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OFFICIAL REPORT
(HANSARD)

Wednesday, April 10, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Wednesday, April 10, 2002

The House met at 2 p.m.

Prayers

● (1400)

[*English*]

The Speaker: As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Algoma—Manitoulin.

[Editor's Note: Members sang the national anthem]

STATEMENTS BY MEMBERS

[*English*]

HOCKEY

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, it gives me great pleasure to rise in the House today to congratulate the city of Halifax, Nova Scotia, which was named the host city of the Women's World Hockey Championships in 2004.

As the House is well aware women's ice hockey is one of Canada's fastest growing sports and our best are also the world's best having won gold at the recent winter olympic games in Salt Lake City.

The Canadian Hockey Association announced on April 5 that the city of Halifax will host the Women's World Hockey Championships in March and April 2004. Halifax has always been a great sport city and has successfully hosted many national and international sport events. Halifax is also hosting the upcoming 2003 Junior Men's World Championships and is now positioned as a leader in hosting international events.

I am sure all members will join me in congratulating the city of Halifax, the Canadian Hockey Association and all female hockey players, coaches and volunteers on bringing the world's best to Canada in 2004.

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POLICE AND PEACE OFFICERS

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, this is the third time in just over one month that I have risen in the House to pay respects to a fallen police officer. In mid-February, Toronto Police Constable Laura Ellis was tragically killed while responding to an emergency call. In mid-March I rose in honour of RCMP Constable Christine Diotte who lost her life in the line of duty.

Today I stand out of respect for RCMP Constable Wael Audi. This 29 year old officer was killed March 29 while responding and patrolling the Sea to Sky Highway 10 kilometres north of Squamish, British Columbia.

Like the fallen officers before him the communities in which Audi worked and volunteered were deeply affected by this tragic loss. An RCMP spokesman said Audi represented everything good and right about the RCMP's presence in the community.

Dennis Strongquill, Benoît L'Écuyer, Laura Ellis, Christine Diotte and Wael Audi represent the selfless sacrifice Canadian police officers from coast to coast make every day to keep the citizens of this country safe.

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AGRICULTURE

Mr. John Richardson (Perth—Middlesex, Lib.): Mr. Speaker, I rise in the House today to announce that a new dairy show is making its home in Stratford, Ontario.

Ontario Dairy Discovery, a new two day Holstein and Jersey show which also includes a trade show, will debut at the Stratford fairgrounds on April 11 and 12, 2002. Amalgamating the former Ontario Holstein spring show, the Ontario Jersey spring show and the Ontario Dairy Discovery show, this could become one of the two largest dairy shows in the province.

At present there are more than 200 Holsteins, 150 Jerseys and at least 30 businesses registered in the trade show. Entries have been coming in from all over Ontario, Quebec, eastern Canada and the northeastern United States.

This new venture plans to make a permanent home at the Stratford fairgrounds. It represents a pooling of resources and talents from the previous smaller dairy exhibitions. Hopefully it will become a great success in future years.

I congratulate the Stratford fairgrounds and the constituents of Perth—Middlesex for becoming the hosts to this new venture.

● (1405)

[*Translation*]

INFRASTRUCTURE

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, recently some very significant improvements have been made in the riding of Argenteuil—Papineau—Mirabel, through the Canada-Quebec Infrastructure Works Program. I believe it is important to draw attention to these projects.

In the municipality of Ripon, the Government of Canada's participation of $15,395 will make it possible to replace the obsolete water mains serving rue Martel.

The Government of Canada's $17,682 contribution to Montpellier will enable the municipality to install a disinfection system as well as control mechanisms for their water system.

In Mirabel, the Government of Canada's $1 million participation will be used for expansion of the Saint-Canut waste water treatment plant.

The mayors of these three municipalities, Léo Bédard, Rhéo Faubert and Hubert Meilleur, are delighted with the positive effects of these projects. They will make it possible to improve community infrastructure, the environment, and their citizens' quality of life at the same time. I believe it is important for the people of Argenteuil—Papineau—Mirabel to be aware of the benefits of the Canada-Quebec Infrastructure Works Program.

When completely implemented, this program will have resulted in projects with a total value of $1.686 billion.

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[*English*]

DONALD SHAVER

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, Donald McQueen Shaver, agriculture visionary and chair of the Canadian Farm Animal Genetic Resources Foundation, was recently inducted into the Ontario Agriculture Hall of Fame.

The founder of Shaver Poultry, with five local farms and franchises in 94 countries, he is a leader in the preservation of biodiversity and genetic conservation in the agriculture sector.

A former commander of a World War II tank regiment he always fostered pride, loyalty and community. An honourary colonel in the Highland Fusiliers he has served on area hospital and university boards and various service clubs. He continues to provide his vast knowledge to developing nations as a member of the United Nations food and agriculture organization committee.

I know all members will join me in congratulating Donald Shaver on this recent honour.

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[*Translation*]

RURAL ROUTE MAIL COURIERS

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, today a delegation from the national congress of the postal workers union , members of the rural mail couriers organization and other related groups assembled on parliament Hill to speak out against the way rural route mail couriers are treated.

Although these men and women do a job similar to that of letter carriers, they are far from benefiting from the same recognition. They have no job security and are continually forced to bid lower and lower.

In addition to having to use their own vehicles and bear any related expenses, rural mail couriers earn less than minimum wage and have no paid annual leave, or even sick leave. This is because the Canada Post Act denies them the right to collective bargaining. This act must therefore be changed.

The Bloc Quebecois supports the actions of the rural mail carriers and the demands they are making, and faults the federal government for its inertia in this matter.

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[*English*]

AIRLINE INDUSTRY

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, communities all across Canada are suffering from decreased air service over the past several years due to the elimination of a national carrier and a reduction in routes.

Many local and regional airports have been forced to cover the cost of the federal government's downloading and pass on the costs directly to passengers in the form of service fees. These fees are in addition to the Liberal government's multibillion dollar airport security tax grab that forces passengers, including children as young as two years of age, to pay $24 on round trip tickets.

In Windsor, Ontario the airport authority is considering charging a $10 service fee to all passengers to help cover the financial losses due in part to a decrease in air travel since September 11. This charge would be an additional $34 for a round trip ticket for people flying from Windsor.

These unfair taxes are hurting Canadian families, the already struggling airline industry and communities across the country dependent upon the economic activity generated by local airports, and they should be removed immediately.

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INTERNATIONAL CRIMINAL COURT

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, in a world beset by a brooding omnipresence not only in the Middle East which we hear a good deal about, but also in the killing fields in the Sudan and the Congo which we do not hear enough about, I am pleased to share with colleagues one bit of good news.

We are on the eve of one of the most dramatic developments in the history of international criminal justice since Nuremberg with the coming into effect tomorrow of the treaty for an international criminal court when the necessary 60th state party ratification will be deposited at the UN.

The 20th century was not only the age of atrocity, it was also the age of impunity since few perpetrators were brought to justice. We trust that the treaty for an international criminal court will not only deter an age of atrocity in the 21st century but will ensure that all perpetrators of these atrocities will be brought to justice.

* * *

● (1410)

AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, the U. S. farm bill promises to bring undue hardship on Canadian farmers. The bill will increase government payments to American farmers and potentially introduce pulse crops to the American subsidy umbrella.

I have brought these concerns to the attention to the Minister of Agriculture and Agri-Food. Up until this point, he has done little to reassure working Canadian farmers that he is doing anything on their behalf.

In light of this, members will be surprised to learn that the U.S. secretary of agriculture, Ann Veneman, recently travelled to Mexico to meet with her counterpart, the Mexican secretary for agriculture. For two days they discussed co-operation with regard to agriculture policies between their two countries. I guess Canada was not invited. I guess Canada has lost all of its influence.

Despite this, the minister of agriculture today is in Washington, D. C., but who is he meeting with? He is meeting with the American farm bureau, he is meeting with the NFU but he has no meeting with the minister. What an insult to Canada. What an insult to our policy.

* * *

BOBBY BALL

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, on Sunday a true northern British Columbia pioneer passed away. Bobby Ball, raised on a Stikine River ranch that his father homesteaded, epitomized the spirit and endurance of that very special breed, the northerner.

Bobby followed in his father's footsteps as a big game guide outfitter. In the early days of his career, 40 day hunts were still the norm, heading out with pack trains loaded with gear and supplies and hunters from around the globe, returning weeks later with trophy sheep, goat, caribou, moose and grizzly. In later years fly-in base camps became more efficient as times changed.

An accomplished musician in his own right, he always loved a good party and picking and grinning with his countless friends.

Bobby faced his final challenge, a 10 year battle with cancer in the same way he lived his life, tough to the end.

On behalf of all his friends, I am proud to stand here in this place and say, so long partner.

[*Translation*]

SOCIÉTÉ RADIO-CANADA

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, as a former journalist with the Société Radio-Canada in Montreal, I would like to bring to the attention of the House the labour conflict causing the disruption of television and radio broadcasts throughout the regions of Quebec and in Moncton, New Brunswick.

Société Radio-Canada locked its employees out on March 23 and since then, all public affairs programs, such as *Zone Libre,Le point*, *La facture*, and *Enjeux*, have been suspended; this, right in the middle of the crisis in the Middle East.

Three weeks after being locked out, employees are still in the street. They came to meet with us today.

How can this situation be justified? The crown corporation must explain to Liberal members from Quebec and New Brunswick why it has maintained the lockout, despite the fact that negotiations have resumed.

It is important that both the English and French networks of the CBC are treated fairly. The current negotiations represent a real opportunity to do this.

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ABORIGINAL AFFAIRS

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, yesterday the Premier of Quebec, Bernard Landry, and the president of the Kativik regional administration, Johnny N. Adams, signed an historic partnership agreement between the Government of Quebec and Nunavik's Inuit peoples.

This agreement will accelerate economic and community development in Northern Quebec over the next 25 years.

This is yet another example of the great relationship between the government of Quebec and first nations, a relationship based, in this particular case, on shared confidence and the common desire to further the development of Nunavik.

The great potential for the development of hydroelectric resources will provide major economic benefits for northern Quebec and for all of Quebec.

The Bloc Quebecois is proud to salute this partnership and points out once again the avant-garde nature of relations between the government of Quebec and aboriginal peoples.

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● (1415)

[*English*]

CANADIAN BROADCASTING CORPORATION

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, today I will to do my member's statement in English because I want to ensure that Mr. Rabinovitch of CBC understands every word I say.

It is simply unacceptable that in 2002 employees working for a federal crown corporation such as CBC do not enjoy equity. There exists a serious problem of gender discrimination when it comes to salary and access to positions within CBC, particularly the French network side. It is also interesting and deplorable that with regard to access to permanent employment, on the French network they have less access to permanent employment.

Do the members of the House realize that 64% of salaried professionals throughout CBC are permanent employees; 72% in Ontario but only 49.7% in Quebec? It is simply deplorable and I urge CBC to negotiate serious—

The Speaker: The hon. member for Provencher.

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CURLING

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, today I am very pleased to congratulate four young men from Manitoba who claimed the world championship title in junior men's curling last week in Kelowna.

Canadian champions Dave and Kevin Hamblin of Morris, Ross Derksen of Winkler and Ross McCannell of Dauphin beat out the Swedish team with a final score of three to two. The third member of the team from the Hamblin family, Lorne Hamblin, coached these young men to win first the Canadian and now the world title. I am pleased to note that the three Hamblins are from the riding of Provencher in Manitoba.

Through hard work, dedication and resolve, these young men have achieved a level of excellence in their sport that few ever accomplish. This team exemplifies the positive spirit of Manitoba and Canada. Well done.

* * *

FATHER ANDY HOGAN

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it is with sadness that I rise today to share sad news of the passing earlier today of former New Democrat member of parliament Father Andy Hogan.

Father Andy, as he was affectionately known, was the first Roman Catholic priest to be elected to Canada's parliament. From 1974 to 1980 he capably served his constituents in Cape Breton—East Richmond with passion and with conviction. He was a devoted champion of workers, all workers but especially the coal miners and steelworkers in his beloved Cape Breton. He was a co-operator, an educator in the Antigonish movement, and he will long be remembered for Peoples Schools, which he organized throughout Nova Scotia.

As the NDP leader in Nova Scotia said today in paying tribute, Father Andy dedicated himself to seeking an abundant life for everyone in the community. On behalf of the New Democratic Party, I extend sincere condolences to members of Father Andy Hogan's family.

ORAL QUESTION PERIOD

[*English*]

MIDDLE EAST

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it seems that the Prime Minister has been away from Canada so long that he does not know what Canada can do or should be doing in the Middle East or what the Minister of Foreign Affairs has said Canada would do.

Now the government has flip-flopped by the Prime Minister offering to send troops into the Middle East conflict. Only a short while ago, the foreign affairs minister said that Canada would only commit peacekeepers if both parties came to an agreement. It is pretty clear there is no agreement.

How can the Minister of Foreign Affairs explain this flip-flop in Canadian policy?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, let me say there is no inconsistency whatsoever. Canada has always stood ready to do what was necessary when the circumstances were appropriate, and of course at the present time it is impossible to send troops in.

I would also like to take the opportunity to underline the importance that the Prime Minister has put to ensuring that Canadian parliamentarians denounce acts of violence which are committed in Canada on behalf of people who are interested in the situation in the Middle East. He has sent a very strong letter of condolence to the synagogue in Saskatoon. However whatever side it is, we take pride in resolving our issues peacefully in Canada and we—

● (1420)

The Speaker: The hon. Leader of the Opposition.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, there is no question there is a flip-flop. The Deputy Prime Minister would not even let the Minister of Foreign Affairs answer to clear up the air.

It seems that the Prime Minister may have promised more than Canada can deliver. While we all agree that Canada should be more engaged, the reality is that the Canadian army is presently having great difficulties just by sending 1,600 troops in Bosnia and another 900 or so in Afghanistan.

The chief of defence, General Henault, says that we cannot sustain both the Bosnia mission and the Afghanistan mission. From where exactly are the troops for the potential Middle East peacekeeping mission supposed to come?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the hon. member is getting away ahead of himself. What Canadians have managed to do with distinction and with pride in situations around the world is to meet the needs that are there. If there is a possibility of peace in the Middle East and if Canadian troops can contribute to that, he can be assured that we will be there and our troops will give us a lot of cause to be proud.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, talk in the House is cheap, but the government has not done the job. Senior military personnel have informed the government that forces are seriously overstretched. The government's soldiers are telling it that. A few weeks ago the chief of the army, General Mike Jeffery, said that "The army is being run into the ground by overcommitment and it is living on borrowed time".

We all support the forces. With the forces leadership telling the government that the military is at the end of its rope, will the Deputy Prime Minister tell us exactly who, if anyone, is providing the Prime Minister with advice and why is the Prime Minister making promises that Canada cannot keep?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the government will not make promises it cannot keep. Any time that the government sends its troops anywhere, it will ensure that they have the support they need to do the job.

The troops that were sent to Afghanistan, the troops we have in peace support operations, are in fact doing a terrific job for this country, and we should be very proud of them.

General Jeffery has made it quite clear that we do need reforms in the army plan. He is carrying them out. The government supports what he wants to do. The government supports our troops.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, yesterday, while the Hezbollah were firing rockets at civilian settlements in northern Israel, the Minister of Foreign Affairs was telling Canadians that Hezbollah's social arm and any activities that it is conducting in Canada has nothing to do with raising money for military activities. However court documents quoting captured Hezbollah terrorist, Mohammed al-Husseini, informed CSIS that Hezbollah has members all over Canada and has the ability to bomb federal buildings in Canada at will.

Will the minister please take action today to ban all fundraising by all branches of Hezbollah in Canada?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, first, I would like to start by congratulating my hon. colleague on taking up his new portfolio. As we say during elections, I wish him best of luck in his portfolio.

This is an extremely important question. I made the point yesterday that our interest in Canada is to ensure that we have a dialogue with those who can help in the peace process. There is a dimension of Hezbollah which works on social issues and which has a political dimension with whom we will work, just as in the darkest days the British worked with Sinn Fein and ignored the IRA

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, the hon. minister did not answer the question, which is customary. Contrary to the minister's claims, Hezbollah has been operating in Canada for years. In 1997 another terrorist, Hani al-Sayegh, was arrested in Canada on charges related to the bombing of the US military barracks in Saudi Arabia. Members of Hezbollah already in Canada assisted this terrorist while he was here in Canada.

Will the minister please acknowledge that there is no difference between the civilian arm of Hezbollah and the military arm and ban all activities by Hezbollah in Canada?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I will not acknowledge that for the pure purpose of the political expediency of the party opposite. If the party opposite has evidence of criminal activities in this country by people, let it take it to the solicitor general and to the mounted police. Let criminal activity be dealt with as criminal matters and let us get on with the business of the politics of achieving peace in the Middle East.

