

The bill is an opportunity to flag these issues. Our ports are very important, but the way they work and relate to adjacent communities and municipalities is also important. I do not believe the bill really addresses that question and if we do not address it, then we will continue to have these issues come forward. We will continue to have a high level of frustration. We will continue to have an impact on the quality of life.

I feel we can be much more proactive in how we set up planning processes, how we set up accountability and how the governance is structured on a port to reflect these concerns.

There are some good aspects to the bill, but there are also concerns with it. From the point of view of the NDP caucus, we will pursue this at committee to ensure the concerns of local residents are met.

[*Translation*]

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, I want to thank the hon. member for Vancouver East. I am always interested in what she has to say.

The hon. member talked about security from the perspective of protecting individuals and their personal information and also the impact on neighbourhoods. I would like her to say a few words on this.

She may not run into exactly this problem in her riding, on the shores of Vancouver. Nonetheless, I am very interested in matters of the environment, the erosion of the shores and coastlines, and the safety of the mode of transportation and what is being transported—we are talking about substances that are often very harmful, even extremely toxic.

I was rereading a comment made by the Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities. Yesterday, when he introduced this bill by saying it had two parts, he added:

> It [the strategy of the bill] recognizes the importance of promoting strategic investment and productivity improvements, yet protects port lands for future transportation needs.

In my opinion, the port lands, the surrounding areas and the shoreline are not there for future transportation needs, but for current protection, to protect our environmental heritage.

I was wondering if the hon. member could comment on that.

[*English*]

Ms. Libby Davies: Mr. Speaker, I appreciate the comments of my colleague from the Bloc. She raises additional concerns that our community has about the bill and the way developments are handled.

We face the prospect that potentially port lands will be used for very expensive condominium development. The question of hazardous goods moving through port lands and the impact on the environment and the fish habitat is of concern. I have written some letters to the Minister of Fisheries and Oceans to find out whether there will be environmental impact assessments on the fishery habitat because it is so crucial to the community as well.

While there is some acknowledgement of these issues, I feel there has been a lack of real oversight by the government to address the impacts of what some of these changes will be. I can only reiterate the member's concerns and say that we have a fair amount of anxiety and frustration about what changes will take place and whether there will be any kind of adequate process to ensure that people's concerns are heard. These concerns include dangerous goods, transportation, the impact on the environment and if we will see a massive sale of so-called surplus lands in port lands that will then be used for things like very high priced condominium development. I think residents can see this will have a major impact on their local communities.

All these issues have drawn our attention to the bill, but I see that as one good thing. At least we are getting a chance to talk about it. I hope, when we get the bill to committee, we can bring forward witnesses, including people from local communities who live next door to a port, who see these issues on a daily basis, to explain the difficulties they experience in getting information and understanding the process to deal with these concerns.

I appreciate the member raising these issues and I certainly share them.

● (1110)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I understand the member being on somewhat of a fishing expedition in relation to some of the issues that are not dealt with in the bill. However, I will answer some of her questions.

First, as a government and as a department, we consulted heavily with stakeholders. Many of the initiatives brought forward in the bill are as a result of those consultations. In relation to land, I will quote from the policy change, dated November 2007, which speaks in respect of this. It states:

> —with respect to land held or managed by CPAs for future port expansion, [the purpose is] to enable the CPAs to lease or license such land, on a temporary basis, provided that the following critical criteria are met:
>
> (a) the use is classified as commercial, non-residential;
>
> (b) each individual use is compatible with the land use plan of the port and has taken into account the land use plan of any adjacent local government;
>
> (c) each individual use does not compromise the ability of the authority to operate port facilities and support transportation over the long term, or the land will be returned at the cost of the lessee or licensee to a state compatible with future port operations...
>
> The policy initiative does not alter the status of federal real property with respect to provincial or municipal planning and by-laws. As well, all CPAs are required to develop a land use plan—
>
> —for properties under the management of the CPA. Land use plans must account for the relevant social, economic and environmental matters and zoning by-laws that apply to neighbouring lands.

This goes to the specific thrust of the member's question.

That answers my friend's question from across the way.

We are acting in the best interest of Canadians. Could my friend comment on that because the purpose of the bill is to prepare for the future and not be caught with our pants down, as was the case with the previous Liberal government.

We want to be prepared and keep the economy flowing. At the same time, we want to manage what is best for Canadians, and that includes social and environmental concerns.

Ms. Libby Davies: Mr. Speaker, I am aware of that direction in the bill. The question is, what kind of process will it be?

We know that ports are exempt from municipal zoning because they are under federal jurisdiction. There has been this long-standing struggle in terms of changes in port lands and development and how that takes place.

While it has been recognized over the years that port authorities should consider adjacent municipal zoning, there is nothing that legally requires them to be under municipal zoning, to hold a public hearing. We are all familiar with a municipal public hearing, which is a quasi-judicial process that can then have appeals. Those are some of our concerns.

I understand the direction that the bill lays out, but we want to examine it in great detail. We want to hear from local residents who have some concerns with these very serious issues. We want to look at the bill and see if the changes in the bill deal with the very real questions that they have raised. Let us look at the process. Let us look at how it would unfold. That is what we want to do.

I appreciate the member raising that and we are ready to get into that level of work at the committee.

● (1115)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I appreciated the comments of the member for Vancouver East, particularly as they relate to the punitive actions taken against the member's port workers, members of the International Longshore and Warehouse Union.

The member mentioned the fact that very restrictive measures have been brought in with regard to the working arrangements and approval for working arrangements at the port. At the same time, she has also mentioned the fact that the government has taken virtually no action with regard to inspection for container traffic that comes through ports like Vancouver, the Fraser port on the Fraser River and elsewhere in the country.

Could the member comment on this contradiction? We have very punitive actions being taken against the workers, long-time workers on the docks, information that I imagine through the SPP, the Security Prosperity Partnership, will be shared with the United States.

However, on the actions that would increase port security, which is inspections of container traffic so we have a better sense of what kind of containers are moving through our ports, the government has taken absolutely no action.

Is it the case of the government trying to pretend that it is improving security and doing nothing to improve security at our ports? Is that the issue?

Ms. Libby Davies: Mr. Speaker, I do not know whether the government thinks that people who work on the waterfront are easy targets and so it comes out with these incredibly onerous regulations that require a person-by-person for these elaborate measures to come. However, the reaction to it has been significant. Legal challenges are now under way.

What the member points out is entirely correct. Why is it that we, on the one hand, have substantive security clearance measures being put in place levied against individuals but, on the other hand, the federal government is not actually providing the resources, either in terms of ports police or other security measures, to check the containers that are coming in?

We know that ports of entry are one of the places where the most amount of goods are coming into our country, in fact, probably the most significant, and yet there is virtually nothing in place to deal with that.

It seems like a completely contradictory policy that puts this heavy-handed approach on individual rights and placing the onus on individuals to prove that they do not pose any security risk and opens the door for all kinds of profiling while, on the other hand, the government is not providing the resources to do the inspections that I think would deal with a lot of the concerns in terms of security.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am happy to stand today and say a few words about Bill C-23. Canadians are, quite often, self-effacing and never think of themselves as great and yet they are leaders in the world in many ways. I have a vision for Canada where they could be leaders in many more ways. One, of course, would be a vision of modern, efficient, secure ports. We could do that better than anyone else in the world.

I commend the members of Transport Canada who have worked for years on this, the previous Liberal government that brought the essence of this bill forward and the present government for continuing with it. This goes toward that modern, exciting vision of Canada as some of the best in the world. This is so important for our economy. The world has changed in many ways and therefore our ports need to change.

We need just in time delivery. The villains develop new ways of causing problems so we need modern security to keep up. As ports are essential to many industries in Canada, we need to make sure they are operating under all conditions and do not close down. These workers are essential to other industries, such as the grain industry. Canada is an exporting nation and to be competitive with the world we need to get our goods and products out in a timely fashion in order to continue to lead the world in some of the areas that we do at present.

In a modern global village, even diseases are carried much more rapidly around the world and we need to be immune from those. It could be something as simple as a disease that attacks our trees. The forestry industry is huge to Canada and yet if a bug comes in, say, a wooden shipping pallet, we need to protect ourselves against those types of issues.

It is important to invest in our ports and to promote a vision of modern ports as good as anyone.

I appreciate this bill and some of the technical things it would do toward that and I encourage the government to continue to do many other things to achieve that objective. As the parliamentary secretary said, it is good that the government has picked up and continued our Pacific Gateway program and that will continue to contribute toward the efficiency and building of the ports and access to them.

There is no reason Canada cannot be like Singapore, which has huge revenues from its ports. Compared to certain types of factories and other types of emissions, ports can be quite environmentally clean and a good way to create high paying jobs for Canadians. We can then get the benefit of the goods that we are making and the things that we are bringing in so that they do not go to others.

For example, on both the east and west coasts, many U.S. ports are quite able, ready and willing to take shipments and therefore we cannot have delays, we cannot be inefficient or too bureaucratic and we cannot have backlog in our ports. It is important that we modernize and stay ahead because we can do it as well as anyone else.

When I fly into Vancouver twice a week and see the lineup of boats waiting to be unloaded, I sometimes wish that we did not have the delays and that we could do things quicker so we are competitive and shippers do not decide to go elsewhere. Loading and unloading equipment has been modernized and there is no reason we cannot have the best computerized equipment in the world to do that kind of job.

We also should invest in modern scientific equipment for security. We certainly can do it. I will not give the villains any information as to what we are doing wrong but we can invest to ensure we have the best detection equipment in the world so no one is using our ports for nefarious reasons.

● (1120)

My riding of Yukon has a port in Skagway, Alaska that is about an hour west of the riding and it is very important to us. Even though only about 800 people live there, it is one of the biggest cruise ship ports in the world. Sometimes four of the biggest cruise ships in the world are there at any one time. Yukon is probably the only territory or province in Canada where the number one employer, as far as the number of employees goes, is tourism. The tourists get off those boats and come into my riding. If there is an efficient and effective port system, it shows how it can affect the local economy.

I also want to show how an improper investment can also affect a port. About six years ago, one of the docks where these cruise ships dock collapsed into the water. We know these cruise ships carry thousands of people. The dock went hundreds of metres under the water and disappeared.

Fortunately, the accident occurred during the winter when only workers were on the dock but I believe one worker drowned. The tidal wave, which the accident caused, was right in front of the small boat harbour and, as a result, all the small boats sank to the bottom of the ocean. When the wave came back, it hit the other shore and the harbour filled up again and it damaged the ferry dock. It is very important to have proper investments in our ports so we have the best equipment available.

Another example is the gross territorial product. The biggest part of our economy related to production is in mining. We depend on the port at Skagway for shipping ore around the world. It is days shorter to ship from Skagway than it is from Vancouver. It is a very key port for the north and must be efficient.

I have another example of how a lack of investment can affect an economy. I was at a mine opening a few months ago of Sherwood Copper, a wonderful new mine in Yukon that is quite efficient and environmentally friendly. It produces copper ore and it follows environmental regulations.

The port I was talking about had not been used since the closure of Cypress Anvil and had not been used for ore for some time. It had been somewhat decommissioned and needed new equipment. The port was not quite ready for shipping when the mine was ready to ship. When the mine was ready to ship the ore, I saw dozens and dozens of huge canvas bags about the size of a car that contained the ore. This, obviously, was not an efficient way and not the final way to ship the ore but it had to be done for a few months in the interim while the port was getting ready.

Many parts of Canada are quite dependent on the car industry and what industry could be more competitive than the car industry? The car industry uses just in time delivery, which depends on a few hours in order to be competitive and on tens of thousands of Canadian jobs. It is important that all our transport modes, our border crossings and our ports have the type of investments that enable them to move quickly.

For all those reasons, I am supporting the bill. Canada can be and should have the best ports. All efforts necessary should be made, over and above the bill, to fulfill those objectives.

As I think I mentioned in a previous question, I hope the transport committee calls the pilots association when it discusses the contribution funding. I think the parliamentary secretary has said that the department has consulted with groups. I look forward to seeing the results of those consultations with the pilots association, the longshoremen and the stevedores presented to the committee. Those are the people who work at the ports. The best solutions and ideas for making the ports more efficient, secure and useful usually come from the people who are working right on the ground.

The part of the act that deals with borrowing limits also deals with security. It would allow contribution agreements to ensure that the most modern security is available. I believe that modernizing the borrowing limits is good.

● (1125)

The only caveat, as I mentioned yesterday, is we have to make sure that as the commercial borrowing is allowed and the system is modernized, that it is also protected. There have been some instances recently in Canada where governments or crown corporations have potentially put something at jeopardy or lost millions of dollars because of an investment policy and regulations that were a bit too free.

We would want to make sure that these are secure investments. We do not want the port fees to go up because of bad investments. We want it to be efficient but also to be secure.

Of course the legislation to facilitate amalgamation is important as long as it is agreed upon and worked on by the people involved. Certainly that would help. As well, there are the parts of the act that would improve governance related to the needs of Canadian port authorities so that they can have a long term and stable management framework.

Once again, to ease enforcement, to make sure that the message can get out quickly, efficiently and easily is a good objective of the act. It is human nature that if a penalty comes too late or it is too onerous to administer, people will not bother implementing the penalty. If the penalty comes too late, it really does not get the message across. It needs to be quick, fast and efficient so that people follow the rules.

The last item I want to comment on relates to land management. The preceding speaker from the NDP commented on a number of items. I made the point yesterday about land management that this is a good part of the bill which would allow investment in their lands. It is good that they will achieve revenues so that there is less onus on the users or ultimately on the government, the taxpayers, for funding.

My only caveat is that the conditions, and the parliamentary secretary outlined them, make sure that this is not a permanent other use. They cannot be incompatible. I would not want a lot of money invested in things that ultimately have nothing to do with the port unless they are in a holding pattern. It is very good to be forward thinking and plan for the future and to set aside land that will be needed in the future.

It is a very forward thinking government that would set aside land to invest in it and use the land to get revenues from it. People get concerned if such authorities are using their money from the fees in ways other than the primary purpose, such as empire building or some other type of exercise. I have certainly heard complaints from constituents related to certain airport authorities that may have done that in the past, although I think that has been dealt with.

In conclusion, as in any other area of endeavour, there is no reason that Canada cannot be among the best in the world. We are a water nation. We probably have the longest shoreline of any country in the world. We are an exporting country. It is very important that we get the revenues from our exports and imports, that we do it safely in relation to security and disease, and that we do it efficiently so that people come to us to be the locus of those transport movements. In that way, a lot of Canadians can achieve good paying jobs in dealing with our own goods and services.

● (1130)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I have heard a number of members raise some of the concerns, challenges and opportunities on how to organize and manage this country's ports.

Sault Ste. Marie is located right smack dab in the middle of three of the most important Great Lakes, on a major seaway, in the centre of our country.

As Canada's economy and distribution systems evolve, just on time delivery and the railway, road and water become ever more important in terms of how we get our goods to market. In how we manage goods that go through our territory and into markets, we need to consider the real challenges that are being faced.

Earlier, the NDP member from Vancouver mentioned that we need to make sure that all of the players are involved in decisions that are made where these properties are concerned.

In Sault Ste. Marie we are looking very aggressively these days at a multimodal possibility. With CN passing by not that far from the Sault and our access to the extension of the St. Lawrence Seaway through the Great Lakes and into the U.S. midwest, we see tremendous potential for multimodal and the development of our port area. We want to do it right. We want to learn from the experiences and, perhaps, mistakes of others.

Even though we are a big country, in many important ways we are connected. Has the member considered the potential of and some of the challenges facing a community such as Sault Ste. Marie?

● (1135)

Hon. Larry Bagnell: Mr. Speaker, that is an excellent question partly because it gives me a chance to say something that I had wanted to say but forgot to put in my notes.

The member is correct. Ports have a major effect on communities, because they happen to be downtown. It is very important to have consultations with the local communities. I had meant to say in my speech that consultation with governments and certainly the downtown business associations and definitely municipal governments would have a big impact.

Also, as governments have learned somewhat painfully when they abrogate their responsibilities, there are also responsibilities to consult with first nations. It is mandatory in a number of areas that they be consulted regarding development. There certainly will be ports in Canada where that is not only a legally required role, but obviously a way to ensure that there is buy-in by all four orders of government in Canada, first nation, municipal, provincial-territorial, and federal, in a proposal, in a development, in a modernization.

The member asked me to consider this. I am not on the transport committee, but I would encourage the transport committee to hear from, for instance, the Federation of Canadian Municipalities because of the dramatic effect this would have on a place like the member's community of Sault Ste. Marie or other communities that have ports in their downtown cores. It would help to include them as an integral part of land use planning, at least in a cooperative way, even though, as was said, it is not legally binding in some areas, so that everyone's interests would be taken into account.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, recently the Federation of Canadian Municipalities said that there is a huge backlog of $123 billion in infrastructure deficits. A lot of municipalities are desperately looking to access some funds, to fix the highways, the potholes, the water treatment plants, et cetera.

Is the member concerned that this bill would allow the port authorities in a big city such as Toronto to access the infrastructure funds? For example, as he may know, the Toronto Port Authority operates an airport in downtown Toronto. An airport would need all types of infrastructure funds. It is now operated by one company, which is in direct competition with Air Canada. If this bill passed in its present form, the Toronto Port Authority could access infrastructure funds. This would make the pot which is already far too small in the Conservative budget even smaller.

In a lot of remote communities in Yukon, up north, in Ontario, or out west would have some access to this fund, but the fund could be drawn down by big ports. Even though the port is small, it runs an airport and has lots of demands.

Is the hon. member worried about allowing port authorities access to infrastructure funds? Would it not make the pot that much smaller and create unfair competition for a lot of municipalities that desperately need the funds to fix their highways, roads and sewage treatment plants?

● (1140)

Hon. Larry Bagnell: Mr. Speaker, that is an excellent question and it is related to a point I have made a number of times in the House. I definitely think the ports need access to infrastructure. It affects not only the ports but all the inland Canadian businesses, such as grain, that need the ports. They certainly need investments, but the member has made a very good point about infrastructure.

It was humorous yesterday when the Conservative parliamentary secretary was saying that they just started some infrastructure programs, that no one had done anything about it before. As members know, the Liberals started at least four infrastructure programs that were very popular with municipalities. There was the municipal rural infrastructure fund, the original cities infrastructure fund, the strategic infrastructure fund for big projects, and the border infrastructure fund. These are all very important. The Federation of Canadian Municipalities was delighted when these came in. As the member said, they want even more money.

The concern I have raised is exactly the one that the member raised. The municipalities have not heard from the Conservatives, who have amalgamated all those into one big pot, what the conditions are going to be and who is going to get them. I have said twice in the House at least, and I will say it for a third time that it is absolutely essential that municipalities get at least as much of the pot as they did before.

If the Conservatives want to fund other items such as the port authorities that need money, if they want to give money to provincial governments, if they want to give money to other programs out of this pot, that is fine, top the pot up, but the municipalities have to have at least as much as they have had in the past. They have all those needs for it, as the member said, such as recreation, potholes, sewers and clean water. They cannot get less money out of the new infrastructure funds. New initiatives like this should be added to the pot in order not to jeopardize the basic services that Canadians need, including clean water, properly treated sewage, recreation and other types of facilities that are in such a deficit, as the Federation of Canadian Municipalities has so carefully analyzed and presented to parliamentarians.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I want to speak about the Canada Marine Act. It had an unfortunate amendment a few years ago, debated at length during 1997. At that time the minister of transport, Mr. Collenette, said that it was important to have a new Canada Marine Act than have an act that would include some of the ports. He said it would then download some of these ports to their own board of directors.

The minister added that he needed to be satisfied that the port was likely to remain financially self-sufficient and that it was of strategic significance to Canada's trade and diversified traffic.

The city of Toronto has a port that does not meet any of the criteria set out in clause 8 of the Canada Marine Act. It is not self-sufficient. It is not significant to Canada's trade and it does not have highly diversified traffic. One would think that the Toronto port would not be taken away from the hands of the city of Toronto.

Unfortunately, that did not happen. At that time there was a great deal of political interference. It appeared that a former Liberal member of Parliament, in April 1997, decided to take the matters into his own hands and wanted to develop the airport, in this case, without the interference of the city of Toronto. The Canada Marine Act was amended at that time to include the city of Toronto's port authority even though it did not meet any of the criteria.

It seems from all the media reports and all of the discussion at that time, that the inclusion of the Toronto Port Authority was done purely for political reasons. At that time there was a serious number of lobbyists. When we look at the lobbyist registry, there was a large group of lobbyists at that time lobbying the federal government to make sure that happened.

The federal government said that it was not a good plan. The government had an adviser from Nesbitt Burns. It did not recommend that the Toronto port be included, based on the financial reasons alone. At that time there was also a royal commission on the future of the Toronto waterfront. It recommended a restrictive role for the Toronto Port Authority so that the city of Toronto could get on with developing its waterfront.

Against both of these two recommendations, the Toronto Port Authority still got included in the Canada Marine Act at that time. To make matters worse, the federal government then appointed people who certainly did not meet the criteria. It seems to me there was controversy over the appointments of members to the board of directors. This was June 8, 1998 and the transport minister at that time, Mr. Collenette, was accused of manipulating the appointment process.

Indeed, the Toronto case was not isolated. Vancouver and Halifax were also quick to cry foul, so it does not surprise me today that members of Parliament from both Vancouver and Halifax will want to speak later on about this issue. The *National Post* headline of August 18, 1999, said: "Collenette skirts rules to appoint Liberal allies: New port authorities: Shipping groups outraged by political 'manipulation'".

● (1145)

In fact, there was a series of subsequent headlines. One said that the bill, when it was going through third reading, would give communities more control over the ports and that it would establish "a fair, collaborative framework for the management of commercial ports". It sounds good. More community control and a fair collaborative framework were supposed to be brought forward.

What happened? At that time the minister appointed directors that were not nominated by the user groups and used their power. Clause 14.1 of the Canada Marine Act gives the minister the flexibility and discretion to nominate as user directors persons other than those persons recommended by the classes of users to ensure an appropriate mix of board members, et cetera.

What happened was that the Liberals at that time decided to put in some of their own appointees and did not follow the guidelines. It seems to me that the Conservatives are also following that tradition.

We now have a port authority that has very little local control. Under this bill it would have access to the infrastructure fund. That is a problem. Why? Because when the infrastructure fund was first created, the idea came from the Federation of Canadian Municipalities. All the projects were supposed to come from the municipalities, a third being matched by the provincial government and a third being matched by the federal government. The plan, as originally envisioned, would allow the local municipalities to have control over this infrastructure fund.

Through the years the former Liberal government then made it its own fund and many of the municipalities then had very little control over it. It got worse and worse, and it is not clear with the Conservative government how the criteria is going to be established for the infrastructure fund.

If the port authority, like the Toronto Port Authority, has access to this infrastructure fund and because it has very little control by the local communities and government, it could have access to a lot of funds that were supposed to be destined for municipalities to fix highways, potholes, build community centres and all of those things. This part of the bill is very worrisome.

What happened in Toronto was that soon after the Toronto Port Authority was included in the Canada Marine Act, it decided to initiate lawsuits against the city of Toronto. It threatened lawsuits with the federal government and sued the local community group Community Air.

Not only do local communities have no influence over the appointments into the local port authority but the first thing the port authority did after the Canada Marine Act was passed with amendments and political interference was to sue every level of government other than the province of Ontario in order to gain funds for itself because it was never financially self-sufficient.

There were land use changes and planning. There was very little public input. In the last few years the city of Toronto was not even notified of major changes at this port authority when it decided to make changes in the local area.

● (1150)

The port authority has also recently threatened to take one third of Little Norway Park, a popular park in the local neighbourhood, because it is running a substantial airport there so it is needs to find room for parking spaces, queueing lanes, and all kinds of space for taxis to park, et cetera. That is certainly not an appropriate use of land for that little area. On top of that, this port authority, because of its various lawsuits, has obtained somewhere between $35 million from different parties.

The entire operation was run by one board member because the rest of the board either resigned or were not reappointed. During the period the port authority was trying to go after the federal government, it had only one member sitting on its board.

The port authority also used $300,000 of taxpayers' money to run advertising campaigns to justify its existence. If this bill were to pass, I cannot see for the life of me why we would contribute infrastructure funds to an organization that is in fact into suing everyone. It has no local control and has used at least $300,000 for advertising campaigns to justify its existence.

As a result of this port authority not having any local input or control, the revitalization of Toronto's waterfront has slowed down. Lots of speeches have been made. Lots of promises have been made. Money has been promised. Many discussions have been held about why the Toronto waterfront needs to be revitalized.

It seems to be one step forward and another step back because this local port authority controls some of the land rights by the water, but it has not been participating with the various stakeholders about revitalizing the waterfront.

The Toronto Port Authority is breaking the tripartite agreement it signed with the federal, provincial and municipal governments. Planes at the airport are twice the weight and double the passenger count of what was envisioned at the time the tripartite agreement was formulated in the mid-eighties. It is very noisy. Planes are flying in above the level that is supposed to be controlled by the tripartite agreement.

The airport is in close proximity to a large number of condominiums that were built in the eighties down by the waterfront. At the time the port was established there were very few residents living near the waterfront, but now there are at least 50,000 in the neighbourhood. I cannot see why this port authority should really stay.

The Canada Marine Act is supposed to deal with traffic going to different ports. There is absolutely no reason why there should be an airport at the Toronto Port Authority. Of all the ports across Canada, this is the only port that runs an airport and has nothing to do with waterways or shipping.

The Toronto port has very modest port functions, such as rulemaking for boats, buoys and dredging as required, and facilitating the odd, very rare, commercial ship arrival. Cargo handling is a major money loser and eventually needs to be merged with Hamilton or be shut down. The outer harbour marina probably could be operated by the city or Harbourfront Centre because it needs to demonstrate that the public interest would be better served by this port.

● (1155)

In the past, the City of Toronto has said to the federal government that if it is reviewing the Marine Act and making amendments to the Marine Act, it is critically important that the Toronto Port Authority be taken out of the Marine Act, because it really does not belong there. Its traffic is very small. It is still not financially self-sufficient. It is of no strategic significance to Canada's trade. It has no diversified traffic.

How could that be done? It could be done, effectively, by the governor in council pursuant to section 55. It could “liquidate its assets in accordance with the certificate or the regulations made under paragraph 27(1)(a) and...dissolve the port authority, and the letters patent are deemed to be revoked”. The proceeds would then be liquidated and probably should be transferred to the City of Toronto. The governor in council may also “by issuing a certificate of dissolution, dissolve a port authority without requiring the liquidation of its assets”.

So one way or the other, if we are to discuss this Marine Act in a way that is true to what it is supposed to be, the Toronto Port Authority should be returned to the City of Toronto.

Through the years, different mayors, no matter what their political stripe, whether it was Mel Lastman, who, last I saw, was a Conservative, or the present mayor, David Miller, with the entire City of Toronto council, has said over and over again that the Toronto Port Authority really should come back to the hands of Torontonians, because right now the users, the municipalities and any stakeholders in the neighbourhood basically have absolutely no influence over this port authority.

It would give me great concern that if the bill is passed what we would see is that Bill C-23 would allow this port authority to access infrastructure funds from the government. Let me tell members that in Toronto the infrastructure funds should be used to fix the crumbling highways such as the Gardiner Expressway. We have had three or four chunks of concrete falling from the Gardiner Expressway. The subways in the city of Toronto need repair and need to be expanded. There are hundreds of projects that are desperately in need of infrastructure funds. The last thing the City of Toronto needs is for this port authority to have access to the funds so that it could upgrade whatever it is upgrading in competition with Air Canada. The House would be making a terrible mistake.

I cannot see how we can possibly support the bill if the Toronto Port Authority is still part of the Marine Act and running its own business without any input from local municipalities.

● (1200)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I thank the hon. member for Trinity—Spadina both for her speech and for her ongoing work to have waterfront justice in Toronto. This has been an issue that has been simmering for many years. The former Liberal government basically set up this boondoggle, the Toronto Port Authority, and as the member has mentioned, it is completely unresponsive to the public and not responsible to the government. It is not responsible to anyone but itself. It has been set up as an independent empire on the Toronto harbourfront.

I know that the member for Trinity—Spadina has been one of the foremost advocates for waterfront justice in Toronto, so that the people of Toronto can actually determine through democratically elected governments what the waterfront should be, how the waterfront should be structured and what is the best economic and social interest for the people of Toronto.

I would like to ask the member a simple question. Why did the Liberals do this? Is this part of the corruption we saw when the Liberal government was in power and simply refused to provide for democratic or accountable management? We saw a lot of brown envelopes being exchanged. It was a deplorable situation.

Unfortunately, things are no better under the current Conservative government. It is the same old same old.

Why would the Liberals set this up? Liberals essentially dominated Toronto for many years. That is changing now with a lot of new members from Toronto, including the member for Toronto—Danforth, the member for Parkdale—High Park and the member for Trinity—Spadina. Why would the Liberals do something that was clearly not in the interests of the people of Toronto?

Ms. Olivia Chow: Mr. Speaker, that is an excellent question. At that time, the former Liberal government was eager to find ways to reward friends. If we look at who was appointed as the first chair, it is very interesting. It was a Liberal Party fundraiser. The Marine Act, section 15(1), says that the qualifications of the directors are that they:

> —shall have generally acknowledged and accepted stature within the transportation industry or the business community and relevant knowledge and extensive experience related to the management of a business, to the operation of a port or to maritime trade.

Therefore, it is very clear that the minister's nominee or those who are on the board of directors of the port authority are supposed to have experience in operating a port or in maritime trade. If we look at who was appointed, we will notice that the first chair, other than the fact that he was a Liberal Party fundraiser, had nothing in his background to indicate that he had any experience in ports or in marine business knowledge.

Then we have another lawyer, at that time from Tory Tory DesLauriers & Binnington, and there seems to be no mention in his background that indicates port or marine business knowledge. Quite a few media reports at that time tied him to the Liberal Party. As for the third one, the vice-president of strategic services, she was and is a senior policy adviser to the premier of Ontario, again a Liberal.

That is what we have seen. The chair at that time, another one, did not have any port or marine business knowledge. He was, however, a Liberal Party fundraiser and a former law partner of our former prime minister, Jean Chrétien. If we look at the four appointees who came in, what we notice is that they have extensive Liberal Party connections.

Things have not changed that much. Rather than Liberals, it is now Conservatives. They are still appointees and still are not accountable to the citizens of Toronto, which is why the mayor, Toronto's city council and in fact Torontonians have said generally to please make this port authority accountable to the citizens of Toronto and return it to the hands of the City of Toronto. If not, it is going to be a place where party fundraisers, whether Liberal or Conservative, will end up taking their places at the Toronto Port Authority.

● (1205)

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, I have a real question for the defender of the waterfront. Was that the title my colleague from Burnaby gave her? Or was it the warrior for the waterfront?

● (1210)

Ms. Olivia Chow: I like warrior.

Mr. James Moore: There we go, Mr. Speaker.

I want to make a statement and invite a comment from my colleague from Trinity—Spadina with regard to the issue of our government's initiatives to amalgamate specifically the ports in the city of Vancouver. Her colleague from Vancouver East made a speech earlier. I did not get an opportunity to ask questions or make comments with regard to her speech, but I want to make a declarative statement.

I understand and appreciate the concerns that are raised by any member of the House, New Democrat or not, with regard to our efforts on port mergers, particularly in the city of Vancouver. We are conscious of the fact that people are concerned when the federal government eliminates the borrowing cap, for example, in the port of Vancouver and allows that port to expand. We are conscious of the fact that there are some concerns from local residents about the kind of growth that may appear.

We are conscious of that. For example, I have been to the great city of Baltimore, which is a fantastic city, but we do not want downtown Vancouver to end up looking like Baltimore, with massive cranes on the waterfront spoiling the beauty that we have in British Columbia. There is a reason why we put "Beautiful British Columbia" on our licence plates.