● (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the German Minister of Foreign Affairs has developed a peace plan for the Middle East. This plan, which is supported by the United States and the European Union, among others, proposes, like the Bloc Quebecois did yesterday, to send an implementation force and to hold an international conference. These are possible solutions that, yesterday, the Minister of Foreign Affairs deemed premature.

Since the minister had a chance to sleep on it, and considering that we must act without delay, could the minister tell us if he now supports the German peace plan for the Middle East?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as I said yesterday, for the time being, we support the peace plan pursued by Mr. Powell in the Middle East. We will do our best to support the efforts of the United States in this respect.

I believe the Europeans are also making similar efforts. Canada will work with the Europeans and with the Americans to try to end the violence in the region, so that peace talks can continue.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it is somewhat surprising to hear the minister tell us that he supports the Powell plan, because there is still no Powell plan. The minister is telling us that he is following the United States, even when he does not know what the United States has decided to do.

An hon. member: This is unbelievable.

Mr. Gilles Duceppe: Let us be a little more serious. There is a plan, the German plan, which is supported, among others, by the United States. I must conclude that the minister should support this plan, considering that the United States supports it and that he blindly follows them.

Does the minister support the German plan, which is supported by the European Union and the United States? It is clear. Not the Powell plan, because it does not exist and it would be a hypothetical question. I am asking a real question. Let the minister answer.

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, it is somewhat unfortunate that this is oral question period. Yesterday evening, we had a debate in the House, during which all the members tried, in a spirit of co-operation, to find ways through which Canadians could promote peace. This is what we are trying to do. I hope that our other opponents will do the same.

As the Deputy Prime Minister just told the House, as the Prime Minister said and as we are saying, should the time come to send Canadian troops in the region we will do our best. But for the time being, let Mr. Powell do his best and let us support his efforts.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the situation in the Middle East is growing worse. Each day brings a sad procession of more death, injury and destruction.

The Minister of Foreign Affairs tells us that we must go along with U.S. policy, that an interposition force cannot be sent in without the agreement of the parties.

Does he realize that going along with such a policy would have the two parties involved calling the shots rather than the international community?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the hon. member for Mercier, who is very knowledgeable about foreign affairs, is well aware that when it comes to a peace process, the brokers of peace will do their work when the parties have agreed to their presence.

That is where Canada can still do its best. That is where we will be. Right now, our focus is on getting the parties to be receptive to peace. That is what needs to be done right now.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Minister of Foreign Affairs knows his job very well. He is well aware that under chapter 6, there must indeed be agreement for a peacekeeping force but that, under chapter 7, agreement is not required for an interposition force.

How many more deaths and how much more destruction will it take to convince the minister and the government that they should consider sending an interposition force to the Middle East, as many are now saying in Europe and others are thinking?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, if I understood the question correctly, the Bloc Quebecois is proposing that Canadians invade the Middle East.

That is an interesting idea, but I think that it would be irresponsible of us. We, as Canadians, are there to support the peace; when the parties are ready, that is what we will do. We are always there for that. But to intervene otherwise would be more than risky and would not, I think, advance the necessary peace process.

● (1430)

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I am sure that every member of the House joins me in condemning today's terrorist attack on bus passengers in Haifa. It underscores the urgency of creating the legal institutions capable of fighting terrorism.

Tomorrow the international criminal court will be officially established with more than 60 countries finally having ratified. Tragically, the United States is not among them.

What is the government doing to press the United States to act responsibly and ratify the international criminal court?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I totally accept the premise of the question. We agree that the establishment of the international criminal court, in which Canada takes great pride for having been one of the leaders in forming, has been weakened by the absence of the United States.

We have always urged our American colleagues, through the administration and through Canada-U.S. parliamentary groups, which have good contacts in the United States, that they should ratify and become a member of the international legal community where they can bring their force and their sense of law so the world law will be better served. We will continue to do that.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the foreign affairs minister takes great pride in Canada's role in creating the international criminal court. He talks about how important multilateral institutions are but he is remarkably reluctant to press the United States to live up to its international obligations to support the international criminal court.

When it comes to supporting internationalism, the government is two-faced. When 44 member nations of the UN human rights commission recently voted to send a fact finding mission to the Middle East, Canada joined with Guatemala to be one of only two countries opposing this crucial initiative.

Does the government consider that pathetic display as leadership on—

The Speaker: The hon. Minister of Foreign Affairs.

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the object of leadership obviously is to be attacked on all sides and we seem to have been able to achieve that in this event.

We strongly believe that the position we took in Geneva, which was directed toward achieving peace, that it was inappropriate in those circumstances for the international human rights commission to be engaged in a process in which we had mandated the security council to find peace. That resolution was totally directed against Israel. It was unbalanced and unfair and we Canadians will stand up always to support that—

The Speaker: The right hon. member for Calgary Centre.

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FISHERIES AND OCEANS

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the minister of fisheries wants to wait until the NAFO meeting in September before he starts to deal seriously with overfishing in the Grand Banks.

How many more fish plants have to close before he acts?

I have two simple questions for the Minister of Foreign Affairs. First, is Canada preparing new proposals on a NAFO enforcement system with teeth? Second, is there a formal committee of officials working with other NAFO members to get support for new enforcement measures with teeth?

[*Translation*]

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I would like to begin by reassuring the hon. member that representatives of the Government of Canada are constantly in communication with representatives of NAFO to ensure that the necessary regulations are being implemented in order to protect Canada's fishery resources.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, that requires initiative on the part of Canada, and this government has not shown any such initiative.

[*English*]

The minister pretends he is acting when he closes ports. These foreign ships just move on to other ports such as to St. Pierre and Miquelon.

I have two specific questions for that minister. Will Canada demand a lifetime ban on captains and ships that overfish and will Canada demand that quotas are taken away from countries that overfish?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank the member for his question and congratulate him for his courage to be here in the House today.

As a former member from Nova Scotia, I welcome him to return to save Atlantic Canada. For the last year he has been going on about every issue nationally but never once on Atlantic Canada issues.

[*Translation*]

I extend a welcome to the leader of the Progressive Conservative Party.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the equipment crisis in our military is so bad that the auditor general said "Hard choices may have to be made. Force reductions and reduced military readiness are possibilities".

Is this how the cabinet interprets hard choices: buying more brand new luxury jets for itself?

● (1435)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the purchase of those Challenger jets will in no way detract from the equipment purchases for the Canadian forces. The funds will be reimbursed from the centre. The forces will continue to be able to operate the same programs and services. In the last four budgets there has been an increase in the Canadian forces budget by some 20%. Over $5 billion will continue to be put into the Canadian forces to help increase equipment purchases and support the training of our troops over the next five years.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, while our military gets second best, the cabinet wants to fly higher, farther and faster. I would like to know how the minister faces the military personnel and explains to them that cabinet comfort and security is more important than military safety and mobility. How does he explain that?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, that is not the case. There will be absolutely no change in military funding programs as a result of that particular purchase. The purchase of these substantially upgraded airplanes will enable the government to travel. This purchase will not in any way change any of the programs that support the Canadian forces.

* * *

[*Translation*]

SOFTWOOD LUMBER

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, in response to our questions about an assistance plan for the softwood lumber industry and its workers, the Minister for International Trade kept telling us he was taking an inventory of existing programs, and there would be nothing new.

Yet, ten minutes later, upon leaving the House, he told the media that he was prepared to go beyond existing programs, without, of course, promising anything.

Will the minister stop shirking his responsibilities and tell us if he plans on considering our proposals or if he has any other ideas to assist the softwood lumber industry and its workers?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I believe I have had a number of opportunities to comment in the House. I really felt that I said the exact same thing to the media in the scrum.

I think that it is important, first, to look at what existing programs can do to assist our industry, our workers and our communities. What I said is that, obviously, if the circumstances required our government to go beyond existing programs, we would be ready to consider doing so.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, we would like to have some idea of how long it will take to review government programs.

During the negotiations with the Americans, the minister saw first hand that they are not joking, and that their strategy is to penalize our industry to the point of weakening it and even eliminating it.

Given this fact, does the minister not agree that he should present an emergency plan to assist the softwood lumber industry and the workers affected, since winning a legal battle will be of no use once our businesses have closed and jobs have vanished?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, over the last two years, our government has worked closely with the industry, workers and communities on the softwood lumber issue. We continue to talk regularly, constantly. We will work on this issue together. I think that what is important is that we do the right thing, and follow through to the end with the United States.

For years the Americans have gone too far on softwood lumber. We want to settle this once and for all with the industry and with the provincial governments, which are working very closely with the Government of Canada.

[*English*]

NATIONAL DEFENCE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the Prime Minister has not always thought that luxury jets were more important than the safety of our troops. In 1993, when he was leader of the opposition, he stated:

> There is no need for such a plane...not to have the Prime Minister flying at 35,000 feet, soaking himself in a bath. It is the taxpayer who has been soaked. Will the government come to its senses and cancel this stupid, extravagant expenditure?

I would like to ask the same question. Will this government come to its senses and cancel this stupid, extravagant expenditure?

● (1440)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, these aircraft are similar to the kind of aircraft that already exist. They are not luxury models but they are more efficient. They can go a longer distance without refueling. They can land on more runways. Two of the older models are being traded in for them. However there is zero impact in terms of the budget of the Canadian forces.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, that is the problem. He will not add a penny to the military budget.

After nine years in government it is now clearer than ever that the members of the former rat pack have become members of the current fat pack.

I will again quote the Prime Minister from the same time in 1993. He said:

> One thing that is clear in the minds of Canadians is that the government has absolutely the wrong priorities.

It is clear where the Liberal priorities now lie. Why has the government chosen to put the comfort and convenience of politicians ahead of the safety of our troops?

Hon. Art Eggleton (Minister of National Defence, Lib.): That is simply not true, Mr. Speaker. The safety of our troops is of utmost importance to the government. We have put 20% more money into the defence budget over the last four years. Another $5 billion in new money will go in over the next five years. We continue to make the changes and show the support for our Canadian forces personnel that is necessary so that they can operate in the way they do on behalf of this country. That is something for which we can be very proud.

* * *

[*Translation*]

SOCIÉTÉ RADIO-CANADA

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, wage discrimination is at the core of the dispute currently opposing the Société Radio-Canada and its employees in Quebec and Moncton.

These employees are not getting paid the same salaries as their fellow workers in the rest of Canada and this is unacceptable.

Will the Minister of Canadian Heritage finally decide to send a clear political message to Radio-Canada, to make it understand that it must ensure pay equity between its employees in Quebec and Moncton and those in the rest of Canada?

Hon. Claudette Bradshaw (Minister of Labour and Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, I am aware of allegations to the effect that female announcers are being paid less than their male counterparts.

The communications union of Radio-Canada has filed a complaint to this effect to the Canadian Human Rights Commission.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, my question is for the Minister of Canadian Heritage.

We fully realize that the minister is not negotiating on behalf of Radio-Canada and we are not asking her to get involved in the negotiations. However, she must realize that Radio-Canada is a publicly funded crown corporation and that it must respect certain values.

Does the minister publicly agree that the crown corporation must not discriminate between men and women?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I agree.

* * *

[*English*]

CANADA CUSTOMS AND REVENUE AGENCY

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, CCRA documents reveal that Canada Customs officers should not detain anyone attempting to enter Canada who is considered armed and dangerous. Instead they are to give them a friendly wave, let them into the country, then call the police. According to the CCRA, this policy has not changed since September 11.

My question is for the revenue minister. Why is she continuing to risk the lives of Canadians by allowing armed and dangerous travellers into Canada?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, in fact the safety of Canadians and the safety of customs officers is a number one and top priority for CCRA.

The facts are as follows. There has been no policy change, but in the years from 1995 to 2001, there were 11 cases of assault reported, 11 cases at a time when over 600 million people entered Canada and were welcomed and inspected by customs officers.

The report that the critic refers to is in anticipation of a job hazard review, which is underway. I want to reiterate that the safety of Canadians and the safety of customs officers is our priority.

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, it is truly shameful the way the minister treats our customs officers and Canadians by not giving them the tools that they need at the border.

Our police ranks are understaffed. RCMP officers have already been pulled off the streets to work on the gun registry. Now the minister wants to move more officers to the border.

It should be the job of Canada Customs, not the police, to protect our borders, but the government will not allow customs officers to carry weapons.

Will the minister commit today to granting customs officers peace officer status so that they can protect our borders and the police can protect our streets?

● (1445)

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the critic is wrong on a number of counts. The first is that customs officers have an important role in arresting those who are found to be drunk drivers and those who have outstanding warrants against them. They are well trained in order to be able to do that. There have been no incidents reported where a use of force, a weapon, would have been of assistance.

In fact, customs officers are not police forces. They have excellent relationships with local police and the RCMP and together they are an effective team in protecting Canada.

* * *

FARM CREDIT CORPORATION

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, the Farm Credit Corporation has provided loans to more than 44,000 Canadian farmers. It has a portfolio of more than $7 billion. The auditor general, in reviewing crown corporations this past winter, has made an assessment of its annual report. I know that our minister is in Washington on some very important business, but would the parliamentary secretary please indicate to parliament the assessment that the auditor general made of the crown corporation's report?

Mr. Larry McCormick (Parliamentary Secretary to the Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I am sure the hon. member will be pleasantly surprised to hear that for the fourth time Farm Credit Canada has received the auditor general's award for excellence in the annual reporting by crown corporations.

The award signifies that the FCC has more than met its obligation to the Government of Canada and to Canadians. It is a strong testament that FCC continues to serve the needs of Canadian producers and the agriculture industry efficiently and responsibly.

I wish to extend congratulations to John Ryan and all the good people at Farm Credit Canada.

* * *

AIRPORT SECURITY

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my question is for the Minister of Finance. The director general of the International Air Transport Association has revealed that the new government security tax on air travellers, Canada's new GST, is the highest air security charge in the world.

This means either that the Liberal government is the most inefficient administrator of airport security in the world or the Liberal government is gouging Canadians. Which is it?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, it is neither. The fact is that the letter from the International Air Transport Association is comparing apples and oranges.

In fact, unlike most other countries, Canada has relieved its airlines of substantial charges in terms of airport and airline security, some $72 million. It is expected that the reduction in the cost to the airlines should be reflected in the price of their tickets.

* * *

[*Translation*]

SOCIÉTÉ RADIO-CANADA

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the Société Radio-Canada has been negotiating with its employees these past few days. The corporation's executive have threatened locked out employees with stopping negotiations if they met with their federal representatives in Ottawa. This is precisely what they have done today, and it is a disgrace.

Do crown corporations negotiate via blackmail? Does the Minister of Labour support this type of negotiation? If not, what steps does she plan to take to put an end to these anti-democratic actions on the part of a crown corporation and to get these employees back to work?

Hon. Claudette Bradshaw (Minister of Labour and Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, both parties have met in the presence of our mediators, last week and again since Monday of this week.

It is important that both parties sign a new collective agreement. At this point, it is crucial to let the parties address their problems so that a good collective agreement will ensue.

This is not the time for us to start taking one side or the other.

* * *

[*English*]

MIDDLE EAST

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, my question is for the Minister of Foreign Affairs. One reason why Palestinian refugees turned to the Hezbollah for help is that the United Nations working group on refugees is out of business and shut down.

Canada chairs this United Nations working group. If it is put back into business, maybe we can put the Hezbollah out of business. What is the minister doing to help restart the United Nations working group on refugees?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I thank the hon. member for his question because it points out the incredibly positive role that Canada has been able to play in this very difficult dispute.

The issue of the refugees goes to the core of the ultimate solution to this, and Canada's role has been crucial in establishing what degree of trust we can between the two parties to work on this. It does require the two parties to come together. Canada has constantly said that we are willing to resume our role and we will resume our role. We would like them to come back to the table. We would be happy to resume that.

If the hon. member can help through his contacts on either side with parliamentarians, we would be grateful for all the help we could get on this incredibly important dossier, for this issue and for Canada.

● (1450)

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, the Prime Minister has announced that he has committed Canadian peacekeepers to the Middle East.

I would just like to ask two simple questions. Who are we going to send to do this work? How are we going to send them?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Deputy Prime Minister, the Prime Minister, the defence minister and I have made it very clear to the House that what Canada is willing to do is examine any practical suggestion that is made to deal with peacekeepers in the Middle East.

We cannot, however, respond to a question or a situation until we are actually given an actual question. When that question comes, when the world community is willing or able to work on this, we will do our part. I assure the House that we are willing to do our part. The moment is not yet right. When it is, we shall act and we shall act forcefully, as Canadians have always done.

* * *

SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, the senior minister from British Columbia and the Minister of Industry, when in British Columbia, agree with the Canadian Alliance plans for assisting forest workers and to backstop softwood tariff requirements, but once these ministers get to Ottawa, the Prime Minister and the Minister for International Trade reject their ideas.

Why should forest workers and stakeholders trust the statements of senior ministers if they become meaningless in Ottawa?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, let us be quite clear. On Monday and Tuesday we had a visit from Premier Gordon Campbell of British Columbia. He made a very clear statement about what he found, with my colleagues, the ministers, and this government, about the softwood lumber industry. I will quote the premier of British Columbia. He said that federal ministers:

> ...have been very constructive in their comments and understand the huge impact that this has on people and families and communities across British Columbia.

That is his statement and it is worth reading in the House.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, the Minister of Natural Resources has said on occasions in the past few weeks that the government should assist workers and guarantee tariff payments resulting from the softwood lumber dispute.

When will the government finally announce its program to aid forest workers and to backstop softwood tariff payments?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, we intend to continue to work with the workers and the communities that are affected by the softwood lumber situation because of the punitive measures by the United States.

All my colleagues who have tools, as is the situation with the Minister of Natural Resources responsible for forestry, and the Ministry of Industry has been involved, the Minister of Human Resources Development is involved, I can tell you, we all pay very careful attention to the situation of the workers and the communities in British Columbia and all across Canada.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, yesterday the Minister for International Trade made the statement that the transfer of manpower training to Quebec three years ago was specifically aimed at workers in the softwood lumber sector.

This is not, however, a matter of sending these workers back to school to make plumbers out of them, but rather of helping them survive a trade war for which they have no responsibility whatsoever, until they can get back to work.

What is keeping the minister from convincing her colleagues that the EI system needs to be changed and additional weeks of benefits made available to these workers to prevent them from descending into total poverty?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me reiterate again the concern that the government has for those workers who may be affected by the trade dispute in softwood lumber.

We are very pleased that the employment insurance system is sound. It is strong, it is there and ready to respond to the needs of the vast majority of those working in the industry who may need the support of income benefits as well as active measures.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, what are we going to tell these people who are getting to the end of their benefit period? That 88% of workers are eligible for EI if they become unemployed?

We are talking here of workers who were laid off last November and are getting to the end of their benefits, but will not be eligible for welfare until they have used up their savings.

What measures does the minister intend to propose to them? Is she going to continue to sit on the $4 billion in the EI account this year?

● (1455)

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, again, the employment insurance system is sound. Over $500 million is transferred to the Government of Quebec every year to assist with issues facing unemployed workers.

We continue to work at the community level, through my department and other departments of government, to follow the initiatives and the issues that come out of this trade dispute and make sure we are there to assist Canadian workers in the softwood lumber dispute.

* * *

GOVERNMENT CONTRACTS

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, it is really not good enough for the finance minister over there to say the ethics counsellor cleared him of wrongdoing.

His Alberta fundraiser had a lucrative consulting contract with the finance department at the same time that he was raising money for the minister's leadership campaign.

Will the finance minister table a list of those people Mr. Palmer consulted with on behalf of the finance department and a list of the people he raised money from so that we can all see here in the House how the nation's tax policy was really up for sale?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, Mr. Palmer, as I have said in the House, is an outstanding tax practitioner. He is an expert in natural resource taxation. He is also a person of impeccable reputation.

Mr. Palmer performed a very important role for the Government of Canada. The whole matter has been referred to the ethics counsellor, who has taken a look at it and said it has been dealt with satisfactorily.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, the ethics counsellor is a paid Liberal hack. I have no confidence at all in his recommendations.

Some hon. members: Oh, oh.

The Speaker: Order, please. I think the hon. member will want to be judicious, and perhaps unusually judicious, in his choice of words on this particular occasion. I know he will want to avoid any reference to an individual who is not here and unable to defend himself or herself in the House.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Yes, Mr. Speaker, that is unfortunate.

This is a serious issue, I say to colleagues in the House, a serious issue about the nation's finance minister spending taxpayers' money to raise money for himself to win a leadership race. That is what it is about.

Surely the finance minister does not want questions of improper use of government money hanging around. Why will the finance minister not table a list of who Mr. Palmer contacted, how much money and where it came from for his own personal leadership race to try to become prime minister?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member's statements are simply unworthy of him and unworthy of a member of this House. The matter has been referred to the ethics commissioner. He has dealt with it.

* * *

THE ENVIRONMENT

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, recent studies show that smog seriously contributes to heart and lung disease among Canadians of all ages. As we know smog is not just an urban problem but should be of concern to members on all sides of the House. In addition to the nation's cities, smog is a problem in the B.C. Fraser Valley, in southwestern Ontario and from New Brunswick to western Nova Scotia.

Last February the Minister of the Environment announced a 10 year federal agenda on cleaner vehicles, engines and fuels which was a key component of the Government of Canada clean air program. Would the Parliamentary Secretary to the Minister of the Environment tell the House what actions the government has taken recently to move—

The Speaker: The hon. Parliamentary Secretary to the Minister of the Environment.

Mrs. Karen Redman (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, last week the Minister of the Environment announced proposed regulations to tighten exhaust emissions levels for on road vehicles for the year 2004. Among his proposals, sports utility vehicles will be reclassified as cars in order to lower their emissions. SUVs have evaded the regulations that were put in place for passenger vehicles and smog contributions from new SUVs will drop dramatically.

In addition, this summer proposed regulations will be put forth for small spark ignition engines, power chainsaws, snow blowers and lawnmowers. As well, by the end—

The Speaker: The hon. member for Port Moody-Coquitlam—Port Coquitlam.

* * *

AIRPORT SECURITY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, at Vancouver's south terminal, Esso Avitat airports and Edmonton city centre airport and dozens of facilities similar to them across the country there is no pre-screening of either passengers or bags. There was no pre-screening in place prior to September 11 and there are no plans to have pre-screening after September 11. Yet these airports, where they are receiving no service, are paying the $24 air security tax.

This is clearly a case of taxation without service representation. How could the government justify taxing Canadian citizens for services they will not receive and a tax that very well may destroy the existence of these airports?

Speaker's Ruling

● (1500)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I answered the particular question at the Senate committee the other day when it was posed to me.

There are instances across the country where there have been exceptions made, especially in the north, and those people are not paying the charge; but where anomalies exist they will be addressed.

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[*Translation*]

CANADA CUSTOMS AND REVENUE AGENCY

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, the government has repeatedly boasted about its anti-terrorism measures. However, a temporary directive from the Canada Customs and Revenue Agency, dated March 26, 2001, and telling customs officers not to intercept persons on a customs lookout or likely to be armed, is still in effect.

Despite the extensive changes and the billions of dollars in spending announced after the events of September 11, does it seem right that we still let criminals cross our borders?

[*English*]

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the member opposite is misinterpreting the facts. The reality is that under officer powers customs officers who have had the training have the authority to arrest those where there are outstanding warrants, to arrest those where they believe they are drunk drivers, or any of those who are infringing the customs laws of Canada. That is usually done at the secondary line.

The directive that was given has been in place for many years, and that is to protect both Canadians and the employees. As I said, the number of incidents over six years with over 600 million people—

The Speaker: The hon. member for St. John's West.

* * *

FISHERIES

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, my question is for the Minister of Fisheries and Oceans. The minister is putting all his eggs in the NAFO meetings this fall while closing Newfoundland ports to ships where it really is the Newfoundland settlements that are being punished and not the big, bad perpetrator.

The minister is responsible, however, for on the water surveillance. How could he justify the government doing proper surveillance when it has one surveillance vessel covering the nose, tail, Flemish Cap and all the rest of the continental shelf?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, first, I commend the member for his comments on the sacrifice that the port communities in Newfoundland are making in helping us resolve this problem. I assure him that these actions were taken after full consultation with the government of Newfoundland and Labrador which fully supported these actions.

Second, let me assure him that not only do we have our vessels. We also have aircraft flying over and doing additional surveillance runs.

ACCESS TO INFORMATION

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, my question is for the Minister of Justice. The government's internal task force reviewing the Access to Information Act was due to report last fall. Six months later we have heard nothing from it.

Will the minister tell us when he expects to receive the report of that task force, and will he share it with the House?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the hon. member for the question. As we know, the government established last summer in August a task force to look into the question of access to information.

We expect the report to be tabled later this spring. Of course we all know that the government is firmly committed to looking into the question.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Ms. Glenna Hansen, Commissioner of the Northwest Territories.

Some hon. members: Hear, hear.

* * *

● (1505)

PRIVILEGE

MINISTER OF TRANSPORT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member for Port Moody—Coquitlam—Port Coquitlam on March 1 concerning the responsibility of the hon. Minister of Transport to table a report under the Canada Transportation Act.

[*Translation*]

I would like to thank the hon. member for drawing this matter to the attention of the Chair, as well as the hon. Minister of Transport for his contribution on the subject.

[*English*]

The hon. member for Port Moody—Coquitlam—Port Coquitlam submits that the Minister of Transport is obliged to table a report in the House on the monitoring of the grain transportation and handling system in Canada as set out in subsection 50(3.2) of the Canada Transportation Act.

Subsection 50(3.2) requires the Minister of Transport to table a report, provided in part that regulations for purposes of monitoring the grain transportation and handling system have been made under paragraph (e.1) of section 50(1) of the same act.

[*Translation*]

The hon. minister indicated to this House, in his response on March 11, to the question of privilege of the hon. member for Port Moody—Coquitlam—Port Coquitlam, that regulations have not been made under paragraph 50(1)(e.1) as required by the act. Therefore, according to the hon. minister, there is no legal obligation on the minister to table a report.

[*English*]

The hon. member for Port Moody—Coquitlam—Port Coquitlam then further argued that inclusion of subsection 50(3.2) in the act was brought about because the minister was gathering information on the grain transportation and handling system under regulations that were in effect before the adoption of the act. He added that the minister has been providing this information to a corporation hired by the government to prepare a report on the grain transportation and handling system as contemplated by subsection 50(3.2) of the act.

He concluded that for these two reasons the minister was obliged to table a report in accordance with the subsection, namely within 15 days of the six months following the end of the 2000-01 crop year. This year, he argued, that date fell on February 28, the day before the hon. member first raised the question of privilege.

The Chair has carefully reviewed the reply by the Minister of Transport to the original question raised by the hon. member for Port Moody—Coquitlam—Port Coquitlam and the hon. member's comments subsequent to the minister's intervention. The Chair must take into account all the terms of subsection 50(3.2) of the act, as it is this provision that imposes on the minister the statutory duty of tabling a report in the House.

As I have already point out, the obligation on the Minister of Transport to table a report requires that regulations for such purposes have actually been made under paragraph 50(1)(e.1). The Chair invited the hon. member for Port Moody—Coquitlam—Port Coquitlam to provide to the Chair a copy of these regulations if he has reason to believe they have been made. The Chair has not received copies of any such regulations from the hon. member, and meanwhile the hon. minister has advised the House that no regulations under paragraph 50(1)(e.1) have been made.

In the absence of such regulations and given the rather clear language of the act on that very precise point, I must find that the minister is not obliged to table the report as has been argued by the hon. member for Port Moody—Coquitlam—Port Coquitlam, however ably. I wish nevertheless to commend the hon. member for his vigilance in regarding this very tightly worded section of the Canada Transportation Act and thank him for bringing his concerns forward, and of course the minister for his generous reply.

ROUTINE PROCEEDINGS

● (1510)

[*English*]

YUKON LAND CLAIMS AGREEMENT

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, under the provisions of Standing Order 32(2) I have the honour to table, in both official languages, copies of the 1999-2000 annual review of the implementation of the Yukon land claims agreement.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to two petitions.

* * *

PHYSICAL ACTIVITY AND SPORT ACT

Hon. Paul DeVillers (for the Minister of Canadian Heritage) moved for leave to introduce Bill C-54, an act to promote physical activity and sport.

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

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INTERPARLIAMENTARY DELEGATIONS

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association or CEPA to the parliamentary assembly of the Organization for Security and Cooperation in Europe at its first winter session in Vienna, Austria on February 21 and 22.

* * *

[*Translation*]

CANADA-ISRAEL FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. Pierre Paquette (Joliette, BQ) moved for leave to introduce Bill C-439, an act to amend the Canada-Israel Free Trade Agreement Implementation Act.

He said: Mr. Speaker, very briefly, the purpose of this bill is to amend the Canada-Israel Free Trade Agreement Implementation Act so as to exclude products which are classified by the Israelis as Israeli in origin but which in fact originate from Israeli settlements in the territories occupied since 1967 in the West Bank, the Gaza Strip, East Jerusalem and the Golan Heights.

I think that this proposal is entirely consistent with Canada's policy of not recognizing the occupation of these territories since 1967. I seek the support of all the parties and of all members of this House to pass it speedily, given the current situation in the Middle East.

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

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[*English*]

BUSINESS OF THE HOUSE

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if you were to seek it I believe you would find unanimous consent in the House for the following motion. I move:

That, at 3 p.m. on Monday, April 15, 2002, the House shall resolve itself into a committee of the whole for the purpose of briefly receiving Canadian Olympic and Para-Olympic athletes on the floor of the House.

(Motion agreed to)

● (1515)

AIRLINE INDUSTRY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, it is my pleasure to table this petition in the House. It has 25,000 signatures and concerns the government's irresponsible $24 air tax.

The petition was put together by people out west and at airports across the country. It outlines the irresponsible nature of the air tax for which the government did no impact study whatsoever. The tax is egregiously ripping off small air carriers to line the general revenue pockets of the government.

The petition is a strong message from Canadians that the way the government is doing business with the airline industry is totally irresponsible.

GASOLINE ADDITIVES

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order No. 36 I am honoured to present this petition on behalf of the citizens and constituents of Lambton—Kent—Middlesex.

The petitioners call on parliament to protect the health of seniors and children and save our environment by banning the disputed gas additive MMT as it creates smog and enhances global warming.

STATISTICS ACT

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I rise to present a petition on behalf of many residents in Dartmouth. The petitioners are calling on parliament to take whatever steps are necessary to retroactively amend the confidentiality and privacy clauses of the Statistics Act since 1906 to allow, after a reasonable period of time, the release to the public of post 1901 census reports starting with the 1906 census.

THE ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, pursuant to Standing Order 36 I rise to present the following duly certified petition from the residents of Enderby, British Columbia. It calls on the Government of Canada to respect its commitment to the 1992 Rio earth summit and protect Canada's biodiversity.

In particular, the petition calls on the Government of Canada to ensure it has strong, effective endangered species legislation that protects our critical habitat. The petition is duly endorsed by the students of MV Beattie Elementary School as well as their parents and teachers.

FISHERIES

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, I have two petitions to present today. The first brings to the attention of parliament the fact that the fisheries minister has a constitutional obligation to protect wild fish and their habitat.

The petitioners point out that the auditor general recently did a report that found the minister to be negligent in the performance of his duties. They call on parliament to require the minister to fulfill his obligation to protect wild fish and their habitat.

NATIONAL DAY OF PRAYER

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, my second petition calls on parliament to declare March 8 a Canadian national day of prayer. The petitioners suggest we have a lot to pray for in this great country. They propose that Canadians of all faiths take one day a year to pray to God for the nation, its people and its leaders.

HEALTH

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, pursuant to Standing Order 36 I rise to present a petition signed by residents of Huron—Bruce. The petition deals with the proposed assisted human reproduction act, an act that would deal with the regulatory areas of surrogacy, stem cell research, embryo cloning and new reproductive technologies.

The petitioners are calling on parliament to enact legislation that respects the dignity of human life by completely prohibiting the destruction of human embryos. They request that parliament give consideration to providing financial resources and support for research into adult stem cell potential.

JUSTICE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, pursuant to Standing Order 36 I rise to present a petition.

I pray that the death of Dana Fair, while tragic, will not be in vain. He was beaten to death by three men near Lloydminster, Saskatchewan. There were eyewitnesses to Dana's death. Three men, Raymond Cannepotatoe, Michael David Harper and Cody Brian Littlewolf, have been charged with second degree murder. Cannepotatoe has been released on $2,000 bail.

The petitioners are calling on the government to ensure no bail is allowed for all accused murderers caught in the act of committing their crimes and that only maximum sentences are given to those convicted.

● (1520)

RIGHTS OF CHILDREN

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I have a petition to present from residents concerned about violence against children.

The petitioners call on parliament to make the rights of children to life and safety an immediate priority by striking a royal commission to urgently investigate ways to protect our children. They call on the government to begin a public awareness campaign to encourage adults to keep in mind the rights of children to life and safety.

QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 110 and 113.

[*Text*]

Question No. 110—**Mr. Bill Casey**:

> With respect to the Free Trade Area of the Americas (FTAA) process: (*a*) what specific mechanisms have been and will be put in place to monitor, evaluate and address democratic breaches as they surface in any given member countries; (*b*) what strategy, if any, does the government have to interconnect in anyway with international funding agencies where loans are disbursed, should there be evidence of democratic breaches, evidence of corruption or lack of transparency or accountability; and (*c*) if no strategy exists, what steps are being taken to develop such a strategy?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): At the Quebec City Summit of the Americas, leaders endorsed the development of an Inter-American Democratic Charter "to reinforce Organization of American States, OAS, instruments for the active defence of representative democracy". The charter is intended to complement the "democracy clause" in the Quebec City declaration, which establishes that "any unconstitutional alteration or interruption of the democratic order in a state of the hemisphere constitutes an insurmountable obstacle to the participation of that state's government in the Summit of the Americas process". It thus goes well beyond OAS Resolution 1080, a mechanism for dealing with overthrow by force of democratically elected governments.

Foreign ministers adopted the charter at the XXVIII Special Session of the OAS General Assembly, which was held September 10 and 11, 2001 in Lima, Peru.

The preambular section clearly subordinates the Democratic Charter to the Charter of the OAS and strengthens the link between democracy and human rights. It also adds education, protection of the environment, workers' rights and economic, social and cultural rights as important elements in strengthening representative democracy.

The term "inter alia" in Article 3 ensures that the list of essential elements of representative democracy outlined in this article is not viewed as exhaustive. The "separation of powers and independence of the branches of government" is covered in Article 3 as an essential element of representative democracy. Article 4 includes language clearly subordinating the military, and all state institutions, to duly elected civilian authorities while the strengthening of political parties and other political organizations appears in Article 5 as a "priority for democracy". Article 7 states that fundamental freedoms and human rights are universal, indivisible and interdependent. Other elements include strong language against all forms of discrimination, race, gender and ethnic, in Article 9, reference to the importance of the protection of workers' rights in Article 10 and specific mention in Article 28 that the participation of women in political structures is fundamental to democracy.

The central elements of the charter are included in Chapter 4, Articles 17 to 22, "Strengthening and Preservation of Democratic Institutions". This section reflects the democracy clause from Quebec City and outlines a series of clearly defined, progressively tougher measures to address subtle, and not so subtle, threats to democracy.

The Inter-American Democratic Charter is a new political mechanism which has never been invoked. However, its invocation was considered by the OAS Permanent Council on January 15, 2002, in response to the deteriorating situation in Haiti. Although another solution was found to bolster OAS efforts in Haiti, invocation of the Charter remains a possibility should a lack of progress on Haiti persist.

The charter can be triggered: upon request of a member state for assistance from the Secretary General or Permanent Council; upon request of a member state or of the Secretary General for the convocation of the Permanent Council to assess a given situation; or by the Permanent Council so as to convene a special session of the General Assembly in order to adopt decisions to address a given situation. The situation itself would likely define who would trigger the charter, as outlined in Articles 17 to 22. The charter is a government to government instrument. It cannot be triggered by individuals, however, individuals can bring concerns and complaints about human rights issues to the inter-American system for the promotion and protection of human rights.

While the charter does not apply to the FTAA in that its scope is limited to OAS instruments, the "democracy clause" of the Quebec City declaration applies to all summit products, including the FTAA process and the activities of financial institutions such as the Inter-American Development Bank. In addition to the various OAS instruments which support democracy in the hemisphere, the "democracy clause" therefore represents a further commitment to democracy in the conduct of inter-American relations in all areas at the highest political level.

Canada works closely with the major international financial institutions in the western hemisphere to ensure that the development goals of the member countries are met through adequate funding. Should there be an unconstitutional disruption of the democratic order in any of the countries belonging to the Summit of the Americas process, Canada would proceed to make its views known through our membership in the Inter-American Development Bank, the World Bank, and the Caribbean Development Bank, as appropriate. Canada is represented on the boards of directors of all three institutions. Canada has worked and will continue to work with the hemisphere's major funding agencies to develop guidelines for dealing with corruption, transparency and accountability.

Question No. 113—**Mr. Vic Toews**:

> For all detachments of the Royal Canadian Mounted Police, and for each province and for each month of the year, how many spot checks for impaired driving were done by RCMP officers in the year 2001?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): The RCMP does not conduct spot checks for impaired driving specifically. The force conducts regular road checks, which address impaired driving along with various other violations.

The following figures from the operational statistical reporting of the RCMP represent the number of regular road checks conducted in the year 2001 per RCMP division:

"A" Division (Ottawa) — 107

"B" Division (Newfoundland and Labrador) — 757

"D" Division (Manitoba) — 2,973

"E" Division (B.C.) — 7,577

"F" Division (Sask.) — 263

"G" Division (NWT) — 356

"H" Division (N.S.) — 1,763

"J" Division (N.B.) — 4,197

"K" Division (Alta.) — 6,870

"L" Division (P.E.I.) — 453

"M" Division (Yukon) — 43

"V" Division (Nunavut) — 4

It is possible to break down these numbers by detachment, but this would be a very time consuming process and would create 670 pages of documentation. Should this be requested, sufficient time would have to be allowed.

The following figures represent the number of charges for impaired driving laid by the RCMP in 2001 per division:

"A" Division (Ottawa) — 3

"B" Division (Newfoundland and Labrador) — 546

"D" Division (Manitoba) — 1,775

"E" Division (B.C.) — 6,077

"F" Division (Sask.) — 3,736

"G" Division (NWT) — 255

"H" Division (N.S.) — 1,326

"J" Division (N.B.) — 1,487

"K" Division (Alta.) — 6,192

"L" Division (P.E.I.) — 297

"M" Division (Yukon) — 153

"V" Division (Nunavut) — 58

[*English*]

Mr. Geoff Regan: Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Translation*]

MOTIONS FOR PAPERS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all notices of motions for the production of papers be allowed to stand.

The Speaker: Is that agreed?

[*English*]

The hon. member for Cumberland—Colchester on a point of order.

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, it is an honour to be up here in disguise today. I think you have the wrong riding and the wrong member. My riding is New Brunswick Southwest. However I take it as a compliment.

I draw to the attention of the House Motion No. P-32 regarding the production of papers. Mr. Speaker, I will read it to you with your indulgence so the House will clearly know what we are asking for. Motion P-32 asks:

> That an Order of the House do issue for copies of all documentation including correspondence, memoranda, notes, minutes of meetings, reports, phone records, e-mails, and briefings pertaining to Lancaster Aviation and Airspares Network Inc. between the Minister of National Defence, the Department of National Defence and the Royal Canadian Mounted Police.

This is important because we must remember that the Government of Canada—

The Speaker: I am sure the hon. member knows that all motions for the production of papers are important. We do not want to get into debate on this point, but perhaps he could state what is his point of order because this unfortunately is not a time for speeches.

If he has a point or question I am sure he will ask the parliamentary secretary, and the House is waiting with bated breath to hear it.

Mr. Greg Thompson: Mr. Speaker, I was very patient with you when you mistook me for another member and I need your patience just for a minute. The bottom line is that a U.S. felon convicted of drug smuggling and international money laundering has in his warehouse spare aviation and military parts owned by the Government of Canada.

We want to know where are those parts. What happened to them? We want answers. We have been on this for a number of months, in fact over a year. We had a motion on the floor for the production of documents on this very subject matter which the government voted down.

An hon. member: It is a cover-up.

Mr. Greg Thompson: It is a cover-up. We want answers.

Mr. Geoff Regan: Mr. Speaker, I thank the hon. member for raising this concern. I assure him it is not a matter of a cover-up.

In fact the member has asked for voluminous records. I am sure the government will be presenting those in due course and I will look into the matter.

The Speaker: Is it agreed that all motions for the production of papers stand?

Some hon. members: Agreed.

Mr. Greg Thompson: Mr. Speaker—

The Speaker: The hon. member has a choice. I will not hear a long speech again, but he can have the matter transferred for debate if he wishes.

Mr. Greg Thompson: Mr. Speaker, I rise on a point of order for clarification. Where does this leave us in relation to this matter? Does the minister simply get up day after day and deny us access to those documents? Where does this leave the House?

● (1525)

The Speaker: The hon. member, as I said, can ask to have the motion transferred for debate, in which case it would be transferred to the list of items of private members' business and would be debated, and I assume ultimately voted on.

If he wishes to have that done, that is an option available to him today. If he wants to do that, the Chair of course will accommodate him.

Mr. Greg Thompson: Mr. Speaker, it is not my intention to do that because then we are subjected to the so-called lottery which is totally preposterous. I would have one chance in a million of getting the matter to the floor for debate. I want some guidance from the House leader as to where they stand—

The Speaker: The House leader has given us the guidance that he is standing it for this week, but I can assure the hon. member that it is automatically votable if he gets it transferred. That is the beauty of a motion for the production of papers.

Perhaps the member will want to discuss the matter with his House leader who is very knowledgeable of the rules of the House and will be able to give him very sound advice. We can proceed on that basis. We will move on to applications for emergency debate.

* * *

[*Translation*]

REQUEST FOR EMERGENCY DEBATE

SOFTWOOD LUMBER INDUSTRY

The Speaker: The Chair has received a notice of motion pursuant to Standing Order 52 from the hon. member for Joliette.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, as you mentioned, I sent you a letter to ask for an emergency debate on softwood lumber and the present situation in that industry, following the United States' decision to impose a 29% duty.

Such an emergency debate would allow us to take stock of the situation. I had the opportunity to visit the regions of Quebec and I know that the people are very concerned. Already we expect some sawmills to be closed, especially the small ones, in municipalities where they play an extremely important role. Often, the mill is the only business giving work to people and if it shuts down, so will the whole town.

Therefore, we could take stock of the situation in Quebec and in all of Canada, given the decision made by the United States, and we could examine whether it would be appropriate to develop an assistance plan for the industry. When I say the industry, I also mean the workers, the people in the plants. Finally, we could discuss the nature of the assistance plan.

Over the last few days, we had the opportunity to ask questions, especially to the Minister for International Trade and the Minister of Human Resources Development, but we did not really get any answers.

I think the members could compensate for such a lack of imagination by suggesting a series of measures, as the Bloc Quebecois has been doing for the last few days.

Therefore, I respectfully submit this issue to your attention.

The Speaker: The Speaker has carefully considered the request made by the hon. member for Joliette. As the member knows, in recent weeks, the Chair has received several such requests for an emergency debate.

The Speaker believes that, for the time being, this request does not meet the requirements set out in the standing orders of the House.

[*English*]

Mrs. Carol Skelton: Mr. Speaker, being very new in my position I hope I have this correct. I would like to defer the vote on Bill C-344.

There have been consultations among the parties and I believe you would find unanimous consent that following the conclusion of tomorrow's debate on Bill C-344 all questions necessary to dispose of the second reading stage of the bill be deemed put, a recorded division demanded and deferred until the end of government orders on Wednesday, April 17, 2002.

The Speaker: Does the hon. member for Saskatoon—Rosetown—Biggar have unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

● (1530)

[*English*]

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

Hon. Anne McLellan (for the Minister of Justice, Lib.) moved that Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, be read the third time and passed.

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am very pleased to have this opportunity to speak to the House of Commons about the provisions of Bill C-15B, an act to amend the criminal code, dealing with cruelty to animals and firearms, and the Firearms Act.

Before turning to the substance of the bill, I would first like to acknowledge the very fine work that was conducted by the House of Commons Standing Committee on Justice and Human Rights in its careful review. The applause I hear is a worthy statement of how we feel about that work because it did a very careful review of all the provisions in Bill C-15B.

The committee had the benefit of hearing from a wide spectrum of witnesses with a wealth of experience and knowledge. This information assisted the committee in its review and modification of Bill C-15B. I am grateful to the committee for its work in advancing the debate and understanding of the legislation.

Turning now to the content of the bill, I will start with consideration of the animal cruelty provisions.

I am pleased to say that there is overwhelming support for the objective of Bill C-15B to modernize and update the sections of the criminal code dealing with animal cruelty. This objective has three aspects.

The first aspect is to recognize animal cruelty offences for what they are. Animal cruelty offences are crimes of violence. They ought to be treated as such. Their seriousness ought to be reflected in the penalties available for these offences.

The vast majority of Canadians who have voiced their opinion on this subject have made it very clear that they want cruelty offences to be treated more seriously. The public was consistent in its message on this point during the consultations in 1998 when the department solicited views on the current animal cruelty provisions in the criminal code. They have continued to voice their support in increased penalties, as evidenced by the many petitions and letters the Department of Justice and members of parliament have received over the past three years.

The Canadian public is demanding that our laws on animal cruelty be updated and the penalties increased. In this regard, it should be noted that the committee adopted an amendment to raise the maximum fines available for intentional cruelty and criminal neglect offences when prosecuted by summary conviction to $10,000 and $5,000 respectively.

This brings me to the second aspect of modernizing the law on animal cruelty.

In the course of discussions on Bill C-15B, some people have suggested that there is no need to change the current provisions of the code beyond raising the penalties. The problem with this argument is that it ignores the anachronisms and unnecessary complexities of the current law.

In some of the current animal cruelty provisions in the criminal code, the proprietary status of an animal determines whether or not a successful prosecution can be brought, even though the basic policy of the cruelty provisions is to protect all animals from intentional cruelty and criminal neglect. An example of this is section 445 of the criminal code which only applies to animals kept for "a lawful purpose".

Bill C-15B addresses the unnecessary complexity of the current law. Let me give an example.

It appears that subsection 446(1)(a) of the criminal code is restricted to wilful infliction of unnecessary pain, suffering or injury. This provision however must be read in conjunction with subsection 429(1), which states that wilfully includes recklessly. Further, it is only through reading subsection 446(3) that it is clear that paragraph 446(1)(a) actually creates two offences: one of intentional cruelty and the other of causing unnecessary pain, suffering or injury through criminal neglect.

● (1535)

Bill C-15B rids the law of these complexities and anachronisms and clearly sets out two main categories of offences: intentional acts of cruelty and those acts which cause pain, suffering or injury to animals by reason of criminal negligence. The creation of these two categories of offences in Bill C-15B provides clarity in the law in terms of precisely defining the mental and physical elements of the offences. Clarity and precision in the law operate to the benefit of all Canadians.

In the interest of promoting certainty in the law, I would like to note for the record that based on a concern raised by research and industry about the applicable level of criminal intent in one of the criminal neglect provisions the committee adopted an amendment. The amendment specifies that the offence of abandonment must be committed with "wilful or reckless" intent and that all other offences in the criminal neglect section must meet a standard of criminal as opposed to civil negligence.

A third aspect to modernizing the law is to fill a gap in the law. At the present time a person who has a lawful purpose for killing an animal but who does so brutally and viciously cannot be charged with cruelty unless they also cause unnecessary pain, suffering or injury to the animal.

Bill C-15B creates a new offence of intentionally killing an animal brutally or viciously whether or not the animal suffers pain. For example, such conduct could include tying an animal to a railroad track, fastening an explosive device to an animal, or putting an animal in a microwave oven.

In my remarks today I would like to address a point about which there appears to be much confusion. Some members have suggested to the House that if the defences in subsection 429(2) did not exist, industry would be guilty of committing cruelty offences. The main animal cruelty offence of causing unnecessary pain, suffering or injury is structured in such a way that industry and research practices are factored into determining whether a cruelty offence has even been committed. This is an extremely important point and I would like to take a few minutes to elaborate on it.

The first part of the analysis in determining whether an offence of causing unnecessary pain, suffering or injury has been committed is to examine the lawfulness of the purpose for which the pain was inflicted. On the basis of the recognition of industry and research practices in case law, common law, codes of practice, provincial, territorial and federal legislation and conventions concerning animal use, there is absolutely no question that the use of animals in industry or research always has been and will continue to be legal.

Even if the purpose is legal, the inquiry does not end there. The second issue to examine is whether or not the means used to achieve the purpose imposed avoidable pain, having regard to other means reasonably available "given costs and social priorities" as noted by the court in the leading case on cruelty.

An offence of causing unnecessary pain, suffering or injury is only made out if the court is satisfied beyond a reasonable doubt that the accused inflicted avoidable pain on an animal in these circumstances. This has been the test for liability in the criminal code for this offence since 1953 and it continues to be the test.