I would ask my colleague from Toronto to recognize and make sure that she knows, along with people from the city of Vancouver, that our government understands. We want to have balanced growth. We want to have effective growth. We want to recognize that we value our waterfront and its beauty, but we also want to seize the opportunity that exists, particularly in the Asia Pacific gateway. We have the opportunity to take advantage of our cultural history and a lineage that spreads not only to Europe but also to all the Asia Pacific countries. We can take real advantage of these opportunities, but also, we can do so while keeping in mind that we want to have growth on our waterfront that not only is economically viable but recognizes the importance of cities.

That is why we have put forward a process. We have put forward a dynamic on the new board of directors that will exist in Vancouver, one that we think takes into account all the stakeholder groups and concerns that exist, whether it is the folks working the Fraser River or in the port of Vancouver, community groups, the provincial government and business associations as well.

The member for Vancouver East raised the idea of having labour on the board, which is certainly something that should be considered and taken into account. We want to have the port of Vancouver become a leader in the world, not just in Canada, and take advantage of the real opportunities that exist, because we believe in creating Canadian jobs through world sales and doing so in a way that also recognizes the importance of keeping our waterfronts as beautiful as they are.

I invite my colleague to comment.

Ms. Olivia Chow: Mr. Speaker, subsection 14(1) of the Canada Marine Act and section 4.6 of the letters patent reflect the promise of more community control and a fair collaborative framework, but what happens when a port authority is created is that the port authority has its own letters patent. What it says in its letters patent in regard to the board of directors in the case of Toronto, although I am not sure about Vancouver, is that it gives the minister the flexibility to nominate whatever people the minister wants.

Therefore, we have a law that says, yes, let us be collaborative and have more community control, but in actual practice that has not been the case whatsoever. There have been no consultations, no reporting to the community, no public meetings, no discussions and no newsletters. So what is happening is that there is a huge divide between the local community and council, especially in Toronto, and the Toronto Port Authority. It seems to me to have been designed in such a way that while it talks about the principles on the one hand, the actual implementation of it is completely contrary to local control.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am pleased to speak to Bill C-23. I will be speaking to a number of points. In particular, I would like to speak about the funding, the regulatory process and the process of appointment to the board.

Before I get into that, I would like to talk about the port of Nanaimo. There has been much discussion in the House about the impact of ports on our local communities, how important the ports are to many communities from coast to coast to coast and also the need to ensure that there is some local decision making.

I have a document here called "The Economic Impact of the Port of Nanaimo". It is dated May 2003. In order to give some sense of how important our local port is to the city of Nanaimo, I would like to quote from the document:

> Port of Nanaimo businesses generate 3,700 direct jobs; $115 million in direct wages.
>
> There are in excess of 10,000 total jobs nation-wide related to the Port of Nanaimo, after including multiplier (indirect and induced) impacts. These jobs generate $335 million in total wages.
>
> In British Columbia, Port of Nanaimo businesses generate over $160 million in direct Gross Domestic Product (GDP) and over $410 million in direct economic output.
>
> The total national economic impact of Port of Nanaimo (including indirect and induced impacts) is estimated at $500 million in GDP and over $1.1 billion in economic output.
>
> DIRECT EMPLOYMENT is employment that can be attributed to the operation, management, and tenancy at the Port of Nanaimo including firms on-site at the Port and Port-dependent businesses off-site.
>
> INDIRECT EMPLOYMENT is employment in goods and service supplier industries that results from the presence of the Port of Nanaimo's direct employers. An example of a Port of Nanaimo's indirect employment would be the supplier of machinery to value-added (manufacturing) tenants at the Port of Nanaimo.
>
> As such, indirect employment is generated in industries that supply or provide services to Port of Nanaimo businesses.
>
> Port of Nanaimo produces jobs!

That is a heading in the brochure. I have covered some of the numbers. It says:

> An estimated 3,700 direct jobs are attributed to the Port of Nanaimo activities, or 2,800 direct person years of employment. These employment figures represent employment in two sectors related to the Port — Port Operations and Port Land Users. Port Operations employers are those that provide facilities or services involved in maritime trade and shipping through the Port of Nanaimo. Port Land Users are firms that have strategically located at the Port because they require access to the Port to operate.

Some of those jobs include terminal, forestry, government, retail, food and beverage, aviation and ships services. Those are the on-site jobs. The off-site jobs include government, forestry, trucking, shipping, aviation, retail, food and beverage, ships services, tow rail, contracting and fisheries.

We can see the importance of ports in my community. Unless we think that ports are a recent innovation in the city of Nanaimo, I have some numbers here from the Assembly Wharf which falls under the port of Nanaimo. I will not go through the pages and pages of history of the port, but the Assembly Wharf, which is an important part of the Nanaimo downtown, was originally conceived in 1931.

In 1937 there was the completion of the first wharf with creosote pilings and wooden decking. It was mainly used for loading scows during the first couple of years. An overhead ramp was used for access around the coal wharf marshalling yard. In the early stages the wharf was 60 feet wide. It is known as A Berth. Anyone from Nanaimo will know about A Berth.

Over the years the Assembly Wharf continued to grow. In 1951 there was considerable federal money put into a wharf addition. In 1965 the third berth at the Assembly Wharf was completed. In 1974 there were 18 materials handling vehicles listed and a second steel warehouse of similar size was completed to accommodate newsprint. Later on, there were other mills, including the Harmac mill, which unfortunately is now in bankruptcy protection. Downtown Nanaimo was a thriving hub of shipping activity. Sadly, over the last number of years as various mills have closed down and of course as coal mining disappeared a number of years ago from the Nanaimo area, there have been some changes in what is happening at the wharf.

● (1215)

This bill partly attempts to address the funds that go into port authorities and the kinds of infrastructure that need to be considered.

Certainly when we talk about infrastructure in the port of Nanaimo, it is important that local municipal councils are included in any kind of decision making.

As a former municipal councillor, I was involved in land use decisions and rezoning. Often any kind of collaborative relationship between port authorities and municipal councils tends to be voluntary. Although certainly, as the member for Trinity—Spadina pointed out, there is language around collaborative frameworks and those kinds of things, the reality is it often does not happen.

In July 2005 the port of Nanaimo put out a press release regarding the Nanaimo Assembly Wharf lands because of some other development that was happening in downtown Nanaimo. Some concerns were raised around the Assembly Wharf lands. In the press release of July 22, 2005, it said:

> With CIPA Lumber having left the Assembly Wharf site in 2003, the Port realizes that the Assembly Wharf is underutilized. The Port is currently in the process of working with a forestry consultant to determine what opportunities are available for additional cargo movement through the terminal as a result of the ongoing restructuring of the major companies in the forestry sector. In the same study, the Port will also review options regarding non-traditional cargo within the shipping and industry sectors served by the Port.
>
> The Port is also engaged in a long-term strategic planning process to assess the Port's need for industrial land over the next 10 or 20 years. The future uses of the Assembly Wharf will be determined by consultation over the next few years with the City and other community stakeholders.

In the press release from the Port of Nanaimo there is an acknowledgement of the importance of working with the local council around land use planning, but it is not consistent. I would argue that across this nation of ours the local municipal authorities have to have substantial input into the use of those lands, or as has been pointed out by other members, perhaps they should be under the control of municipalities and cities. The importance around this cannot be understated. Many of our port authorities are in the downtown cores and are very visible.

In the city of Nanaimo, the downtown core surrounds land owned by the port authority. Any decisions made on the port authority directly impact on every other aspect in the downtown. Whether it is traffic flows, environmental considerations, other decisions around rezoning and land use, water, these all impact. Any decision made on the port authority impact on every other aspect of the local council. If those decisions are made in isolation, we often end up with unintended consequences.

West Coast Environmental Law in "The Green Infrastructure Guide" talks about issues, implementation strategies and success stories, but it points to the need for integrated planning and a green infrastructure approach. I want to talk about a couple of these things because they directly relate to the development that happens on port authority land. It states:

> Taking a greener approach to infrastructure development not only mitigates the potential environmental impacts of development (e.g. improving stream health and reducing energy use) but makes economic sense as well, when all of the impacts of conventional development on "natural capital" and the services rendered by natural capital are taken into account. By softening the environmental footprint, avoiding waste and finding efficiencies, local governments can increase their long term sustainability.

It goes on to talk about the need for public debate on risks and choices:

> Clear public policy choices need to be made vis-à-vis how limited financial resources should be allocated...and what sort of environmental impact will result from the community's infrastructure design.

● (1220)

In the past, ports were not always the most environmentally friendly places to operate. For example, some of the construction of the Assembly Wharf was creosote. Nowadays it is highly unlikely that creosote would be used in a marine environment because we know of its impacts.

If a community wants to tout itself as being environmentally sustainable and as having green infrastructure, it is very important that local municipal councils are integrated into the decision making process around what happens on port lands. Ports are far more conscious now than they have been in the past.

In my riding there has been a tremendous amount of discussion around cruise ship terminals. One of the areas of concern is that cruise ships need to be environmentally responsible for all of their outputs, whether it is the fuel they burn or the waste they dispose of. If a cruise ship terminal were to be considered for the city of Nanaimo, it would be important for the city to have some impact on any decisions around building it. There are pros and cons, but it is a good example of the importance of including municipal councils in the decision making process with regard to what happens on port lands.

The issue of security has also been raised. Many people feel that the security measures outlined in this piece of legislation are insufficient.

The Canadian Marine Act review which was done a couple of years ago made a number of recommendations. Unfortunately, not all of them are included in the current piece of legislation. Regarding security, observation 9 indicated that it is appropriate for the Government of Canada, rather than the marine transportation industry, to bear the expense of implementing national security measures.

In the current climate there is more and more concern around security measures at ports and ferry terminals. It would be incumbent upon the government to ensure that there is appropriate funding and oversight of security forces.

One of the pressure points is that some of our trading partners are anxious about the level of security at our ports and in other places in Canada. Given some of the events that have happened over the last several months, any security measures put in place should have some accountability. I want to highlight one instance that happened in August. I will quote from a letter from one of my constituents:

> I respectfully request that you press for a full and public inquiry into the violation of our constitutional right to freedom of assembly by the actions of the Surete du Quebec officers, acting as *agents provocateurs*, during a peaceful protest at Montebello, Quebec on August 20, 2007.
>
> On August 20th, 2007, I was in Montebello, Quebec working on a documentary entitled 'Trading Democracy for Corporate Rule' about the secretive Security Prosperity Partnership and North American Union. I was following a group of intelligent, peaceful and reasonable people including prominent Canadian patriot Maude Barlow when three masked undercover Surete de Quebec police officers carrying rocks approached the police line clearly intent on stirring up violence within an otherwise peaceful protest.
>
> Since releasing this footage on Youtube I have subsequently discovered evidence within this footage that clearly shows one of these masked undercover officers striking a member of the riot squad in the face mask and then banging the large rock in his hand into the shield of another officer. This illegal assault was a clear act of incitement, violating section 63 of the Criminal Code of Canada and was a direct attack on the constitutionally guaranteed rights to peaceful assembly and security of the person for the people who were in attendance at this protest....
>
> The Surete du Quebec claim that these undercover officers were given rocks by radicals. If this is the case then the security cameras which covered every inch of the protest site should reveal this. I shot three hours of footage at this protest and the only people I taped with rocks were these undercover officers.

He went on to say that the Canadian public has a right to know what evidence the security camera footage contains, who the other undercover officers were at this protest, and so on. He concluded by saying:

> This incident at Montebello undermines the confidence of Canadian citizens in their police forces. I would like to know why a public inquiry has not been called to investigate these illegal covert activities on the part of the police? Does the government respect the Canadian constitution and if so when will it call for a full public inquiry into this outrageous attack against our constitutional rights?

● (1225)

The reason I raise this is in the past there have been some problems with marine port authorities regarding security. I think many of us support investment in security at port authorities, but it needs to be a system that is open, transparent and accountable.

While I am talking about openness, transparency and accountability, one of the things the port authorities currently are not subject to is any oversight by the Auditor General. We often hear discussion in the House about how federal government funds are spent, what kind of accountability and reporting process is in place and the transparency around all of this. I argue that this would be a good case to ask the Auditor General to have some oversight on, because federal money flows into these port authorities. It would help alleviate some of the criticisms about how money is allocated and spent.

I also want to talk briefly about the regulatory powers. There is a mechanism within the legislation to look at some regulatory powers. In the past there has been some discussion about establishing compulsory pilotage areas. One of the concerns that has been raised is the process currently does not mandate that pilots are included in establishing these compulsory pilotage areas. I think it would be a problem if port authorities had some say and pilots were excluded from the process. It is another failing in the bill.

As well, many people have talked about the process around board appointments. A couple of years back, the port authority in Nanaimo was down some board members. The process of appointing board members was long, slow and painful. If these boards have spending authority to oversee the healthy operation of a port, yet there is foot dragging in appointing board members, how boards can continue to function when they do not have the required number of board members?

In addition, in the current act before us there is no mechanism to ensure a local presence on these boards. More than anything, if we are talking about local accountability and integrating those port authorities into the communities, ensuring that land use decisions are made respecting the processes in communities, it would seem important to have either elected representatives from municipal councils present on these port authorities, or some other mechanism to ensure the local voice is at the table.

Again I come back to the whole piece around land use decisions. Because these ports have such a critical role in our neighbourhoods, it is very important that those local representatives have some sort of say in what happens in that land use for the local area.

In our community of Nanaimo, the port authority has done a really great job of ensuring that walkways have been developed in our communities. However, sometimes the other decisions have not always been done in conjunction with the local council.

Although there are some positive aspects of the bill, there are many gaps in what we feel a revision of this kind should have included, certainly in terms of the context of the fact that this marine review happened a number of years ago. The fact that the marine review, which had extensive consultation, did not come forward with a number of recommendations that would have made this act a much better act is a little disappointing.

Therefore, at this point in time we would look toward some amendments to make this a better bill.

● (1230)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I listened with great interest to my colleague from Nanaimo—Cowichan and her terrific presentation on the bill.

She raised the issue of civil rights. She has raised concerns, which have also been raised by the members for Vancouver East and Burnaby—Douglas, about how the government has acted with ports workers in a heavy-handed way. These people have lived all their lives working on the docks, contributing to our economy, yet they are being pushed aside, essentially, unless they can fill out onerous documentation, with every minute detail of their lives, which is then subject to some sort of approval process.

The International Longshoremen's and Warehousemen's Union is pushing back on this and is taking the government to court because these rules are so patently unfair.

She also raised the issue about Montebello and the use of undercover officers who carried rocks in what was clearly a peaceful demonstration.

Could she contrast the alacrity of the government with which it attacks civil rights, while at the same time, it has not dealt with the substantive issue, which is the fact that thousands of containers that come into Canada's ports from coast to coast to coast? We have the resources currently to only investigate 2% or 3% of them. Therefore, 97%, 98% of the container traffic coming in through Canada's ports is not inspected, which means we do not know what they contain. They may contain human beings for human trafficking. They may contain drugs. They may contain explosives. Who knows?

However, instead of dealing with that security issue, which is a substantive one and requires some investment of resources, the government chose to give billions of dollars away in corporate tax cuts. Now it is now attacking civil rights in a most egregious way, particularly for ports workers who have worked all their lives ensuring that Canada's cargo is unloaded and that Canada's trade is facilitated.

Ms. Jean Crowder: Mr. Speaker, I want to thank my colleague for the great work he has done on the protection of rights for ports workers and on the Security and Prosperity Partnership agreement.

There is a challenge with this legislation. On the one hand, we have insufficient attention to the security measures that are required to keep our ports and the workers there safe. We know many of the port authorities simply do not have the kind of money that would be required to put in the oversight essential to ensure our ports operate safely. This has been one of the concerns that some of our international trading partners have raised.

One the other hand, we are subjecting port workers to a kind of scrutiny that most of us simply would not tolerate. We are attacking workers and putting all kinds of security measures in place, but we are disregarding the very necessary security measures to keep those very workers safe.

The bill needs a tremendous amount of work on appropriate security measures to ensure we can speak in confidence about the safety and security of our ports.

● (1235)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, again I am pleased to ask some questions on this important bill. I expressed earlier that in Sault Ste. Marie, dead in the middle of three of the most important Great Lakes, Lake Superior to the north, Lake Michigan and Lake Huron, we see ourselves as part of the great Canadian waterway, the St. Lawrence Seaway. We connect in a very important way. Goods from the west go east. We see ourselves as an entry point for goods that would go into the Midwest U.S., then go to literally millions of people and communities along Lake Michigan and Lake Huron.

We are preparing ourselves to take advantage of what we know will be greater and greater focus on the distribution of goods, the transportation of goods and systems that make that happen. CN comes from western Canada north of the Sault. We have the Great Lakes, as I have said. We have highways, I-75 into the U.S. and the Trans-Canada highway. Therefore, we are strategically located in a very good position to take advantage of some of this, but we need to ensure that the public institutions we put in place to manage this, like our ports, are well managed and that we deal with all the issue.

However, one issue we are trying to deal with in the Sault, because we have responsibility for such a vast amount of water and land and trees, is the question of invasive species. Is there anything in the bill that speaks, from an environmental perspective, to the protection of our natural resources from species that might be brought in through the St. Lawrence Seaway and up into the Great Lakes. These might invade our natural habitat and create some of the problems we have seen already or make them worse?

We would like an invasive species centre placed in Sault Ste. Marie, which would research and come up with responses to some of that. However, is there anything in the bill that speaks to a this concern and then some action that could be taken to minimize or stop altogether the possibility that we might get invasive species into our waterways in Canada?

Ms. Jean Crowder: Mr. Speaker, there was a lot in that question. I want to thank the member for Sault Ste. Marie for his concern.

One of the issues was around the transportation hub, which he so aptly described. In many of our communities there simply is insufficient investment in public transportation infrastructure, whether it is rail, or the ports or public transit. I have had the pleasure of visiting the member's community, which is a central transportation hub. The kind of investment required to ensure it stays vibrant and viable is simply not there.

With regard to invasive species, the member raises a broader question around whether legislation that comes before the House has an environmental lens. Many of us in the New Democrats feel that legislation coming before us needs a couple of lenses. They all need gender lenses, but they also need an environmental lens, which talks about the impact of the legislation. Has there been appropriate oversight in things like invasive species? We need that longer view. When a question is posed about environmental impact, we should not be thinking only to the next quarter, or the end of next year, or the next election cycle. We truly should be thinking out generations.

When we talk about this overhaul of the Canada Marine Act, it would be an appropriate time to take a look at some of the environmental measures that need to be in place. I talked about the environmental impacts that ports can have on our local communities. Therefore, that environmental lens is a critical part of developing any legislation.

● (1240)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-23, An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence, because I have the privilege of representing the federal riding of Halifax.

While I do not want to lay claim, in any way, shape or form, to the port of Halifax being the exclusive concern of the federal riding of Halifax because three additional federal ridings abut one way or another on some part of the Halifax Harbour, I think it is fair to say that the riding of Halifax is the most historic riding to make up part of the port of Halifax.

The Halifax port is an incredibly important part of the economic development infrastructure and, to state the obvious, the transportation infrastructure of the Halifax metropolitan region and, indeed, the province of Nova Scotia and the whole of Atlantic Canada.

Before I begin speaking to the amendments to the four bills that are affected by Bill C-23, I want to take the opportunity to talk about the vision, the creativity and the innovation of the former mayor of Halifax, Allan O'Brien, who, in the late 1960s, had the vision to see that we needed to do a great deal to enhance our port capacity. He knew that container shipping would become a huge factor in the shipment of goods in the modern era. Container capacity in the city of Halifax was an important innovation undertaken at that time and it remains an extremely important part of the economic capacity of the port of Halifax, which continues to play a major part in the economy of the region and of our country.

People talk about the concept of the Atlantic Gateway. I hope it does not seem presumptuous to say this, but I think it is fair to say that Halifax has been one of the major economic gateways to Canada and to all of North America for over 400 years. In a sense, it does not need to compete for the notion of being the major Atlantic Gateway but, at the same time, a major collaborative effort is under way to strengthen the port of Halifax so it can be an even more effective economic driver for goods coming to the North American continent.

When I had the opportunity to talk with my provincial New Democrat candidates in Nova Scotia recently, the official opposition in the province of Nova Scotia, it was pointed out to me that it was not well-known that the port of Halifax, in many instances, offers the fastest and the most effective route into North America.

The bill that is now before us addresses a number of valid concerns that have been brought forward over a period of several years. However, I hope we can further enhance the capability of the port of Halifax and other Canadian ports as well to play an even bigger role as a gateway into North America.

● (1245)

I think members of the House are aware of the history of the bill that is now before us. It resulted from a consultative process across the country in 2003, when a legislative review of the Canada Marine Act was conducted, and in a 1995 policy review for federal ports on the elimination of overcapacity and the new governance structures needed to support more successful commercial operations and a more comprehensive system of transportation, of which the Halifax port is only one component.

There was a great deal of interest in that review process at the time. I think some 75 hearings were held with 140 submissions by a variety of stakeholders from across the country. Therefore, in part, the changes contained in Bill C-23 came out of that review process.

It is my view and the view of my colleagues, several of whom have already very ably spoken to the bill, that the bill should be supported at this stage of second reading to go to committee. It is also our view that some amendments are needed to some areas of the bill. It would be our contention that at committee these amendments ought to be fully considered and, hopefully, supported, adopted and brought back to the House. If the necessary amendments are made, I and my colleagues would see this as an important step forward in strengthening our capacity to play an even greater role in this country of effective ports into the North American continent.

A number of positive things can be said about the bill. A number of provisions in the bill would improve access to funding by port authorities for infrastructure improvements. There are some areas in which there are infrastructure improvements needed to the port of Halifax and other ports. The original marine act did not actually allow for port authorities to get access to federal funding. This is being addressed in the bill and it is long overdue.

The bill also would provide the port authorities with the ability to borrow money for port purposes on the port authorities' credit. This is an important provision that needs to be supported. It is an important start but it is our view that the borrowing power that would be made available to port authorities needs to be increased beyond where this present bill establishes that limit.

Another important amendment, which, I guess, would be mostly true of the port of Halifax, explicitly states the historical importance of our ports to the Canadian economy and to the North American economy. This positive statement is particularly timely at this juncture. We know how important our ports are but we also know there are particular challenges that need to be met in the context of the current events happening and the current security threats that need to be taken seriously.

One of the areas in which we are very adamant that there needs to be improvements in Bill C-23 relates to the security challenges that our ports are facing. I think it is fair to say that a missed opportunity in the current drafting of the bill is to tackle the importance of streamlining, standardizing and strengthening both the funding for national security measures in our ports and also for the way in which the security provisions are actually handled.

● (1250)

The disbandment of the port police was very controversial when it took place a number of years ago. I know the New Democratic Party expressed some major concerns about it at the time. At the very least, I think one has to say that the disbandment was done in a very ad hoc way and was premature.

What Bill C-23 would enable us to do with some appropriate amendments is to actually recognize that there needs to be a more coherent, comprehensive, streamlined process dealing with security.

This is almost unbelievable but at the moment the 19 different major port authorities literally have 19 different systems addressing their security needs. Some ports have a combination of federal, municipal and provincial police. Some have various partnerships and relationships with private security firms. In Halifax, for example, we have a contract with the municipal police augmented by private security firms for commercial port users.

I had a professor who would talk about the lack of a really thorough, systematic approach of whatever regulatory nature that looked like a dog's breakfast. In this day and age, in particular, we need to be concerned about a more comprehensive and coherent approach to port security.

It pains me to say this but we in the city of Halifax have a very real concern these days about the increase in violence in some pockets of our communities. This is not unusual nor is it exceptional to Halifax. I am pleased to take the opportunity to say that we in the city of Halifax are blessed with one of the finest police forces in our country. We have an outstanding chief of police and deputy chief of police who absolutely understand what it means to say that we need to take this challenge seriously and that what it requires is being tough on crime and tough on the causes of crime. They do not only express that as some kind of a convenient slogan. They act on it and they engage the whole community in the process of identifying where the kind of preventive and rehabilitative measures are needed that would actually get that job done, while, at the same time, recognizing that there are instances in which the public is not being adequately protected from some of the offenders who threaten their very security and in fact their lives in many cases.

It is incumbent on all of us to ensure that at committee there are some amendments brought in to take a more coherent or comprehensive approach to the security challenges we face.

It may not be so obvious to people who live in landlocked places but ports are a wonderful asset and a wonderful resource. However, particularly with the increase in commercial activity and the potential for massive containers to be brought in on container ships, there can be real challenges to identifying illicit drugs or illegal arms that are stowed in those containers by hostile individuals who have anything but our best interests at heart when they do that.

I am not saying that it is frequent, but, and I believe this figure would apply today or recently, the figures would indicate that only 3% of the containers coming into our ports now are actually inspected. I am not an authority but I do know there are some challenges. I do not know what percentage it should be but it seems that 3% is a very low percentage of container inspection to determine whether there are threats to our security.

● (1255)

I do not want in any way to create the impression, because I do not believe it is true, that the port of Halifax has bigger challenges in that regard than other ports, but I think what it does underscore is that we need to have a more streamlined, comprehensive approach to security, and this is the time to do it.

I recall in part with amusement, but I also remember how furious I was at the time, that on the eve of the 2004 election there was virtually a Liberal rally conducted in Halifax where there was a great deal of fanfare about funding coming into the port of Halifax to improve our security protection in the aftermath of 9/11.

Honestly, we could not tell that it was not a Liberal rally. There were three cabinet ministers that flew in at, of course, public expense to make this big announcement with great fanfare, but actually it was totally lacking in specifics. A whole two years later, when I was making inquiries to find out about the delivery of those promises, not a single penny had flown at the time to fulfill those promises.

If the new provisions of Bill C-23 are appropriately adopted, we will be supporting it if the necessary amendments can hang within it. Let us not turn it into a kind of pre-election fanfare thing, which I think would do a disservice to the fact that the consultation process that has taken place has involved all of the stakeholders, all of the levels of government, and recognized that this is something of interest to the security and well-being of our individual citizens, and obviously to the well-being and success of our local, regional and national economies.

Mr. Speaker, with those words, I am pleased to indicate my support for the legislation to be passed at second reading. I look forward to a lively committee process where other concerns will be addressed, including some real problems about shrinking down the numbers of members on the port authorities. This does not allow for a diverse representation as is really needed to ensure that all interests are fully considered at the decision-making level of our port authorities.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I wish to commend the member for Halifax for her speech, knowledge and understanding of some of the opportunities and challenges that exist in our ports, particularly our own. There is not a port city or facility in Canada that is more renowned and thought of whenever we think of marine activity than Halifax, in our own backyard.

The member spoke very knowledgeably about what needs to be done. She recognizes that the bill is not perfect, but it does get us into the conversation in a way that hopefully will get us to a place where we do something that will be meaningful. She spoke very eloquently about how often governments use announcements and bills such as this to gain political favour while at the same time really not having any substance or providing any substance to deal with some of the real difficulties that exist.

I was saying earlier that we need to not only recognize the most obvious ports of entry into our country, where marine is concerned, when we talk about these kinds of bills, but also need to look at the other places along the route into Canada where ships arrive and there is interaction which contributes to a local economy.

That is no more so obvious than in my own community of Sault Ste. Marie which is smack dead in the centre of three of the most important and largest of the Great Lakes. There is Lake Superior to the north, Lake Michigan and Lake Huron.

We in the Sault are looking to take advantage of that strategic location which gets us into big chunks of the mid-west U.S. where trade is concerned. We know that the transportation and distribution of goods is now, and will become even more, an important facet of industry and the economy in Canada.

Certainly, passing our back door or front door is the CN Rail, the Trans-Canada Highway and route I-75 that runs right down to the tip of Florida, and of course this wonderful resource of water of which we have stewardship.

The member spoke very thoughtfully about the issue of security at our ports and how the Liberals in fact used that as a way to curry some favour going into an election, but there is a very real concern regarding security that the member for Halifax just spoke about. There is also an environmental concern that we in Sault Ste. Marie have identified.

As boats are brought in off the oceans through the St. Lawrence Seaway and up into the Great Lakes, we often end up with species in our systems that get into the water and from the water into some of our other natural resources that become then very difficult to deal with and become a menace to our own natural resources. We need to be doing something to protect ourselves from that.

In Sault Ste. Marie we have been working for a few years now to develop an invasive species centre which would do research and put forward proposals, be a partnership between all of those wonderful institutions in our community: the Great Lakes Forestry Centre, our university, Science Enterprise Algoma, along with other agencies and the private sector to actually come up with responses that will be effective in stopping the onslaught of these species when they happen in the first place.

Is there anything in the bill that the member has looked at that speaks in any way at all to this other concern regarding security where our environment is affected and the possibility that some of these ships coming in might bring with them species that we do not want?

● (1300)

Ms. Alexa McDonough: Mr. Speaker, I must say honestly that I do not have the in-depth knowledge I should have about what kinds of strengthened provisions there might be to address the very real problem that the member talks about, which represents an environmental threat. I wish I had the expertise to say for sure.

What I do know is that there are amazing innovations and improvements in technology that can both address some of these kinds of environmental challenges and security issues about which I and the member for Sault Ste. Marie spoke of earlier. There is improved technology, for example, that could do more effective tracking and screening of containers.

The same is probably true in addressing the question that was raised by the member for Sault Ste. Marie. There likely is increased technology for the effective tracking of species because of increased mobility and the fact that we end up transporting through fish farming, for example, fish that have a hostile and very destructive impact in different milieux.

It allows me to make a point, which is an important one, speaking to the need for another major amendment. There is not now nearly sufficient responsibility being taken by the Government of Canada to address these kinds of security measures.

In terms of what has actually been committed in the way of dollars and cents up to this point has been very piecemeal and, by and large, operating on the basis that it is the problem, responsibility and onus of the individual ports to provide for these kinds of protections, whether it is environmental or security.

It needs to be understood that there are national implications and federal government responsibility needs to be taken when dealing with such overarching issues as environmental and security matters. I hope the outcome will be an amended bill that comes back to the House for final approval.

● (1305)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, it is good to see NDP members staying on topic while debating this particular bill. They stand, give speeches and ask questions of their own members to, of course, take up time. I am not sure why, but it is always good to see them stay on topic.

Speaking of which, I am sure we could talk about green cheese being on topic or the moon being made of green cheese. I have seen the NDP bounce from security to other issues and it is not appropriate.

My question is—

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Halifax on a point of order.

Ms. Alexa McDonough: If the Speaker had a concern about the relevancy of comments and if the Speaker had a concern that I was out of order in raising the very issues that I raised, I assume he would have said so. I ask the member to withdraw the comments that were completely unfounded, completely unfair, and completely off topic.

The Acting Speaker (Mr. Andrew Scheer): That is not a point of order.

There are only a few minutes left for this period of questions and comments, so I would ask the hon. parliamentary secretary to also stay relevant to the merits of the bill and the hon. member for Halifax to stay relevant to the bill in her response.

Mr. Brian Jean: Exactly, Mr. Speaker and, indeed, the point was made.

I am wondering if the member could comment on security. This government obviously took some real steps forward in security. It dedicated $930 million for marine security. There were other things done, such as arming border guards and providing $101 million over two years, implementing a border strategy and providing $303 million over two years, providing rail and urban transit security with $95 million, and providing air cargo security with $26 million.

With all these great initiatives in our very first budget, why does the member and her party continue to obstruct and delay this government's agenda?

Ms. Alexa McDonough: Mr. Speaker, I suppose we can waste all the time in arguing about how relevant it is for the parliamentary secretary to stand up and go through a whole litany of measures that have been introduced by his government and have absolutely nothing to do with the marine policy issues before us now, but let me say in a general way, because this question apparently has been allowed although it does not seem to be very relevant, that there are a number of positive initiatives which the government has taken and which we have absolutely no difficulty in recognizing and being prepared to applaud.

We also feel that there are a number of counterproductive measures and that there in fact are some flawed solutions being proposed by the government. Sometimes it is a matter of policy and sometimes it is a matter of there being a huge shortfall between the rhetoric, such as what we have just heard from the parliamentary secretary, and the actual allocation of resources that are needed to get the job done.