● (1540)

The government has stated repeatedly that what is lawful today will remain lawful after Bill C-15B comes into force. It is simply not an accurate statement of the law to suggest that because of subsection 429(2) of the criminal code, industry is effectively exempt from animal cruelty provisions because they have a lawful purpose for inflicting pain, suffering or injury. No one is exempt from the application of the criminal law on animal cruelty. They never have been and they will not be in the future.

Reasonable industry practices are not criminal because they do not meet the threshold of criminal liability and not because they are exempt.

Members of the House may be reassured to know that a witness who appeared before the committee on behalf of the Criminal Lawyers Association stated that it was the view of its members that moving the cruelty provisions out of part XI of the criminal code was appropriate and that no defences were lost to accused persons because of this move.

I have a last word on the issue of defences. Over the past 50 years the defences in subsection 429(2) have never been raised in a reported case involving the intentional infliction of unnecessary pain, suffering or injury. There is an obvious reason for this. As a practical matter, there are very few circumstances giving rise to a defence for intentional cruelty offences.

Mr. Vic Toews: That is because the defences were there. My goodness. Can you believe this?

The Acting Speaker (Ms. Bakopanos): If hon. members would like to participate in the debate, they will get their turn. For the moment, the hon. member for Northumberland has the floor.

Mr. Paul Harold Macklin: Madam Speaker, for example, in respect of cruelty offences which either prohibit conduct outright or which prohibit causing unnecessary pain, suffering or injury, the defence of duress might apply in an exceptional circumstance.

Colour of right, mentioned in subsection 429(2) of the criminal code, has two alternative meanings. In the context of property offences, colour of right is used to justify actions on the basis that the accused had possessory or proprietary rights to the property. Colour of right is referred to in subsection 429(2) because that part of the code deals with property offences.

Case law has also confirmed that the term colour of right is used to denote an honest belief in a state of facts which, if it actually existed, would at law justify or excuse the act done.

The courts have said that when used in this sense colour of right is merely a particular application of the doctrine of mistake of fact. Mistake of fact is a common law defence and all common law defences are preserved by subsection 8(3) of the criminal code.

There is case law that expressly states that even if subsection 429 (2) of the criminal code did not apply a defence based on raising a reasonable doubt as to whether the accused had colour of right would be available to an accused at common law.

To make its intent absolutely clear in the application of common law offences to cruelty offences the committee amended Bill C-15B to expressly refer subsection 8(3) of the criminal code. This means that all defences that could possibly be relevant in intentional cruelty and criminal neglect cases are expressly made applicable.

I would like to address one further concern that has been expressed by members of the House. Some members have suggested that the provisions of Bill C-15B would invite animal rights activists to use the criminal courts to challenge industry and research practices or to bring frivolous or vexatious prosecution. Even though there is no evidence that frivolous or vexatious prosecutions have been a problem over the past 50 years I draw the attention of members of the House to the provisions of an omnibus bill which was recently considered and passed by the House and is now returning to the House from the Senate.

Bill C-15A would provide important protections for persons who may be the subject of an information laid by a private individual. Because all of the animal cruelty offences in Bill C-15B are hybrid offences, with the exception of a breach of prohibition or restitution order, they would be subject to procedures for indictable offences.

Bill C-15A would provide that where an information is laid by an individual who is not a public or peace officer the justice who receives the information must refer it to a provincial court judge or a designated justice. In Quebec the relevant judge is a judge of the court of Quebec.

The judge or designated justice who receives the information must hold a hearing at which the attorney general has the right to attend, cross-examine and call witnesses and to present relevant evidence. It is only after this hearing has been held and only if the judge or designated justice considers that the case for issuing a summons or warrant has been made out that the accused would even be brought to court. This procedure would apply to all indictable offences and would offer an effective means by which allegations of animal cruelty made by persons other than public or peace officers could be assessed before a potential accused is put in jeopardy.

● (1545)

I would like to emphasize that there is a greater societal interest which is achieved by treating cruelty to animals more seriously. There is increasing scientific evidence that shows a correlation between animal cruelty and subsequent violence against humans. Our judges, health professionals and law enforcement officers are beginning to recognize and address animal abuse as an aspect of a bigger problem of violence in our society. I ask the House to do the same.

I would like to turn now to the proposed administrative improvement to the firearms program. Canada's firearms program is a practical and common sense approach to gun safety that works to keep firearms from those who should not have them while encouraging safe and responsible gun use by legitimate firearm owners. This is achieved with the licensing of firearm owners and firearm registration. Some of the program's opponents will tell us that targeting Uncle George's duck gun would do nothing to prevent crime. They are just plain wrong.

In 1998, 63% of all female domestic homicide victims were shot with ordinary rifles and shotguns. A further 21% were shot with sawed-off shotguns and rifles. In the home Uncle George's duck gun can have tragic consequences.

Canadians remain steadfast in their support for this public safety initiative. The government's approach to preventing firearm deaths, injuries and crimes is a clear reflection of Canadian values and principles. Poll after poll shows the overwhelming majority of Canadians support gun control and support the important public safety framework of the Firearms Act. In fact, an Environics poll taken late last year showed that the majority of the supporters of all political parties in the House supported the firearms program.

Our national investment in this program is already paying off in terms of public safety benefits and in compliance. Enhanced screening of firearms licence applicants and continuous eligibility screening of licence holders is already leading to safer homes and communities by keeping firearms from those who should not have them.

Since December 1, 1998, over 4,000 licences have been refused or revoked by public safety authorities. The number of revocations is 32 times higher than the total of the—

Mr. Jim Gouk: Madam Speaker, I rise on a point of order. Could I inquire of the House if it is permissible under parliamentary procedures for a speaker to provide inaccurate and misleading information in the course of making a speech?

● (1550)

The Acting Speaker (Ms. Bakopanos): That is a point of debate. When the hon. member has the floor he can debate this issue.

Mr. Paul Harold Macklin: Madam Speaker, I want to re-emphasize that through this process the number of revocations is 32 times higher than the total of the previous five years under the old program.

The licensing phase of the program has also produced a very successful compliance rate of about 90%. As we know firearm owners had to apply for a firearms licence by January 1, 2001. Eligible firearm owners who applied by the deadline should now have their firearms licence. We are now dealing with a small percentage of applications that need follow up due to incomplete forms or that require further review for public safety reasons.

We have now turned to the next phase of this important public safety program, the registration of firearms by January 1, 2003. As part of our commitment to facilitate compliance with the firearms program, firearm registration is now easier than ever. On a region by region basis licensed firearm owners have received a personalized registration form in the mail offering a limited time to register their firearms without charge. Another new feature is an online firearm registration process.

Despite the efforts of some opponents of this program to prevent Canadians from registering their firearms the response to these initiatives has been extremely positive. The amendments proposed in Bill C-15B would build on the success of the firearms program to date and the lessons learned, and I admit there have been lessons learned, from the licensing experience.

We are not changing the basic policy goals of the program such as the firearm registration deadline, nor the government's commitment to public safety. Instead, we are putting forth administrative changes that would facilitate compliance with the program and continue to ensure a high level of service to clients. These are a direct response to extensive consultations with program partners and stakeholders, including the policing community, gun owners and other Canadians.

These administrative changes would allow us to simplify the processes and requirements for firearm owners. At the same time it would strengthen the program's contribution to public safety.

Client service and efficiency would be enhanced by designing a more streamlined system. This would include simplifying firearm licence renewals and the registration process. Preprocessing of visitors bringing guns into Canada would also make the border process more efficient.

We would improve efficiency and reduce costs. For example, we intend to balance the workload associated with the program by staggering the firearms licence renewals. This would avoid a surge of applications in a five year cycle pattern.

We would improve the day to day administration of the firearms program by ensuring more direct accountability. We would achieve this by consolidating operational authority under the program through the Canadian firearms commissioner who would report directly to the Minister of Justice.

Other amendments would allow us to enhance border controls when it comes to firearm imports and exports and to meet our commitments under international agreements. This would include the recently finalized United Nations firearms protocol which supports Canadian policies and would be an additional tool in helping to curb the illegal trafficking of firearms.

We have heard and carefully considered the views of various individuals and organizations that appeared before the committee. In its testimony we heard the law enforcement community reaffirm its support for this program and its essential crime fighting tools.

The Canadian Police Association and the Canadian Association of Chiefs of Police outlined the significant public safety benefits of this program which combined the screening of applicants, tracking of firearms and minimum mandatory sentencing to help deter, prevent and prosecute firearm crime in Canada.

● (1555)

We have also heard the minister's user group on firearms maintain that these amendments are an important step forward in ensuring a fair balance between the interests of responsible firearm owners and our shared objective of public safety.

In response to specific issues raised, the government has responded with technical amendments that were adopted by the committee. I am confident that these will go a long way toward addressing any lingering concerns.

The government is committed to enhancing the safety of Canadians inside and outside of their homes. The amendments to the Firearms Act included in Bill C-15B will help ensure that the key public safety goals of the Firearms Act are met while ensuring that the administration of the program is more efficient, effective and client friendly.

Both the firearms and cruelty to animals provisions of Bill C-15B are supported by a large majority of Canadians. I urge the House to give this important legislation its final approval.

* * *

BUSINESS OF THE HOUSE

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Madam Speaker, I rise on a point of order. There has been consultation among the parties and I believe you would find unanimous consent for the following motion. I move:

That, following conclusion of tomorrow's debate on Bill C-344, all questions necessary to dispose of the second reading stage of the bill be deemed put, a recorded division demanded and deferred until the end of government orders on Wednesday, April 17.

The Acting Speaker (Ms. Bakopanos): The House had heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Government Orders

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

The House resumed consideration of the motion that Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, be read the third time and passed.

Mr. Vic Toews (Provencher, Canadian Alliance): Madam Speaker, I am pleased to take part in the debate today on Bill C-15B, the legislation dealing with animal cruelty and amendments to the Firearms Act.

I will not get into much detail on the firearms registry other than to say that gun control and the registry are two absolutely different things.

The citizens of this country realize that this registry has been one of the greatest boondoggles we have ever seen in the history of law enforcement. The government has dumped $700 million down the toilet for no apparent public safety purpose. In fact it continues to spend $100 million a year to prosecute duck hunters, farmers and others.

My colleague who just spoke indicated that there are offences occurring in respect of sawed off shotguns. Sawed off shotguns are prohibited. We cannot register sawed off shotguns. The things he said have nothing to do with reality. The only reality that we have seen with this gun registry is to strip frontline police officers of the resources that they need to fight crime effectively.

We on our side will continue to oppose this registry that takes resources away from our frontline police officers and gives jobs to bureaucrats. There is nothing wrong with bureaucrats, I was one for many years, but let us put bureaucrats to good use. I am sure they do not want to be sitting there spending taxpayers money for no apparent valid purpose.

Moving on from the firearms amendments, the most contentious aspects of the bill concern the proposed changes to the animal cruelty sections of the criminal code. I have in fact received hundreds of letters regarding the bill. Letters in favour have been almost exclusively from large urban area such as Toronto and Vancouver and their surrounding areas. The letters opposed have been exclusively from rural areas.

Farmers from my riding of Provencher and from all across Canada are very worried that the legislation and the impact it will have will undoubtedly impact negatively on their livelihood. They are afraid that one day the provisions that we are debating could put them in front of a judge for practices that they, their parents and their grandparents have been carrying out for generations. Many of my constituents perceive this bill as just one more example of how the government has pitted urban Canadians against rural Canadians to gain political favour among a small but powerful circle of special interest groups.

A 1998 Department of Justice consultation document acknowledged that well organized groups can and do initiate letter writing campaigns on this issue and that such campaigns can have an influence on government policy. For several years now organizations, such as the Animal Alliance of Canada and Zoocheck Canada, have been appealing to Canadians and to the government on an emotional rather than a rational level, using slogans such as "They're getting away with murder".

During the past several years a great deal of misinformation has been circulated by animal rights groups, by the press and by individuals who believe that we need to pass the legislation in order to prevent horrific crimes against animals, such as those we have heard about over the past several months, including some of the ones referred to by the Liberal member who spoke previously, stories of cat skinnings and of dogs being starved, tortured or otherwise abused or neglected.

The extensive media coverage on this issue seems to indicate that many Canadians have been advised that somehow we do not already have laws to prosecute those who skin cats and drag dogs behind vehicles for pleasure. This erroneous idea, which has been perpetuated by animal rights groups in Canada, is completely false.

● (1600)

The animal cruelty laws on the books are good laws. They already criminalize intentional acts of cruelty against animals and there is no urgent need for that aspect of the law to be changed. The penalties for these offences are admittedly inadequate and I strongly support raising the penalties for these offences but the laws themselves must not be changed in the manner proposed by the legislation.

The issue is not whether or not we support legislation to deal with cruelty to animals. It is not about whether the majority of Canadians support this concept, because clearly they do. The issue is about the implications that this poorly drafted and poorly thought out legislation could have on potentially a very large number of Canadians.

To those who claim that something must be done about animal abuse, I agree. Those who intentionally abuse or neglect animals must be prosecuted to the full extent of the law. No one wants to see animals abused. I own a dog and I do not use that term apologetically. I own a dog and I would be shocked and angry if he were harmed in any way.

My colleagues and I in the Canadian Alliance abhor animal cruelty and, as I have said, strongly support changes to the law that would strengthen the penalties for animal cruelty offences. However, we do not support the amendments to the criminal code found in Bill C-15B because they will significantly alter the ability of farmers, ranchers and medical researchers, among others, to engage in the legitimate and beneficial activities that they presently undertake.

One of the biggest problems in the legislation is the issue of animal cruelty offences being moved out of the property section of the criminal code. A few weeks ago in the London *Free Press* a journalist wrote that listing animal cruelty offences under the property section, as they currently are, is "a lot like saying hitting your horse with a 2x4 is akin to bashing your refrigerator". The mistaken logic in this argument, apart from the unreasonable implication that a judge cannot tell the difference between a refrigerator and a horse, is at odds with the fact that people naturally have an interest in protecting their property, not harming it.

The overwhelming majority of animal owners, be they ranchers or dog lovers, have an overriding interest in ensuring the health and safety of an animal that they have purchased and cared for over time. In any case, the removal of the animal cruelty offences from the property section of the criminal code, as this legislation proposes to do, will have both a lasting symbolic effect as well as causing practical difficulties for many Canadians.

Moving animal cruelty offences out of the property section of the code is applauded by extreme animal rights movements because it will cause a fundamental change in the way that animals are perceived in our society and it will certainly change the way the courts view these offences. Judges will take into account these changes and attempt to interpret the reasoning and the intent behind it when applying the legislation to any future prosecutions laid under these provisions.

● (1605)

The prior justice minister and the justice department claim that moving the animal cruelty offences out of the property rights section has no legal significance. The member just stated that the minister has said that what was lawful before remains lawful now, so in essence there is no legal significance to this. If there is no legal significance to this, if what is lawful now remains lawful with this new legislation, it begs the question, why do it at all? If we are saying to judges that we are altering the legislation substantially but it is of no legal consequence, I can hardly believe that a judge would think that parliament would go through this exercise in order to do absolutely nothing.

Let us not mislead anyone. These provisions are making substantive changes. What is lawful now may well not be lawful tomorrow if the bill is passed. If that is not the case, why make these changes?

Although the former minister of justice who introduced Bill C-15B stated that it was not her intention to substantially change the law governing animal cruelty, in fact the proposals would remove the defences currently applicable to those who engage in activities ranging from traditional and legitimate farming practices to medical research that ultimately benefits the development of better health care for all of us.

Radical animal rights groups in Canada certainly will use this new legislation as the basis for legal harassment and unjust prosecutions, and in fact already have stated their intention to do so. The cost of defending an unjust prosecution, even if there eventually is a not guilty verdict, is a burden that ordinary Canadians cannot afford, nor should they be subjected to this burden. The animal rights lobby has argued consistently that legal rights for animals cannot be achieved until animals are no longer considered property under the law. I want to give the House just a few examples that illustrate the true intentions of these groups.

A lawyer for the World Society for the Protection of Animals, Lesli Bisgould, has been quoted as saying:

> In fact, the legal status of animals today is analogous with that of oppressed groups in society over the past century, the right not to be seen as a means to an end, the right not to be property.

In a 1999 recommendation to the justice department, the Ontario SPCA said that pets should:

> ...become literally a part of the family and any abuse, wilful or otherwise, would be treated the same as abuse of a child.

Such groups who would chose to compare the life of an animal to the life of a human child should not be taken seriously, especially given the fact that they represent only a minute percentage of Canadian society, yet we have a Liberal government adopting that philosophy. They are the groups that are influencing government policy. They are the groups saying that animals are equivalent to children. It demeans children. It demeans human beings. This is the type of philosophy that the Liberal government is asking Canadians to accept.