If I start identifying what those many reasons are for our inability to support this very flawed budget that is making its way through the House, then I am sure I will be ruled out of order by the Speaker. Since I do not want to do that, I think I will just leave it for the parliamentary secretary to figure out which of the items he has talked about that have nothing to do with the bill are the ones we feel are flawed and misguided and therefore are reasons why we are not prepared to support the government's budget.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. member: On division.

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

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

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● (1310)

SPECIFIC CLAIMS TRIBUNAL ACT

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC) moved that Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts, be read the second time and referred to a committee.

He said: Mr. Speaker, I am honoured to rise in the House to lead off debate at second reading of Bill C-30, the specific claims tribunal act.

This bill is the cornerstone of a comprehensive new approach to address an issue that has been a struggle for this country for far too long. After years of prolonged debate, false starts and unsuccessful attempts, most recently by the former Liberal government, the Conservative government is taking decisive action to improve the way we handle specific claims and to resolve the existing backlog of outstanding claims once and for all.

Specific claims are grievances related to land and other assets belonging to first nations communities. These claims have arisen largely as a consequence of the federal government's obligations under historic treaties with first nations and with respect to the management of first nations land and other assets. The systems and processes that the Government of Canada has designed over the years to address these unresolved grievances have proven to be slow and inadequate.

As a result, an unacceptably large backlog of claims awaits attention and action. In fact, the number of unsettled claims in the federal system has doubled since 1993. To be more precise, there are now nearly 900 outstanding claims. Approximately 530 of these cases are stuck in bottlenecks at the earliest stages of the claims process, and this figure is expected to rise as the number of new claims outstrips our ability to resolve current ones.

Is it any wonder that we find ourselves in this predicament when it takes an average of 13 years to process a single claim? Thirteen years. No other Canadian citizen would accept this state of affairs in any other aspect of their lives. Why should specific claims be any different?

Clearly, then, we must reform how this country deals with specific claims and we must demonstrate the political will to see that these much needed reforms are not simply discussed but implemented immediately and supported continually so that the existing backlog of claims is resolved once and for all.

The government's approach to address this problem began to take shape late last year. First, the Senate Standing Committee on Aboriginal Peoples undertook a comprehensive examination of the current process and recommended steps to improve and accelerate the handling of specific claims.

I would like to express my deep thanks to committee members for their work in providing clear direction forward on this issue.

Armed with that report of the Senate committee, the Prime Minister announced the government's specific claims action plan on June 12. The Prime Minister declared that after decades of neglect, failed efforts and dashed hopes, the Government of Canada, in closest cooperation and collaboration with its first nation partners, would undertake major reforms to revolutionize the way this country handles specific claims. Our plan for the comprehensive reform of the specific claims process features four elements.

First, the government proposes to create an independent tribunal that will bring fairness and timeliness to the claims process.

Second, we commit to more transparent arrangements for financial compensation through dedicated funding for settlements.

Third, we will introduce practical measures within the existing system to ensure faster processing on smaller claims and greater flexibility for extremely large claims.

Fourth, once the new tribunal is in place, the Indian Specific Claims Commission will no longer conduct new inquiries into specific claims. The commission will continue its valuable role in assisting parties to overcome challenges and enhance their opportunity to meet the shared goal of resolving claims through negotiation until such time as it is replaced by a new mediation centre.

Bill C-30 is the direct result of the Prime Minister's historic announcement. The bill puts into motion the first element of the government's four-part plan, creating an independent tribunal and vesting it with the power to make binding decisions on claims. This legislative change will lead the way for implementation of the other elements of the specific claims action plan, which do not require legislation.

Before delving into the details and implications of the legislation, I should point out that the bill before us today is the direct product of a unique group of experts from the Government of Canada and the Assembly of First Nations. Over the course of the summer, the joint specific claims task force met regularly to discuss, develop and refine the document that is before us today as Bill C-30.

The diligence, collaboration and shared insight demonstrated by the task force were instrumental factors in bringing this legislation to life. These qualities also serve as a vivid example of the productive and collaborative attitude that we must all share to ensure the success of the new approach to resolve specific claims.

● (1315)

If I may, I will quote National Chief Phil Fontaine, who said:

> The AFN is very pleased with the process that was followed in the development of this legislation. It is apparent that when there is political will, we can always find ways to resolve our differences.

In this spirit of openness and genuine partnership, I would like to express my deepest thanks to the members of the task force and, in particular, the task force co-chairs for their leadership in taking the ideas and objectives expressed by the Prime Minister and transforming them into legislation.

Bill C-30 authorizes the government to create an independent tribunal vested with the power to make binding decisions on claims, in particular, on questions regarding the existence of lawful obligations and financial compensation. In fact, there are three scenarios in which a first nation could file a claim with the tribunal: first, when a claim is not accepted for negotiation, including a scenario in which Canada fails to meet the three year time limits for assessing claims; second, at any stage in the negotiation process, if all parties agree; and third, after three years of unsuccessful negotiation.

During its deliberations, the tribunal will hear arguments from all sides of a claim. Decisions made by the tribunal will be binding on all parties. Binding decisions will enable the federal government and first nations communities to achieve closure on claims and reduce the time and expenses associated with litigation.

I should point out that tribunal decisions will not address claims valued at more than $150 million and will not award compensation for punitive damages or non-financial compensation such as land or resources. Nor will tribunal decisions be automatically binding on provincial governments. Provincial governments may participate in the process on a voluntary basis provided they have agreed to be bound by the decisions of the tribunal.

Fairness and accountability are important elements of the new approach to addressing specific claims. The tribunal will be responsible for preparing annual public reports so that the government and all Canadians can follow the activities of the tribunal and gauge its success in resolving claims.

To ensure that the proposed tribunal is fair to all parties involved in the claims process, Bill C-30 calls for the independent tribunal to be composed of federally appointed judges. These superior court judges will have the experience, capacity and credibility necessary to resolve the complex legal and historical questions that surround claims and to determine appropriate levels of compensation owed to first nations that are party to the claims.

I am confident that judges, with no ties or obligations to anyone, will provide the impartiality a transparent process requires and play a significant role in restoring public confidence in the effectiveness and fairness of the claims process.

As I mentioned earlier, Bill C-30 deals strictly with the creation of and authority vested in the independent tribunal. The legislation complements the other vital components of the government's specific claims action plan. Implementing these components, however, will be instrumental to the success of the tribunal and therefore I would like to take a few minutes to outline them.

First, the government will earmark $250 million each year for payments authorized by the tribunal and for payments resulting from negotiated settlement agreements. This dedicated funding will be a vivid demonstration to first nations communities that the government is serious about this process.

At the same time, these annual resources will be a transparent indication to all Canadians of our commitment to accelerate the resolution of specific claims and address the existing backlog of outstanding claims once and for all. To strengthen accountability even further, the government will establish explicit targets for resolving outstanding claims and results will be made public annually so that Canadians can clearly gauge the success of our new approach.

The second element of the plan is a series of new measures that will be put in place to enhance internal government procedures to manage claims. Similar claims that qualify for negotiation will be identified during the research and assessment stages and then bundled together for a final decision on their legitimacy.

Small value claims, which are roughly half of all claims that are currently in the system and are under $3 million, will each undergo expedited legal reviews to quickly conclude whether they will be accepted or declined for negotiation.

For larger claims, valued at more than $150 million, separate arrangements outside the specific claims process will be established. These are relatively rare and they are more difficult, but right now they bog down the system due to their size and complexity, although I do want to add that we are delivering on these larger claims as well.

● (1320)

In fact, earlier this fall I was in northern Alberta with the Big Stone Cree nation. We signed an agreement in principle worth over $300 million, involving 140,000 acres of land. This is the largest specific claim in Canadian history. We are serious about these as well. This is another indication that the government is making progress on claims, large and small.

As for the specific claims process, this accelerated and more nuanced approach will take full advantage of the wealth of research, studies and data amassed over the past 30 years as Canada has worked on these issues. Greater use will also be made of existing databases and other easily accessible sources of information to support the earlier review process and other improvements.

The third element of our new approach involves better access to mediation services to help the parties reach negotiated settlements. Consequently, mediation services will be available to assist them in overcoming impasses during negotiation.

The Indian Specific Claims Commission has provided invaluable facilitation and mediation services for the past 16 years helping parties in disputes reach mutually beneficial arrangements. We certainly do not want to lose this expertise, but at the same time, we do not want the commission to duplicate the efforts of the new tribunal. To achieve these goals we must transform the commission.

Under our new approach, the commission will no longer accept new inquiries into rejected claims but will finalize certain inquiries that are currently at an advanced stage and continue to provide mediation services until such time as a new mediation centre takes on those duties. This transformation will help us overcome impasses at the negotiation stage of the process and reduce many of the delays that hold us back. As a result, we will be able to conclude more negotiations successfully and at a faster pace.

Let me repeat that I firmly believe we must make every effort to achieve negotiated settlements so that first nations will turn to the new independent tribunal only as a last resort. We will also adjust the system if it needs further improvements as we go along. We will review our approach after five years and make a comprehensive assessment of our progress.

I realize that there are, and probably always will be, some who object to what we are proposing. We will never achieve perfection, but I am convinced that what we have here is a solid plan. It is fair, transparent, efficient and respectful. It will deliver real, meaningful, measurable results, which the current system has failed to produce.

Our new approach will unblock the existing backlog of claims. It will cut in half the time to process claims. Every claim in the system will have action taken to advance it. All claims will move forward at a faster pace. More claims will be resolved than received each year. Fifty per cent of all claims currently in the system will be resolved in short order.

Make no mistake that the time for talk is over. We all know what the problems are. We all know what needs to be done, thanks to years and years of consultations, studies and inaction. We all know that the problems have dragged on long enough. We have to get on with it, and Bill C-30, the specific claims tribunal act, will enable us to do just that.

For 60 years first nations leaders have been urging the federal government to create an independent tribunal to adjudicate historic grievances. Today we are beginning the legislative work to establish this vitally necessary tribunal. This legislation has been shaped by the efforts of the joint Canada-Assembly of First Nations Task Force this past summer. It is truly a historic day for Canada. It is historic because this bill will implement a process that will fulfill Canada's lawful obligations to first nations communities, honour outstanding debts, and settle claims through a process that is more impartial, transparent, and timely.

The proposed legislation is also historic because when we think deeply about this, this new approach is about more than specific claims. It is about achieving fundamental justice and fairness. It is about building a stronger and more stable economy and ensuring equal opportunity for all Canadians to work and prosper. It is about creating legal certainty for first nations and their partners in industry and area communities. Most important, it is about enabling members of first nations and their fellow Canadians to move on and move forward together.

I am privileged to have been given this opportunity to open debate on the motion for second reading of Bill C-30, the specific claims tribunal act. I urge all my colleagues to support this landmark legislation and take immediate and decisive action to resolve specific claims once and for all.

● (1325)

Phil Fontaine was here when I tabled the bill last week. I would like to close by mentioning his words that we need this bill and we need it to be passed speedily. I urge all members, let us get this bill into committee and pass it quickly. Sixty years is far too long to wait. We are prepared to move this as quickly as we can through the House and into committee. Let us do it not only for first nations, but for all Canadians.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I of course listened closely to the minister responsible for this file. I have a practical question for him about the involvement of provinces.

When the tribunal hears a case dealing with a territory or a claim involving a province, does the minister, his office or his department anticipate that the province concerned could be called as a party? Could it be added as a third party voluntarily, or even involuntarily? By that I mean could a judgment or decision of the tribunal be rendered against a province without it being a party in the claim?

Hon. Chuck Strahl: Mr. Speaker, I thank the hon. member for his question.

[*English*]

It is clear in the legislation, and I hope it was clear in my remarks, that this specific claims tribunal is for the federal obligation and for the federal government. We have made it clear that if provinces would like to participate in this, if they feel it is in their interest to resolve outstanding claims outside of the federal obligations, they could participate at their choice. The only provision is that the province would have to agree to be bound by the decision of the tribunal in the same way that the federal government is bound by the tribunal and by the decision of the judges on that panel. It is important to do it that way.

We do not want to interfere with provincial jurisdiction at all, but my hope is that there will be opportunities and occasions where the provinces will come forward and say they think it is in their best interests overall too, that this is a good chance to settle an outstanding claim, and that they are part of it. By taking it arm's length away from, in this case the federal government and the provincial government, it will get a fair and just settlement. It will bring certainty to it. It is binding on all the parties. First nations and non-first nations can move forward with the settlement at the conclusion.

That is completely at the discretion of the province. This has no jurisdiction over land or other issues or resources that are outside of the federal mandate. This is strictly for the federal obligations and almost always that just involves cash in the settlement. The tribunal has access to that $250 million a year, arm's length from government, which it can use to settle these claims.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I would like to commend the minister for his presentation and the introduction of this very important and historic bill for the Parliament of Canada. This is another step that has been taken by our government toward improving the very system that has for so long stood in the way of first nations people across Canada.

How does this bill in particular continue on with the new Government of Canada's perspective on improving systemic reforms within our legislation, within our mode of government? How will this achieve outcomes that will benefit first nations people across Canada?

● (1330)

Hon. Chuck Strahl: Mr. Speaker, I appreciate the hon. parliamentary secretary's comments and his work both on the committee and on behalf of first nations and all Canadians on this issue.

There are a couple of ways that the bill will help to advance the practical steps we have been taking to work with first nations on issues that have been lingering for far too long.

As I mentioned in my comments, on average it takes 13 or 14 years to solve a specific claim. Fifty per cent of these claims are worth less than $3 million. That it takes 13, 14 or 15 years of litigation, negotiations and research on a claim that might be worth $1 million or $2 million is outrageous. The amount of time and energy spent will be cut down. This is a three year process. It can go to tribunal after three years. It will speed things up tremendously.

More important, it sets a completely different tone for relationships with first nations. The system that has been in place for 60 years has caused a constant irritant in relationships with first nations. They have to wait. They have to take a back seat. They have to get in the lineup knowing full well that probably in their lifetime they will not see it settled.

We have a process that is far more respectful. It is just and it is fair. First nations are looking for that. It does not matter whether we are talking about specific things like the education bill to address education issues in British Columbia, new arrangements on child and family services like we have in Alberta, or whether we are talking about finally having a settlement for the residential schools issue, what they are looking for is something that is just and fair, and timely.

I am convinced that this specific claims tribunal addresses concerns and probably just as important, how we come to conclusions. Working hand in hand with the Assembly of First Nations shows a difference in attitude for which first nations have been looking for a long time.

All in all, it settles these outstanding grievances. It does it far more quickly than we have seen before. It shows again our ability and willingness to work closely with first nations right down to the drafting of the legislation to ensure that it looks after this historic grievance in a way that solves the problem and involves first nations in a meaningful way. That is what they are looking for in first nations communities. When we think about it, that is what Canadians look for in a democratic process.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I want to commend the government and the minister for this initiative. With Chief Fontaine on board, it is obviously heading in the right direction. There will be bumps along the way, challenges and things that will need to be addressed.

At the outset, does this agreement deal at all with the question of the resources that exist within those lands as these claims are settled?

A colleague of mine in Ontario, the MPP for Timmins-James Bay, has brought forward in the Ontario legislature a bill that would give first nations some claim on the wealth that is generated once resources are harvested, mined or whatever. Is there anything in this bill that takes us down that road that would lead us to be confident that in settling these claims, our first nations would in fact be able to enjoy some of the wealth that will be generated?

Hon. Chuck Strahl: Mr. Speaker, that is a very good question about an outstanding issue. This bill does not deal with the provincial resource issue as the member described.

In my home province of British Columbia, I believe there are 100 or 120 separate resource management agreements that have been struck over the last few years with first nations communities to help them get a piece of the resource revenue that is in their traditional territories and so on, but that is a different issue. It is an important issue and it needs to be talked about, whether we are talking about, in the case of B.C., comprehensive land claims treaties and other issues or whether we are talking about consultation and accommodation issues. Those are all important, but on the specific claims tribunal, we wanted to be quite clear that we did not want to mix the specific claims process with either section 35 rights that might be negotiated, or the treaty process itself on comprehensive land and other treaties.

This is specific claims. It deals with the outstanding obligations of the Crown. In some cases it might involve resources. For example, there might be a case where years ago some resources were sold off from an Indian reserve and the first nation was not properly compensated at the time. They may have had for many years an outstanding claim, a specific claim about that resource that was unfairly treated at the time because of the actions of an Indian agent, perhaps, or some other unscrupulous character the government had used to negotiate something—

● (1335)

The Acting Speaker (Mr. Andrew Scheer): Order, please. I hate to cut off the hon. minister. Unfortunately, he could not see me warning him that the time for questions and comments had expired. We do have to move on.

Resuming debate, the hon. member for Winnipeg South Centre.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I rise today to express my support for Bill C-30, Specific Claims Tribunal Act. Today my hon. colleagues have an opportunity to respond to 60 years of requests from first nations to create an independent tribunal. We agree that the legislation is an important first step in dealing with existing backlogs of claims. The legislation now before us strives to fulfill a legal and moral imperative to address the specific claims of first nations in a just and timely manner.

Bill C-30 proposes to create an independent tribunal to bring greater fairness to the way specific claims are handled in Canada, while at the same time accelerating those claims. A legislative tribunal is not a new approach. Indeed, this approach was proposed by the Liberal leader in his leadership platform.

To understand the importance of resolution of specific claims, allow me to provide some context. Specific claims deal with past grievances of first nations. These grievances relate to Canada's obligations under historic treaties or the way it managed first nations funds or other assets, including reserve land.

Since 1973, the government has had a policy and process in place to resolve these claims. The current process begins when a first nation submits a claim to Canada. Canada then completes a thorough review of the facts of each claim to determine whether it owes a lawful obligation to the first nation. If a lawful obligation is found, Canada negotiates a settlement with the first nation and, where applicable, with the province.

If an outstanding lawful obligation is not found and the claim is not accepted by Canada, the first nation can refer its claim to the Indian specific claims commission to conduct an independent review of the government's decision. If requested, the current commission can also assist first nations and Canada in mediating disputes.

The independent body does important work, but it does not have the power to make binding decisions. It can only make recommendations for consideration by the government.

All are agreed that the current process needs to be improved. The history of calls for and efforts to create an independent tribunal on specific claims date back to 1947. In July 1947, the special joint committee of the Senate and the House reported:

> That a Commission, in the nature of the Claims Commission, be set up with the least possible delay... in a just and equitable manner any claims or grievances arising thereunder.

The number of claims is too high. Since 1973, almost 1,300 claims have been submitted to Canada. To date, 513 of these have been concluded and 784 remain outstanding.

The proposed plan proposes four key elements as we have heard: the creation of an independent tribunal; more transparent arrangements for financial contributions through dedicated funding for settlements; practical measures to ensure faster processing of claims; and, better access to mediation once the new tribunal is in place.

The tribunal will have authority to make binding decisions on the validity of the claims and compensation issues in respect of claims that have a value of up to $150 million.

Most Canadians recognize and support the settlement of long-standing claims and a resolution of historical grievances for first nations.

As I said at the outset, the legislation is an important first step. There is still a ways to go. I look forward to hearing from representatives of first nations from across the country and others on the proposed legislation.

I hope the government is also open to listening too. It is unfortunate to say this, but I am sure the government does not want to hear it, but since coming to power, the government has shut out the voices of aboriginal Canadians more than it has listened to them. There has been a lack of trust and the relationship to date has not been one of respect or inclusiveness.

Last week marked the two year anniversary of the Kelowna accord. The government ignored the voices calling for the implementation of that agreement. It ignored the aboriginal leaders, provincial and territorial leaders and others who were involved in the 18 month process that led to that agreement.

● (1340)

Last week marked the two year anniversary of the Kelowna accord. The government ignored the voices calling for the implementation of that agreement. It ignored the aboriginal leaders, provincial and territorial leaders and others who were involved in the 18 month process that led to that agreement. It made a unilateral decision to cancel it, yet it still held the Kelowna agreement up at the United Nations as an example of how it was working in partnership with aboriginal organizations. It also voted against and actively lobbied against the UN Declaration on the Rights of Indigenous Peoples, again ignoring the voices of aboriginal peoples from across the country and not standing up for the rights of indigenous peoples at home or around the world.

First nations, the Métis and the Inuit have been virtually shut out of two budgets and two fiscal updates. For example, budget 2007 had $6 billion in new funding for Canadians. Of that, only $70 million was for aboriginal peoples. In its other fiscal documents, the funding provided for housing, for example, had been previously booked. It was not new money.

On water, the government's own advisory committee warned that proceeding with the legislation to establish drinking water standards for first nations communities without the necessary capital and infrastructure funding would not be successful. There has been no action on this report.

The current government must not ignore the voices who go against its refrain that when it comes to first nations issues, money is not the issue. We saw that message regarding the child welfare crisis, where the government chose to blame the victim.

The government has, for the first time, done land claims issues in partnership with the Assembly of First Nations. It has shown a political will to move forward in a collaborative manner, but some are already saying that they were not allowed to speak. The process of review of the bill in committee must ensure that those who wish to speak have the opportunity.

I believe it is important that we acknowledge the concern that the bill does not allow first nations to have a say in the appointment of judges to the tribunal that was created. Concerns have been expressed about that, and I think it is something about which the committee will wish to talk.

If the government is also committed to taking action on claims worth more than $150 million, the official opposition would like to see issues pertaining to the accord to be included in the current legislation to show its commitment to the issues. The official opposition also wants to ensure that the department has the internal capacity to deal with the claims as we expect them to come forward.

This issue is an important one. I look forward to hearing from those who want to come forward at second reading. We look forward to a close review of the bill in committee.

Bill C-30 is a step in the right direction. I urge members to support the legislation.

● (1345)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am a little surprised. I thought my hon. colleague would be asked some questions.

I am happy to indicate my position and speak to this important bill. I would like to begin by saying that is it rare for the government to come up with a bad bill when it consults people and seeks the approval of those who would be affected by the bill.

In the case before us, Bill C-30, which involves establishing a tribunal, was drafted in cooperation with first nations peoples. It therefore has the full approval of first nations peoples, who have been waiting for this tribunal for far too long. It is unfortunate—and I say this with all due respect for the minister, who is listening carefully—that the same thing was not done for Bill C-21 and, even before that, first nations peoples were not consulted before Bill C-44 was introduced.

That being said, this is an important bill and the Bloc Québécois will support it, so that it may be studied in detail by the Standing Committee on Aboriginal Affairs and Northern Development. Indeed, this bill deserves a great deal of attention. When I say this, I do not mean that we should drag out our committee work in order to play for time and take longer. No, that is not what I mean.

We think some pointed questions must be asked in relation to this bill. My hon. colleague from the Liberal Party just raised one or two of them and I will raise some more in a few minutes. However, all interested and relevant individuals who wish to appear before the committee must be heard.

Personally, I think this bill should be approved by the committee as soon as possible. A consensus must be reached. It certainly will not happen before Christmas. I would very much like to be able to offer this as a Christmas gift to first nations peoples this year, but it would be unrealistic to think that we might study this before Christmas, considering the work that needs to be done on Bill C-21. At the very least, however, as soon as we resume in January, we must begin studying this bill immediately and give it our support.

In our opinion, this bill meets one condition. We have always been against one thing. We are talking about the federal government as a whole. When a first nation files a financial or other claim with the federal government, the government is in clear conflict of interest. This is really a conflict of interest. It is both judge and defendant, at least, we hope, until this bill is adopted. It used to be that the federal government as a whole received the claim. The government also set the dates and parameters for examining the claim. It set the dates, times and locations for hearing witnesses, and it paid the bill for the process.

It was clearly in the interest of some first nations to make claims that might be frivolous, but these claims very often took forever to be settled.

I listened carefully to the minister when he spoke earlier. He said that three or four years was far too much time to take to study, analyze, consider and settle a claim for $1 million, $2 million or $3 million.

● (1350)

When a criminal case is before the courts—and God knows I was often in court as a lawyer over the years—the case cannot go on for four years unless it is an exceptional and extremely lengthy case. In fact, only rarely does it take more than three years for a case like the ones I argued to be heard in superior court. So why could it take three, four, five, six or even seven years to hear an aboriginal claim?

I have a note here that I believe is very important. Since 1973, more than 30 years ago, 1,297 specific claims have been filed. Of those, 513 have been settled for amounts ranging from $15,000 to some $12,250,000, the average settlement being approximately $6 million. You cannot take 30 years to settle claims. It makes no sense. Today, on this lovely December 4, 2007, 784 claims are still pending, awaiting a decision, even though it has been a long time since 1973. The mere mention of these figures should help get this bill passed relatively quickly. It deals with important issues.

In fact, there are two issues that, in the opinion of the Bloc Québécois, deserve special attention. The first is whether a judge who hears a claim could unilaterally assign responsibility for paying that claim to a party if that party was not present. The debate is not clear on this issue. I asked the minister about it and he replied, but I believe we will have to take the discussion a bit further. This is an important point.

The example that comes to mind immediately is that of the Kitigan Zibi, in Maniwaki, which filed forestry and financial claims with the governments of Quebec and of Canada. What would happen if the Algonquin nation of Kitigan Zibi sued the federal government, the judge ruled against the government, held it 75% responsible and required that 25% be paid by Quebec? What would we do given that Quebec was not a party to the suit? That would be an interesting discussion and I hope we will be given an answer in committee.

As it has a fiduciary responsibility for the first nations, and as it is both a judge and a party in these cases, would the government not be tempted to require that a first nations community reduce the amount of its claim if it wanted the government to continue providing assistance for education, health care, water systems and police services? How can we ensure that the judge who must rule in the case will be completely neutral, completely independent and have full control of the evidence before him? This is a crucial point.

If we wish to maintain a good relationship with the first nations—and this bill is a good step in that direction—we believe it is important and vital to ensure that the tribunal is completely in charge of evidentiary matters. The bill has some interesting sections; however, would the federal government, with fiduciary responsibility for the first nations, not be tempted to ask them to compromise if they wished to continue to receive funding in other areas? Therefore, we must ensure that the tribunal will be completely independent and have control of the evidence.

● (1355)

I do not want to address everything in the bill because that would take me 10 minutes, but I want to talk about clause 15, which excludes many claims that first nations might be inclined to take to court.

For example, clause 15(1)(*d*) would not allow them to submit claims concerning:

> —the delivery or funding of programs or services related to policing, regulatory enforcement, corrections, education, health, child protection or social assistance—

There is sure to be some debate about that. What would it mean for a community such as Kashechewan in northeastern Ontario that does not have access to the same health services as communities such as Kitigan Zibi near Maniwaki, Mashteuiatsh near Roberval and Essipit near Les Escoumins?

What can be done to ensure appropriate levels of service? Take for example something that happens all too often: a woman gives birth and loses the baby for want of adequate care. She will not be able to make a claim for having lost her baby. There will be some interesting debates to come.

In closing, I want to emphasize that the provision concerning the finality of the decision made by the two parties must remain in the bill. The decision cannot be subject to appeal. When the two parties appear before the court, they need to know that the decision will be final. They must be prepared when they go to court; they need to know where the file stands. The file must be ready and complete, and the judge can hand down a decision that is binding on both parties—the federal government and the first nation—as well as all other parties to the case.

The Bloc Québécois will vote in favour of Bill C-30 because it is a step in the right direction. We would like to see the government do this more often, undertake more frequent and thorough consultations with first nations before drafting bills so that we do not have to protect first nations against the government and its flawed bills that are not ready for debate.

Consequently, I would invite the House to vote in favour of this bill at the close of debate.

[*English*]

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, in looking at the member's own particular area, I was wondering if the question of resources and the wealth that is generated from the harvesting of those resources is important in the context of this bill.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, the answer is no. I do not think that can be part of this bill because those are claims that affect the provinces, territories, RCMs and municipalities. These claims are much too broad for what the government has in mind. I think this type of specific claim needs agreements based on a long—

The Acting Speaker (Mr. Andrew Scheer): Order, please. There are nine minutes remaining for questions and comments for the hon. member. He may continue after oral question period.

We now move on to statements by members. The hon. member for Abbotsford.

STATEMENTS BY MEMBERS

[*English*]

ED SCHELLENBERG

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, seven weeks ago, Canadians were shocked by the murders of six men in Surrey, B.C. One of the dead was Ed Schellenberg, an innocent bystander who was simply fixing a gas fireplace for a customer.

Ed was from my community of Abbotsford. A man of deep faith, Ed was loved by his family and by many friends and he loved in turn. He was honest, dependable and always quick to help a neighbour in need. He was the quintessential Canadian.

He did not deserve this fate. Like many others, Ed was the innocent victim of escalating drug, gang and gun violence in our communities.

Our most important job as MPs is to protect Canadians. For 22 months, tackling violent crime has been our Conservative government's number one priority and yet the Liberal an NDP opposition has obstructed and opposed our efforts.

The time for partisanship is over. Ed Schellenberg's death is a wake-up call to all of us. It is my hope that his death will not be in vain.

* * *

● (1400)

HANUKKAH

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, Hanukkah, la Fête de la Liberté, la Fête des lumières, la Fête de l'espoir, is important not only for the Jewish people but has universal resonance.

First, Hanukkah signifies the importance of religious liberty in general and freedom from religious persecution in particular, for the oppressors of the day sought not only to discriminate against Jews but to extinguish the Jewish religion.

Second, Hanukkah, as the festival of lights, is the victory of the forces of light over the forces of darkness, of the rights of minorities everywhere, indeed, peoples everywhere, to live in peace and dignity.

Third, Hanukkah is a holiday of hope, that those who persevere in the struggle for human rights will ultimately prevail over those who seek to repress human rights.

May this festival of lights enlighten us and inspire us, here in the House in our deliberations, and in our lives beyond it.

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[*Translation*]

COMMUNITY SUPPORT IN THE RIDING OF BERTHIER—MASKINONGÉ

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I am very proud to highlight in this House a wonderful example of community support in my riding of Berthier—Maskinongé.

An entire community came together to help out Martine Savard-Gauthier, a young mother of three who lost her feet and her fingertips after contracting flesh-eating disease.

In response to this terrible situation, the community of Saint-Boniface did everything it could to help Ms. Savard-Gauthier. I would like to thank the municipality of Saint-Boniface, the Optimist Club, business owners, organizations, the students of Collège Laflèche and the entire community for helping Ms. Savard-Gauthier move into a new house better adapted to her needs.

Thank you for compassion as a community.

* * *

[*English*]

BRITANNIA SECONDARY SCHOOL

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I rise today to applaud the staff and students, present and past, of Britannia Secondary School in my riding of Vancouver East.

This year, Britannia Secondary celebrates an incredible 100 years of serving the Grandview-Woodland neighbourhood. This diverse and vibrant school has been a role model of inclusiveness, tolerance and respect for students, staff and parents alike. It continues to set and meet high standards for all the important ingredients that create a healthy and strong community. The contribution that the staff and students of Britannia have made to our community are immeasurable.

As the oldest remaining secondary school in Vancouver, Britannia has been graduating responsible, productive and engaged citizens and members of our community since 1908 and I hope will continue to do so for many years.

I am delighted to wish Britannia Secondary School a hearty congratulations on its 100 year anniversary. Go Bruins.

Statements by Members

PARLIAMENTARY OUTDOORS CAUCUS

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, today is a very special day on Parliament Hill.

MPs and senators were treated this morning to an informative meeting of the all party parliamentary outdoors caucus. We were delighted to hear guest speaker, Bob Izumi, discuss the importance of uniting Canada's decision makers with Canadians who enjoy our traditional heritage activities.

Bob Izumi is a well-known TV host of *Real Fishing* and the creator and chair of Fishing Forever, the non-profit foundation dedicated to the protection and conservation of sport fisheries in Ontario. We thank Bob Izumi for bringing the great outdoors indoors today and helping to remind MPs and senators about their crucial role in creating laws that protect outdoor activities.

Millions of Canadians invest about $10 billion annually in hunting, fishing, trapping and sport shooting, and the outdoors caucus is their voice in Ottawa.

I encourage all MPs and senators to join this important caucus to represent those who seek to preserve Canada's rare natural beauty.

* * *

INTERNATIONAL HUMAN RIGHTS DAY

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, next Monday, on International Human Rights Day, Canada will, ironically, be deporting Laibar Singh.

Mr. Singh, a refugee claimant, unfortunately had an aneurysm and became paralyzed while awaiting a decision. He needs constant care and attention. This deportation puts his health in serious jeopardy. Surely Canada does not deport the physically challenged. As a country, I think we are better than that.

The minister has already been assured by the community that it will provide the support needed to maintain Mr. Singh's dignity and independence. He will not be a burden on taxpayers.

Canadians hold the words “humanitarian” and “compassionate” as part of their core values. Here is an opportunity for the government to reaffirm them. Why can the minister not just do the right thing?

* * *

● (1405)

PORTAGE—LISGAR

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, this past summer the constituents in my riding of Portage—Lisgar were asked to nominate the most inspirational places in the riding, the seven wonders of Portage—Lisgar, and did they ever respond. We had over 5,000 responses.

Today, I am very excited to announce the final seven wonders of Portage—Lisgar: the Thresherman's Reunion, in Austin, Manitoba; a celebration of the artistic community, the Van Gogh painting in Altona; the second largest wildlife waterfall staging area in the world, the Delta Marsh, at the south end of Lake Manitoba; the natural wonders of the Spruce Woods Provincial Park; the energy efficient windmills of St. Leon; the Fossil Discovery Centre at Morden, Manitoba; and the celebration of our veterans and the sacrifices they made, the Darlingford War Memorial.

I want to thank all those who responded and participated. I want to encourage all Canadians, and certainly all my colleagues here in the House of Commons, to visit our beautiful riding and to enjoy the spectacular beauty of these many wonders.

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[*Translation*]

QUEBEC VILLAGE OF YESTERYEAR

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, this season has been one of the most memorable ever for the Quebec Village of Yesteryear, which is celebrating its 30th anniversary this year. For the first time in its history, the site saw a record-breaking increase in attendance and revenues of some 30%.

A major attraction in the Centre-du-Québec region, the Quebec Village of Yesteryear alone generated some $7 million in revenue for Drummondville and Quebec, creating 150 seasonal jobs and about a dozen permanent jobs.

The Quebec Village of Yesteryear offered many on-site activities again this year, for which it earned a Napoléon award in the recreation-tourist category at the 25th business gala of the Drummond chamber of commerce and industry.

I would like to congratulate the current executive director of the site, Pierre Derouin. Given the success of this tourist destination, I urge the government to become actively involved and to help establish new activities and new infrastructures.

* * *

[*English*]

MALAYSIA

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, in recent days there have been large-scale demonstrations in the streets of Malaysia. Two protests are of particular note.

The first, on November 10, was a demonstration organized by BERSIH, meaning “clean” in Malay. BERSIH is a coalition of opposition parties and civil society groups. The second demonstration, on November 25, was organized by the Hindu Rights Action Force.

We note with concern the response of the authorities in Malaysia to these demonstrations.

As Canadians, we appreciate the value of debating diverse viewpoints. Peaceful demonstrations are not foreign to the steps of Parliament Hill. As Canadians, we understand and respect the right to express differing views.

So, today, we would like to take this opportunity to remind and encourage the Malaysian government to respect the right to peaceful assembly in accordance with democratic principles, to respect the right to non-violent demonstrations, and non-violent expressions of opposition.

CLUSTER BOMBS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, this week, we celebrate the 10th anniversary of the Ottawa treaty, an agreement signed by 156 countries around the world to ban the use of anti-personnel landmines. It is a ruthless tool of war, unable to distinguish between the footsteps of an enemy soldier and a child playing in an empty field.

Under the leadership of Prime Minister Jean Chrétien and foreign affairs minister Lloyd Axworthy, Canada was instrumental in the promotion and negotiation of this landmark treaty.

Today, our energies focus on the elimination of cluster bombs. Cluster munitions post the same dangers to civilian populations that landmines do, with the additional characteristics that they are easily delivered and distributed over broad expanses of land.

Too often in post-conflict regions, farmers ploughing their fields lose life and limb while trying to put food on the table. Whole regions have been made inhospitable due to their use.

On this 10th anniversary of the Ottawa treaty, let us redouble our efforts to ban the use of a barbaric tool of war: cluster bombs.

* * *

● (1410)

HANUKKAH

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, tonight, families across the world will light candles to celebrate the first day of Hanukkah, the Jewish festival of lights.

Every year at this time, in the lunar calendar, the eight day festival of lights celebrates the rededication of the second temple. These special days remind us of a miracle that occurred over 2,000 years ago when the people of Israel drove out the Seleucid invaders from Jerusalem, only to find the holy temple in ruins.

There was only enough consecrated oil to fuel the eternal flame in the temple for one day. But, miraculously, the oil burned for eight days; thereby, becoming a symbol to the Jewish people of hope in the face of tyranny.

Hanukkah is not only a celebration of Jewish national survival, but also a reminder to all the nations of the central place that religious freedom holds in our civilization.

I wish all members of this House and all Canadians a joyous and happy Hanukkah.

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TRADE

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, like so many communities across our country, Hamilton is being devastated by unfair trade and rampant globalization. The government's trade policies are killing good paying domestic jobs, exploiting cheap labour overseas, and putting the health of our families at risk.

Toxic imports from countries like China are making their way into Canada at breakneck speed. These countries have low or no health and environmental standards, and Canada's broken trade and regulatory system is failing to protect our families.

Children are paying a high price for cheap imports. Lead painted wooden trains, tainted toothpaste, toxic teethers, and lead laced vinyl bibs are putting our children at risk. Mattel alone has had to recall over 10 million toys.

Our trade policies should prevent these problems, not invite them. Contrary to the Conservative agenda, this is not the time to expand trade with countries like Colombia and South Korea. This is the time to toughen our trade laws and bring into force meaningful product safety regulations.

Kudos to the steelworkers for urging the Prime Minister to get the lead out.

* * *

[*Translation*]

LANDMINES

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, we are celebrating the anniversary of a major accomplishment to which Canada contributed: the convention banning the use of anti-personnel mines.

Canada brought nations together to make our world less violent and to make peace possible. This is the role traditionally adopted by Canada over the decades and it is this role that has earned us international respect.

However, we must continue our efforts. Much remains to be done. For example, cluster bombs are another type of barbaric weapon in the same class as anti-personnel mines.

On the anniversary of the convention banning anti-personnel mines, why do we not take up the challenge of banning cluster bombs? That is a challenge that Canadians can meet.

* * *

RÉGIS LABEAUME

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, last Sunday, Quebec City elected Régis Labeaume as its 37th mayor with an overwhelming majority.

His leadership, initiative and love of a challenge were in clear evidence at the summer festival and the Fondation de l'entrepreneurship, which he founded. The 400th anniversary of Quebec City represents a significant challenge for this new major. He promises to deliver. He is already involved in Quebec City's economy, culture and sports and now he wants to breathe new life into the city by making it more attractive and more open to immigration, and by making economic development a priority.

He garnered considerable public support and earned the trust of the voters in the national capital. The Bloc Québécois offers him its sincere congratulations on his election.

[*English*]

LANDMINES

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, 10 years ago on December 3, 1997, Canada led the world as the first government to sign the Mine Ban Treaty, or as it is also known, the Ottawa convention.

This treaty is the international agreement that bans completely all anti-personnel landmines. It is the most comprehensive international instrument for ridding the world of the scourge of anti-personnel landmines. It deals with everything from mine use, production and trade, to victim assistance, mine clearance, and stockpile destruction.

As of 2007, the treaty has been signed by 156 countries that have agreed to ban anti-personnel landmines.

As we reach the 10th anniversary of this treaty, Canada should be very proud to have led the way on this important issue.

We should also be reminded that there is still much work to do. Let us not weaken our resolve. We must continue to work together to rid the world of anti-personnel landmines.

* * *

● (1415)

[*Translation*]

MEMBER FOR CHICOUTIMI—LE FJORD

Mr. Denis Lebel (Roberval—Lac-Saint-Jean, CPC): Mr. Speaker, the member for Chicoutimi—Le Fjord, a member of the perpetual opposition party, the Bloc Québécois, will celebrate the second anniversary of his re-election to Parliament on January 23. For several years now, he has been trying to move into the limelight, knowing that he has no hope of influencing decisions made here.

His inaction and inability to make progress on issues affecting our region have given our Prime Minister and our government the opportunity to rethink policies that will enable our region's economy to recover and adapt to international market conditions and strong competition from developing nations.

I would like to remind my colleague and his fellow Bloc Québécois members that my party is all about taking action. We promised to work hard to meet the needs of Canadians. We will do exactly that, because our government has always delivered the goods.

* * *

TRIBUTE TO VOLUNTEERS

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, two million people in Quebec enrich our society by spending 300 million hours volunteering for aid agencies. I want to thank all these people who selflessly commit to a cause and improve the lives of countless others.

What sets these people apart is that they give of their time and energy without expecting anything in return. The only thing they get out of volunteering is the feeling of being uplifted as human beings.

Every time a volunteer serves a bowl of soup to a homeless person, listens to a victim of abuse or helps someone else, people come together a little more. Every time a volunteer makes a difference in someone's life, humankind as a whole benefits.

I salute the volunteers in my riding, in Quebec and across Canada. I pay tribute to them because they often make the difference between despair and hope.

ORAL QUESTIONS

[*English*]

THE ENVIRONMENT

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, yesterday we learned that the government was hiding a foreign affairs report on the seriousness of climate change.

Today we learn that the government is hiding another report, this time from Natural Resources Canada. Here is another report about the disastrous impact of climate change on Canada and the world. Even the authors of the report want to know why it has not been released.

Why is the Prime Minister hiding this information from the Canadian people?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, no such thing is true. The government is not hiding any particular reports. The government is more than aware of the problem of climate change and the government has laid out in the throne speech the very precise actions and positions it is going to take to combat climate change, both here and internationally.

I do not know why the Leader of the Opposition complains about that position because, quite frankly, he let it pass here in the House of Commons.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, as I was not given an answer, I will ask the question again.

Yesterday, we learned that the government hid a foreign affairs report on the seriousness of climate change. Today, we learned that another report, this time from Natural Resources Canada, was also hidden by the government.

Why is the Prime Minister hiding this information? Is it because of his aversion to transparency, his aversion to the fight against climate change, or both?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Leader of the Opposition's claims are unfounded. There is no conspiracy here. The government position on climate change was clearly stated in the throne speech and the leader of the Liberal Party voted for the throne speech.

[*English*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the government is hiding reports on the seriousness of climate change. The government is sticking to a so-called climate change plan that is so weak that it is rejected in Canada and abroad. The government is telling the world that it will do nothing unless everyone does something. This is a recipe for disaster.

Will the Prime Minister finally admit that he does not believe in the science of climate change and he wants Bali to fail?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government has been very clear. We are the first government establishing mandatory emission reduction targets for Canadian industry. We are also taking a clear position that we need an effective international protocol in which all polluters participate.

Once again, the Leader of the Opposition knew this. The government spelled this out for him in the Speech from the Throne. He voted for it here. He should not go around the world and complain about it abroad.

● (1420)

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, while the Commonwealth was seeking consensus on climate change, our Prime Minister was setting up roadblocks. While the Australian prime minister was ratifying Kyoto, our Prime Minister kept saying Kyoto was a mistake. While the British prime minister called for "common but differentiated responsibilities" on climate change, our Prime Minister refuses to sign anything unless everyone does.

Why has the Prime Minister set the course for failure at Bali?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I think if the deputy leader of the Liberal Party looks at the declaration from the Commonwealth, it speaks of the necessity of all countries doing something and also speaks of differentiated responsibilities. So, if he actually reads the declaration, he will see that it is exactly the consensus document that was reached by all countries of the Commonwealth.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, given that Australia has ratified the Kyoto protocol, given that the British are demanding absolute and major reductions, given that the international community is launching an attack against climate change in Bali, why does the Prime Minister refuse to even promote his own domestic targets on the international scene?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the deputy leader of the Liberal Party is wrong, wrong and wrong. He never lets the facts get in the way.

If he wants to use quotes, I can use quotes too. He talked about the Australian prime minister. Let us listen to what Kevin Rudd, the Australian prime minister, said. He said, "our position is clear". He went on to say:

> ...developing countries need to adopt commitments themselves. That is absolutely fundamental and those commitments would need to have an impact, not just on the major emitters, but also have an effect on their own greenhouse gas emissions.

We stand with the new prime minister of Australia and we look forward to working with him to get the job done.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday Jean Charest said that the federal government must take a leadership role on the issue of climate change. The Prime Minister is doing exactly the opposite. When he was in opposition, he did everything he could to stop Canada from signing the Kyoto protocol. Now that he is in power, it seems he truly wants to stop the fight against climate change.

Will the Prime Minister admit that his "all or nothing" policy has just one objective: to ensure the failure of post-Kyoto and please western oil companies?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, this is the first government in Canada that has established mandatory targets for industry in order to reduce greenhouse gas emissions. Again, this is the only government that has adopted targets. There are no targets for the provincial governments in this country.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister does not want to agree to any plan on climate change unless China and India are on board. These two countries produce far fewer greenhouse gas emissions per capita than Canada does.

Is the Prime Minister prepared to support a greenhouse gas emissions reduction plan on the polluter pay principle, taking into account emissions per capita, with absolute targets and 1990 as the base year? This is an opportunity for the Prime Minister to show leadership.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government is seeking mandatory targets for all the major polluters on this planet. The Bloc Québécois position would result in doubling greenhouse gas emissions worldwide and that is not acceptable to this government.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, Quebec is asking that real greenhouse gas reduction targets be set, instead of the ones set by the Conservatives to help out their friends the oil companies, and that the reference year be 1990, and not 2006, so that Quebec companies can reap the benefits of the effort they have already made.

Does the Minister of the Environment plan on going back to the drawing board, as Quebec would like him to do, in order to avoid penalizing Quebec companies that have already made an effort? If the minister does not want to help them, the least he could do is not hurt them.

● (1425)

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, our goal was very clear. We are calling for reduced greenhouse gas emissions here, in Canada, and in the rest of the world. If we want to win the fight against climate change, we must have the real targets for each major country. That is the message we will be sending in Bali.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Prime Minister should think about the virtues of his environmental plan, because it has been criticized by everyone except, of course, the oil companies. Minister Beauchamp from Quebec is rightfully critical of the federal plan, because it will impose strict penalties on Quebec industries and manufacturers that want to participate in a carbon exchange.

Will the government take the suggestion to set absolute and binding targets, and will it choose 1990 as the only reference year?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, I am very happy to see the new relationship between the Liberal government in Quebec and the Bloc Québécois. If these two political parties could work together, it would be better than the passage of the motion recognizing Quebec as a nation within a united Canada. And that was a proud moment.

* * *

[*English*]

CANADA PENSION PLAN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, between 2001 and 2006, the Government of Canada miscalculated the consumer price index. The result was that four million Canadian seniors were shortchanged on the payments they were supposed to receive on the Canada pension plan, OAS and GIS.

We know that many seniors are living on the margin and many live below the poverty line. The government is always happy to go after seniors. If they make a tiny mistake on their taxes, boy, the government never lets go, but when the government makes a mistake, the Prime Minister does not lift a finger to pay back the seniors who are owed money, the seniors who built this country. Why not?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, this government's policy is unchanged from that of the previous government. We pay according to published rates and that is in accord with international practice.

The one thing this government has done is it has made seniors a priority. We have put in place a minister responsible for seniors. We have lifted them off the tax rolls. We have enhanced benefits. We have done more for seniors in the last 22 months than the previous government did in 13 years.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I said that the Prime Minister would not lift a finger but I at least expected him to stand up and answer to Canadian seniors for the billion dollars that they have been shortchanged.

The government has admitted that it made a mistake and that it shortchanged four million Canadian seniors of something that belongs to them, which is their pension plan and their assistance.

The government, supported by the Liberals, can find billions of dollars for corporate tax cuts, no problem, but when it comes to paying back seniors for a mistake the government made, it cannot find a penny. Why not?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, let me tell the House where the NDP stands with seniors. When this government brought in legislation to lift 385,000 low income Canadians off the tax rolls, including seniors, the NDP voted against it. It voted against lowering the GST twice, measures that help seniors across this country. It voted against measures to raise the age credit, the pension credit and pension splitting. That is where the NDP stand on seniors.

* * *

AIRBUS

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, yesterday, the Minister of National Defence said that he was 22 or 23 when he worked in Germany for Thyssen. We now know that was not true.

He also, yesterday, referred to a discussion that took place at cabinet. Just what did these cabinet discussions involve? Was it Schreiber's extradition? Was it the decision to scrap the justice department's review of the Mulroney settlement or maybe the letters that the defence minister received from Mr. Schreiber himself? Just what was it?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I appreciate the question and the sincerity of the member opposite.

What I had planned to do today is correct the record of yesterday but since I have been given the opportunity now, I will say that I was in fact 26 years old. I was off by about three years but that was 15 years ago. This, of course, has nothing to do with myself, my responsibilities or this government.

* * *

● (1430)

WIRELESS INDUSTRY

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, that answer will not satisfy Canadians. I will ask the Prime Minister a different question.

What discussions did the Prime Minister have or any of his staff have, either informally or formally, with Brian Mulroney on the issue of the wireless auction?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, I thought we had resolved this yesterday. There were no discussions.

The real question is why the Liberals will not support consumer choice with respect to telecommunications.

Even in the good old days of BlackBerries and budget leaks by Liberal cabinet ministers, choice would have been good. They could have had all sorts of different products. Those five friends' plans could have been a possibility. Most important, lower cost service that could have saved a little money for their legal counsel.

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, Martin Masse was the former industry minister's senior policy advisor. Masse was opposed to taxpayer funded wireless set-asides.

In May, Brian Mulroney's spokesperson, Luc Lavoie, took Masse to lunch to try to change his mind. That did not work. Masse refused.

Is the Prime Minister aware that Lavoie then called Ian Brodie, the Prime Minister's Chief of Staff, to demand that Masse be fired?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, the only ones at lunch are members of the Liberal Party because we have put forward s a telecommunications plan wireless auction that involves more consumer choice, better service and lower costs.

I do not know why the Liberals insist on higher taxes, higher consumer prices, less foreign investment and less jobs. They are the ones who are out to lunch.

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, the very next day, the Prime Minister's deputy chief of staff, Mark Cameron, called the industry minister's office on behalf of Ian Brodie to ask that Masse be fired. The minister said no.

Is it not true that the Prime Minister shuffled the former minister out of industry because the minister refused to do what Brian Mulroney and Luc Lavoie wanted him to do?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, I think the record is quite clear that Mr. Masse has never worked for me. I am the minister who was responsible for the telecommunication decision for the spectrum option. I made that decision after very carefully following a process that involved meeting with the CEOs of eight companies and allowing them to make a presentation to me.

I was the one who made the decision. This has nothing whatsoever to do with the decision that was made.

* * *

[*Translation*]

MANUFACTURING INDUSTRY

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, on November 22, 2007, right here in this House, I asked if the Conservative government was finally going to decide to support Quebec's manufacturing industries. I even referred to the difficulties facing pulp and paper mills in Grand-Mère and La Tuque, and Belgo in Shawinigan. The Minister of Industry responded by saying that he did not agree, since they had created conditions to support business development.

Does the Prime Minister really think that the 550 workers at Belgo who just lost their jobs are satisfied with those conditions?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, there is no question that the manufacturing sector is facing difficulties and challenges. I am pleased to see that the Quebec government finally decided to put a plan into action. All levels of government, all governments, must make it their mission to resolve this crisis.

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, since last Thursday, I have met with hundreds of people of all political stripes and they all said the same thing, "How is it that the Conservative government has done nothing to help us? Is the government waiting for the whole town to shut down, before it reacts?"

Will the Conservative government finally wake up and decide to use the $11.6 billion surplus, as suggested by the Bloc Québécois, to help a community that is at the end of its rope and crying for help?

● (1435)

[*English*]

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, in the face of softening demand, particularly in the United States market, the Canadian economy continues to fare very well.

Last year, in excess of 345,000 new jobs were created in Canada. We are well on target this year toward the same kind of economic performance.

The responsibility of the government is to put in place a fiscal plan that is responsible, that lowers our corporate taxes to the lowest of any G-8 country and that continues to pursue investment in the Canadian economy, and that is happening in Quebec.

* * *

[*Translation*]

OLDER WORKERS

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, when questioned about the urgent need to bring back an assistance program for older workers, the member for Jonquière—Alma said: "There is a labour shortage in Alberta, and they do not know how they are going to find workers. We can hardly turn around and pay workers between the ages of 50 and 55 to stay home." However, during the Roberval byelection, he said that such a program was coming.

Is the minister telling the workers in Saguenay—Lac-Saint-Jean who have lost their jobs that they should move to Alberta? That is the Conservative plan: forget POWA and go to Alberta.

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the Conservative plan is to give people the opportunities to have jobs and provide for themselves and their families. We have been extraordinarily active.

Yesterday we announced the renewal of the extended EI pilot project. We have put in place the targeted initiative for older workers.

As I have said many times to Bloc members, they really should have a little more faith in the people of Quebec. The fact is that in the last number of months the province of Quebec has seen outstanding job growth, and older workers were the most successful job seekers last month across Canada. They have a tremendous amount to contribute.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, the Canadian Institute of Actuaries is calling on the federal government to immediately establish an independent employment insurance commission. The Institute's recommendation is almost identical to the Bloc Québécois' Bill C-357 defeated by the Conservatives and the Liberals last week.

Will the Prime Minister finally use part of the surplus and respect the wishes of employers and workers and establish an independent employment insurance fund, which his own party supported when in opposition?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, as the member knows, the government announced in the Speech from the Throne that we intend to produce an EI account with better management and governance. We are working on that.

The government has reduced premiums. Premiums will go down again on January 1 for the second year in a row. We have improved benefits. We are investing more money in training than any government in the history of this country because we have faith in the people of Quebec and the people of Canada. We believe that the best possible social programs are good skills that lead to a good job.

* * *

[*Translation*]

JUSTICE

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, the government has decided to proceed on a case by case basis when it comes to deciding which Canadians can count on support from their government when they are at risk of being executed abroad.

Can the Minister of Justice tell Canadians whether there are any countries his government would like to deal with to save the life of a Canadian citizen? What criteria does the government use to decide whether it likes a country's legal system?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, our policy is very clear. In specific cases, we will ensure that a fair investigation is done and that a fair ruling is handed down in a democratically free country or a country that respects the rule of law. Every case will be reviewed according to the circumstances.

[*English*]

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Too bad, Mr. Speaker, that the Minister of Foreign Affairs was upended by the Minister of Public Safety, who is responsible for police in Canada, not foreign affairs.

The Conservatives are playing ideological politics with the lives of Canadians. By picking and choosing only selected nations to request clemency, the Conservative government is indicating that it views these countries as having a substandard legal system. Canada will get the door slammed in its face.

Why will the minister not admit that his government policy jeopardizes the lives of Canadians abroad and makes a mockery of Canada internationally?

● (1440)

[*Translation*]

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Absolutely not, Mr. Speaker. I am pleased to promote our policy. We promote human rights, the rule of law and democracy in every country and here in Canada. We talk to every ambassador in every country. When I go abroad, that is what I do: I promote Canadian values and I am proud to do so.

[*English*]

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, Canada's former top consular official has said that the government's recent embrace of the death penalty is simply "not a workable policy".

The government cannot pick and choose who gets to live and who gets put to death on a case by case basis as the Minister of Justice has suggested.

When will the government reverse its misguided decision, respect the rights of all Canadians abroad and finally, once and for all, say it rejects the use of the death penalty?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I will reiterate the comments made by my colleague, the Minister of Foreign Affairs. We have been very clear.

With respect to the laws of this country, I have already indicated that there are no plans to change the laws of Canada.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, by reversing years of foreign policy regarding the death penalty, the government is complicit in the execution of a Canadian citizen. This fundamental decision of life and death was made in secret, without any debate in the House or any consultation with the Department of Foreign Affairs, which is responsible for speaking on behalf of Canadian citizens abroad.

Canadians long ago rejected the use of the death penalty, so why will the government not respect that decision and defend the basic rights of Canadian citizens abroad?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the policy of the government is very clear and it has been articulated on a number of occasions, most recently by my colleague, the Minister of Foreign Affairs.

With respect to the domestic law of this country, we have made it very clear there will be no changes.

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PUBLIC OPINION POLLS

Mr. Gary Schellenberger (Perth—Wellington, CPC): Mr. Speaker, according to a Public Works and Government Services Canada report, the federal government increased spending on polling and focus groups last year compared to previous years.

Can the Parliamentary Secretary to the Minister of Public Works and Government Services comment on this recent report?

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—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. parliamentary secretary now has the floor. We have to be able to hear the answer.

Mr. James Moore: Mr. Speaker, I appreciate the question from my colleague. The table that he references was tabled in the House last week.

I would like to be clear that the polls and focus groups that are referenced therein were requested by departments, not by political staff, but we are surprised by the amount of spending that took place and our government is taking all the necessary steps to correct the situation.

* * *

LOBBYISTS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, if there is one thing we have learned from Karlheinz Schreiber it is that for decades big money corporate lobbyists have been running rough-shod over everything that is good, decent and honourable about Canadian politics. Bags of cash have been driving public policy, not elected officials, and for all we know it could still be happening because the Federal Accountability Act was supposed to tie a bell around lobbyists' necks and those regulations have never been implemented.

Can the government explain why, if it is serious about getting big money out of politics, it has never changed the regulations of the Lobbyists Registration Act like we thought we were doing with the accountability act?

Hon. Vic Toews (President of the Treasury Board, CPC): Mr. Speaker, restoring accountability through the Federal Accountability Act has been our top priority as a government. It is my mandate, as the Treasury Board minister, to ensure that the act is implemented.

The lobbying regulations will be prepublished for comments soon. The regulations will ensure that lobbying that took place like it did under the Liberals will not happen in the future.

* * *

[*Translation*]

AIRBUS

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the *Globe and Mail* reported this morning that another key Liberal figure has been implicated in the Schreiber-Mulroney Airbus affair. We learned that the Liberals had just as much to hide, which perhaps explains why Mr. Schreiber told us today that he had never been questioned by the RCMP about this matter.

My question is for the Minister responsible for the RCMP . Given that Fraser Fiegenwald was the scapegoat, will he at least apologize?

● (1445)

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the government has been quite clear with anything related to this matter that Dr. Johnston has been tasked with coming back with a report setting the parameters for a public inquiry. I think we should let Dr. Johnston do his work.

* * *

POVERTY

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, the Campaign 2000 report made it clear that the poverty rate in Canada is devastatingly high. What is missing from the government's narrow agenda is a plan to address it.

The Liberals have a plan for the government. Our plan reduces the number of Canadians living in poverty by at least 30% and cuts in half the number of children living in poverty within five years.

Why is the government ignoring the needs of Canada's most vulnerable children?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, nothing could be further from the truth. The fact is that we are taking practical steps basically every day to make sure that fewer people in this country are living in poverty. The government has moved to invest heavily in training. As I mentioned earlier, we are investing more in affordable housing today than any government in history.

We are spending three times the amount the previous government spent on child care. We are getting the job done for all Canadians, including those living in poverty.

Ms. Tina Keeper (Churchill, Lib.): It is shameful, Mr. Speaker. Almost 800,000 Canadian children are now living in poverty and the government has put forward two economic updates and two budgets, but not one single page of these documents mentions child poverty anywhere. In more than 1,000 pages, there is nothing for child poverty.

The government's silence on the issue speaks volumes to Canadians. The Liberal leader has spoken up for children living in poverty. Why will the government not?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, I do not deny that the Liberals do a lot of talking on this, but the fact is that they never got anything done and we are taking practical steps.

I can tell members one thing we will never do. We will never do as the Liberal leader advocates and take away the universal child care benefit that goes to families across the country, including those living in poverty. That speaks volumes, I think, about his lack of faith in the ability of parents to raise their own children. He should have to answer for that.

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the Minister of the Economic Development Agency of Canada for the Regions of Quebec thinks that his agency is a partisan tool, the primary purpose of which is to guarantee his re-election. We now know that a significant portion of the funds intended to diversify the economies of all regions of Quebec are being used to buy votes in his riding. That is the good old-fashioned way of doing things. It is only a matter of time until he starts giving refrigerators to everyone.

I want to know why he is neglecting so many of the regions that have been severely affected by the crisis in the manufacturing industry. Why is he doing this to Mauricie, the Eastern Townships and central Quebec? Why?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, we have been sitting in this House for almost a month and a half now, and this is the first time the member has asked about regional economic development. Why did it take him a month and a half? Because the member from the greater Montreal region is not all that interested in regional economic development.

The agency's role is to support economic development in all regions of Quebec. The agency's mission is to focus on economic regions with declining populations. That is what we are doing, and that includes the Saguenay—Lac-Saint-Jean.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the minister himself has not yet answered a single question. The minister seems incapable of understanding that his mandate is to support development in all regions of Quebec. I do not know why he finds this so hard to understand. This is not just about helping regions where the Conservatives hope to get elected.

The strong dollar is making it extremely difficult for manufacturing businesses in Montérégie, in the Laurentians and elsewhere to stay afloat, yet the minister only cares about his own region. Are there now two classes of Quebeckers: those who vote for the minister and those who do not? Are these second-class Quebeckers supposed to fend for themselves?

● (1450)

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, if the member from the greater Montreal region had done his homework, he would know that yesterday, the CIBC released the results of a study on the economic vitality of large urban centres. Two regions are losing vitality: Windsor and the Saguenay, which are reporting negative economic growth.

The Saguenay is one of seven regions—out of 14—to which we are providing more support in order to promote economic development.

PUBLIC OPINION POLLS

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, when he was in opposition, the Prime Minister was outraged, with good reason, at how much the Liberals spent on polling, often for partisan purposes. The problem is that his government is doing worse. In fact, the Conservatives spent more on polling last year than any previous government.

How does the Prime Minister explain that his government is doing worse than the Liberals by spending record amounts on polling?

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, I have already answered that question. Perhaps my friend was not here in the House. We tabled that report last week, and I would like to clarify the facts. The polls and focus groups were requested by the departments, not by political staff. We are surprised at how much was spent on polling in the past. We are taking steps to correct this situation.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, for the Conservatives, it is a case of "Do as I say, not as I do". In opposition, they criticized the Liberals' excessive spending on polling. Now that they are in power, they are spending as never before.

Is it not true that they are delaying tabling the Paillé report until the House has risen to avoid questions about their own actions and because it is clear that they are not doing better, but worse when it comes to partisan polling?

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, the report my colleague mentioned will be tabled very soon. I have already said twice—and I will say again—that it will be tabled before the House rises. I have already said that we will correct the existing problems and that we will do so in a way that respects all Canadian taxpayers.

* * *

[*English*]

HEALTH

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the previous Liberal government doubled the funding for HIV-AIDS strategy in Canada. Tragically, still 4,500 Canadians are infected every year.

The minister has shocked us all by admitting that he has stolen $15 million from the $84 million federal initiative. Will the minister tell the House when he will return the $15 million for prevention and people living with AIDS? Also, will he assure the House and the Gates foundation that there will be new money for the essential vaccine initiative?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, here is the difference between two governments. Under the previous Liberal government, under her ministerial capabilities, it cut $16 million from the Public Health Agency budget. Under our government, we are spending more on HIV-AIDS than any government in the history of our country and we are putting money in to end AIDS through the vaccine initiative.

Our priority is ending AIDS. The priority of the Liberals was cutting AIDS funding.

* * *

AGRICULTURE

Mr. Mervin Tweed (Brandon—Souris, CPC): Mr. Speaker, Canadians know our government has done a great job on the environment and for farmers.

Some hon. members: Oh, oh!

The Speaker: Order, please. We have to be able to hear the hon. member for Brandon—Souris ask his question. We will have a little order, please.

Mr. Mervin Tweed: In our last budget, Mr. Speaker, $2 billion was invested to support and expand the Canadian renewable fuel industry. An additional $10 million was announced for the biofuel opportunities for producers initiative. The $200 million eco-agricultural biofuels capital initiative is a four year program designed to encourage producers' participation in the renewable fuels industry.