Liz White, the director of the Animal Alliance of Canada, has stated in particular reference to this legislation:

> I can't overstate the importance of this change. This elevation of animals in our moral and legal view is precedent setting and will have far, far reaching effects.

At least this individual is telling the people of Canada the truth. She is saying that what is lawful today will not be lawful tomorrow because these animal rights groups that have the inside track to the federal government, to the federal Department of Justice, will ensure that these prosecutions are undertaken.

● (1610)

She has also told her membership this:

> My worry is that people think that this is the means to the end, but this is just the beginning. It doesn't matter what the legislation says if no one uses it, if no one takes it to court, if nobody tests it. The onus is on humane societies and other groups on the front lines to push this legislation to the limit, to test the parameters of this law and have the courage and conviction to lay charges. That's what this is all about. Make no mistake about it.

This is nothing about reforming the law. This is everything about adopting a radical animal rights agenda in order to prosecute farmers and others in the food production industry, as well as medical researchers.

A spokesman for the Voice for Animals Society in Edmonton made a statement in the Edmonton *Sun* on June 6, 2001, in reference to cattle branding, a practice which, I understand, has been going on for some time. It is lawful today to brand cattle. The spokesperson stated:

> I sincerely hope the new law does lead to [court action]. We need to fundamentally reconsider some of these practices.

This is in reference to cattle branding. The spokesperson also stated:

> I think that's what this law is for, to challenge the thinking. Cattlemen just want it to be business as usual.

That is what the minister has said, that it will be business as usual, that the law is not changing. That is what the member across the way has said, that the law today will be the law tomorrow. What is lawful today will be lawful tomorrow.

However, we know from these changes, and any reasonable lawyer, which is not an oxymoron as I am a lawyer myself, reading these provisions will understand, that something substantive has happened here in the House. If nothing substantive has happened, what are we doing here? Why make all these changes if there are no substantive changes?

I was a former prosecutor. I can just imagine appearing before the judge saying "Well, Your Honour, there have been substantial movements in these sections, substantial changes in the wording. We have taken these offences out of the property sections and moved them to a new part, but, Your Honour, I want you to think nothing of it. Nothing has really happened. There have been no substantive changes made".

The defences that apply to the property sections, which now do not apply to these new sections, do not make any difference because apparently, from the reasoning across the way, those defences in the criminal code were mere window dressing. The member opposite said that in 40 years those defences have never been used. Does he not get the connection as to why those defences have never been used? Does anyone know why they have never been used? Because they would not allow an unjust prosecution to be commenced.

Those defences in the code stop the offence from being charged. A prosecutor looking at the property section would say there is a section he would like to use prosecute a person who commits an offence, but then he would say there seem to be these defences there, so he could not prosecute. The defences are there. These things never come to court, so of course they are never used in court.

The thinking across the way astounds me. The problem is, I do not think any of these people have ever been inside a court and have actually heard judges or lawyers make arguments. This seems to be an academic's dream and a cattleman's nightmare.

● (1615)

The intention of these groups is clear. As soon as the legislation is passed into law their members will commence private prosecution against farmers, ranchers, researchers and anyone else presently using animals for lawful and legitimate purposes. Most, if not all, of these charges may eventually be thrown out by the presiding judge, but the fact is that such prosecutions not only will tie up our courts and our justice system needlessly, they will cause great expense to the very people who cannot afford to be abused in this way.

I can just picture myself in front of one of my farmers who is charged under this private prosecution and saying that there is this great new thing that we do; we go up in front of a judge who is going to clear whether or not that charge can proceed. What we are doing is imposing a whole new system of preliminary hearings. On the one hand the former minister of justice has introduced legislation disposing of preliminary hearings. The defence lawyers were very angry about that because preliminary hearings are a good way to make money. Now what the government has done is institute preliminary hearings to see whether or not private prosecution should proceed.

The accused would go in front of a judge. Even if he is unjustly accused he has to hire a lawyer and argue against this. That is what a screening process is. It would be a legal hearing with all the attendant costs. What this does is fly in face of common law tradition, which states that the attorney general of the province can come into court and stay the charge if it is a frivolous prosecution. In respect of contentious charges, there are often sections in the criminal code that say that the prosecution shall not be commenced without the consent of the attorney general.

Rather than simply putting in that kind of provision, what has the government done? It has instituted a bureaucratic nightmare that will impact adversely on the pocketbook of somebody who has been unjustly prosecuted. That is what this is all about. This is the biggest piece of nonsense I have seen introduced in legislation in years. Believe me, I have seen a lot of nonsense and I have had to prosecute under it, but this is one of the biggest pieces of nonsense. Somehow the government is trying to tell the people of Canada that it is doing this for their own protection.

I could go on for hours outlining what appear to be the intentions of the animal rights lobby, but one of the most alarming aspects of this campaign is revealed in a fundraising letter from Liz White of the Animal Alliance. She stated:

> Getting our politicians to pass good animal protection laws is about reward and punishment—rewarding them for doing a good job and punishing them for doing a poor one.

That is interesting. She continued, stating that:

> The Liberals have done a good job on Bill C-15B—

She says it has done a good job on Bill C-15B and I say it has done a good job on the Canadian people. She continued, stating that:

> —and our first chance to reward them will be in the upcoming byelection in Calgary Southwest.

She also referred to the last federal election in the former justice minister's riding. She stated:

> Because of a commitment made by the Minister of Justice...in the House of Commons to pass C15B, Environment Voters campaigned for her re-election. Under attack by hunters and gun owners and a cabal of extremist right wing groups, [the minister] was in a losing campaign. Environment Voters stepped in and championed her election...Good to her word, [the minister] introduced the breakthrough animal protection legislation.

● (1620)

Talk about reward and punishment. According to the people who have supported and who have stood shoulder to shoulder with the former justice minister, the bill is the political payoff that that minister has to pay. Her own supporters are saying that and acknowledging it publicly. Is it not nice to know that these groups view Bill C-15B as a political payoff for the minister having introduced legislation in accordance with a radical agenda. Unfortunately the Liberals will not be running a campaign in Calgary Southwest.

The fact of the matter is that the goal of these groups is to fundamentally change the way in which animals are viewed in society. The Liberals continue to claim in committee hearings and in the media that frivolous, nuisance prosecutions will not be pursued and that they do not intend to prosecute farmers, hunters or medical researchers carrying out lawful activities. Yet their private statements to their own members is radically different from what they are telling the public, and I have quoted them extensively.

In a posting on an Internet chat site called Animal Rights News one subscriber wrote in reference to justice committee proceedings. It said:

> The good news is that animal rights groups have researchers, hunters, fur people, farmers and other animal exploiters shaking in their boots and they feel that we are a real and genuine threat to their barbaric ways.

These are the groups who are supporting this legislation, who supported the former justice minister and who said publicly that the law as it is today will be the same tomorrow and we are going through this exercise of changing the law. We obviously are changing it for substantive reasons and those reasons are, simply put, a political payoff as these groups have acknowledged.

The extreme nature of their agenda is demonstrated by the fact that they claim that using animals for food, research, clothing or even as pets as people have done since the beginning of human civilizations, are "barbaric" practices and should be stopped.

I would now like to quote from a letter written by Pierre Berton, senior patron of Canadians for Medical Progress to the Standing Committee on Justice and Human Rights, that refutes the common claim by many of these radical groups and by government members themselves that private prosecutions will not be pursued using this new legislation. He stated:

> One glaring example of a Canadian private prosecution undertaken by the Life-Force component of the animal-rights movement against Dr. William Rapley and Dr. Bernard Wolfe of the University of Western Ontario, ground through the courts in London, Ontario in 1985, and was finally thrown out of the courts because of its frivolous and malicious nature. The private prosecution was undertaken because the public prosecutor had refused to lay charges. There have also been many such cases in different U.S. jurisdictions over the year

He went on to say:

> The decision to move animals from the Property section in Bill C15-B, will most surely open the door to an abundance of similar frivolous private prosecutions from the animal rights movement, against the research enterprise, in the future.

This is the eminent Pierre Berton telling us as we on this side of the House already know, that these animal rights activists will attempt to disrupt medical research that means a difference in our health care standards in this country.

● (1625)

This legislation would not only change fundamentally the way in which animals are viewed by the courts and by society, but moving animal cruelty offences out of the property section into a section or a part of its own removes the legal protections currently in place.

The phrase "legal justification or excuse and colour of right" in section 429(2) of the criminal code currently provides protection to those who commit any type of property offence and protects them from the charges being laid in the first place. Courts have held that these defences apply where the accused had the honest belief in a state of facts which, if true, would constitute a legal justification or excuse. For example, an honest but mistaken belief that it was necessary to kill an animal to put it out of its misery after a person had accidentally shot and wounded it while trying to frighten it off the land would be sufficient to provide a colour of right defence under these provisions.

This also applies to the performance of research on animals and a range of other legitimate activities. However, in the new bill, the fact that the animal cruelty provisions would be moved out of the general classification of property offences and into a section of their own would remove these provisions outside the scope of that protection and, therefore, charges could be laid, whereas previously the charges could not be laid.

The Canadian Alliance asked the government members to make the defences in section 429(2) explicit in the new legislation, but they refused. I believe it was my colleague from the Bloc who made that amendment.

In justice committee proceedings, the minister's parliamentary secretary attempted to assure the committee that it was the government's intention that the defences in section 429(2) of the code would continue to apply to cruelty to animals offences and that these defences were implicit in the new legislation. However, when the amendments were moved that would have made these defences explicit, the government members opposed them.

If these defences are already implicit, what possible objection could there be to make them explicit, other than to deny these protections to farmers and others who will be subjected to unfair prosecutions?

Instead of making these defences explicit in the legislation, the minister amended the bill to confirm that the common law defences available under section 8(3) of the criminal code would continue to apply to any cruelty to animal offences. This of course is meaningless. Section 8(3) already applies to the entire criminal code. Making that amendment does nothing. What the Liberals are trying to do is evade the direct, explicit protection that those defences in section 429(2) would have provided to these farmers.

Furthermore, as noted by the Canadian Council for Animal Care in committee testimony, these defences in section 8(3) do not necessarily encompass a recognition of the lawfulness of using animals for research and medical testing. Although common law defences could encompass activities authorized by statutes, such as the slaughter of animals for food, laws authorizing animal use in research only applies to six of the thirteen provinces and territories, and there is no federal legislation authorizing this kind of activity. Needless to say, many medical research groups and universities are very concerned with the implications this bill may bring if it is passed as currently written.

In answer to these concerns, and I need to reiterate this again, the former minister amended the bill to provide this screening mechanism which she claimed was a powerful tool to prevent frivolous private prosecutions.

● (1630)

What kind of a system is it? Well the mechanism would allow a provincial court judge to prescreen such prosecutions and decide whether they should proceed. The provincial judge does not get a file on his or her desk in his or her chambers and consider this. This is a prescreening that occurs in open court. This is a legal process and at a legal process I am sure the animal rights groups will have their lawyers there. Now we have the farmer or medical researcher being prosecuted.

My colleague across the way says that they do not need a lawyer. If the animal rights groups have all of the lawyers, we cannot have the farmer sitting there without a lawyer, and we know it will be an expensive process.

I want to reiterate what I said. What we are doing is creating a whole new class of preliminary hearings with day after day of evidence to see whether there is a reasonable basis for the charge to be laid. That is essentially what a preliminary hearing does. Now we are putting it in there instead of a simple provision that says that the consent of the attorney general in the province where the prosecution is taking place must be obtained before the prosecution proceedings.

Why do they not trust the public prosecutors? The Liberals do not trust them because the public prosecutes do not have a political agenda to go after farmers and medical researchers. They have not been bought off by the animal rights activists who are collecting on a debt their minister incurred during the last federal election, as the animal rights people have indicated.

Instead of alleviating the fears of farmers and other groups who rely on animals for their livelihood, this process being put into place by the government will only lengthen an already cumbersome and expensive legal process to which this farmer or medical researcher would be subjected.

It might be all right for Liberals with deep pockets to be prosecuted for this kind of an offence. They can hire all the lawyers, appear in front of the judge and argue with the animal rights activists. However there are a lot of people in my riding who earn a living the honest way, on the farm, producing food for the people of Canada. They will be taking the brunt of this radical animal rights agenda.

None of the concerns raised in committee hearings or in the House of Commons by those in favour of Bill C-15B would address the pressing need to ensure that cruelty to animals would be more effectively addressed by these amendments.

None of these examples demonstrated that. In fact even the provisions to increase the penalties are really a fiction because we know that those maximum penalties under the existing law are rarely, if ever, imposed. Therefore we can increase the penalties all we want. It will not make a difference if the judges do not impose or the prosecutors do not request those maximum penalties.

There are many other points that I would like to make in respect to this case but I think that the drift of the debate has gone far enough. I realize my time is drawing to a close, but the House and the committee needs to consider this further. Therefore I move:

That the motion be amended by deleting all of the words after the word "That" and substituting the following therefore:

"Bill C-15B, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act be not now read a third time, but be referred back to the Standing Committee on Justice and Human Rights for the purpose of reconsidering clause 8, taking into consideration the importance of ensuring that the legitimate use of animals by farmers, sportsmen and medical researchers should be protected under this bill.

● (1635)

The Acting Speaker (Ms. Bakopanos): The amendment is in order.

[*Translation*]

Pursuant to Standing Order 38, it is my duty to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Acadie—Bathurst, Employment Insurance; the hon. member for Yorkton—Melville, Gun Registry; the hon. member for Sherbrooke, Natural Resources.

Mr. Robert Lanctôt (Châteauguay, BQ): Madam Speaker, I rise to present the position of the Bloc Quebecois and to share the views expressed by numerous stakeholders regarding this issue, which has been neglected for too long. My presentation will be divided into two parts. First, I will deal with the provisions on animal cruelty and, second, I will discuss the provisions concerning the Firearms Act.

It goes without saying that animal cruelty is a very important issue that must be closely examined by this House. Bill C-15B, which is the result of the splitting of Bill C-15, amends the criminal code by creating a new part exclusively dedicated to protecting animals and preventing animal cruelty. This is part V.1.

The criminal code is amended to increase penalties for offences related to cruelty to animals. I am referring to clause 8 of the bill, which amends the criminal code by adding clause 182.1 and the clauses that follow it.

This bill also amends the Firearms Act to modernize administrative procedures and to give more powers to the registrar of firearms, which results in decreased powers for the chief firearms officer, who currently falls under Quebec's jurisdiction. I will discuss this issue a little later on.

The federal government reacted favourably to a public campaign, to hundreds of letters and thousands of signatures from people who were asking for more effective animal protection legislation, and for harsher penalties for any act of cruelty involving animals.

Most of the of criminal code provisions dealing with cruelty to animals date back to the end of the 19th century. Modern associations and groups, whose numbers are growing and which are increasingly better organized, demanded that the scope, types and harshness of penalties be reviewed and increased. The idea was ultimately to have a more modern and broader notion of cruelty to animals. The federal government took advantage of this considerable support to introduce a bill reforming the part of the criminal code that deals with cruelty to animals.

Since its introduction, Bill C-15B has given rise to strong reactions and conflicting interests. Initially, the Bloc Quebecois supported several elements of the bill, including the creation of a new part in the criminal code, which would see the transfer of provisions related to animals from part XI of the code dealing with property crimes to this new part. However, the Bloc Quebecois can no longer support the bill, because it does not protect, among others, the legitimate activities of breeders, farmers, researchers, hunters and so on.

The purpose of this bill is to have more adequate means to deal with offenders who commit cruel and reprehensible acts against animals. The purpose of this reform is to protect animals, which we obviously support.

However, here is why we cannot support the bill as it stands. The then Minister of Justice as well as government officials claimed that the bill would not deprive the animal industry of its revenues,

We have to question the true intention of the federal government, since it has decided to reject the amendments put forward by the Bloc Quebecois asking that the means of defence in article 429 of the criminal code be added explicitly—I repeat, explicitly—to the bill so as to reassure the animal, farming, medical and sports industry regarding any risk of frivolous action. Because this has not been done, we cannot support this bill.

● (1640)

The Department of Justice simply preferred to amend the bill by adding the general defences in paragraph 8(3) of the criminal code. All that this amendment does is add to the bill a defence that is universally applicable. What we wanted was the specific addition of the means of defence in section 429.

What is the reason for not explicitly including these defences when a dummy amendment is being created to add clause 8(3)? The Bloc Quebecois proposed amendments specifically aimed at having the means of defence in section 429 of the criminal code added explicitly to new part V.1 of the criminal code.