Could the Minister of Agriculture and Agri-Food update the House on any new developments for biofuels?

● (1455)

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the Leader of the Opposition admitted he was no expert in agriculture and he did not get it done on the environment either.

This government understands farmers and the environment. We are taking action on renewable fuels. As my colleague from Brandon—Souris just noted, we have started many projects already, three in his riding alone.

I was pleased to have amendments to the CEPA tabled yesterday. These amendments would allow us to mandate 5% renewable content in gasoline by 2010 and 2% renewable content in diesel by 2012. This will create jobs in rural areas and open new markets for our farmers.

The government always put farmers first as we get the job done.

* * *

PUBLIC OPINION POLLS

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, last year the government spent $31 million of taxpayer money on focus groups and polling, significantly more than any other government on record, which is ironic since the Conservatives used to attack the Liberal gang for how it used polling.

One of the favourite Liberal tactics, of course, was to get the public to pay for the polls. Then the party would use the polls and stick them in a filing cabinet until well past the stale date before releasing them to anyone else.

The public has paid for this information and it has a right to see it. In the interests of accountability, will the government table all the polling data that it has commissioned?

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, my colleague can ask the question because our government has been upfront and accountable. We tabled the report last Friday, from which he is getting his information to ask this very question.

As I said on three occasions today alone, and I will answer the NDP as well, we were surprised by the amount of polling and focus groups that were commissioned by the departments, away from the political arms of the government. We are taking all the necessary steps to correct this in the future to safeguard taxpayer money. We are taking action.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, of course he is surprised because he is under a minister who is unelected, unaccountable and hiding out in Outremont. However, he should not be surprised by the fact that the spending on polling under the Privy Council, which is the Prime Minister's office, has quadrupled. Is he surprised by that too?

Who is going to insist that the government stop using taxpayer money for its own nefarious purposes? Will it bring forward the polling data that has come out of the Privy Council for the public to see?

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): As I said, Mr. Speaker, the information is already public. We tabled the report on Friday. The information is out there. That is how the member for Timmins—James Bay was allowed to ask this very question himself.

We were surprised by the amount of money that was spent on polling and focus groups, and our government is correcting the situation to look out for the best interests of taxpayers. This is something that I know is foreign to the New Democrats, but it is the raison d'être of the Conservative Party of Canada.

* * *

[*Translation*]

PAPER INDUSTRY

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, the workers of the AbitibiBowater plant in Dalhousie and the entire population of Restigouche are facing a crisis because of the plant shutdown. The Prime Minister of Canada had a golden opportunity to visit that community yesterday on his way to New Brunswick. Unfortunately, he did not do so and he remains insensitive to their situation.

Will the government agree to my demands and those of this community by creating a support program for workers and their families, and by supplying the funds needed to ensure the future of their economy, not tomorrow or in six months' time, but today?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, whenever there is a lay off, it is a tragedy for the workers involved, and we are very sensitive to that.

A number of different supports are in place to help workers. EI is the first support and there are training initiatives, EI part II money and the targeted initiative for older workers.

The good news is today we are in an economy where many jobs are being created. We are helping support workers by providing more in training so they can make the transition from those jobs back into work.

* * *

WIRELESS INDUSTRY

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, my constituents in Chatham-Kent—Essex have been complaining that they are being squeezed by cell phone companies, paying too much for services and not having enough choice.

Last Wednesday the Minister of Industry announced the rules for the advanced wireless spectrum auction, which has been heralded as a grand slam for consumers.

Could the Minister of Industry explain to the House, and the member for Kings—Hants, why his decision caused another analyst to say, "We can certainly celebrate. The government deserves a lot kudos".

● (1500)

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, last week I announced that the Government of Canada would be holding a spectrum auction on May 27, by allowing new entrants the same access that incumbents have to infrastructure. We should see benefits, greater competition and more innovation. A modern and innovative telecommunications system is a key to our being globally competitive.

At the end of the day, our goal is lower prices, better service, more choice for consumers and business. From the clamour on the opposite side, I sense the members are beginning to accept that lower prices would be good for consumers.

* * *

[*Translation*]

MINING INDUSTRY

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the round table advisory group concerning the responsibilities of the mining industry abroad presented a report on March 29, 2007. The report denounces the attitude and behaviour of Canadian mining companies in Latin America and Africa. Some companies are not respecting human rights or the environment. The government has had this report for over 250 days and still has not done anything.

What is the government waiting for to follow through and implement the recommendations endorsed, in particular, by the Mining Association of Canada?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, as I already said here in this House last week, as soon as the report is ready, we will table it here in the House. I would like to point out an important fact: the mining industry has a certain social responsibility and is aware of that responsibility.

We can assure this House—and I assure the hon. member—that as soon as the report is ready, I will be happy to table it here in the House.

* * *

[*English*]

PASSPORT CANADA

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, a massive security breach in Passport Canada's website has allowed anyone access to personal information, including social insurance numbers, dates of birth and driver's licences of Canadians who have applied for a passport.

Privacy expert Michael Geist said, "One mistake can result in significant security breaches that can put huge amounts of personal information at risk".

Could the Minister of Public Safety inform the House how many Canadians have had their privacy violated? Will he apologize to them and ensure that accountability measures take place with those who designed the software to ensure the breach is stopped?

[*Translation*]

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, we communicated this morning with Passport Canada officials, and more specifically with CEO Gérard Cossette.

Yes, a serious situation arose last week. We were assured today that the situation and the problem have been resolved. The Passport Canada website is now among the most secure.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of His Excellency Danzan Lundeejantsan, M.P., Chairman of the State Great Hural of Mongolia.

Some hon. members: Hear, hear!

POINTS OF ORDER

ORAL QUESTIONS

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I am always reluctant to rise on these points of order, but today we had a serious breach of parliamentary language in a question asked by the member for St. Paul's when she accused the Minister of Health in her language chosen of criminal behaviour indicating that he had stolen money from AIDS research.

I will not even get into how factually incorrect that is and simply focus on the fact that this kind of language accusing a member of criminal behaviour is entirely inappropriate, certainly excessive and undoubtedly unparliamentary. I will refer you to Marleau and Montpetit which directs that:

> In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the Member speaking; the person to whom the words were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber.

In this case I think we have serious breaches on all counts. It was quite clearly unparliamentary language and I would ask, Mr. Speaker, that you ask the hon. member to apologize in a fulsome and appropriate manner for those very inappropriate comments.

● (1505)

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I apologize for using the words that I used. I merely was repeating what people in the community are saying every day. I understand that a more parliamentary word would be "redirected", but it still is feeling like the word I used.

Hon. Peter Van Loan: Mr. Speaker, that fell far short of a fulsome apology and withdrawal of the statements made and in view of the fact that the member was the minister and actually she herself was responsible for the cuts that she is criticizing. It is extreme unparliamentary language and I would ask for a fulsome withdrawal of her comments.

Hon. Carolyn Bennett: Mr. Speaker, I believe that I will fully apologize for the verb that I used. The intention of redirecting funds from one program to another as an intentional and discretionary movement by the minister, that is still the case. Those moneys are no longer in the community programs and therefore, I should have used the word "redirected".

Hon. Mauril Bélanger: Mr. Speaker, would this be a case of robbing St. Paul to pay St. Stephen?

The Speaker: Whichever it may have been, the fact is the Chair was concerned when the language was used, but I point out that the reason I did not intervene immediately was because the member stated that the minister admitted this. So I was waiting to hear whether in fact the minister had made this admission and that is why I did not intervene at the time.

However, I appreciate the hon. member withdrawing the offensive words because I agree with the government House leader, they were out of order. It was a question of the framing of the question that left it in from my perspective at that moment, rather than forcing an immediate withdrawal and he can review the text himself and see that.

GOVERNMENT ORDERS

[*Translation*]

SPECIFIC CLAIMS TRIBUNAL ACT

The House resumed consideration of the motion that Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts, be read the second time and referred to a committee.

The Speaker: Before question period, the hon. member for Abitibi—Témiscamingue had the floor. He had nine minutes remaining for questions and comments on his speech.

I now give the floor to the hon. Minister of Indian Affairs and Northern Development.

[*English*]

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, we are talking about Bill C-30, the specific land claims tribunal act and I am pleased to see that the hon. member and his party are going to support this bill. I thank him for that support.

He raised some questions before question period about health care, comprehensive land claims, section 35 issues, revenue sharing, modern treaty making and so on. It is important that we separate out the specific claims process from those other issues. They are two quite separate issues. I know the hon. member knows that. I hope that as we go through this in committee we do not get tangled up in other issues, good issues that deserve a good debate, but I certainly hope that no one mistakes those other issues for the specific claims process that we are handling here today.

Speaking of land claims, could the hon. member bring the House up to date on the current state of the Nunavut land claims agreement? I know there is broad support for it in this House. It has gone through the House. It is supported by the Quebec assembly. It is in the Senate, but my understanding is there is only one Liberal senator who is stopping that bill. Could the member tell the House on this Nunavut land claim which should go through for the benefit of those people, whether he believes it has the support of the people in Quebec and in the region? I know he has an interest in this particular file.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I have a simple answer for the minister: abolish the Senate. That would solve the problem. The bill is indeed being held up in the Senate. I invite my colleagues from the Liberal Party to speak to the senators responsible for this delay.

I know that next week, in the Standing Committee on Aboriginal Affairs and Northern Development, we will receive representatives of the Naskapi people from Kawawachikamach and representatives from the Makivik corporation. They want to find common ground.

I agree that this is an important bill that resolves a problem for the entire Nunavik coast. This is a major issue. We have used the fast track in order to pass this bill quickly because that is what the Makivik corporation and the Inuit communities in the far north have asked us to do.

I have been following a bit of what has gone on in the Senate, but I admit that I do not understand why this bill is being delayed. The senators have to understand the importance of this bill. They should start thinking about the Inuit instead of thinking about playing politics with certain issues, this one in particular. The Naskapi community is ready to talk and so are the Inuit.

We have to find a solution quickly. The funds have already been made available by the Makivik corporation for implementing this bill that responded, responds, and, I hope, will respond for a long time to come to the needs of the Inuit community in Quebec's far north.

● (1510)

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am very pleased to speak to Bill C-30, the specific land claims tribunal act. This piece of legislation is long overdue. New Democrats have long called for an independent tribunal. I am very pleased to see this piece of legislation come forward, and of course we will be supporting it.

I want to provide a bit of context because I think this is important to Canadians who are listening to this debate.

A document prepared by the Library of Parliament on the specific claims process outlined the long, sad and sorry history of specific claims. It started with the year 1927. I am going to read from that document:

> Assertions of outstanding commitments owed by Canada to First Nations groups remained largely unconsidered by government well into the 20th century. From 1927 to 1951, the Indian Act prohibited the use of band funds for claims against government. In 1947, the special Senate-Commons committee struck to examine the Indian Act and other Indian Affairs matters recommended, inter alia, the immediate establishment of a "Claims Commission" "to inquire into the terms of all Indian treaties … and to appraise and settle in a just and equitable manner any claims or grievances arising thereunder."(1) The 1959-1961 joint committee on Indian Affairs also advocated an "Indian Claims Commission" "to hear the British Columbia and Oka land questions and other matters....

It goes on to say that in 1963 and 1965, the then Liberal government revived a draft legislative initiative which subsequently died on the order paper.

It also states that in 1982, the federal government issued "Outstanding Business: A Native Claims Policy—Specific Claims". There were a couple of points that the document specifically talks about. It talked about non-fulfillment of a treaty or agreement, breach of an obligation under the Indian Act or another statute related to Indians, breach of an obligation in administration of Indian funds or other assets, and unlawful disposition of reserve lands.

In reserve related circumstances, it talked about failure to provide compensation for reserve lands damaged or taken by the government and clear cases of fraud in acquiring or dispossessing of reserve land by federal employee agents.

In the 2000-01 annual report submitted by the Indian Claims Commission, the ICC observed that the specific claims process remains painfully slow and in gridlock.

The Royal Commission on Aboriginal Peoples, in its 1996 paper recommended the establishment by federal statute of an independent aboriginal lands and treaties tribunal which would replace the ICC and, in the area of specific claims, review federal funding to claimants, monitor negotiations and issue binding orders.

We can see that there is truly a long, sad and sorry history when dealing with specific claims. As many of us know, there has been report after report after report.

A report issued by the other house, called, "Negotiation or Confrontation: It's Canada's Choice" contained a number of recommendations. I want to touch very briefly on two of them. When this bill is before committee we will need to consider some of the questions that were raised by the other house.

The report talks about the fact that the process has limited resources. A number of issues were discussed in terms of the current process and its limited resources. One would hope that this bill would address that. There was a constant turnover of staff that were involved in specific claims. There was a high volume and the very fact that there were insufficient resources meant that the backlog was ever increasing. The process has untrained researchers. In terms of the research, some of the witnesses who came before the committee said that they therefore continually repeat historical errors, fail to have effective management regimes and function inefficiently.

We also know that under the specific claims, and under comprehensive claims as well, but we are only dealing with specific claims on this matter, there was also a lack of sharing of information among the various parties at the table. Mr. Michael Coyle has written a paper on specific claims in Ontario solely but has made some recommendations about how research could be shared among the parties at the table so that different parties are not duplicating research.

● (1515)

In particular, because I am from British Columbia, I want to mention that in the report called "Negotiation or Confrontation: It's Canada's Choice", some very key pieces of information about British Columbia were raised. In the report it says:

> Witnesses from British Columbia were quick to point out that the majority of Specific Claims in the system are from BC. They said the uniqueness of British Columbia's Specific Claims must be considered in any new strategies aimed at reducing the backlog of Specific Claims. Speaking for the Union of BC Indian Chiefs (UBCIC), Chief Debbie Abbott thought not only that the allocation of resources for resolving BC claims should reflect the number of Specific Claims submitted by First Nations in BC but that there should be an independent body established for BC claims only.

The numbers vary but it is significant that well over half of the specific claims before the current process are from British Columbia. The chiefs from British Columbia have come out in support of this piece of legislation, but they have raised a number of questions, which I am sure the committee will have an opportunity to address.

In a letter that they sent out dated November 23, they indicated that there are a couple of issues they would like addressed, and they talk about the $150 million cap on the value of claims that can be referred to the tribunal for validation and settlement. They say in their letter:

> —the $150 million figure for "value" will be calculated based on principles consistent with those set out by the Ontario court recently in its judgment in the Whitefish case.
>
> More resources will be dedicated to the research, negotiation and settlement of B. C. specific claims which compromise nearly half the claims in the system and 62% of the claims in the Department of Justice backlog.
>
> Provincial statutes of limitations do not apply to specific claims.
>
> Water rights, pre-confederation claims and all unilateral undertakings of the Crown must be included in the definition of "specific claims".
>
> There should be no conflict of interest on claims that have access to the ICC. This means appointments to that committee need to be jointly agreed upon by First Nations and Canada.
>
> There should be no conflict of interest in claims that do not have access to the tribunal, ie. those valued at over $150 million. This means there needs to be a legislated process to deal with those claims and that their resolution not be at Canada's discretion.

Certainly, we know that part of the problems with the current process is that the government ends up being both judge and jury on the specific claims process.

In a recent court decision in British Columbia, in the Tsilhqot'in Nation v. British Columbia, the piece that is relevant to this current piece of legislation is around the process of reconciliation. The justice in the decision said:

> Throughout the course of the trial and over the long months of preparing this judgment, my consistent hope has been that, whatever the outcome, it would ultimately lead to an early and honourable reconciliation with Tsilhqot'in people. After a trial of this scope and duration, it would be tragic if reconciliation with Tsilhqot'in people were postponed through seemingly endless appeals. The time to reach an honourable resolution and reconciliation is with us today.

Further on down, the justice stated:

> Unfortunately, the initial reluctance of governments to acknowledge the full impact of s. 35(1) has placed the question of reconciliation in the courtroom—one of our most adversarial settings. Courts struggle with the meaning of reconciliation when Aboriginal and non-Aboriginal litigants seek a determination regarding the existence and implications of Aboriginal rights.

Lloyd Barber, speaking as Commissioner of the Indian Claims Commission, is quoted on this issue in the Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking Back:

> It is clear that most Indian claims are not simple issues of contractual dispute to be resolved through conventional methods of arbitration and adjudication. They are the most visible part of the much, much more complex question of the relationship between the original inhabitants of this land and the powerful cultures which moved in upon them.

I think those issues around reconciliation and the relationship between the first peoples of this country and various governments of various political stripes since 1927 speaks to the fact that this is an important piece of legislation and one would hope that during this process, it does lay some framework for future pieces of legislation.

In particular, Bill C-30 was drafted with the support of first nations. The Assembly of First Nations and others worked very closely with the Conservative government to come up with Bill C-30, and that in itself is an important statement, and one would hope would set the tone for future pieces of legislation.

● (1520)

I think the sad and unfortunate part is that the government missed an opportunity to look at Bill C-21 in the same light, particularly in view of the fact that the majority of the committee had called on the Conservative government to use it as an opportunity to look at the repeal of section 67 using a consultative process that clearly the government sees as valuable because it had used it with Bill C-30.

I will conclude by saying that certainly in British Columbia and the rest of Canada the specific claims have been a thorn in people's sides for a number of years because of the untimely and some would argue disrespectful process in terms of how claims have been moved through the system and resolved.

I welcome the opportunity to support this piece of legislation. I look forward to it coming to committee and hearing about how it can be implemented in a timely fashion. I look forward to more detail around the political accord because of course some of the mechanics of the bill are happening outside of the legislative process.

I hope that the details around the accord will be put forward in detail with appropriate resources. For example, on appointments to the tribunal, I understand there is a process in place, but the NDP has called on the importance of making sure that first nations are represented in that process.

I look forward to the speedy passage of the bill and the New Democrats will certainly be supporting it.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the hon. member is the critic for aboriginal affairs for her party. I wonder if she could comment specifically on consultation.

Ms. Jean Crowder: Mr. Speaker, I think Bill C-30 is not the norm unfortunately in terms of a consultative process. What we have seen under Bill C-21 is the repeal of section 67 of the Canadian Human Rights Act. We heard 20 out of 21 witnesses come before the committee talking about the importance of consultation and any kind of respectful relationship.

We would anticipate that if a piece of legislation is going to have a direct impact on over 600 communities across the country that we would look for an appropriate consultation process. On matrimonial real property, there was a report commissioned by the Conservative government and recommendation 18 in the report laid out a number of steps and a consultation process, a very respectful consultation process.

I would argue again that if this government or any other government were to take consultation seriously, first of all they would develop a consultation process in conjunction with first nations. We cannot develop a consultation process that does not actually include people who are going to be affected in that process.

Therefore, I would encourage the government to look at recommendation 18 of the "Matrimonial Real Property Issues on Reserves" report by Wendy Grant-John.

● (1525)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, it is a pleasure to speak to this particular bill today. I know thousands of people are watching and some of them may not understand what bill we are dealing with, so I just want to make it clear.

Land claims with first nations is a major issue across this country. This bill would allow modern treaties to be made with first nations, so that they could have their proper place in this nation. The bill is largely based on the royal proclamation from the 18th century which basically said that all the land in Canada belongs to aboriginal people unless treaties or specific deals are made for certain lands.

Governments have dealt with first nations for a long time in making treaties. These treaties ensure that first nations have their rights respected. They also ensure that first nations have land, opportunities, and the required resources. There have been some remarkable claims over the years, but many claims still need to be settled. Some of them may involve hundreds of millions of dollars. However, that is not what the bill before us deals with.

Bill C-30 deals with specific small claims where a treaty is already in place, but there is a problem with it. The government might have abrogated its responsibility. It might not have fulfilled some duty on a particular piece of land. It might owe some money to a particular first nation, or it reneged on something it said it would give to aboriginal people.

A dispute might arise because the government did not provide what it said it would provide or there is a disagreement of some kind between what the treaty said first nations would receive and what they would not receive. The bill deals with all these little annoyances.

To make it clear for the public, we are not talking about the huge amount of unsettled land claims that are still going on across the country. We are not talking about major claims involving first nations that do not have a treaty. However, the government should be putting the majority of its effort into getting these claims settled. Once they are dealt with, the government should not just leave it at that.

As the Auditor General has quite clearly pointed out that there are a number of cases where a treaty has been signed but the government has not acted in the spirit of the treaty. The three territories in the north are looking for strong action by the government. Signing a treaty is not the end of a relationship. It is really just the beginning. As the critic for the north, I can certainly say that people in the north want these treaties followed. They want the government to act and fulfill the objectives of these treaties.

Bill C-30 deals with little annoyances such as the government not fulfilling conditions of a treaty or a first nation disagreeing with the government over the conditions of a treaty. These small claims would be dealt with by this particular bill.

Our critic from Winnipeg South Centre said that the bill is definitely a step in the right direction. We are certainly supportive of improving the process. However, this legislation does need to be studied extensively in committee. Some concerns have already been voiced.

The legislative tribunal is not a new approach or a new idea. It was proposed by the Liberal leader in his leadership platform. He is an honest person. I am sure he does not care which party puts forward any of his ideas for the betterment of Canadians as long as the ideas get through the process. He will be very excited if this bill gets through because he has definitely wanted a tribunal process that would deal with specific claims.

● (1530)

Calls for an independent tribunal go as far back as 1947. In 1996, the Royal Commission on Aboriginal Peoples recommended an independent lands and treaties tribunal. Over the next decade, attempts were made to reform the specific claims process but were unsuccessful.

All are agreed that the current process needs to be improved. All are in agreement that the number of claims is too high.

Since 1973, almost 1,300 claims have been submitted to Canada and, to date, 513 of these have been concluded, which leaves 784 outstanding. The minister has said that the number was as high as 900.

Therefore, it is incumbent upon us as parliamentarians to do the right thing and come up with a process that can deal with this huge backlog that is not dealing with the claims fast enough.

We have already heard from some who feel they were not consulted but they will have their opportunity to put their concerns before the committee.

We have also heard a concern about the cap on claims and whether the dedicated funding of $250 million annually will be enough. I certainly had that thought when I first viewed the bill. I am assuming that the government, in good faith, will do a supplementary estimate and increase the money if claims are not settled by the judges in excess of that amount. If anyone in the government says that they will not, then a bill that is not too controversial will become quite controversial because there is no use having judges making decisions and Parliament not giving the money to implement those decisions.

There has been some concern that first nations do not have a say in the appointment of judges to the tribunal. The plan first put forward by the Liberal leader called for first nations to have input. In many cases, this process will rely on a provincial buy-in because of its stewardship over most crown lands. It is very important that we work very closely with provincial and, in some cases, territorial governments to ensure the buy-in is a part of the process so that all the parties in respect of a claim can be involved and have it dealt with.

I started out by explaining how the land claims problem in Canada is small. This also does not deal with the minor claims of first nations that signed modern treaties. Many of those treaties already have a dispute mechanism in them. Once again, this only deals with the offences against some of the existing treaties and has nothing to do with the huge land claims backlog and what is called comprehensive claims. Comprehensive means that it deals with creating an entire new claim and if self-government is attached it is a new government.

When the bill goes to committee we will need to listen to witnesses from first nations to ensure the bill would accomplish what I think all parties in the House have gone on record as saying they want it to accomplish. The bill is too important to call witnesses and leave the questions to the government.

Any person who has an interest in this bill and who wants to appear before the committee, they should please contact me or our aboriginal affairs critic, the member for Winnipeg South Centre who spoke earlier.

This bill has been decades in the making. I commend the government for working on the bill and, in particular, for developing the bill with the grand chief of the Assembly of First Nations. A previous speaker made it clear that this was a landmark change for the Conservatives and an excellent way to develop a bill that will get the support of all parties in the House.

● (1535)

As I have done a number of times, I must compliment grand chief, Phil Fontaine, on being a great leader. He has brought much to his people in his term as grand chief, including the historic residential schools settlement that he made with the government. This is another great step forward to deal with hundreds of specific claims in a fair and faster way.

After all the kudos to the government, though, I must now mention all the problems it has in all other areas in dealing with aboriginal people. Aboriginal peoples want their issues concerning their basic human rights to be seriously addressed by the government, including addressing the poverty gap and the infrastructure problems first nations face on reserve today. Without real action there is fear that nothing will be done.

It is unfortunate to say this, and the government may not want to hear it, but since coming to power, listening to the voices of aboriginal Canadians has not been a priority of the government. Last week marked the two year anniversary of the Kelowna accord. The government has ignored the voices calling for the implementation of the agreement, and that is by all members of Parliament, with the exception of government members.

The government has ignored aboriginal leaders, provincial and territorial leaders and others who were involved in the 18 month process that led to the agreement. It made a unilateral decision to cancel the agreement and yet it still held up at the United Nations as an example of how it was working in partnership with aboriginal organizations.

Let me make the point that the Kelowna accord was not an agreement between the Liberal government and aboriginal peoples. It was an agreement between Canada and the aboriginal peoples of this country, as well as with the premiers and territorial leaders. To go back on a good faith agreement like that was very disappointing for many Canadians.

It is a sad state of affairs when aboriginal people are living in such poor conditions, whether it is drinking water, death in child birth, education levels, health levels or life expectancy. A $5 billion bottom up agreement was signed, sealed and delivered by the first nations people, with lots of money in the government coffers, and it is a shame that such an agreement would be cancelled.

The first nations people, aboriginal people and Inuit would love for the government to respect their human rights and not be one of the only countries in the United Nations to block them. A perfect example is that there is a bill that would allow aboriginal people to have the same access to human rights as others and yet almost all the aboriginal groups who came to committee said that there were no consultations and listed the six or seven things that needed to be fixed.

The government has had almost a year to fix those things, such as putting in a non-derogation clause, the interpretation clause, the time needed to implement the bill and the funds needed to train first nations. All those things were common among all witnesses. They said these things could have been done and the bill could have been passed. Hopefully, that type of process will occur.

First nations, Métis and Inuit have been virtually shut out of two budgets and two fiscal updates. As an example, budget 2007 had $6 billion in new funding for Canadians and, of that, $70 million were for aboriginals. In the government's other fiscal documents, the funding provided for housing, for example, had been previously booked. It was not new money.

The government ignored calls to sign the United Nations Declaration on the Rights of Indigenous Peoples. On water, the government's own advisory committee warned against proceeding with legislation to establish drinking water standards for first nations communities without the necessary capital and infrastructure funding and yet there has been no action on this report. The current government must not ignore the voices of those who go against its refrain. When it comes to first nations issues, money is not the issue.

● (1540)

We saw the message regarding the child welfare crisis. The government may want to silence these voices but it should not. We are stronger as a nation when we are empowering the most vulnerable and not limiting them. The government is worse off without these voices.

On the land claim issues, the government has shown some political will to move forward and that is just on a small number of specific land claims, as I outlined at the beginning of my speech, and it did so in partnership with the Assembly of First Nations. I highly congratulate the government for that cooperation on this one particular item. Had it done so on the human rights legislation, we could have had that through long ago, but some are already saying that they were not allowed to speak.

We are definitely in support of the legislation, to a great extent because Phil Fontaine and the Assembly of First Nations want to be integrally involved in developing the legislation. We know their concerns and ideas have been taken into account, as they were when they negotiated the residential school claims with our government.

The thing that has to be looked at in committee to make sure we have it right is the cap of $150 million on any particular claim. There probably will not be very many. Most claims are granted much less than that granted. However, there could easily be some. If a judge were to think that a claim had been put in for $120 million and his analysis suggested that in fact the claimant deserved much more, would the government not provide it? How would that exactly work in those particular situations?

I should mention the tribunal. I am not sure if the word comes from the Roman tribunes, but with the letters t-r-i and the fact that there are six judges involved, people might think that, on a particular case, six judges are involved. However, that is not the case. Only one judge and one tribunal are involved in a particular case.

A treaty done on the prairies in 1800 said that there were several square miles of land and $120 million were promised but not provided, then the judge would hear all the details. He will be making a decision. It is a non-appealable decision, other than going through the courts. The people who are looking at the bill should ensure they are comfortable with that type of process.

As I said earlier, because only one person is making a non-appealable decision, we need to ensure it is the appropriate person, and the first nations wanted some input into that selection.

If one claim can be $150 million, is $250 million a year enough? If one is $150 million and there are 784 outstanding, will that be enough in a specific year? Once again, I am assuming that if the claims go forward as quickly as the government would like and it goes over the $250 million, that it would, on good faith, put money into the supplementary estimates to increase that.

In the context of 784 or more claims outstanding, we must remember that we have been doing an average of 20 cases a year and it has taken 13 years so obviously the process was not fixed.

As our aboriginal critic, the member for Winnipeg South Centre, who is doing an excellent job, said. We will be supporting this improvement to the system because in the old system the government was in a dispute with someone. There were two parties in the dispute and the judge in that dispute was the government, so there was the judge and the defendant, which is hardly fair.

We commend the government for working closely with the Assembly of First Nations to develop the bill. Wee look forward to having input in committee so that we can fine-tune it and make sure it works as all parties would like it to work to improve the lives of aboriginal people.

● (1545)

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, it appears that all opposition parties are supportive of the bill in principle. Aboriginal communities have been waiting for this treaty process to be expedited. We have a chance here in the House to do just that.

I suggest, rather than spending any more time debating it, that we call the question and send the bill to committee, especially since all opposition parties have stated vocally today that they are in favour of the bill.

Hon. Larry Bagnell: Mr. Speaker, I appreciate the member's intervention. Personally I have no problem with accelerating the bill as quickly as possible. I hope the member brings the suggestion to his House leader, because House leaders make these types of decisions on process. I have no problem with it, but I would like the member to remember the number of concerns I have brought forward that have to be dealt with.

Also, I do not know if there are members on the speaking list, but of course their parliamentary privileges would be abrogated if they were not allowed to speak.

I would ask the member to remember my concerns about the potential amount for a claim and the amount total for a year, as well as my concerns about the input into the selection of the judges in question, especially considering what a disaster the Conservative government has been in regard to judges in this country, with lowering their pay, taking away their discretion and changing the appointment process dramatically when the whole judicial system in Canada, even the neutral people who do not get involved, thought it was a terrible mistake.

Perhaps if the member would spend his questions and comments on dealing with the concerns on the bill and making sure they are put forward in this debate, then we could move the bill forward very quickly, because in principle it is a good bill, as I said, and all the parties are agreeing to get it done very quickly.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, we all know about the plight of aboriginal people in too many communities in our country. The Indian Act is a boot on the neck of aboriginal people from coast to coast in our ridings. Many of them do not have the rights we do, including the fact that many lack ownership of property and an adequate mechanism within their own communities to control their leadership.

I have a question for my hon. colleague. At the end of the day for aboriginal people, it should be integration, not assimilation. It should not be about treating aboriginal people as different and separate in an apartheid-like setting, such as what happened in South Africa where people were treated differently and were separated from mainstream society.

Aboriginal people should be in an environment where their rights are respected and the ability for them to engage in the traditional activities is respected and enshrined. Is that not a better way to go so that aboriginal people can have the right, just like the member and I do, to integrate, not assimilate, and to be treated with fairness and equality and have the same rights that we all do in our country?

Hon. Larry Bagnell: Mr. Speaker, that was an excellent question, but this may not be as simple as the member thought. On the one hand, we want to make sure that first nations people, like all diverse groups, have the same rights, the same opportunities, the same ability to progress, the same health care and the same ability to advance in education that all other people do.

On the other hand, we do not want to treat an entirely different culture with a cookie cutter approach in saying that the culture has to follow all our philosophies, our way of governing, our way of doings things and our way of solving disputes. As members who deal with aboriginal people know, they have a collective type of society where they want buy-in by their whole community. They often have consensus decision making processes. Other people do not.

Respecting their culture and their stewardship over land that they have kept sacred, viable and environmentally clean for thousands of years is what the land claim process is all about. It is not about saying that they have to follow our philosophy. It is saying that we will set up a space to govern themselves in the way and with the philosophies that they have seen fit to use over hundreds of years.