The Minister of Justice and the Standing Committee on Justice and Human Rights rejected the Bloc Quebecois' amendments, which would have explicitly added as a defence acting with legal justification or excuse and with colour of right.

The Bloc Quebecois would clearly have been in favour of the bill in principle if it could have been amended to reflect the means of defence currently allowed in part XI of the criminal code.

That is why the Bloc Quebecois recommended that the means of defence in section 429 of the criminal code be added explicitly to new part V.1 of the criminal code. All these amendments were turned down in committee.

What exactly is this bill? Bill C-15B contains the present provisions of the criminal code concerning cruelty to animals and adds a number of new provisions.

The problem at present as far as the section of the present code relating to animals is concerned is essentially with the concept of property. Animals being considered at present to be property rather than living things, the penalties and possible recourses are to all intents and purposes minimal.

Enforcement of the legislation as it now stands results only in damages for loss of goods. Another problem raised relates to the lenient sentences. Because sentences are lenient, they encourage repeat offences. Clearly, revision was necessary. This is why animal rights groups have repeatedly called for better protection with respect to cruelty to animals.

I must reiterate that the Bloc Quebecois is in favour of increased protection for animals, but only provided there is protection for legitimate activities involving animals, animal husbandry, sport hunting and fishing, and research.

It is not the case with Bill C-15B, since the amendments tabled by the Bloc Quebecois have all been rejected. It is very important that we analyze the provisions of this bill to understand it fully. The logical place to start would therefore be with the definition. The bill contains a very broad definition of animal, which it describes as "a vertebrate, other than a human being, and any other animal that has the capacity to feel pain".

This is what new section 182.1, in the new part V.1 of the criminal code, states. This is an example of a final change. Not only are animals moved from the property section, but this amendment also shows how animals will be viewed in the criminal from now on, that is as creatures that can experience pain.

I will come back later to the problem created by the introduction of the notion of pain in this part of the criminal code. The concerns of stakeholders in the animal industry are legitimate, very much so. Could a farmer who deliberately poisons a rat, which is a vertebrate, be convicted under section 182.1 of the criminal code or clause 8 of the bill? Would he be liable to the maximum sentence of five years imprisonment?

On the other hand, I want to make it clear that the bill does not define the notion of killing an animal without lawful excuse, in section 182.2(1)(*c*). I wonder if a hunter who kills an animal without lawful excuse could receive a sentence of five years imprisonment.

● (1645)

Similarly, Bill C-15B could cause problems, particularly for breeders and the entire sport hunting industry in Quebec, as well as for medical and scientific researchers.

I believe that a better balance between these two opposing interests could have been struck. This did not happen, the amendments that the Bloc Quebecois proposed in an attempt to do so were all rejected in committee.

During the committee meetings, justice officials said that activities that were legitimately recognized would be recognized after the bill had been passed. We are skeptical. What is more, a number of witnesses appearing before the committee mentioned that there is an obvious lack of resources to enforce the criminal code effectively and appropriately when it comes to cruelty to animals.

Let me come back to the problems surrounding the notion of pain. This notion is not clearly defined, the Bloc Quebecois fears that the crown may not be able to prove which animals can feel pain other than by resorting to expert opinions. As well, once they have taken this first step, the crown may well have to meet twice the burden of proof because it will be required to prove, again by expert opinion, that not only is the animal in question able to feel pain, but that it did indeed feel pain.

The Bloc Quebecois also fears that there may be unjustified legal proceedings, which will create significant costs, not only for the Crown, but particularly for animal husbandry, sport hunting, research and other sectors, related to all of the expert opinions required to demonstrate the notion of pain, and pain that was in fact felt.

After this examination of the definition, I would now like to examine the clauses of the bill. Clause 182.2(1) lists the acts towards animals that would lead to criminal responsibility if committed by a person who does so wilfully or recklessly.

Paragraphs (*a*) through (*d*) do not provide for all means of defence as found in part XI of the criminal code. Paragraphs (*c*) and (*d*) do provide the protection of lawful excuse, but not the others.

As such, paragraph (*a*) of clause 182.2(1) refers to causing or, if you are the owner, permitting to be caused unnecessary pain, suffering or injury to an animal. Paragraph (*b*) of the same clause refers to killing an animal brutally or viciously, regardless of whether the animal dies immediately, or if you are the owner, permitting an animal to be killed in this way.

I bring to your attention clause 182.2(1)(*c*), which provides a defence for someone who kills an animal without lawful excuse. Clause 182.2(10(*d*) says that it is unlawful to poison ananimal, place poison in such a position thatit may easily be consumed by an animal,administer an injurious drug or substanceto an animal or, being the owner, permitanyone to do any of those things.

I emphasize that it would have been appropriate to amend the preamble of clause 182.2(1) to include the concept of lawful justification, excuse or colour of right for the first parts. With the amendments the Bloc Quebecois introduced, parts (*e*) and (*h*) would not be afforded the defences provided for under part XI of the criminal code.

It should be noted that we moved an amendment providing for an exception for hunting with hounds or for the *roue du roi* under clause 182.2(*g*). This amendment was voted down in committee as well.

We agree with the intent of those clauses making illegal all activities concerning the fighting or baiting of animals, including-training an animal to fight another animal, under clause 182.2(1)(*e*).

● (1650)

We also agree with the provisions in paragraph 182.2(1) (*f*) which would make it an offence to build or maintain a cockpit or any other arena for the fighting of animals on premises that a person owns or occupies, and those in paragraph 182.2(1)(*g*) having to do with activities at which captive animals are liberated for the purpose of being shot at the moment they are liberated, with the exception of the exemption proposed with respect to hunting with hounds and the roue du roi.

We are also in agreement with paragraph 182.2(1)(*h*) which has to do with the owner, occupier or person in charge of any premises permitting the premises or any part of the premises to be used in the course of an activity referred to in paragraph (*e*), fighting or baiting, or paragraph (*g*), captive animals being liberated for the purpose of being shot at, with the exception of the exemption proposed with respect to hunting with hounds and the roue du roi.

New paragraph 182.2(2) sets out the sentences for the above offences. These are hybrid offences liable on conviction by way of indictment to imprisonment for a term of not more than five years and on summary conviction to imprisonment for a term of not more than eighteen months. The government added a fine to the sentence.

I wish to say at this point that we are in favour of increasing sentences. But the police must be able to make the charges stick. We think, therefore, that consideration must be given to the fact that the police do not necessarily have adequate resources to deal with complaints of cruelty to animals.

In addition, we think that it would be advisable to make the police and the courts more aware of this scourge. We realized this in committee, when police associations appeared before us to say that everything was fine. In fact, they were there solely to address the firearms provisions.

I must point out that representatives of animal defence groups have repeatedly told us that very few complaints lead to charges and that almost no charges result in a sentence. The Bloc Quebecois is of the opinion that this aspect of the problem of cruelty to animals is vital to finding a solution. The necessary resources must be made available.

I will now look at the defences which should be part of the bill.

We believe that adding a new section to the criminal code will have the effect of moving animals to a section of their own, which in itself is desirable. However, we cannot support it because the defences available under section 429 of the criminal code, under part XI of the criminal code, dealing with property offenses, are not being transferred to the new part V.1.

The defences proposed in Bill C-15B are central to our concerns. The fact that the means of defence are not included in the new part V.1 will certainly result in those who legitimately and legally kill animals or cause them pain being deprived of the protection currently afforded them under subsection 429(2) of the criminal code.

Moving such provision would ensure lawful justification, excuse or colour of right. It is so at present. Why then not provide for it in Bill C-15B?

Subsection 429(2) of the criminal code reads as follows:

> No person shall be convicted of an offence under sections 430 to 446 where he proves that he acted with legal justification or excuse and with colour of right.

While Bill C-15B includes the concept of lawful excuse for certain offences, as well as the common law defences in subsection 8 (3) of the criminal code, it is still not enough because these provisions only apply to offences under paragraphs 182.1 (*c*) and (*d*) and are definitely not as general as the existing provisions.

● (1655)

However, the Minister of Justice, the Deputy Minister of Justice and the Parliamentary Secretary to the Minister of Justice saw fit to amend the bill stating that section 8(3) of the criminal code would apply and that the defences of legal justification or excuse or colour of right would be implicit. The Bloc Quebecois has grave reservations in this regard.

What is colour of right? In *R. v. Ninos and Walker* [1964] C.C.C. 326, the court stated that the accused must show that he had an honest belief in a state of facts which, if it existed, would constitute legal justification or excuse.

The colour of right defence is based on the honest and subjestive belief of the accused that at the time of the offence there was colour or right. It is based on a belief in a set of circumstances or a situation of civil law which, if it existed, would negate the wilful intent to commit the offence.

Even if the belief does not need to be reasonable, the fact is that it is a factor to be taken into consideration in determining whether such a belief. However, it is not enough for the accused to have an amoral belief in the colour of right.

The colour of right applies to errors of facts or errors in law and is not limited to areas of the law concerning proprietory interest or ownership right.

And what about legal justification or excuse? It is defined as a defence allowing someone accused of a criminal offence to be acquitted or get a reduced sentence because of circumstances surrounding the action in question.

I would stress that these defences are provided for under section 429 of the criminal code and allow legal activities that otherwise would be considered criminal.

Furthermore, section 8 of the criminal code states that common law defences render a circumstance a justification or excuse. According to the government, it would appear that the rules of common law are still in force, but this same government has chosen to reaffirm it in the new part of the criminal code, namely part V. 1.

The Bloc Quebecois has serious misgivings about this. On the one hand, legal experts tell us that defences provided for under section 8 (3) of the criminal code apply all the time and, on the other hand, the government chose to include them explicitly in its bill. We question the appropriateness of this approach.

Let me explain. On the one hand, the department tells us that the defences now being used under section 429 of the criminal code, which apply only to that part of the code, will not be included in the new part of the legislation dealing exclusively with cruelty to animals. Representatives of the Department of Justice stated that these defences apply implicitly, so it is not necessary to spell them out.

On the other hand, the department has chosen to repeat the defences mentioned in section 8(3) of the criminal code, which apply to all of the code. Why do this if the defences automatically apply to the entire code?

I continue to wonder about this, because I want to know why the government has decided not to include some specific clauses that apply exclusively to one specific part of the code in another specific part of the legislation.

There is a principle in law whereby the legislator is not deemed to speak in vain. Therefore, if a general clause applies to the whole of a text, one has to conclude that a specific clause will only apply to a specific part of the text.

After all, if section 429 applies only to part XI of the criminal code, we would be mistaken in saying that it will also apply to another part of the code; that is why we must set out explicitly the defences mentioned in the new part V.1. That is what our amendments would have done.

● (1700)

A first common law defence provided under section 8(3) of the criminal code is that of necessity. The three evaluation elements for this defence are: first, the existence of an imminent danger or peril; second, the absence of reasonable legal alternative and, third, the proportionality between the harm caused and the harm avoided.

A second defence is the inducement to commit an offence, or police provocation. This defence may be used when, during the course of a criminal investigation, peace officers provide an opportunity to commit an offence, in the absence of a reasonable doubt that such an offence would be committed.

Intoxication is another defence. If the intoxication is induced by the accused himself, it is not a defence. However, it can be a defence for a crime of general intent, if the intoxication is such that it is not associated with a reasonable person. Finally, we all know the defence known as an alibi, where the accused endeavors to prove that he was in a different place when the offence was committed.

The Bloc Quebecois understands that the population as a whole is very attached to the moral principle of ensuring the wellbeing of animals. Many of us are concerned about this issue and feel that animals should be better protected from illegal and criminal behaviour affecting them.

A growing number of Quebecers and Canadians have been calling for tougher penalties against those who are cruel to animals.

As for us, we believe that it is just as important that judges, crown attorneys and special agents from the Canadian Society for the Prevention of Cruelty to Animals be empowered to impose penalties on those whom they find guilty of committing such offences. It is obvious that authorities lack the resources to examine complaints and deal with them in an appropriate fashion.

This is the substance of the evidence heard in committee. It was also reported that many studies confirm the existence of a close connection between cruelty to animals and aggressive criminal behaviour. Therefore, it appears that imposing harsher penalties on those who are cruel to animals could help prevent violent crimes against people.

Animal rights organizations are demanding increased protection against animal cruelty and more recourses. A majority of people agree and feel that it is essential to recognize animals as living beings.

It was also mentioned that the criminal code does not adequately cover cruelty to animals offences. Sections 444 to 447 of the criminal code were passed in 1892 and minor amendments made in 1954. The wording is obsolete and, in many cases, does not help in protecting animals forced to endure suffering and unnecessary wounds or wilfully deprived of essential care.

Again, a high proportion of serious criminal offences against animals do not result in sufficiently stiff sentences. This is what we should be focusing on.

I repeat, we must make the police, judges and crown attorneys more aware of this scourge so that it is no longer seen as an offence against property. We wish to emphasize that our reservations about this bill have to do with the potential threat to the conduct of legitimate activities.

The proposed amendments to Bill C-15B have to do with acts of cruelty committed wilfully. Department of Justice officials tell us that the bill will in no way change how the act is applied to existing legal activities involving animals and this is where we are not in agreement.

● (1705)

We think that the existing accepted practices of companies using animals must continue to be expressly protected by the fundamental criminal laws now in effect.

The Bloc Quebecois therefore believes that it is necessary to protect animals and not to consider them as property. Thus, part XI of the criminal code, which has to do with crimes against animals, was quite rightly included in Bill C-15B. Persons with animals in their care have an obligation to meet their basic needs and not to wilfully or recklessly cause them unnecessary pain, suffering or injury.

We believe that the shortcomings in the current legislation should have been corrected long ago. However, it appears obvious that the vital corrections to some of these shortcomings have still not been made.

We have heard from the witnesses and we can conclude that those who are directly or indirectly involved in the animal industry feel that this bill is unacceptable as now drafted. For the vast majority of them, the new provisions may well increase the possibility of legal action being taken against those who work in the industry or who engage in recreational activities such as hunting and fishing.

The demands by the chicken protection coalition clearly illustrate the concerns raised by Bill C-15B. This organization called upon the federal government to amend Bill C-15B so that livestock producers would retain the legal protection they enjoy at the present time and be able to continue to exercise their legitimate profession without any risk of complaints or charges. All of the amendments proposed by the Bloc Quebecois relating to this were turned down by the committee.

There are two issues that provoked a reaction from chicken farmers, but that also reflect the concerns of livestock industry groups. According to these groups, there may well be serious consequences for the poultry industry and for all livestock industries.

I would now like to share with the House our concerns regarding this bill in terms of amendments to the Firearms Act.

We believe that the purpose of this bill is basically to take away a number of powers and responsibilities of the chief firearms officer, now under the jurisdiction of the government of Quebec.

Since the gun registration scheme was first introduced, the government of Quebec has set up agencies responsible for issuing permits, the Bureau de traitement and the Centre d'appel du Québec.

Now Bill C-15B is creating a new position, the firearms commissioner. This will have the effect of diminishing the powers currently under the responsibility of the chief firearms officer who reports to the Government of Quebec.

We are justifiably concerned that, with these new provisions, all powers delegated to Quebec will end up back under federal government control, and the entire organization already set up by the Government of Quebec will be swallowed up.

At the present time, there are two entities involved in firearms control. The director is in charge of firearms registration, and reports to the federal government, while the chief firearms officer, who is responsible for issuing permits, reports to the Government of Quebec. This bill turns that arrangement topsy-turvy.

When the gun control legislation was being implemented, the Government of Quebec worked in close collaboration with the Canadian government, sharing its expertise on firearms and firearm control.

However, the new provisions limit the powers that had been delegated to Quebec and repatriate them to the control of the federal government. This is one more reason for our opposition to this bill. It is tantamount to a reversal of the partnership that was in place between the federal government and the Government of Quebec concerning the Firearms Act.

In our opinion, the ultimate goal of this bill is the creation of a federal gun control agency, one that would eventually be privatized, and thus to do away with everything coming under Quebec jurisdiction, either by cutting back the powers of the firearms commissioner, or by drastically cutting the funding to the Bureau de traitement and the Centre d'appel du Québec.

The Bloc Quebecois also has some misgivings about the non-definition of the powers of the firearms commissioner. This is left to be defined as the Minister of Justice sees fit.

● (1710)

The proposed amendments make major changes to the administration of the Firearms Act, including the provisions on the financial participation of the federal government. Through this bill, the federal government is essentially seeking to reduce the costs associated with the administration of the act. To this end, this bill will give the government the power to centralize administrative activities and to close offices if it so desires.

There is also a problem with the proposed amendment dealing with air guns. As it is worded now, this provision is likely to create confusion because of the double negative in the French version.