In the cases where that has been put in place by Parliament and Canadians, we see huge success stories as they deal with their own problems in their own way. They govern themselves, as people should in a democratic society, and they have the land and the resources to do it, especially appreciating the very close association with the land in the spirit of the aboriginal peoples, which is so much a part of their being.

● (1550)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I was very interested to hear my colleague's comments as he represented the Liberal Party in the House. He started off very well. He commended the government for the specific claims process, which is going to speed up the settlement of claims across our country.

However, he then resorted to the usual Liberal smear and slander. He talked about the fact that our government is not doing enough about human rights or to address the special needs within aboriginal communities in Canada. In fact, it was our government that introduced legislation to extend human rights legislation to all Canadians, which now would include first nations across this country. It was also our government that introduced legislation to extend matrimonial property rights to aboriginal women, which did not exist before.

I have a question for my Liberal colleague. Why is it that the Liberal Party, after 13 years in office, could not address those basic human rights issues of, first, extending human rights protection to aboriginals across this country and, second, extending matrimonial property rights to aboriginal women?

Hon. Larry Bagnell: Mr. Speaker, I am glad the member has once again given me an opportunity to address the government's failures related to human rights. The member started out by slurring a whole group of people. I hope he does not take that type of common approach to all people, where he generalizes and suggests that all first nations, for instance, have such-and-such a problem. Maybe that is why the Conservatives voted against so many land claims in the past.

On human rights, the member should look in the mirror and ask himself why his government is one of the only governments in the entire world that voted against the United Nations declaration on human rights for indigenous peoples.

In particular on the bill before Parliament, as I outlined in detail, and I will again because he has asked about it, the government brought forward disastrous legislation related to trying to give aboriginal people human rights. There were I think 19 out of 20 witnesses who came before Parliament and said the government had not consulted. They also brought forward five other problems: the non-derogation clause, the non-interpretation clause, a ridiculous timeframe, no money for implementation and no training for implementation of this general legislation.

The government knew about these points six months ago when we heard all the witnesses. Why does the government not just put them forward? The other three parties want it. If the government were to put that forward, the bill would probably be approved unanimously and first nations human rights would be protected.

Some hon. members: Oh, oh!

The Acting Speaker (Mr. Royal Galipeau): Order. The hon. member for Esquimalt—Juan de Fuca for a short question.

Hon. Keith Martin: Mr. Speaker, my question for my hon. colleague, who has worked so hard in the Yukon for aboriginal communities, is a simple one. The Indian Act, in my view, is something that is a boot on the neck of aboriginal communities. Does he not think that the Indian Act should be scrapped forthwith?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Yukon will want to give a short answer.

Hon. Larry Bagnell: Mr. Speaker, why do I always get the hardest questions from my own caucus? The short answer is that this is what land claims are all about, because then they no longer fall under the Indian Act. Aboriginal peoples would govern themselves. They would not be governed by an archaic piece of legislation. Their problems would remain in their own hands. They would have the resources. They would have the rights under which they have successfully governed themselves for thousands of years.

If we could just get the comprehensive claims moved forward, not the specific claims bill, without votes against them as there were in the past from the Conservatives, that problem would be solved, and we would not have to work under the archaic—

● (1555)

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. member for Abitibi—Baie-James—Nunavik—Eeyou.

[*Translation*]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, I would like to explain that my riding includes the region of Nunavik, not Nunavut. There is a difference between the two territories, and I would not like to take the place of my Liberal colleague who represents Nunavut.

If I read correctly, this bill applies only to specific claims, but what are specific claims, in lay terms?

We do not need to look very far to learn that they originated in old grievances made by the first nations. These grievances have to do with negotiations Canada is required to conduct under historic treaties or the way the country has managed the money or other property belonging to the first nations, including reserve lands.

It is true that, since 1973, the government has had a policy and a process whereby it settles these claims through negotiation rather than in court.

However, there have been calls for measures to settle these disputes not just since 1973, but since July 1947, when a joint committee of the Senate and the House of Commons made this recommendation:

> That a Commission, in the nature of the Claims Commission, be set up with the least possible delay to inquire into the terms of the Indian treaties...and to appraise and settle in a just and equitable manner any claims or grievances arising thereunder.

It was not until 1961 that another joint committee of the Senate and the House of Commons again recommended that a claims commission be set up and Prime Minister Diefenbaker's cabinet approved draft legislation to create a claims commission. However, as luck would have it, this draft legislation was never introduced, because of an election call.

Nevertheless, Prime Minister Lester B. Pearson introduced Bill C-130, entitled the Indian Claims Act, in the House of Commons on December 14, 1963. He was determined to keep up with the true Conservatives. However, even back then, the government neglected to consult with the first nations, and the bill was withdrawn to allow time for consultation.

Another bill with the same title was introduced on June 21, 1965. June 21: what a lovely date. I can hardly wait for it to arrive. All kidding aside, guess what happened: yes, the bill died on the order paper when an election was called.

It was not until 1973 that further action was taken, with the establishment of the specific claims policy I mentioned at the very beginning of my remarks, which has been in effect to this day.

In the meantime, a government report on the administrative process for resolving specific claims was indeed published in 1979, citing conflicting duties and recommending the creation of an independent body which would in all respects be a specialized tribunal.

During the same period of time, the Penner report, published in 1983, called for a quasi-judicial process for managing failed negotiations and the neutral facilitation of negotiated settlements.

In 1990, in a report entitled “Unfinished Business: An Agenda for All Canadians in the 1990's”, a standing committee of the House of Commons reiterated the need for an independent claims body. At the same time, a joint working group bringing together representatives of Canada and the first nations—things are getting better—was looking at creating a permanent, legislative entity with tribunal-like powers, and finally in January 1991, the government created the Indian Specific Claims Commission under the federal Inquiries Act .

This commission was only intended as an interim measure, until a permanent independent body with adjudicative powers could be created. The commission remains in existence today, but continues to have only non-binding powers to make recommendations.

By 1996, the need was ever more pressing. The Royal Commission on Aboriginal Peoples, whose report is commonly known as the Erasmus-Dussault report, conducted extensive consultations with first nations people across the country and recommended an independent tribunal to replace the ISCC and concentrate on land and treaty issues.

● (1600)

In 1998, the efforts of a joint Canada-first nations working group eventually led to Bill C-6, specific claims legislation which, this time, received royal assent, in November 2003. That legislation would have provided binding decision-making powers, including on those compensation amounts, estimated at $10 million, which first nations deemed insufficient. They rejected that. This is yet another fine example of consultation.

Here we are now, in 2007, with Bill C-30, at a time when the political landscape has evolved somewhat, at least I hope so. To my knowledge, there are already particular conditions in Quebec, such as a specific first nations association with their own culture and needs. However, this government seems, deliberately or not, to have forgotten to consult those first nations. If we look at the timing of this bill, it is almost certain that we will have an election before it reaches third reading stage. In the end, this bill will only have served electoral purposes, as was the case with Kelowna, in 2005, with Bill C-130, in 1965, or with the Diefenbaker draft bill, in 1962.

In the explanatory notes that accompany this bill—and that were given to us by the Department of Indian Affairs and Northern Development—it is mentioned that the new approach is based on a wealth of reports, studies and recommendations made by first nations in the past. I emphasize the expression “in the past”. I am prepared to believe that federal officials did consult a few first nations leaders, as they did in 1963 with Bill C-130, for which they had to go back again for another consultation, or in 2003 with Bill C-6, for which they consulted a few first nations leaders. I sense that we will have to hear many more dissatisfied witnesses, as was the case with Bills C-44 and C-21, which is now before us and regarding which the government merely changed the cover page, even though it is well aware of the fact that the various first nations associations are unhappy about it.

I feel a little sheepish for overestimating the Prime Minister's vision and desire for transparency, a transparency that is less relevant than that of Quebec's dark ages under Duplessis, whom he reminds me of, if only because he is so blindly obstinate.

Like my Bloc Québécois colleagues, I will nevertheless support this bill, which will speed up the resolution of specific claims of first nations, a process that has been criticized since the 1940s, as I just described. It would still have to receive royal assent before an election, and all the first nations must agree to it.

How many times in the past have we heard the elected members of this government announce the support of provincial premiers or ministers, organizations or union leaders, when it was completely untrue? As some people would say, credibility goes hand in hand with accountability, which the government seems to be seriously lacking.

I would like to take this opportunity to offer my condolences to the Whapmagoostui community and the family and friends of David Masty, a prominent Cree man who went missing in the waters of Hudson's Bay over the weekend. He was seen as an elder throughout northern Quebec. He was a longtime friend of mine for whom I had a lot of respect.

It goes without saying that we have some concerns about this bill, for example, the fact that a single judge will render a binding decision about a third party's responsibility for paying without that party even being involved in the judgment. Quebec assumes a great deal of responsibility towards first nations, so the other provinces and this government could be more vulnerable to this type of judgment. Could the judge unilaterally require a third party to pay 30% of a first nations claim? Once again, what about the government's fiduciary responsibility?

● (1605)

The Bloc Québécois recognizes that certain specific claims are a strictly federal responsibility. Various House committees have been recommending the establishment of this tribunal for more than 60 years, in order to resolve specific first nations claims, as mentioned at the beginning of my speech, with the expression of concern and regret over the fact that this government is, once again, ignoring Quebec's distinctiveness.

Given the current structure of the judicial appointment process, a contested process if ever there was one, it is worrisome to think that a decision by this tribunal could not be appealed, and this goes for Quebec as well as for first nations, even though the decision is subject to judicial oversight.

This approach will have consequences that first nations really need to consider carefully. No further legal action will be possible. The surrender of land rights will give a clear title to third parties who own the land, and the decisions of the tribunal will resolve, once and for all, all specific claims.

Given that a province, which does not attend a land claim ruling, has no obligation to compensate the first nation, it is possible that the first nation will use the federal decision to demand compensation from that province. What happens, then, to the federal fiduciary responsibility?

The Bloc Québécois has always supported aboriginal peoples in their quest for justice and recognition of their rights. We recognize that the 11 first nations of Quebec are nations in their own right. We recognize that they are distinct peoples with the right to their own culture, language, customs and traditions as well as the right to direct the development of their own identity.

For this reason, aboriginal peoples must have the tools to develop their own identity, namely the right to self-government and the recognition of their rights. The right to self-determination was recognized by the Bloc Québécois in 1993 in its *manifeste du Forum paritaire Québécois-Autochtones*, in the future country of Quebec where we will also be masters of our own culture and vision for the future.

Like my Bloc Québécois colleagues, I reiterate my support for this bill, which will speed up resolution of the specific claims of the first nations that have been ongoing for 70 years. However, this is contingent upon my not discovering along the way, as is the case with many other declarations, that the declaration is as false as the consultation of first nations.

Naturally we will have the opportunity to examine the bill in the standing committee. I have the privilege of being a member of that committee where we can observe the childish antics of the members of this government, who have demonstrated a chronic inability to accept other people's ideas.

That is perhaps why they continue to call themselves the new government. There are too many issues that have failed to advance. It is like a plumber who has not understood that something other than water may pass through a pipe. Or an electrician who believes that his job is to make wires pass through this same pipe. This leads to confrontations, such as those the government will have on the international stage, which unfortunately would have reflected on the whole country had it not been for the generosity of the Bloc Québécois members who helped their colleagues go to defend Quebec's integrity in Bali.

What a bunch of half-wits we would have looked like without those few sensible persons who, democratically, have an undeniable right, especially because in terms of simple distribution, this government only represents some 30% of the Canadian population! Unfortunately, we have not yet avoided this reputation, which we must acknowledge is not a source of pride.

We have not forgotten this government's stand with respect to the United Nations Declaration on the Rights of Indigenous Peoples. It is enough to leave anyone involved with this bill perplexed.

We in northern Quebec certainly have our own concerns about the last James Bay agreement, which gave the Cree their share, although they are still awaiting the final agreement.

This is somewhat like Santa's sack, which he is holding in front of the beneficiaries, even though he has no intention of loosening the strings and handing out any presents. This is another point that reminds us of the dirty tricks of the Duplessis years.

It is like the hon. member for Roberval—Lac-Saint-Jean, who was elected based on his campaign promise to resolve the forestry crisis. He was elected at the beginning of September. The throne speech was presented at the end of October, but there was no mention of the forestry crisis. Nevertheless, he stood up and voted for that speech. This is not a problem; there are others just like him. In fact, one mayor in my riding stood up to protect this little sinking ship in a sea of Canadians—especially in the shadow of a big Albertan—who would include this topic in the next minibudget. Once again, they did not deliver.

● (1610)

Yet, his big Albertan, as a consolation prize, allows him to blather on, making a few silly remarks on occasion, getting a laugh out of the visitors' gallery, more often than not at his own expense. After all, there are still a few good little French Canadians in Quebec who have not yet managed to separate.

For all these reasons, the Bloc Québécois must remain ever vigilant and uncompromising on behalf of all Quebeckers, aboriginal and non-aboriginal. This always leads us to demand that Quebec officials be consulted in the same way as Canadian officials.

We will therefore vote in favour of this bill, so we may study it and propose amendments, as needed.

The Acting Speaker (Mr. Royal Galipeau): I thank the hon. member for Abitibi—Baie-James—Nunavik—Eeyou.

The hon. member for Esquimalt—Juan de Fuca.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I would like to take this opportunity to address this issue.

[*English*]

We know the issues affecting aboriginal communities are some of the most pressing social problems in Canada. In my riding, in places like Pacheenaht, there are high suicide rates, abject poverty, terrible housing and an absence of water, to name just a few of the problems.

Does my colleague think that part of the problem is aboriginal members do not have the ability to properly control their leadership in too many cases? As a result, they do not have the same rights as we do. Unfortunately, in a number of communities they are treated in an abusive way. Furthermore, aboriginal members living off reserve and living in cities sometimes fall between the cracks.

Do we not need to allow aboriginal people to have the same rights of property ownership, access to health care and education as the rest of us have and the ability to have the same electoral guidelines we have in electing our leaders?

[*Translation*]

Mr. Yvon Lévesque: Mr. Speaker, I find it disappointing that 60% of the money given to first nations is used for their defence and to fight federal government lawyers.

It is true that a long, long time ago, the lands of these communities should have been recognized as theirs. As an invading people, we took what we felt was necessary to meet our needs in this country. They did not ask for much. Unfortunately for them, they have a trusting nature; a handshake to them is as good as a signature. We took advantage of that over and over and at every opportunity. It was every man for himself.

These people should have the chance to manage themselves, to have the same revenues and to profit from the natural resources found on their land. In my riding, there are some of these people, of whom I am very proud. They are entrepreneurs who will enrich our country.

[*English*]

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I take exception with one of the comments the member from the Bloc made in his diatribe. The comment that we are doing this for political purposes is so far from the truth it is not even funny.

First nation leaders and our government have worked together on Bill C-30. They want to see this happen and they want to see it happen expeditiously. We have a chance today to get this to committee. I have heard from all the opposition parties that they support the bill in principle. Let us send it to committee. We do not need to have a game of silly buggers going on in here, having opposition members getting up and continuing to speak on a bill—

● (1615)

Mr. Brent St. Denis: Mr. Speaker, I rise on a point of order. A word was used that I have never heard before. Could you explain what that term means? Do I need to repeat it?

An hon. member: What is that silly bugger doing?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Selkirk—Interlake has the floor.

Mr. James Bezan: Mr. Speaker, I am referring to kids' games where often people go on and on. We do not need these filibusters.

If all the parties support the bill in principle, we have a chance today to send it to committee, to prove the point to our first nations leaders and communities that we want to finally complete the outstanding issues of treaty land claims and do it in an expedited manner in the House and set the example for how we will deal with all these outstanding TLEs with our first nations partners.

[*Translation*]

Mr. Yvon Lévesque: Mr. Speaker, I am not sure if my colleague wants a Conservative-style answer. I will give him a Quebecker's response.

We are not the ones who created smokescreens.

Some hon. members: Oh, oh!

Mr. Yvon Lévesque: I would like the NDP members to be more attentive and less distracting.

If we just look at Bill C-44, there too, the Conservatives said that they had consulted the first nations. But when the bill was published, there was an outcry from aboriginal women from Canada and Quebec, the leader of the Canadian Assembly of First Nations and the leader of the Assembly of First Nations of Quebec and Labrador in protest against this lie.

They have introduced a bill and now they are saying once again that they have consulted. Many people are unsure whether this time that is the truth.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, I would like to ask my colleague a brief question about the role of the provinces.

As I understand it, the province can choose whether to become involved. Is that the case?

[*English*]

According to the information I have, each province, in a given application or claim, can decide whether it wants to give the tribunal authority to deal with its part in a claim, or it can stand back and in such a case the tribunal will proceed without any reference to any provincial role in that claim. The tribunal will only settle matters of monetary concern, nothing to do with land.

Is my understanding correct or do I misunderstand that there is no imposition on a province of a role other than by its own choice to become involved?

[*Translation*]

Mr. Yvon Lévesque: Mr. Speaker, this is what I understand from the bill.

A province can choose to participate in a hearing for a particular claim. If the province participates, it commits to abiding by the judge's decision and not appealing it. If it does not participate, it is not obligated to recognize the judge's decision. However, we believe that if the judge finds fault, the first nation will be able to take the province to court.

Our question is about the government's fiduciary responsibility to first nations. Will the province be required to pay 30% of the compensation to be awarded?

● (1620)

[*English*]

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, first, we all know the Department of Indian Affairs has a very high administrative cost and burden. Those moneys could best be used for dealing with primary education, health care, social programs and infrastructure for aboriginal communities.

Second, if we look at the issue of land claims where they have been resolved east of the Rockies versus west of the Rockies and ask if aboriginal communities are better off east of the Rockies versus west, the answer is there is little difference.

Aboriginal communities east of the Rockies can be found to be in as horrible a condition as in the west. Non-reserve aboriginal people can be in the same horrible circumstances east of the Rockies as west. Therefore, do we not have to look at this in a larger context and provide new and better solutions, to work with aboriginal people to resolve the issues they have so many of them can be self-sufficient and self-reliant and they can engage in a 21st century economy?

Given that it is what most aboriginal people want, how does the hon. member propose that it happens and does he think that the bill will do that?

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Abitibi—Baie-James—Nunavik—Eeyou may answer briefly.

Mr. Yvon Lévesque: Mr. Speaker, I would like to remind my colleague that I said that my Bloc Québécois colleagues and I support this bill. Nevertheless, I question what the government would have us believe about having consulted all of the first nations and receiving their support for this bill. They can take as much time —

[*English*]

The Acting Speaker (Mr. Royal Galipeau): Order, please. 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 Abitibi—Baie-James—Nunavik—Eeyou, Canada Revenue Agency; the hon. member for Hull—Aylmer, Elections Canada; the hon. member for London—Fanshawe, Infrastructure.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, as I begin, I want to assure my colleague from the Bloc, the member for Abitibi—Baie-James—Nunavik—Eeyou, that the commotion in this corner was New Democrat members defending him against the derision that was heaped on him by Conservative members during his speech. We were listening very carefully to his remarks.

Specifically, this afternoon we are discussing Bill C-30, the specific claims tribunal act. I want to begin by saying that I represent people who live on Coast Salish territory on the Lower Mainland of British Columbia.

The New Democrats believe the legislation is long overdue. The NDP has long called for an independent specific claims tribunal. In fact, it was part of our election platform in at least the last two federal election campaigns and, as party policy, it was reaffirmed at a recent policy convention of the New Democratic Party. We strongly support this and we will support the bill.

We are a little hesitant today because all the experts on aboriginal affairs issues are in committee this afternoon. We think it is unfortunate that the government did not get the timing a little better today to ensure that Bill C-30 would be debated in the House at a time when Bill C-21 was not before the Standing Committee on Aboriginal Affairs in clause by clause discussion. Unfortunately many of our members, our experts in this place from all parties, have to be involved at committee today.

We support the legislation and we will want to work on again at committee, where witnesses will be heard and improvements made.

One of the reasons we support the legislation is we know it has been developed in consultation with first nations. This probably could have been more broad than it was, but it is an important step and we want to acknowledge that this consultative step was taken. We believe this is a good example of how this should be applied more broadly by the government in its relationships with first nations. We believe this might go some way to restoring the nation to nation relationship that existed at the time treaties were signed, and it needs to be part of negotiations of new treaties.

The context of our discussion today is one that is not all that positive, to put it mildly. We come to this discussion today after a long and sad history of discussion of specific claims in Canada. We have seen many reports and many attempts at legislation, even failed legislation, legislation that was passed and then proved unworkable.

This has gone on for many years, beginning with the Indian Act that was in place from 1927 to 1951. It prohibited band funds from being used to sue the government, to take the government to court, to change or to hold the government accountable for agreements and treaties and specific commitments that were made. Thankfully that was changed, but we have seen other things.

I think every decade has seen activity around the question of specific claims. In the 1940s we saw the original recommendation that there be a claims tribunal. Similarly there were recommendations in the 1950s. In the 1960s there was even legislation that died on the order paper, apparently twice. In the 1970s there were more recommendations and attempts. In the 1996 report of the Royal Commission on Aboriginal People, one of the recommendations, on of the specific calls, was for an independent specific claims tribunal. In the 2000s, in the previous Parliament, we saw an attempt to deal with this issue in legislation, which has proven unworkable. Many attempts have been made over the long and sad history of dealing with this issue.

Therefore, we come to this today. We come hopeful that this current legislation will be more successful and will do more to address the specific issues that have been before us for so many decades in Canada.

I want to note that this attempt has been welcomed by first nations. In British Columbia that is also the case. The First Nations Leadership Council, which is comprised of the political executives of the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations, has been optimistic about this process since it was first made public back in the late spring.

● (1625)

In a press release in June of this year, they said that they would welcome an independent body for specific claims that was being proposed and that they were cautiously optimistic regarding the proposals.

That is a good thing and I think we can all be pleased that there is this kind of optimism from the leadership of first nations regarding this process.

The First Nations Leadership Council points out that the specific claims that are being discussed arise from, as it puts it, Canada's breach or non-fulfillment of lawful obligations found in treaties, agreements or statutes, including the Indian Act. It points out that the existing 25 year old federal specific claims policy sets out the process for the resolution of these claims through determination of their validity and subsequent negotiations.

However, we have seen a terrible backlog and a gridlock in that resolution system. Currently there are over 900 specific claims designated as under review by the Government of Canada. It is important to note that almost half of those originate from B.C. first nations. Also, of the more than 300 claims currently at the Department of Justice awaiting legal review, 65% of those originate from B.C. first nations.

Therefore, B.C. first nations have a particular concern for this process. We have seen in reports that have been made, most recently the Senate report that was made in 2006, that B.C. was a particular subject in that report and the uniqueness of British Columbia when it comes to the outstanding specific claims, given that there are so many from British Columbia.

This is something that is of particular importance to first nations in British Columbia and, by the same token, to all people in British Columbia because we are anxious to see the relationship with our first nations restored and these specific claims resolved.

At the time, back in June when this proposal was announced, the leaders of the First Nations Leadership Council made various statements. Chief Shawn Atleo of the BC Assembly of First nations said:

> An independent panel on specific claims is long overdue. Given this body will possess the necessary mandate with full decision-making authority and an appropriate level of financial and human resources, we expect they ensure that specific claims are fairly considered and equitably resolved in a timely manner.

That was a very important statement of support for this process that came from Chief Atleo.

Grand chief, Stewart Phillip, the president of the Union of BC Indian Chiefs, had this to say about the proposal. He said:

> The Government of Canada acting as both the judge and jury in the specific claims process has been in a clear conflict of interest. Removing this conflict through the creation of an independent body will ensure that we do not have to wait ninety years to resolve the existing backlog of claims. Furthermore, an effective Specific Claims Policy must be fully committed to addressing, and not side-stepping, all types of claims regardless of size and scope.

While showing his interest in this proposal, Grand Chief Phillip also raised some challenges to the process and some issues that he hoped to see addressed by the legislation and, hopefully, if they are lacking, we can address those when this legislation is before the committee.

Back in June, grand chief, Edward John, political executive of the First Nations Summit, said:

> We fully support the recommendations of the Standing Senate Committee on Aboriginal Peoples. In particular, we fully agree with the recommendation that First Nations need to be "full partners" with the Government of Canada in the development of legislation and policy to ensure that Canada meets its lawful obligations to First Nations in the resolution of specific claims.

Again, that reiterates a point I made at the beginning of my speech about the importance of that kind of consultation going into legislative proposals that are brought before the House. We are glad at least to some extent that kind of consultation did take place on this legislation.

● (1630)

Those were some of the concerns raised by the First Nations Leadership Council in British Columbia. It does indicate its support for the legislation but it has raised some specific concerns. I know that the New Democratic Party's aboriginal affairs critic, the member for Nanaimo—Cowichan, will be raising those issues at committee and will be working to ensure that witnesses appear before the committee who can expand on those concerns.

One of the specific concerns that arises is the $150 million cap on the value of claims that can be referred to the tribunal for validation and settlement. One of the concerns about that cap is exactly how it will be determined, how the value of that claim will be calculated. There is a concern about wanting to be consistent and wanting to ensure that it best represents the interests of first nations in calculating that amount.

Another concern that has been raised by the B.C. chiefs is the need for more resources to be dedicated to the research, negotiation and settlement of B.C. specific claims which comprise nearly half the claims in the system and 62% of the claims in the Department of Justice backlog.

We have heard that many times from leaders in the aboriginal community but also from the Senate committee that looked at the situation and wrote a report in 2006 called "Negotiations or Confrontation: It's Canada's Choice". The Senate committee spent considerable time and effort looking at the question of limited resources in the current process.

These are all things that we would want to avoid in the new process: things like the constant turnover of staff, the ever-increasing backlog, the lack of training that researchers have which often leads to the repetition of historical errors, of frustration and inefficiency in the system. Another one of the resource issues is the inability to have inappropriate information sharing among the parties involved.

Those are some of the specific lack of resource issues that we believe need to be addressed in Bill C-30 and in the regulations and implementation that follows from it. Without appropriate resources to do this work, it will not be done well or it will not be done at all perhaps. This is something we will want to make sure is followed up on.

Concerns have also been expressed by the aboriginal first nations leadership in British Columbia about the exact definition of specific claims. Clearly, that is something that will need to be looked at and resolved because there is no sense having a specific claims tribunal process where there is concern about what the definition of those claims actually is.

I think the first nations of British Columbia also have a number of concerns that they will be raising and it is our intention to ensure that opportunity is provided at the Standing Committee on Aboriginal Affairs and Northern Development when it is looking at this legislation.

Another concern is about the appointment of the tribunal and who serves on the tribunal itself. We want to be sure that first nations are represented in that process of appointment. The resolution of these specific claims should not be solely at Canada's discretion. Canada again cannot be put in the position of being judge and jury on these issues at the same time. We need to ensure the independence of this process, which is the intention of this legislation, but we also need to consider the appointment process of those who sit on the tribunal to ensure they are representative of all the parties, are truly independent and can make the best and most appropriate decisions related to these specific claims. That is something else that we, for our part, will be pursuing in conjunction with first nations at the committee.

● (1635)

I think it is important to point out that we need to make progress on these sorts of legal arrangements to settle specific claims. This mechanism has been too cumbersome, too unproductive, has caused too much tension and too much uncertainty and instability in Canada for far too long. We need to ensure we have an effective process for resolving these issues.

In her speech earlier today, my colleague from Nanaimo—Cowichan said that we needed to be aware that having the most just process in this case, the most legal process, the best court process that we can have does not necessarily solve the problem of reconciliation between first nations and Canada. We need to ensure we have an early and honourable reconciliation and avoid endless appeals and endless court processes that may not allow us to live together successfully.

Many experts, including many judicial experts and judges themselves, say that reconciliation cannot be dealt with in a courtroom, which is one of the most confrontational settings that we have in our society.

I hope we will also look down the road to reconciliation and how this resolution of specific claims fits into that broader question of reconciliation between Canada and first nations.

We are looking forward to working on many things at committee. One of the other issues that should be reviewed at the aboriginal affairs committee is the political accord that was also signed at the time this legislation was tabled, the political accord that will deal with claims above $150 million. This legislation only deals with claims under $150 million.

Many issues need to be looked at. There are questions about why those claims are outside of any legislative process. Maybe they should have been included in Bill C-30 or other legislation. I think that is very important.

However, we are glad that this agreement was signed between the government and the grand chief of the Assembly of First Nations, but I do have some questions and I think that there needs to be some further discussion of those issues as well.

I hope we can avoid some of the problems that we have seen in the history of our relationship between Canada and first nations. I hope we can avoid some of the problems we have seen with the Conservative government's failure to recognize the Kelowna accord and the transformative change accord that was signed with the first nations of British Columbia, the Government of Canada and the B.C. government at the same time as the Kelowna accord.

We want to ensure those agreement are honoured. We have supported those agreements here. Some of our concern about not honouring those kinds of agreements goes to the whole context of how we resolve other issues between Canada and first nations. A history of failure to live up to agreements, accords and treaties that we have negotiated does not help us resolve the problems that are before us currently.

The New Democratic Party is looking forward to seeing the legislation go to the committee and we too support getting it there. We do not believe in rushing things off to committee without appropriate debate here in the House of Commons because that is part of the legislative process in this place. We will be doing that and we will be taking care to look at all aspects of the legislation as it comes before the House and as it comes before committee.

Sometimes in this place, when we go gangbusters, we miss important issues and make mistakes. We cannot afford to do that. We are looking forward to getting this to committee, hearing from appropriate witnesses and, hopefully, making this the best possible legislation we can to deal with the issue of specific claims.

● (1640)

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, I appreciate the member's comments. I agree with him that while it appears we are all in agreement in principle, it is important that in this place various views and concerns on a bill get aired, notwithstanding the general level of support for the bill.

The member used the word "reconciliation", which is a good word to use in the context of the bill, but in my immediate thinking, reconciliation can mean two things. First, it can mean extending reconciliation for past wrongs, whether they involved the improper taking of land or issues related to the residential schools or any number of other issues. Second, it can mean reconciling the difference in views between our first nations, our aboriginal people, and mainstream Canada.

Would my colleague agree with me that there is a very high level of misunderstanding in the general population about treaties, aboriginal history, the depth of aboriginal people's connection to the land and the depth of their culture? The general population, innocently in most cases, does not understand their history, their context or their culture.

Does my colleague agree that through this process of discussion here in this place and further in committee we can help to raise that awareness and hopefully minimize the destructive debate that can sometimes happen when people do not understand the other side?

Mr. Bill Siksay: Mr. Speaker, I am not sure. If we are trying to find the locus of the problem between aboriginal people and Canada, I am not sure that I would locate it in the general public. I would want to put more responsibility on those of us who sit in this place and on our governments. I do not think we have done the job that we should have been doing to make sure that these issues are resolved, that treaties are negotiated and that land claims are settled. I think the responsibility falls on our shoulders and on our governments' shoulders for not having paid appropriate attention to that over the years.

Many ordinary Canadians have a much better relationship with their aboriginal brothers and sisters and neighbours than many of us here in this place. They may be much more experienced about how to live out that kind of relationship appropriately and successfully than has ever been shown in this place.

We should be paying more attention to resolving these issues. I hope that by doing so we can get to the point of reconciliation and respect between the different cultures that are represented in this land between first nations cultures and the cultures of Canada. I think it is possible to do that, but we have lost an incredible amount of time over the years by not giving this issue the high place it deserves and by not dedicating ourselves to that process.

● (1645)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, the legal processes that aboriginal members and communities have to go through to have a lot of their issues resolved can essentially be seen as somewhat of a Gordian knot. At the very least, it draws finite resources away from the needs of aboriginal communities.

It is absolutely heartbreaking to see the squalor and the destitution that too many aboriginal people live in, essentially without hope. In the worst possible cases, some of them take their own lives in acts of utter desperation.

Looking at this it seems to me that we could do a better job to make sure that those finite resources are not drawn off by the so-called Indian industry, a battery of lawyers that draws resources away from what is required in aboriginal communities.

What does my colleague suggest can be done to re-channel these resources away from the legal framework that is drawing them out with no real benefit to aboriginal members? Second, would his party support the abolishment of the Indian Act?

Mr. Bill Siksay: Mr. Speaker, we could go a long way to solving some of the problems that the member for Esquimalt—Juan de Fuca talked about by negotiating in good faith and as expeditiously as possible the settlement of treaties and government arrangements for first nations. Those would go some way to addressing the problems and would do so outside the context of the paternalism and the colonialism represented by legislation such as the Indian Act. I think that is what the problems have been caused by for so many generations here in Canada.

We need to ensure that we take a nation to nation approach in our relationships with first nations. We have seen a modest step toward that with the kind of consultation that happened prior to the introduction of Bill C-30. We have seen other examples in some of the new treaties that are coming before us in this place, which have been negotiated in British Columbia. It is not an easy task to negotiate those treaties, but I think it is an important place to put our efforts in to see results. Resolving those issues, resolving specific claims and ensuring the treaties are in place will go a long way to dealing with many of the issues the member mentioned.

Hon. Keith Martin: Mr. Speaker, as a supplemental, if the be-all and the end-all of the answer to these problems is the resolution of land claims, it would seem to me that in those areas where land claims have been resolved, that is, east of the Rockies, then conditions would be demonstrably better for aboriginal members than west of the Rockies, where for the most part they have not.

However, if we look at conditions on and off reserve for aboriginal people we will see that there is very little difference between east and west of the Rockies, which means that the resolution of land claims is not going to have the desired effect of somehow resolving the social and economic challenges that exist on reserve.

Does the member not think that the current governance structures in too many aboriginal communities remove the basic fundamental rights that human beings ought to have in being able to make decisions and hold their leaders to account? Does he not think that fundamental reform in governance structures for aboriginal people within aboriginal communities is absolutely essential for enabling aboriginal people to be the masters of their destiny?

Mr. Bill Siksay: Mr. Speaker, I am not going to make the mistake that has been made too often in the Parliament of Canada and by our governments in making those kinds of decisions on behalf of aboriginal people. First nations are going to make those decisions. They are going to put forward those kinds of proposals. It is not for me to make those kinds of judgments that the hon. member was suggesting might be made.

I think that would be completely inappropriate. It would be continuing the legacy of paternalism and colonialism that we have seen. I, for one, do not want to go down that road. I will take my responsibility as a representative in this place seriously and look at the proposals that come from first nations with regard to governance and with regard to their issues, but I do not think it is my place to decide on their behalf what should be done in those instances.

● (1650)

The Acting Speaker (Mr. Royal Galipeau): We will hear a short question from the hon. member for Esquimalt—Juan de Fuca.

Hon. Keith Martin: Mr. Speaker, what I asked the hon. member about was who speaks for aboriginal members in reserves such as those that straddle the Canada-U.S. border in Ontario and Quebec, for example, where there is gun-running and trafficking of weapons, drugs and human beings across the border by organized crime gangs that are primarily from the United States.

Who speaks for those aboriginal people who live on those reserves in that kind of environment? The RCMP cannot go into those communities because of so-called downloading responsibilities to aboriginal communities. As a result, the people who live in those communities, the law-abiding aboriginal people, are left in an environment where organized crime is acting in a predacious fashion within their communities. No one speaks for them. No one comes to their assistance. No one is helping them out because of the current structure.

How does the member propose to resolve that?

The Acting Speaker (Mr. Royal Galipeau): I asked for a short question. Now I will define how long the answer will be: 28 seconds.

Mr. Bill Siksay: Again, Mr. Speaker, I do not think it is my place to be deciding for those people how to approach those problems. They can do that effectively with their neighbours, with the folks who live near them, with the appropriate agencies and enforcement agencies, and with their own leadership. They can bring those issues forward and deal with them appropriately. I do not think it is up to me to impose a solution—

The Acting Speaker (Mr. Royal Galipeau): It is with regret that I interrupt the member, but his time has expired.

* * *

[*Translation*]

MESSAGE FROM THE SENATE

The Acting Speaker (Mr. Royal Galipeau): I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed a public bill to which the concurrence of this House is desired.

* * *

[*English*]

SPECIFIC CLAIMS TRIBUNAL ACT

The House resumed consideration of the motion that Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts, be read the second time and referred to a committee.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, I am pleased to join my colleagues in the opposition as we participate in debating Bill C-30. It is an important bill, as I mentioned in answer to a question from the member for Burnaby—Douglas, and it appears to have agreement in principle in the House. Clearly, though, there are a number of concerns and hopefully they will be addressed in committee.

However, it is also important to raise some of those concerns in this chamber that we share and that the public has ready access to through transmission.

I represent the northern Ontario riding of Algoma—Manitoulin—Kapuskasing, with its approximately 24 first nations. I am very proud and happy to represent first nations from Manitoulin Island and the north shore of Lake Huron, up through Chapleau and Wawa and near Constance Lake and Hearst.

These are communities that by and large are very well run. In fact, the chief and councillors of one of the band councils have university degrees. This does not fit, sadly, the profile of first nations, which is all too often reported in the media, which by its nature tends to report bad news.

However, the good news is that first nations are successful and can be even more successful. Specific claims based on treaties and other historic precedents need to be resolved not only for the benefit of first nations but for the benefit of all Canadians, their children and grandchildren.

I agree with my colleague from Esquimalt—Juan de Fuca that settling and improving the specific claims process is not the be-all and end-all. It is part of a mosaic of improvements that need to be made in our relationship with first nations, improvements that were well defined in the Kelowna accord, which sadly will languish until a future government, not a Conservative one, will deal with it.

There are issues around water and housing. There are issues about real human rights in our communities, not the non-consultative matrimonial property process that the government imposed on first nations. Happily, that process has been halted and first nations can do their own consultations and come up with solutions that make sense for them, solutions which they have come up with for generations, for eons of time, in fact.

Essentially the bill would take what is now the Indian Claims Commission and create a new tribunal, which would give it the teeth to make settlements. The commission, notwithstanding all of its good work, did not have the teeth to impose solutions. It could only make recommendations to the government. Of course, the government being a party to the dispute, it really was placed in a very awkward position.

A tribunal having legal authority to resolve disputes will make the process more transparent and fairer. I think of it as being similar to binding arbitration in hockey or baseball, where the parties have a process to come to a resolution more quickly and hopefully more transparently.

I would like to give members and those listening to the transmission an example of how the process in the past has been very unhelpful to first nations. I am thinking of Mississagi First Nation in my riding, a community located roughly midway between Sudbury and Sault Ste. Marie on the north shore of Lake Huron. People wonder why there are claims and why taxpayers are having to pay for the settlement of issues from centuries ago. I ask members to imagine a scenario in this community.

The scenario is that 100 or 150 years ago in that community the agent for the Crown made an arrangement which described a certain tract of land that would be the community's reserve. When the document got to England, it somehow was changed. I will not accuse anybody of changing things on purpose, but court decisions in the last 20 years in this case show that the document was changed. What was rendered as a postage-stamp sized piece of land for this community was in actual fact a much larger piece of land when the law was applied.

● (1655)

There was a lot of concern in the area over what this would mean, but ultimately, the right thing was done. Third parties were properly treated. I am happy to see that the government's press release talks about improving the processing of additions to reserve as a future item of business. The release talks about Bill C-30 and it talks about improving a number of other issues.

I am pleased to see that they plan to improve the processing of additions to reserves because the Mississagi First Nation has been waiting a long time for the land which it was awarded in consultation with the province subsequent to the court ruling. It is waiting for that land to be officially added, or I would say, returned to its reserve. I am hopeful that the cabinet will deal with that fairly soon because all the paperwork has long since been done.

I also had asked my colleague from Burnaby—Douglas about the innocent misunderstanding among the public about aboriginal issues, history and culture. I am not being pejorative at all; I am just pointing out that in general we do not teach in our primary and secondary schools much, if anything, about aboriginal history. I am talking about times past and I hope it is going to get better, but it still is not happening very much. We are not readily exposed to the depth of spirituality and culture in our first nations within our aboriginal people, Métis and Inuit included. I think it is very important.

In the case of a claim, our first nations face what I would refer to as a double jeopardy. On the one side they have faced a slow, ponderous process which typically takes years and years to resolve, and on the other side, through that process they face the misunderstanding in the general population about what is going on.

I would advise the House that sometime in the future I am drafting a bill which will ask the federal government to work with the provinces to promote and help develop a curriculum for primary and secondary schools which will help with the teaching of aboriginal history and culture. I think back to my high school times and I do not recall ever being told anything about aboriginal history in all of my years through primary school and secondary school. I imagine that is the case for all if not most of my colleagues. The bill will deal hopefully with the slow and ponderous part of that double jeopardy.

By the tribunal having an ability to make orders, I think it will stiffen the spines of all participants and on average should help speed up the entire process. In asking a question of one of our Bloc colleagues, I pointed out that in my understanding the provinces are not required to participate in any specific claim which comes before the tribunal. The province can choose to participate and say whatever happens out of the tribunal it will accept at the provincial level, or it can step back, wait for the tribunal process to continue and then deal with the result in whatever fashion is appropriate in the circumstances.

According to my information, a federal settlement in favour of a first nation does not automatically obligate a province should the tribunal determine in a particular case that a settlement should be awarded 80% of the fault, to use that word of the federal government, it is not going to say who the other 20% is. It could be any number of other stakeholders but for sure, and I am hopeful, it would be advantageous to the provinces to see this as potentially a very helpful process because we all want to see these settled.

● (1700)

Too often, the uncertainty over specific claims affects third parties. It affects municipalities that may be situated adjacent to a first nation. It can affect third parties who have land that may be within an area which is subject to a specific claim. The sooner these things can be settled, the sooner clouds of uncertainty can be removed from title that is otherwise put in question.

There is another community, the Wikwemikong Unceded Indian Reserve on Manitoulin Island, which for the longest time has been working on a Point Grondine settlement and an island settlement. I am hopeful that at some point in the not too distant future, should that claim not be resolved in the very near future, this new process will take over and will lead to a speedy resolution one way or the other, not to prejudge the outcome, although my hopes are that for all of Manitoulin and Wikwemikong the settlement be a good one for all.

I want to point out that while we happily receive this legislation, in spite of the track record thus far when it comes to first nations issues, I wish we were listening to some of our Conservative colleagues today on this issue. I think they should be on record as being supportive of this process. They should not leave their comments just to committee. While we want the bill to get to committee and get through on a timely basis, it does need a good airing, because there are such questions as who will decide on which judges will form the core group of the tribunal?

I would hope that our aboriginal communities, the AFN and others, will be consulted on who best understands the issues or who best will be impartial to the outcome so that at the very end of it all people will feel content with the result whichever way a particular decision is made. I am hopeful that the government will include our first nations leadership in its consultation on the appointment of the judges.

I would also want to make sure that this process ensures that research dollars are made available, as they are now but maybe even in a more substantial way to our communities. It will only help speed up the process if these communities, which are typically very small, have the capacity to do the research needed to support their case.

Lest there be any doubt, should a community win its claim, my understanding is that the funds advanced for research will come off the settlement, which may or may not be fair. That is for the stakeholders to decide. Regardless, there is an interest by the general population to see these claims being made completely with all the information available. That requires an ability in the community to do that research, to pull the information together. It cannot be done by a band administrator working by himself or herself with all the other jobs the administrator has. They need the resources to do this and I am very hopeful that the funds will be increased to assist our first nations in this regard.

I am also hopeful that the money to support the tribunal itself will not come out of the settlement funds. I think it would be a responsibility of the government to pay for the tribunal process itself, the salaries, the staffing, the overheads, out of the general revenues of the government, revenues that would logically be assigned to the department, but not out of funds set aside for the settlements themselves. The settlement dollars should be kept aside for that very purpose.

One of my colleagues asked whether the $150 million limit would pose a problem. It may or may not. My understanding is that, on average, settlements are in the neighbourhood of $10 million, give or take a few million. I am hopeful that the funds set aside will satisfy the claims as they come along and as they are settled. If not, the government will necessarily be obligated to increase that budget. That would be the nature of the process, as I understand it.

● (1705)

I would like to take a moment to mention one of the consequences for first nations when these things drag out. It is the concept of loss of use. People may wonder why taxpayers are paying a first nation for some land that they are not going to necessarily get back if that land has been sold off by a province to the federal government. It would be unusual for that land to be given back if it has been sold to third parties. Typically the solution, and this bill calls for a monetary solution to the problem, is there would be a monetary settlement.

If a first nation has not had the use of a tract of land for 150 years or 200 years because it was improperly taken or improperly surveyed or for whatever other reason, the first nation has not had the use of that land for all those decades. That could be loss of access for logging rights or for mineral rights. Others have accessed those minerals or the timber. Others have accessed the land for hunting and sport fishing or even commercial fishing when it comes to water.

There is a concept about the loss of use. Among the many elements to make up a settlement is that loss of use and the fact that over the decades and the hundreds of years the first nation has not had the ability to use that land. In most cases it has lost untold sums of money because resources were taken out from under it.

Some people may say that those things happened a long time ago and why should we be worried about them now. Well in fact, a deal is a deal. A deal was made between a particular first nation and the Crown. That deal was made in good faith at that time. For right or wrong reasons sometimes those deals, and I guess there would never be a good reason for not honouring a deal, but for different reasons, treaties were not honoured. Agreements between a first nation community and the Crown were not honoured.

It is incumbent upon us to reconcile the present with the past in a way that is fair, in a way which recognizes this loss of use, the inability to have access to resources not only for the first nations' own enjoyment, but for their own economic benefit, to help them pay for the services they need in their communities so that the communities have access to animals for food, hunting, fishing or furs. When lands were sold off without their permission and mainstream Canada moved in and urban growth moved in, in many cases that was a loss of use that can never be recovered. It is only fair that if a specific claim is a good claim and it can be proven by the community and looked at honestly and fairly and a settlement should be made, then it should be done on a timely basis for the benefit of all.

I would like to mention that in spite of a lot of news which, sadly, talks about high incarceration rates for our aboriginal people, high diabetes rates, low secondary school success rates, the June 29 day of protest which received a lot of news in some instances, behind all these stories which too often involve negative news, there are many more good news stories.

I would like to talk for a moment about two communities in my riding that are relevant to the claims process, the community of Serpent River First Nation, which is on the north shore of Lake Huron between Sudbury and Sault Ste. Marie, and the city of Elliot Lake. These communities, less than a year ago, after a couple of years of negotiating entered into a memorandum of agreement. They would walk together going forward when it came to sharing the land base. First of all, the land base is the Serpent River First Nation's traditional land base in the Serpent River watershed. They have proof of that going back many millennia when it comes to burial sites and other markings in the earth which demonstrate that they were there long before European contact.

● (1710)

At the same time, the city of Elliot Lake was born out of the huge uranium industry, which started in the mid-1950s. At one time Elliot Lake was the world's uranium capital. This took place in the Serpent River First Nations territorial lands. Instead of fighting over this over the years, they got together, and they are looking forward.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, in my riding I have a reserve called the Pacheenaht. It is a small reserve, but there is epidemic suicide rates among children, poverty rates are astronomical, unemployment rates are enormous, health care indices are off the track and 70% of the people have fetal alcohol syndrome or fetal alcohol effects.

This happens in a number of other reserves. I want to ask my hon. colleague, who gave a wonderful speech, this. First, what does he believe the Government of Canada should do to allow communities to address those problems? How do we prevent those problems? Does he think that part of the issue is to allow aboriginal people to have access to skills, education and work so they can provide for themselves and their communities, which in turn gives them a sense of self respect and pride?

One of the problems for remote aboriginal communities is the kids cannot get to school very easily. This is a huge problem. Another problem with aboriginal education is the offloading of educational responsibilities to communities, which do not have the capacity to provide for their children. It is creating a problem because the kids will fall through the cracks and they will not have the skills to allow them to be functional, integrated members of a 21st century economy, while still retaining their cultural and linguistic uniqueness.

How should the government work with aboriginal communities to allow them to have the same kinds of opportunities that we have?

● (1715)

Mr. Brent St. Denis: Mr. Speaker, the comments of the hon. member for Esquimalt—Juan de Fuca remind me of a comment a friend of mine made. He was a former chief at Sagamok Anishnawbek First Nation near Massey, Ontario. He is very educated, like many of our first nations leadership. He said that what Canadians had to understand was they did not want to go back to living the way they lived 200 years ago. They wanted to become modern too, but they wanted to retain their land roots, cultural roots and language roots, which is what all cultures want to do. All cultures typically want to modernize, improve the quality of life, have better health outcomes, have better education and have better local economies. We all want that.

I appreciate the hon. member's question. The federal government needs to see its role with first nations as a partnership.

When the first contact was made, it appeared that we took over all the land, at least it looks like that when we step back. It was done in a way that was supposed to have been negotiated each step along the way.

As reserves were being negotiated and European settlement took place outside the reserves, there was a quid pro quo. The Crown offered education, because the leaders of the first nations demanded that in trade, the land for education. They demanded access to health care. They demanded to be part of the country. It was a trade. It was not the Huns arriving and taking over the country. Arrangements were negotiated each step along the way.

It was must be our part now to honour those negotiations, to do the right thing and in partnership. If they have the land base, and each community has a land base to which they are entitled, or the cash in lieu of that land base, they would be more capable of local economic development, having schools in their communities in their own language, should they choose to do so, to have better health outcomes.

First nations people are naturally spiritual people, naturally connected to the earth. We have to recognize that and honour that as an example of going forward.

Our aboriginal population is growing. They are a wonderful resource for our economy as it grows. We need young aboriginal people to be strong participants in the labour force and in our education system to the extent that first nations can meld their cultural language within this big country in a way that allows them to preserve those roots. There is nothing worse than losing one's culture because somebody else made it happen. When we lose those roots, we have lost something forever.

We owe an obligation to look at our first nations, our aboriginal people, as partners in the future of the country, not as adversaries, which has so often been the case.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have one comment and then a question.

The last point, which I have brought up a number of times in Parliament, is excellent. There is a huge labour shortage not only in western Canada, but across the country. Demographically, the biggest unemployed resource that could fill those available jobs is young aboriginal people. I would certainly appreciate more investment in and concentration on getting those people to fill the jobs for which industry is constantly after us.

This is good news, dealing with the specific claims, which are potential breaches by Canada of existing old treaties. As I mentioned in my speech earlier, does the member also think we should enhance our efforts on comprehensive land claims, which are the big claims and they are backlogged, and self-government initiatives? A lot of first nations and aboriginal people are on the waiting list?

Then there is the implementation of those claims. As members know, the Auditor General has brought some concerns forward. In the north, in particular, we need investment. We need to ensure they are implemented correctly as to exactly what we signed quickly and efficiently and in good faith.

Mr. Brent St. Denis: Mr. Speaker, I appreciate the point of view of my colleague from Yukon. His question reminded me of how often I have met elderly aboriginal men and women who have come home to their communities to retire and who have spent much of their lives working in Toronto, or in construction in Chicago. I think members will find that many first nation aboriginal people have gone away to work in other areas of prosperity in times past.

Somehow there has been a big time gap in that process, for whatever number of reasons we might imagine. My colleague is absolutely right. We not only want our aboriginal youth to get the training they deserve to become complete members of the workforce. We need them to get that education and to become members of the workforce.

I and my colleagues have seen numbers in the forecasts, which indicate that in an array of economic sectors, the shortfall in the labour pool, the number of people able to fill those positions, is vast, in some cases tens of thousands of positions. We not only want our aboriginal people to participate, we need them to participate.

As to the comprehensive claims, just as we need to face head-on the specific claims challenge, it is likewise for comprehensive claims. The better we do this, the more completely we do this, following a timeline that is not only appropriate to us but appropriate to the aboriginal people, the better we will be as a country.

● (1720)

Mr. Roger Valley (Kenora, Lib.): Mr. Speaker, my colleague's speech was excellent. He commented on how treaties changed from the day they were signed until they were transported over and historically recorded.

I will bring up one point, and that is in many of the instances for the remote sites, the people travelling in did not notify the communities that they were settling the sizes on the boundaries and everything else. There would be 18 families in one spot and only six families were located. Therefore, a community that at one time housed 300 to 400 people, now houses 2,700 people. A lot of these claims have come from that, so things have changed.

Negotiation, whether it is on this bill or not, will not succeed without consultation even when the tribunal is working. Unless we consult with the people who are affected on the ground, it will not work. Therefore, we need to ensure we do both.

Mr. Brent St. Denis: Mr. Speaker, my colleague from Kenora, who represents a large number of first nations and who speaks out for them many times in this place, makes a very good point.

Our first nations need to be consulted. The Assembly of First Nations, rightfully so, has spoken as the leadership for first nations across the country. It has put forward, with the government, this proposal. I think if we asked the AFN leadership, it would totally agree that this is just the beginning of discussing this with those to be most affected.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to rise in support of Bill C-30. From the outset, let me say that the Bloc Québécois will be supporting this bill at this stage, as it will hopefully see first nations claims that have remained unresolved since the 1970s finally be resolved. In addition, we believe that implementing this bill, a collaborative effort involving the first nations among others, will help speed up a settlement.

It is important, however, to put some of our concerns across. That is why we will have every witness necessary appear before the committee, so that our fears and concerns can be addressed. In fact, the Bloc Québécois is the greatest champion of the Quebec nation and also one of the greatest champions of aboriginal nations.

What we are somewhat concerned about in this bill is the fact that a single judge will be able to reach a binding decision on the responsibilities of a third party who may not even have participated in the judgment. That is one of our concerns. Among other things, could a judge unilaterally impose on a third party a responsibility to pay a claim? What will happen to the Government of Canada's fiduciary responsibility for the first nations, since that is its primary responsibility? We do not want this bill to permit the Government of Canada to evade its fiduciary responsibility for the first nations. Some of the specific claims of the first nations are quite simply Ottawa's responsibility.

We are very aware of the fact that, for more than 60 years, various House committees have recommended that an independent tribunal should be established to deal with specific claims of the first nations. It is certainly time, therefore, to take a look at it. We have to make sure that this bill is the right approach. We in the Bloc Québécois also think that the accelerated negotiation of specific claims of the first nations, as proposed in the bill, is basically subject to the answers obtained to various questions. This is good news for the first nations.

I should say for the benefit of the people listening to us that the purposes of this bill are, first, to establish an independent tribunal, the specific claims tribunal, second, to bring greater fairness to the way specific claims are handled in Canada, and third, to improve and accelerate the specific claim resolution process.

We know historically that a number of joint and Senate committees have recommended since 1947 that an independent tribunal should be established. The first nations have been asking for this now for more than 60 years. Negotiations will still be the preferred method of resolving issues, but when no agreement can be reached, a tribunal is necessary to solve the problem.

Over the summer of 2007, discussions on related implementation matters took place between federal officials and first nation leaders. These talks were led by a Joint Canada—Assembly of First Nations Task Force, which was announced last July 25. The bill was developed, therefore, through this collaborative process. It should be said, however, that the first nations of Canada set up a committee to work on the bill but no member of the first nations of Quebec was on it. The Government of Canada also met with a number of provinces, including Quebec, to present the bill to them.

At whom is the bill aimed? The claims it addresses are strictly financial, up to a maximum amount of $150 million. The budget is $250 million a year for 10 years. The bill applies only to financial claims, as I said. It does not apply to claims for punitive damages or losses of a cultural or spiritual nature or non-financial compensation. No lands can be awarded under the bill. It can only provide financial compensation. In addition, the claim must be based on events that occurred within the 15 years immediately preceding the date on which the claim was filed. This is meant, of course, as a response to claims that have not been dealt with since 1947.

The land claims deal with past grievances of the first nations. They relate to Canada's obligations under historic treaties or the way it managed first nation funds or other assets, including reserve land.

● (1725)

I want to reiterate, therefore, that the only purpose of the bill is to provide financial compensation.

Insofar as implementation is concerned, the bill provides for three scenarios in which a first nation could file a specific claim with the tribunal. The first is when a claim has been rejected by Canada, including a scenario in which Canada fails to meet the three-year time limit for assessing claims. The second can arise at any stage in the negotiation process if all parties agree. As I said previously, therefore, negotiations are the preferred approach. However, if the parties see that they cannot agree, all or one of them can ask the tribunal to resolve the issue. The third scenario in which the tribunal could be asked to decide is after three years of unsuccessful negotiations or three years without any results. The tribunal could then be asked to deal with the problem.

On the operational level, the tribunal will examine only questions of fact and law to determine whether Canada has a lawful obligation to a first nation. If a claim is deemed valid, the tribunal—

The Acting Speaker (Mr. Andrew Scheer): I am sorry to interrupt the hon. member. He will have 14 minutes left to finish his speech when we resume debate on this bill.

BUDGET AND ECONOMIC STATEMENT IMPLEMENTATION ACT, 2007

The House resumed from December 3 consideration of the motion that Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007, be read the second time and referred to a committee.

The Acting Speaker (Mr. Andrew Scheer): It being 5:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-28.

Call in the members.

● (1755)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 19)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Anderson
Arthur	Baird
Batters	Benoit
Bernier	Bezan
Blackburn	Blaney
Boucher	Breitkreuz
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clement
Comuzzi	Cummins
Davidson	Day
Del Mastro	Devolin
Doyle	Dykstra
Emerson	Epp
Finley	Fitzpatrick
Flaherty	Fletcher
Galipeau	Gallant
Goldring	Goodyear
Gourde	Grewal
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Jaffer
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Mark
Mayes	Menzies
Merrifield	Miller
Mills	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
Obhrai	Oda
Pallister	Paradis
Petit	Poilievre

Prentice	Preston
Rajotte	Reid
Ritz	Scheer
Schellenberger	Shipley
Skelton	Solberg
Sorenson	Storseth
Strahl	Sweet
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Trost	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Williams	Yelich– — 118

NAYS

Members

André	Angus
Asselin	Bachand
Barbot	Bell (Vancouver Island North)
Bellavance	Bevington
Bigras	Black
Blaikie	Blais
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Chow
Christopherson	Comartin
Crête	Crowder
Davies	DeBellefeuille
Deschamps	Dewar
Duceppe	Faille
Freeman	Gagnon
Gaudet	Godin
Gravel	Guay
Guimond	Julian
Kotto	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Lessard
Lévesque	Lussier
Malo	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
McDonough	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Mourani
Mulcair	Nadeau
Nash	Ouellet
Paquette	Perron
Picard	Plamondon
Priddy	Roy
Siksay	St-Hilaire
Stoffer	Thi Lac
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)	
Vincent	
Wasylycia-Leis– — 75	

PAIRED

Members

Demers	Hinton
Smith	St-Cyr– — 4

The Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Finance.

(Bill read the second time and referred to a committee)

[*English*]

The Speaker: It being 6:00 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

Private Members' Business

PRIVATE MEMBERS' BUSINESS

[*English*]

CHARTER OF RIGHTS AND FREEDOMS

The House resumed from October 30 consideration of the motion.

The Speaker: When this motion was last before the House the hon. member for Yorkton—Melville had the floor. There are seven minutes remaining in the time allotted for his remarks. I therefore call upon the hon. member for Yorkton—Melville.

● (1800)

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I am honoured to resume my support for enshrining property rights in the Constitution.

Property rights are essential for our well-being, our economy and our way of life. Why then do we afford them so little protection? Our most important rights and freedoms belong in our Constitution.

The common law statutes and the Bill of Rights are second best. Only a constitutional amendment can put property rights where they belong, in the supreme law of Canada.

Canada is the only modern industrialized country that does not protect property rights adequately. The right to own land and other materials is not included in the Canadian Charter of Rights and Freedoms and this is a glaring omission. Property rights have been at the centre of the human rights movement from the beginning.

Since 1912 and Magna Carta people have understood that the right to own and use property is necessary for political freedom.

After the English Civil Wars, John Locke famously argued that the right to life, liberty and property were natural inalienable rights and if the state was to have legitimacy in the eyes of its people it had to secure these rights. We are making the same argument today in this House.

Small wonder that many people are disillusioned by big government tactics that trample on the rights of the individual. It is astounding that property rights were not written into the charter when it was tabled to much fanfare 25 years ago.

As recently as last December our Prime Minister supported putting property rights into the charter, but he will wait until the provinces and public are ready to agree on the amendments.

Private members' bills and motions to enshrine property rights have been debated in the House of Commons 10 times since 1983 and 5 of those debates were bills or motions that I introduced. Members can see that it is very important to me as it should be to the House and it is to most Canadians.

Property rights are included in the Bill of Rights, but they need to be written into the Canadian Charter of Rights and Freedoms to have the protection of the courts. The right to own property, enjoy one's property, and not risk being unfairly deprived of one's property is a cornerstone of a free and democratic society.

It should have been unlawful for the government to ban and devalue legally registered firearms with Bill C-68 in 1995 without compensation. The law-abiding firearms owners did nothing wrong, yet big government simply waved its hand and rendered their property worthless overnight. Many of the firearms collections that suddenly became taboo were family legacies passed from generation to generation as heirlooms.

There is also the case of the mentally challenged veterans who were denied payment of millions of dollars of interest on their pension benefits by the federal government when they lost their case before the Supreme Court in July 2003. Big government should not be allowed to take away what is rightfully ours.

Many farmers across the land are not allowed to sell some of their own crops when and where they want because the government continues to control the flow of certain agricultural products.

Canada is being left behind. Today we find property rights protected in the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights and in the constitutions of several nations.

The Universal Declaration of Human Rights for example states:

> (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.

Who would deny this? Who would deny that these rights are fundamental in a free and democratic society? It is clearly a basic right to own property and not to be unfairly deprived of one's property. Basic rights belong in the Constitution.

Against this background the charter appears to be an anomaly and as a document that guarantees rights and freedoms in a free and democratic society, its silence about property rights is clearly an omission that must be corrected.

Canadians expect to see property rights in their supreme law. They want to know that they will be treated with fairness and respect. In fact, an SES Research national survey showed that a strong majority of Canadians support adding property rights to the charter.

● (1805)

A recent *Globe and Mail*-CTV poll found that 73% of respondents support the notion of having the right to own and protect property enshrined in the charter. Let us listen to those Canadians and support this motion. For all these reasons, I support this motion today.

I would appeal to all members in the House to look carefully at the issue. Many have simply dismissed it as not important. It is one of the important fundamental rights that we should be debating fully in the House and will, hopefully, approve. I look forward to this debate and a positive outcome to this motion.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I am pleased to rise in the House today to speak to this particular motion. The motion is simple. It 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.

Let me say at the outset that it is the opinion of this member that all members in the House should vote against this particular motion.

I will make a number of points to develop this argument. First, I want to point out that this motion, although short and brief, introduces what I consider to be a significant change in the Constitution of this country in that section 7 would be amended to extend to property rights.

In the early 1980s we went through a very complex set of negotiations between the Government of Canada and the 10 provincial governments to repatriate our Constitution and at the same time adopted as part of our constitutional law the Charter of Rights and Freedoms. This was a major event. It was done after much debate and comment, and the authors at that time felt, and I submit correctly, that property rights should not be included in the Charter of Rights and Freedoms.

The document has a history now of some 25 years. The previous speaker was talking about polls, but it has generally been accepted by all Canadians that we are dealing basically with personal rights.

Section 2 of the charter talks about fundamental freedoms, such as religion, thought, opinion, speech, and freedom of assembly. Section 3 deals with democratic rights, such as the right to vote. Section 7 outlines the legal rights, which is the section that the hon. member wants to introduce this provision into. Section 8 talks about arrest. Section 9 is detention. Section 15 talks about equality and then there are language rights.

These are personal rights and this concept would introduce an entirely new concept. Basically, we are talking about economic rights versus personal rights. It is not within what I consider to be the pith and substance of the Charter of Rights and Freedoms.

The second point I want to bring to the House's attention is that this is basically provincial jurisdiction and has been since 1867. In this there has been no change. If we go back to the debates that took place in 1981-82, I stand to be corrected, but I believe each and every province lobbied and argued very strongly that property rights not be included in the Charter of Rights and Freedoms. The authors of the final document agreed with that concept and Quebec had its own points.

At the time, the authors of the Charter of Rights and Freedoms introduced an amending formula which requires seven provinces including at least 50% of the population of the country. If those provinces have the same view as they did in 1982, certainly this amendment would not receive approval under the amending formula of the Charter of Rights and Freedoms.

The fourth point is that the House should consider all the unintended consequences of this particular motion. Municipal zoning, aboriginal rights of property, provincial land use property, environmental protection legislation, and property rights of spouses upon the dissolution of marriage, these are all property rights.

We all come from individual provinces that have their own very unique histories. I come from the province of Prince Edward Island. When the province was being created as a colony, the government of Great Britain gave the province to 67 individuals in England. This was an earlier form of patronage. We lived for approximately 100 years under a system of absentee landlords. This was a very important issue that has not been forgotten.

My province has legislation which has been on the books for some 25 or 30 years now. It is called the Prince Edward Island Lands Protection Act. I will be quite honest in saying that many people in Canada will be quite surprised what I am about to read.

● (1810)

That act states:

> 2.(a) no person shall have an aggregate land holding in excess of 1000 acres; (b) no corporation shall have an aggregate land holding in excess of 3000 acres.
>
> 4. A person who is not a resident person shall not have an aggregate land holding in excess of five acres or having a shore frontage in excess of one hundred and sixty-five feet—

This legislation, I would submit, may seem draconian to certain people in other areas of the country where there is more land and the population is not as dense. Given the history of the province, I am going to quote from the preamble to the legislation. Paragraph 1.1(a) states:

> —historical difficulties with absentee land owners, and the consequent problems faced by the inhabitants of Prince Edward Island in governing their own affairs, both public and private;

If this motion were to pass and if the motion were to receive the consent of seven provinces having at least 50% of the population of Canada, if the Charter of Rights were amended and it became law, then that particular legislation would be struck down.

Again, I also submit, there would be a lot of other legislation dealing with family law, aboriginal law, environmental law, municipal law, provincial land use law, that would be struck down and would not receive the support of any province let alone one province, and certainly not the province that I come from.

I realize that there have been some issues that have developed over the years. One I can think of right now is the whole issue of expropriation. Certainly, I think the opinion of Canadians and, more important, the way that legislation is implemented by federal, municipal and provincial governments has changed and that has led to some problems.

The previous speaker spoke of gun control. That is another issue. There are people in Canada who think that a Canadian has the right to own a gun without regulation and without any training whatever. That is certainly not my opinion, but I do not have the time to get into that whole issue right now. However, that is a policy issue for governments of the future.

In summary, I made my points to the House. This is a motion that in my respectful opinion should be dead on arrival. I do not believe any province will support this motion. I do not believe it has any possibility of receiving any support for an amendment under our Constitution. For those reasons, it is my submission that each member of this House has an obligation to vote against this particular motion.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, my first reaction on reading this motion is that it seems to be a solution looking for a problem to solve. One section of the Canadian Bill of Rights reads as follows:

> It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,
>
> (a) 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; —

I believe there are slight differences between property rights and enjoyment of property. However, when we look at these differences, I believe that we have to conclude that it is preferable to use this quasi-constitutional wording—the Canadian Bill of Rights falls somewhere between the constitution and ordinary rights—for reasons that we could examine a bit later.

Article 953 of the Civil Code of Québec reads as follows:

> 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.

In my opinion, this right is recognized subject to the fact that land can be expropriated for public utility. However, I think that all provinces have an expropriation commission. Quebec's administrative tribunal, which replaced the expropriation commission, hears appeals from people whose property has been expropriated and who are not pleased with how much they have been paid for it.

I would add that there is more to the Constitution than the charter. Section 92 of the Constitution Act, 1867 is very clear:

> In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, ... 13. Property and Civil Rights in the Province.

These matters are therefore not under federal jurisdiction. However, given how this motion was introduced—and this is not the first time that it has been introduced in this House because it was under consideration in 1998 and in 2005—the arguments used to defend it inspire concern rather than support.

I would like to quote the Reform Party member who represented Yorkton—Melville at the time. He said:

> I have only time to cover one arbitrary taking of property by the federal government. I will use the example I know best. ...chapter 39 of the Statutes of Canada arbitrarily prohibited an estimated 553,000 registered handguns: 339,000 handguns that have a barrel equal to or less than 104 millimetres in length, about 4.14 inches, and 214,000 handguns that discharge 25 and 32 calibre bullets.

Back then, they did not want to abolish long gun registration. They were attacking the legislation that said that some firearms were dangerous and should no longer be used. These firearms were supposed to remain in collections only if they had been completely disabled. Given the choice between property rights and something that can endanger people's lives, I think that the government certainly had the right to prioritize whatever was putting people's lives at risk.

The same member also said:

> That, in the opinion of the House, the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation.

In my view, it is inevitable that, at some point in community life, there is the need for development, and also the need to restore justice and equality of opportunity within the public. This requires us to challenge property rights to a certain extent, with compensation.

● (1815)

I also think that placing property rights on the same level as the most fundamental rights, such as the right to life and security of the person, in a way undermines the value of the basic protections set out in section 7.

Furthermore, it is strange to hear the hon. member for Yorkton—Melville talk to us again about the attitude of the government, which failed to pay some interest on money owing. It is even more strange that he is now part of a government that refuses to pay the guaranteed income supplement that was supposed to go to seniors, although they could not apply for it at the time, since the government did everything it could to ensure that most seniors who were entitled could not submit an application.

Although it now admits that it made a mistake, the government refuses to pay these people, not only the interest on the money they should have received, but also the capital itself. This attitude is really very telling. On the one hand, they refuse to compensate poor people; on the other hand, they are defending the rights of wealthy people.

To come back to property rights, it is inevitable that at a given moment, in many systems—we have seen this elsewhere—the rich become richer. Therefore, we must intervene to ensure social justice, to re-establish the conditions for peace with respect to property rights.

This is not the case in Canada. Nevertheless, in many countries, a few families own immense tracts of land. The poor people who work the land must endure a system that forces them to live in poverty forever. I cannot say that the governments that attempt to reform this type of ownership do not respect human rights. This practice became more widespread in the 20th century and continues today. In general, it is done with a view to providing equal opportunity.

I recognize that in our societies, ownership may be concentrated, primarily the ownership of the means of production. This is no longer individual ownership but corporate ownership. In fact, major companies always own the means of production.

On that topic, too, we could have debates that, in certain circumstances, are completely justifiable. We could ask ourselves, as we have, if the means of production belong equally to the workers who help create them, as well as to those who risk their capital.

I know that General de Gaulle, who was hardly a capitalist or a socialist—he used to say that he was neither on the left nor on the right, but above—did seek to reconcile the modern trends of the 20th century, even though he lost in that last referendum, and recognized that it was important for the workers in a company to be viewed as owners as well, just like the people who risked their capital.

I recognize that some land allocation may become necessary at times in some societies. I would hate to see the right to property be so inaccessible that this kind of social justice measure could not be taken.

Aboriginal rights are also an issue. We are told regularly by aboriginal people that we are in fact living on their land, land that was ceded in part to them under agreements and treaties that we are failing to abide by. This brings us to another aspect of this debate.

● (1820)

I also think that, generally speaking and unlike the right to life and security of the person and other fundamental rights, the right to property is unfortunately all too often the prerogative of the wealthy in our societies, the prerogative of those who can afford to build capital, buy when people have to divest themselves of assets and, thus, accumulate more and more wealth. Those are the ones who enjoy a high level of protection under existing laws.

As I indicated earlier, I believe that recognizing the right of the individual to the enjoyment of property and the right not to be deprived thereof except by due process of law, instead of simply establishing a right to property, is very important. I much prefer that concept, which is both broader and narrower. It is broader in the sense that it clearly defines the importance of property, making it a fundamental issue, but narrow enough to cover the enjoyment of one's property, but not the accumulation of wealth at the expense of others.

● (1825)

[*English*]

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, on behalf of the constituents of Kelowna—Lake Country, it is a privilege and an honour to stand today in support of Motion No. 315, a motion to express this House's desire to add property rights to the Canadian Constitution, to the Charter of Rights and Freedoms.

This is an important issue and one that affects the lives of all Canadians. Therefore, I thank the member for Niagara West—Glanbrook for presenting this motion before the House.

This motion is about much more than expressing the need to entrench the rights of property in our Constitution. It is about securing our liberty and freedom as Canadians. As the great Nobel prizewinning economist, Friedrich von Hayek, once said that the system of private property "is the most important guaranty of freedom, not only for those who own property, but scarcely less for those who do not".

Together as Canadians, we have created a great and proud society through our hard work and, with this government's sound economic management, we have built a society that is the envy of the world.

Despite these efforts, we must always be vigilant to protect our hard-earned freedoms and prosperity. That is what this motion is about, the right to one's property is a fundamental right in guaranteeing our liberties and freedoms.

As early as the 18th century, Adam Smith, the founder of economics, observed the connection between secure property rights and economic wealth. As he noted, it is only when individuals can expect their property rights can be protected and enforced that societies can generate wealth and higher standards of living for everyone.

The eminent philosopher, John Locke, echoed this sentiment by proclaiming that societies are founded on the need to protect property rights. As he wrote, "Property rights are among the highest values that governments should respect".

It is time for Canadians to follow this sound advice.

Too often these days, we read about governments around the world that arbitrarily seize the property of those who would otherwise invest in their countries, undermining individual freedoms. This drives away investment and weakens international confidence in those societies. It happens there because governments are not restrained by laws restricting the arbitrary exercise of their power.

We in Canada are different. By protecting property rights once and for all in our Constitution, we will demonstrate to everyone that Canada is a country that values the rule of law and the sanctity of property.

By expressing the support of this House for entrenching property rights in the Constitution, we will join a community of nations that protect property as a fundamental right. This began in the United Kingdom through the Magna Carta of 1215 and the English Bill of Rights in 1689.

Our neighbours to the south do this through the fifth and the fourteenth amendment to the constitution of the United States. Our allies in Europe have also guaranteed property rights in the European Convention for the Protection Human Rights and Fundamental Freedoms.

The right to property is supported by international law through article 17 of the United Nations Universal Declaration of Human Rights. These highly respected instruments all protect the rights of property. It is now time to add Canada to this impressive list.

For these reasons, on behalf of my constituents of Kelowna—Lake Country, I will be supporting this motion, and I urge all members of this great House to stand up and be counted in favour of Motion No. 315. Together we can support hard-working Canadians by demonstrating the importance of protecting the fruits of their labour in our Constitution. It is time we as Canadians demonstrate our desire to guarantee the fundamental right of property in the supreme law of our land.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I stand today to speak in favour of Motion No. 315, an important motion expressing the support of the House of Commons to entrench property rights in the Canadian Constitution. This is a motion concerning our supreme and fundamental rights as Canadians and as such, I proudly rise to support it.

Canada was founded on the principle of the rule of law, and as Canadians, we respect fundamental rights and express those values in our Constitution. Indeed, the Supreme Court of Canada, the highest court in our land, has stated that one of the fundamental principles animating the whole of the Canadian Constitution is constitutionalism and the rule of law.

Our Constitution reflects the highest values of our society. Today it includes important guarantees such as the freedom of religion, expression, assembly and association. It protects our democracy through the right to vote and the right to equality before the law. We have included these and other rights in our Constitution because they express the basic rights of all Canadians. As such, Canadians can be confident that these rights and freedoms will be respected by government.

It is with this in mind that we turn our attention today to a motion concerning the importance of entrenching property rights in the Canadian Constitution. This motion is part of a broader movement to guarantee property rights as a fundamental right in Canadian law.

Throughout the long sweep of Canadian history, many have expressed the need to protect property rights as one of our basic rights. The deep appeal of this principle continues to resonate with the majority of Canadians today. In fact, a recent *Globe and Mail*/CTV poll found that 73% of Canadians support having the right to own and protect property included in our Constitution through the charter. Clearly, Canadians have said to us that they want property rights protected and as parliamentarians, we would be wise to listen.

The House of Commons has already expressed the importance of property rights in the past. In 1960 this House passed the Canadian Bill of Rights, following the lead of the great Progressive Conservative prime minister, the Right Hon. John George Diefenbaker. Indeed, many of the rights guaranteed in the Canadian Bill of Rights were later included in the Charter of Rights and Freedoms in 1982. However, the right to property remains absent.

Prime Minister John Diefenbaker emphasized the underlying importance of the Canadian Bill of Rights as a first step in guaranteeing the rights of Canadians. In an address to our nation prior to the introduction of the Canadian Bill of Rights, he said:

> ...few Canadians will deny that this is not only a first step in the right direction, but a very important first step and one that will take its place among the outstanding achievements for the maintenance and preservation of human liberty in Canada.

Protecting property rights in the Canadian Bill of Rights was only the first step. Motion No. 315 is another important step. By voting in favour of this motion, all of us in this House will heed the call of many Canadians who ask us to stand up and support the rights of Canadians to their hard-earned property. We will demonstrate to Canadians that we in Parliament are attuned to the values of the majority of the citizens of this country and that we will work as hard as they do to ensure that their rights are protected.

I urge all members of this House to stand up for Canada and stand up in support of Motion No. 315.

● (1830)

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, as this is my five minute wrap up I will keep it to under five minutes.

I thank all my colleagues for speaking to the motion. This is a very important issue for the member for Yorkton—Melville and over the years he has been an outspoken advocate on this particular subject.

I also want to thank my other two colleagues in the House today for speaking to this very important issue.

Protecting property rights in Canada's Constitution is an issue that has been highlighted during previous federal election campaigns. I believe it is an important issue, not only for many residents of my riding of Niagara West—Glanbrook, but particularly for anyone who owns land in this country.

The member for Yorkton—Melville talked about the issue of guns, family heirlooms, and the fact that when legislation changed these family treasures were taken and there was no compensation whatsoever. It was a fait accompli. The government had the guns destroyed even though they were family heirlooms passed down from generation to generation. It would not only apply to people who owned land in this country, but also any type of physical property.

That is why in April of this year I introduced a private member's motion calling on members of the House of Commons to recognize the need to entrench property rights in the Charter of Rights of Freedoms. Motion No. 315 reads:

> 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.

As a member of Parliament, I am convinced that the entrenchment of property rights in the charter would benefit every Canadian. Protecting property rights in the charter would ensure that Canadians enjoy the fruits of their labour. The goal of standing up for the fundamental rights of every Canadian crosses party lines. At least I think it should cross all party lines. I am not sure why it does not but it should cross all party lines.

Currently there is no constitutional provision protecting the property rights of citizens in Canada's Constitution. This is truly ironic considering property rights were included in the charter's predecessor, the federal legislation known as the Canadian Bill of Rights in 1960.

I believe that section 7 of the charter could be amended to extend property rights to all Canadians.

Every Canadian has the right to the enjoyment of their property. Every Canadian has the right not to be deprived of their property, unless the property owner is provided either a fair hearing or is paid fair and impartially fixed compensation within a reasonable amount of time. Once again, with certain issues of the gun registry, this would be applicable to those family heirlooms.

One of the main benefits of such an amendment to the charter would be to give individual property owners the right to fair compensation, particularly in cases of government expropriation for major projects.

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 for their retirement. Fair compensation would establish the balance necessary to ensure that all levels of government respect property ownership.

Property rights are arguably the most fundamental freedom and deserve to be constitutionally protected. They are at the very core of the political debate in a democratic society, especially in Canada.

Protecting Canadians' property is both a value and an initiative that every party in the House of Commons could support. With the motion, I am very pleased to be helping our government take a bold first step in addressing an issue that is important to the residents of not only in my riding, but Canadians from coast to coast.

● (1835)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

The Acting Speaker (Mr. Andrew Scheer): Pursuant to Standing Order 93, the division stands deferred until Wednesday, December 5, immediately before the time provided for private members' business.

Mr. James Bezan: Mr. Speaker, I believe there would be unanimous consent to see the clock at 7 p.m.

The Acting Speaker (Mr. Andrew Scheer): Is there unanimous consent to see the clock at 7 p.m.?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

CANADA REVENUE AGENCY

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, before I begin, I wish to point out that my constituency includes Nunavik, not Nunavut. Nunavut is a territory, while Nunavik is a region of the province of Quebec.

On November 22, I put a question to the Minister of National Revenue. For the benefit of this debate, I will repeat that question:

> Mr. Speaker, the Canada Revenue Agency has audited many restaurants in Quebec and sent out notices of assessment based on an average tipping rate of 16% of the bill. That rate was set arbitrarily on the basis of incomplete information.
>
> How can the minister let the agency take such inaccurate shortcuts when setting assessment rates, knowing full well that such methods produce imaginary rates that are completely out of touch with these workers' reality?

Now, here are the words used by the minister to avoid answering my question:

> Mr. Speaker, let me assure the House that each tax case is assessed against the particular conditions that apply to it.
>
> However, I cannot talk about a particular tax case in the House because of the Income Tax Act.

The minister ignored the matter by hiding behind the appearance of confidentiality. Nevertheless, it was evident in the question I asked that the method used by the Canada Revenue Agency was the issue. To our knowledge, this practice is applied in a few dozen establishments and definitely affects more than one hundred employees. Therefore, we are not dealing with a specific tax case, as the minister would like to believe, but rather with many similar cases.

I am not questioning the minister about a specific case, but about the legitimacy of the Canada Revenue Agency's use of a particular calculation method. The Agency uses a mathematical formula to prepare notices of assessment based on partial records and established solely with credit card payments, without taking into account bills paid in cash. I would remind you that these records are incomplete and only partial. In addition, they do not reflect the reality.

The House should know that not only does this broadly used mathematical formula produce inaccurate notices of assessment, but it is also violating the spirit of the law, as the Income Tax Act applies to individuals for the purpose of calculating personal income tax. Its title is self-explanatory. In this case, however, the Canada Revenue Agency not only fabricates artificially inflated notices of assessment, but it also applies average tipping per restaurant figures to an entire class of workers. An employee's income should not be calculated based on an average, because we are no longer talking about personal income tax then, but rather about a base tax which, incidentally, has not been changed, which makes this whole approach illegal under the current Income Tax Act.

I want to point out to the House that the only province with taxation legislation concerning tip workers is Quebec. The only province where minimum wage for tip workers is lower than for other workers is Quebec.

Could the minister tell us whether he plans, as a first step, to stay any proceedings underway against all the tip workers who have been issued notices of assessment calculated using incomplete procedures, on the basis of incomplete information, and based on illegal methods?

As a second step, and before moving to ensure fair treatment for vulnerable employees, does the minister intend to legislate to put in place a fair and just taxation system while at the same time taking into account the reality that these workers are facing?

● (1840)

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, I want to thank the hon. member for Abitibi—Baie-James—Nunavik—Eeyou for his question and the concerns he is presenting here in the House on behalf of his constituents.

[*English*]

Canada's income tax laws are based on the principle that each individual will calculate and remit the tax as they owe based on the income they received during the taxation year.

The Income Tax Act is very clear. It states that tips and gratuities are in fact income. If the employer does not record and report tip income on the taxpayer's T4 slip, the individual is responsible for keeping track of his or her income and remitting the taxes that are owed.

The Canada Revenue Agency provides information assistance through various channels such as the Internet, publication and by telephone to assist individuals in calculating their income for tax purposes.

Let me quote directly from the agency's publication on the topic of tips. It says:

> If you do not get a T4 slip to show your income from tips, you are required to report all tips received in the course of your work and report the amount on line 104 of your return. It is your responsibility to keep track of all amounts received in the course of your employment.

When the taxpayer reports tips, gratuities or other occasional income, or should have reported tips but did not, the agency may ask for records or other reporting materials to determine whether the correct amounts have been reported. The CRA raises assessments on tips income based on the particulars of individual cases, the available information and in accordance with the provisions of the Income Tax Act.

As with any assessment, the taxpayer has a right to object and to have the assessment reviewed. They can present their case to the Tax Court of Canada and this can be done informally, without incurring any costs associated with acquiring legal counsel.

Agency officials administer tax laws for us and for the provincial and territorial legislatures. The government has confidence in the Canada Revenue Agency and its ability to effectively and efficiently serve Canadians.

There is not time now to even mention many complex programs and processes that the agency uses to administer our tax laws. I can assure all Canadians that the government continues to examine other ways to promote and encourage compliance with our existing tax laws.

● (1845)

[*Translation*]

Mr. Yvon Lévesque: Mr. Speaker, I wonder whether the people in the west understand the language of the people in the east. In any case, the people in the east understand the people in the west. My colleague just said exactly what we are saying, that it is the individual who declares his personal income, not the income of all the workers, but his own income.

In the present case, the Canada Revenue Agency is using the income of one person to tax all the workers at that same level of income. That is illegal under tax law.

We are asking the government to suspend the process of collecting money from all the workers at a given business based on one incorrect fact. If a worker is cheating then I agree he should be investigated, but all the workers should not have to be investigated because, supposedly, there is too much undeclared income. This should be linked to a specific person before an investigation is launched.

Mr. James Moore: Mr. Speaker, I believe my colleague said he is referring to 16 problems in his riding. I would simply say to him that if he wants to talk about these individual cases and if he has specific concerns, he can talk about them with our government. He can come here and meet with the minister responsible and work on these individual problems in order to come up with solutions. If there are problems that should be looked at by our government, he can come talk to us about it in order to stop this from being a problem for other Canadians.

ELECTIONS CANADA

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, I am pleased to rise in this House today to finally set the record straight regarding the Conservatives' scheme during the last election campaign.

As we remember, in 2005, the Conservatives neglected to declare donations of $1.7 million, in the form of fees paid by delegates to their party leadership convention. Worse still, the Prime Minister became the first prime minister in the history of our country to be forced to admit that he had personally violated the Canada Elections Act, when his party finally recognized these facts.

We are well aware of the Prime Minister's tactics. When he does not like something, he just brushes it aside. If he does not like a piece of legislation, he just interprets it in his own way. It is very much his way or no way. This way of operating buys him time. When an issue is before the courts, it is so much easier to refuse to provide answers. This is an out of sight, out of mind approach, and it even looks like a lack of transparency.

Then the Conservatives decided to go at it again. During the last election campaign, they allegedly funnelled more than $1 million dollars in national advertising expenditures into the budgets of about 70 of their candidates. This would have allowed the Conservative Party to exceed the national spending limit of $18 million, while allowing its candidates to get a refund to which they were not entitled. If these allegations are confirmed, this would mean that there was an electoral fraud.

[*English*]

The Conservative Party is currently under investigation by Elections Canada for allegedly funnelling over $1.2 million in national advertising costs to regional candidates during the 2006 federal election in order to circumvent federal election spending limits.

[*Translation*]

Elections Canada rejected the advertising expenditures refund claims submitted by 66 Conservative candidates. We released the names of 129 former Conservative candidates and official agents who may have been involved in the alleged scheme. Then, we asked the Commissioner of Canada Elections to look at nine other campaign teams that may also have been involved in the scheme.

● (1850)

[*English*]

Canadians are concerned because it appears that the Conservatives would have diverted over $1 million in national advertising expenditures from their national campaign books to those of at least 67 of their candidates' campaigns. These funds would have exceeded the $18 million national spending limit.

[*Translation*]

Canadians are not the only ones who are concerned. The Conservatives themselves are concerned. The proof is that they have resorted to procedural tricks to avoid an inquiry into their electoral financing scheme. They have stalled the work of the Standing Committee on Procedure and House Affairs many times, including today. Why? Because we want to get details about potential fraud committed by the Conservatives during the 2006 election campaign. Shame on the parliamentarians who are trying to keep us from getting to the bottom of this.

[*English*]

We have learned that former Conservative candidates and official agents would have been named to federal appointments or would have been hired in high profile government jobs.

[*Translation*]

In the name of transparency, can the parliamentary secretary deny that former Conservative candidates and official agents were rewarded by being named to federal appointments, or were hired in high profile government jobs, and if not, how can he justify these appointments?

[*English*]

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, quite simply, we have complied and obeyed with all the campaign finance laws in the past. We do so today. We will continue to do so in the future.

My hon. colleague knows this very well. We did not engage in any campaign finance practices in which the Liberal Party itself did not engage in the past. They are entirely legal, entirely above board today and have been in the past. We will continue to obey the rules, regulations and laws in the future, and my hon. colleague knows this.

This question stems from a few weeks ago in the House. My hon. colleague and the Liberals were on a pretty aggressive streak of coming after the government on this alleged, non-existent wrongdoing on our government, which was entirely fabricated. The fact that the Liberals have entirely dropped it from their question period lineup is evidence that, frankly, there is no evidence of any wrongdoing.

We obey the law, always have, do today and we always will.

[*Translation*]

Mr. Marcel Proulx: Mr. Speaker, as usual, the Conservatives do not answer questions the opposition is asking on behalf of Canadians. The Prime Minister has issued a gag order to try to have this issue forgotten.

What do the Conservatives do when their backs are against the wall? They resort to intimidation.

[*English*]

They have adopted this tactic in mandating a lawyer, working for Conservative staff, to write to the Liberal Party of Canada, threatening legal action if the Liberal Party continues to raise questions about the Conservatives' alleged scheme.

[*Translation*]

That is pure intimidation.

We will continue to ask questions until the Conservatives give answers, real answers to Canadians.

Why did this party try to exceed the election spending limit, and why did it try to get $700,000 in refunds to which its candidates were not entitled?

Mr. James Moore: Mr. Speaker, I just said so during my first response.

[*English*]

We respected all the laws in the past and we do so today.

[*Translation*]

And we will continue to do so in the future. We respect our laws governing election campaigns and we will continue to do so moving forward. The Liberals are trying to invent a fictitious scandal here in this House. This really is their imagination running wild. Our government respects our laws and will continue to respect them in the future.

[*English*]

INFRASTRUCTURE

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, on November 2 I asked the minister about infrastructure funding for the city of London. The minister did not answer my question and I would like to take this opportunity to ask again about the funding.

My question was in regard to a water main break causing a large sinkhole at the corner of Dundas and Wellington, a main intersection in downtown London.

In case the minister is not aware of the details, I will outline them now.

The hole in the heart of downtown London was over six metres. It eventually extended to a full city block. The hole left thousands of people unable to work, power was out for over 10 hours, hundreds of thousands of dollars in revenue was lost, and for five weeks the main intersection was shut down and was only opened yesterday to limited traffic.

This should never have happened. With the federal surplus, we should be making investments in our cities, not cutting taxes for big businesses. Our crumbling infrastructure will have significant negative impacts on our communities and our economy. If our cities do not function, neither will businesses and no one will benefit.

The Federation of Canadian Municipalities released a report last month, entitled "Danger Ahead: The Coming Collapse of Canada's Municipal Infrastructure". This report outlines the problem. It states and I quote:

> Yet for the past 20 years, municipalities have been caught in a fiscal squeeze caused by growing responsibilities and reduced revenues. As a result, they were forced to defer needed investment, and municipal infrastructure continued to deteriorate,—

It is clear from this statement from the FCM that we are in store for more catastrophes like we had in London. People are going to be left dodging holes all across this country.

While municipalities are ultimately responsible for maintaining their infrastructure, they do not have the funding to maintain everything. As more and more programs are downloaded from the federal government to the provincial government, and then from the province to municipalities, the capacity to repair and provide basic services becomes more and more challenging.

The federal government must have a financial role in maintaining our cities. Municipalities only take in 8% of tax revenue, with the federal government receiving 50% of Canadian tax dollars. We need federal investment in our cities, not the $190 billion cut in funding capacity created by the government's unbalanced mini-budget.

Most of Canada's public infrastructure was built between the 1950s and the 1970s, and nearly 80% is near the end of its service life. Today, after years of federal neglect, averting catastrophe failures will cost $123 billion; far more than municipalities have to spend.

What is at stake is the safety of our drinking water, our jobs, our roads and bridges, and our parks and arenas. What is at stake is the entire physical foundation of the communities where we live and raise our families. Our cities need funding now. Waiting for more catastrophes is not acceptable, as Londoners well know.

I want to know why the minister is not investing in our cities. Spending just $2.2 billion a year on municipal projects barely grazes the $123 billion funding gap. Will the minister tell me why the government refuses to invest in our cities?

● (1855)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am happy to have the opportunity today to speak to the substantial amount of work that this government is actually doing to support the infrastructure needs of the cities of Canada and in fact the city of London's infrastructure needs as well as those of all the communities across this country.

The member has her facts wrong. Indeed, our government recognized in our very first budget in 2006 the urgent need to invest in infrastructure in order to maintain Canada's quality of life and our economic competitiveness. We understand that Liberals left a $123 billion deficit in this country's infrastructure.

It is important to highlight the fact that the previous Liberal government left us with this critical and challenging infrastructure gap. It is this Conservative government that took swift action in the very first budget, as I have said, to speed up our world class infrastructure program for this country.

The government realizes and recognizes that communities face different challenges. In fact, the city of Calgary has indicated that it has a $10 billion deficit. The city of Fort McMurray, my community, has a $2 billion deficit. While cities must compete to attract investments and a skilled workforce, smaller communities must offer the same type of infrastructure as bigger municipalities if they want to ensure their future growth and prosperity. We do recognize that.

Therefore, the government has announced an unprecedented amount, $33 billion, which is more money than has been invested since the end of the second world war. This building Canada plan is delivering the results that matter to Canadians. As the member said, faster commutes, cleaner water, cleaner air and safer roads and bridges, that is what we are investing in.

The government understands how important it is to provide provinces, territories and municipalities with the ability to plan for the future. That is why over 50% of the funding provided under the building Canada plan is in the form of funding for municipalities. This Conservative government cares about municipalities.

Accordingly, over $17 billion in funding will be available to municipalities for their infrastructure priorities, including an extension to the gas tax fund until 2014, for which payments to municipalities will rise from $600 million in the last fiscal year to $2 billion per year in 2010 and continue thereafter for another four years.

This means that London, Ontario, which has already received almost $55 million under the gas tax fund, can expect even more funding, starting in 2010. In addition, each municipality continues to benefit from the 100% GST rebate—that is right, the 100% GST rebate—which can be applied toward infrastructure priorities of that community.

As well, last spring this government announced that it was providing an additional $200 million to the municipal rural infrastructure fund to further help meet the pressing infrastructure needs in Canada's smaller communities.

Under the building Canada plan, the government is also committed to funding larger strategic projects that promote a stronger economy and healthier environment, which is what Canadians have told us they want.

This is why on October 15 we announced a commitment of up to $50 million for the clean water Huron Elgin London project. This initiative will improve clean drinking water access for 500,000 residents in some 20 southwestern Ontario municipalities, including London.

However, it is very important to note that partnership is a two way street. This historic federal investment is significant even as we recognize that provinces, territories and municipalities have primary responsibility under the Constitution for municipal fiscal capacity, municipal responsibilities and municipal infrastructure.

We have delivered long term predictable funding in the unprecedented amount of $33 billion. This long term predictable funding commitment will allow communities to plan and meet their infrastructure challenges now and well into the 21st century. This government is taking positive action.

● (1900)

Mrs. Irene Mathyssen: Mr. Speaker, as a matter of fact, I do have the facts. One fact is very clear: funding starting in 2010 is not going to do a whole lot for the people of London to address the infrastructure problem they have right now.

According to the Federation of Canadian Municipalities, the 2006 budget renewed existing infrastructure programs and extended to four years a $1.3 billion fund dedicated to transit. The 2007 federal budget committed the federal government to a four year extension of the federal gas transfer at the 2009 level, for a total of $8 billion in new predictable funding.

That budget included $8.8 billion over seven years for the new building Canada fund, which replaces the old municipal rural infrastructure fund, but the 2007 budget only allows 14% of the money desperately needed by our cities. That is money stretched over seven years. Our cities are in trouble. We need help.

Mr. Brian Jean: Mr. Speaker, the member may have the facts, but she is not listening. London, Ontario has already received $55 million under the gas tax fund to date and is going to receive even more funding after 2010.

As well, it has received $50 million for the clean water Huron Elgin London project. Canadians have told us that they want clean water. This is delivering clean water. This is delivering on the Conservative government's promise.

We are getting positive results. I would suggest that the member stay tuned because more positive results are coming for Canadians from coast to coast to coast, including those in London, Ontario.

The Acting Speaker (Mr. Andrew Scheer): 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 7:02 p.m.)

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