That is why the Bloc Quebecois proposed that this provision be reworded to dispel any confusion by amending clause 2(2) of the bill to separate the elements listed. The amendment proposed by the Bloc Quebecois to eliminate the double negative in the French version was rejected in committee. The Bloc Quebecois wanted to clarify this provision in order to eliminate any risk of hardship for paintball game operators.

In conclusion, because the bill is poorly drafted and because the government rejected our amendments aimed at protecting the defences provided for the animal industry, the Bloc Quebecois has no choice but to oppose this bill. We proposed something that would have been acceptable for both parties, particularly for those who, like us, want to protect animals. The Bloc Quebecois also wants to protect defences provided for the animal industry, scientists and of those who engage in sports involving animals.

This bill does not explicitly protect the legitimate activities associated with the animal industry, with sport hunting and with research. Of course, we are against this bill because it takes away the powers of the Government of Quebec with regard to enforcement of the provisions of the Firearms Act.

● (1715)

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I listened with care to the members who spoke before me. It seems to me that the heart of the matter is the way people regard the change in the status of animals as a result of Bill C-15B. For the first time the treatment of animals and the whole question of cruelty to animals is being taken out of the property section of the criminal code and put into an entirely new section of the criminal code. This is the source of concern on the part of at least three of the opposition parties.

The New Democratic Party sees this change in the status of animals as one of the things that is good about the bill. Getting beyond regarding animals as simply property is a conceptual and philosophical advance. We are not opposed to that. In fact that is one of the things we celebrated about Bill C-15B along with a lot of other people.

We join with those who feel that amendments to the criminal code with respect to increasing penalties for cruelty animals is long overdue. I hope the Bloc would share our view on that even though it appears it has decided to oppose the bill.

I listened with care to the critic from the Alliance. He expressed a lot of concerns that I know are out there in the community of fishermen, farmers, hunters, trappers, people who use animals for medical research purposes, people who grow animals for food, et cetera. They all have a concern that the legislation would somehow be used to harass them and to make their life miserable.

People who have what one might arguably call a radical animal rights agenda could use the legislation in ways that it was not intended, not intended by the government, and not intended by the NDP in supporting the legislation. If the legislation were to become a tool by which people engaged in those kind of activities were harassed then I for one would be quick to come back to the government and say that we were wrong on this. I would argue that the protections built into Bill C-15B to prevent that kind of harassment were not working and that we must do something to protect the legitimate interests and activities of people who grow animals for food or people who were engaged in fishing, hunting, research, et cetera. I would certainly share those concerns.

I must say I do not know why the government was not more open in the drafting of the legislation to giving the kind of discretion to the provincial attorneys general that some people argue should be in there.

On the other hand the Alliance critic, the member for Provencher, seems to think that there would never be any political agenda if only it were left in the hands of the attorney general. I would regard this argument as somewhat suspect. I can imagine the member for Provencher in other contexts accusing a particular provincial attorney general of having a political agenda with respect to enforcement of certain laws having to do with social policy or whatever.

● (1720)

It would not be a guarantee to me, if the power that is sometimes vested in attorneys general was left with attorneys general with respect to the enforcement of these new offences, that somehow farmers and fishermen and others would be protected. It is conceivable that we could have an attorney general with a radical animal rights agenda in which case there would be no protection. In fact, there might even be less protection. There might even be instructions to crown prosecutors or others to go after everybody they possibly could. The argument from the Alliance critic is somewhat one-sided in that respect.

In some ways the response of the Alliance to Bill C-15B and the radical animal rights activists are sort of mere images of each other. They both attribute extremist motivations and intentions to each other. We saw that clearly this afternoon and that is unfortunate. I do not think that has contributed to the kind of debate that we could have had about Bill C-15B.

I regret that the hoist motion has been moved by the Alliance critic because that means that this debate will drag on further than it ought to. The time has come for this legislation to be passed, tested and practised, and if found wanting, if found to be a source of illegitimate harassment of people who are involved in various legitimate activities then let us have the legislation back.

Bill C-15B does not have to be the last word on it. I have seen other legislation passed through the House and come back in a few years time to be corrected. I have also seen legislation that does not come back. We all have a political responsibility to ensure that if in some way or another the bill does not live up to expectations, or for that matter if it does live up to the negative expectations of certain people, we will need to come back and correct it.

We feel that the bill is worthy of passage as it stands now. We would like to see the bill passed as soon as possible; we see this as progress. We are willing in future to review whether or not some of the fears that have been expressed about the bill have come to pass and if they have we would be willing to review it.

● (1725)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I have a question for my colleague for whom I have immense respect. He has been here a long time and has seen a lot of legislation come and go.

I was somewhat taken aback at his suggestion that if in fact the bill was found wanting and it came to pass that the legislation was used for extreme purposes to harass legitimate activities involving animals, whether it be farmers or furriers, those involved in animal husbandry of any sort, that we could bring it back.

Yes, he is correct in suggesting that things can move very quickly through the House if that is the government's intention yet he would know that this particular issue has not been before us for many years. In fact this is one element of the criminal code that has not been touched for decades.

My great concern and the concern that I have had expressed to me numerous times is that if those individuals who fall under the prosecution sections for legitimate activities are told to wait for the bill to come back again, that simply will not cut it. They will be out of business; they will be bankrupt. They will lose their farms or their businesses. I am sure my friend would agree that is cold comfort.

To that end it seems to me that as parliamentarians we have a far greater responsibility to get it right this time. All of the intent of the bill could be achieved by leaving the sections involving the designation of animals as property as they are and upping the ante with respect to the punishment sections and the reach that investigators have. Would my friend not agree that would be a far more practical approach now in the first instance?

Mr. Bill Blaikie: No, Mr. Speaker, because I was convinced, as were others, that doing what the hon. member suggests would simply perpetuate a problem that people have experienced with this legislation in the past. That is it would continue to be difficult to get convictions with respect to cruelty to cats, dogs and other animals which in the past it has been difficult to get convictions on, not on the animals but on those who are being cruel to them. I was persuaded, as were my colleagues, that there was a need to make those kinds of changes.

The member said that this is new and we have not spent much time on it. However we have spent a lot of time on it, I think over 100 years, so that argument can be turned around. It is not as if there has not been lots of time to argue for, to expect or to consider what changes should be made to the criminal code with respect to cruelty to animals.

We have come this far. I think it is incumbent upon on us to show some leadership on this issue. It is time to give this new status to animals, but not in a way that would serve the radical agenda of people who want to eliminate the use of animals for food, clothing or research. That is certainly not my position. I believe that these are legitimate activities.

As I said before, we ought to be open to the prospect that sometimes legislation can be used in ways that were not intended. If that turns out to be the case, as I said before, we would want to have this legislation reviewed.

The Acting Speaker (Mr. Bélair): The hon. member for Winnipeg—Transcona will have six minutes left for questions and comments when debate resumes on the bill.

[*Translation*]

It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on todays' order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

CRIMINAL CODE

Ms. Jocelyne Girard-Bujold (Jonquière, BQ) moved that Bill C-208, an act to amend the Criminal Code (sexual offences), be read the second time and referred to a committee.

She said: Mr. Speaker, it is with mixed feelings that I rise today to debate Bill C-208, an act to amend the Criminal Code with regard to sexual offences. For over four years now, I have been single-handedly promoting the idea of amending the criminal code to provide for stricter prison sentences for pedophiles .

A petition signed by over 40,000 people was tabled in the House by myself and the member for Laval Centre on behalf of the former member for Jonquière, André Caron, who initially proposed this idea.

During the last election campaign, I made two promises with respect to legislation. I promised to put forward a bill that would provide tax deductions for those who use public transit in Canada. This bill received second reading last fall, and consideration in committee should begin in a few weeks.

I also promised to put forward a bill that would cover all the points listed in the petition on pedophilia. However, I was extremely unhappy to hear that some members of the Sub-Committee on Private Members' Business did not see fit to make Bill C-208, before us today, a votable item. And this in spite of the fact that over 40,000 people officially support this extremely important bill, since it is aimed at providing greater security for our children who are the victims of acts of pedophilia.

Bill C-208 is designed to correct a number of flaws in the criminal code. If I may, I will describe them.

First, my bill provides for a minimum two year prison sentence for any individual convicted of sexual assault on young people under the age of 14, and a five year minimum sentence for repeat offenders.

Second, under the bill, any person who is convicted of such an offence would have to undergo treatment as the court directs. The governor in council may make regulationssetting out the situations in which the convictedperson should undergo treatment. It is important to note that this type of treatment should in no case interfere with thebodily integrity of the convicted person. It should be a psychological treatment only, because physicians agree that the predisposition to pedophilia, which is a sexual attraction to children under 10, is first and foremost a psychiatric problem.

In my bill, I do not in any way advocate chemical castration of pedophiles, because that would go against their rights and freedoms, and it would not solve the problem, which is psychological in nature.

After child molestation has occurred, there is no assistance for children or their parents. This is a serious problem, because the victims and their families do not get any help, and they are left with feelings of guilt and shame, and they turn in on themselves. That is why Bill C-208 provides for a psychological follow-up for the victims.

Imagine one of your children has been molested. How could you help him or her? This is a very serious situation, and the child should get some help. This is our moral obligation. Unfortunately, some members of the subcommittee on private members' business have prevented us from helping these children and their parents.

The inner pain of a mother in such a situation is beyond words. The public wants meaningful action. Today, we are discussing a bill, but, at the end of the day, it will not be voted on. We will be prevented from making a decision that could better protect the basic rights of our children, the adults of tomorrow.

● (1730)

I wonder why we have to amend the criminal code today through Bill C-208. At present, sexual offences are considered as hybrid offences by the courts. This means that the crown has the discretion to proceed by summary conviction, which allows the court to sentence an accused to a fine not exceeding $2,000 or to a maximum of six months imprisonment.

The subject-matter here is rape of minors. Who could possibly think that a $2,000 fine is a fair penalty? People who commit such offences against minors deprive their victims of their childhood, their sense of dignity and their freedom, and scar them for life.

How can such an action be erased by a $2,000 fine? The young person will bear a deep scar for the rest of his life and will remain forever affected in the deepest intimate sense. I would like to quote what a young girl who was victim of sexual abuse said in issue 272, May-June 1998, of the magazine *Recto Verso*. The words she used are very much to the point:

> I never enjoyed that. It was the worst thing that happened to me in my whole life, and I do not wish to go through it again. I feel very sad; I have had nightmares and I cannot even take a bath alone. I am no longer able to play with boys. I cannot even stay close to my father or play with him as I used to.

An adult court survey showed that 25% to 30% of sexual offenders are sentenced on summary conviction, which means a $2,000 fine and/or a six month imprisonment sentence. According to a study, 90% of imprisonment sentences for sexual assault were less than two years. It is therefore easy to understand why the public no longer believes in the criminal justice system; it is therefore our duty, as parliamentarians, to change this system in order to restore public confidence.

The 40,000 petitioners, a majority of which are from the Saguenay-Lac-Saint-Jean area, convey this message, as do 84% of Canadians and 91% of Quebecers, who believe that the judicial system does not punish severely enough those who commit rape and other sexual offences. Moreover, 83% of Canadians and 90% of Quebecers believe that the criminal justice system does not come down hard enough on convicted pedophiles.

Allow me to give the example of a man found guilty of acts of pedophilia, to demonstrate how absurd the current situation is.

Twice convicted for such acts in the mid 1990s, Raymond Boulianne served a sentence of 12 days for sexual assault before being set free in 1995. As soon as he was out of prison, he reoffended with girls aged nine and ten years. Found guilty again in 1996, he was sentenced to nine months in jail and was required to undergo therapy for 25 weeks. However, he never demonstrated any willingness to follow the treatment, and he was freed a few weeks later.

In a letter about this problem to the then Minister of Justice, who is now the Minister of Health, she responded, and I quote:

> —in the case of most other serious offences or violent offences, our system of justice has always advocated for a case by case approach when it comes to sentencing, based on the maximum sentences contained in the law.

This is the logic used by the court in the case of Raymond Boulianne. Based on his individual case, this repeat offender only deserved 12 days in prison.

As for treatment to be undergone by criminals, the Minister of Justice at the time said, and I quote:

> —in some cases, they may be required to meet certain conditions which may include the requirement to undergo treatment for sexual disorders—

● (1735)

The court had stipulated that Mr. Boulianne must undergo therapy. He managed to get around doing so, and the court took no action. This is serious.

These two points: the personalized approach and the supposed obligation to undergo treatment are not working and seriously undermine the credibility of our criminal law system. In the case of Raymond Boulianne, clearly the system did not work.

The purpose of my bill, then, is to change this state of affairs and to ensure that our children are better protected. The provision relating to mandatory treatment for all convicted pedophiles would represent an investment which could result in a considerable reduction in human and social costs in future.

According to André McKibben, a criminologist and therapist at Montreal's Pinel institute, a criminal who has been cured of sexual deviancy will not reoffend, which represents an average saving—and we must talk in numbers as this is the approach that has to be taken with this government—of $125,000 per individual. The results obtained at Pinel seem conclusive on this point: tests have been able to make a 50% reduction in repeat offences by repeat offenders. All that would be required for general application of these good results would be an organized and concerted approach.

Unfortunately as I said earlier on, I am speaking today with mixed feelings. This bill not having been selected as votable, we will be debating it for one hour. I imagine the Parliamentary Secretary to the Minister of Justice will also speak for 10 minutes objecting to my bill, and the four other opposition parties will then set out their positions on it. What, however, will this change in the long run? Will the victims of sexual offences be better served by the criminal court system? Will convicted sex offenders be given heavier sentences? WIll they receive psychological treatment? Will our children who have been the victims of pedophiles have a better future? To all these questions, my answer is no.

I find it unfortunate that we must put so much effort to no avail. This bill deserves at the very least particular attention in a parliamentary committee. Victims have a right to be heard, and to defend their point of view. For this reason, and for the protection of our children, I am seeking the unanimous consent of this House to have Bill C-208 declared votable.

● (1740)

The Acting Speaker (Mr. Bélair): Is there unanimous consent of the House for the bill to be declared votable?

Some hon. members: Agreed.

Some hon. members: No.

[*English*]

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to respond to Bill C-208 introduced by the hon. member for Jonquière. Bill C-208 proposes amendments to the criminal code as a means of protecting child victims of sexual offences.

The first of these amendments is a reclassification of certain sexual offences from hybrid offences, which may be prosecuted either summarily or by indictment, to indictable offences. The bill also seeks to impose graduated mandatory minimum sentences for the offences of sexual interference and invitation to sexual touching of a person under the age of 14. Finally, offenders convicted of any of the sexual offences listed in the bill, including sexual assault against adult or child victims, must undergo mandatory treatment.

I would like to indicate at the outset that the government is committed to work to safeguard Canadian children and to protect them from all forms of sexual exploitation. However, we do not believe that the proposed amendments to the criminal code are the appropriate means of achieving those goals.

First, the reclassification of these offences from hybrid to indictable is problematic as they are intended to cover a broad array of fact situations which range from minor offences to more serious matters. It would be inappropriate to mandate that the less serious offences which are covered by these criminal code provisions be prosecuted as indictable offences.

In addition, proceeding by indictment is a more lengthy and formal procedure which places additional burdens on child victims who may be required to testify at both a preliminary inquiry and at the trial.

With respect to the use of mandatory minimum sentences for sexual offenders, we must be mindful that their use in Canada is limited. Only 29 offences in the criminal code carry mandatory minimum penalties. A recent evaluation of the research in this area in the Department of Justice provides little support for any initiatives to expand the use of mandatory minimum penalties in Canadian law.

The evidence indicates that mandatory penalties in general are not effective in deterring crime and have many unintended harmful consequences in the criminal justice system, such as dramatically increased costs due to more and longer trials, fewer guilty pleas, and increased numbers in remand custody. In short, it is not clear that mandating such penalties would meet the goal of Bill C-208, which is to protect children from sexual offenders.

The use of mandatory treatment programs for all offenders convicted of one of the sexual offences listed in Bill C-208 raises issues of capacity and costs.

The House will note that the offence of sexual assault is included in Bill C-208. This is an offence which covers a broad range of behaviour and which applies to both adult and child victims. Consequently, the offenders prosecuted under this and other listed offences would present a diversity of treatment needs so that a variety of programs would have to be developed.

Additionally, the bill is inconsistent in its approach as it only proscribes treatment for offenders convicted of certain sexual offences while omitting others, including more serious sexual assaults.

Any reforms concerning the protection of children from sexual offences are best addressed in the context of an ongoing comprehensive review of the criminal law dealing with child victims, which is currently under way in the Department of Justice.

In November 1999 the department launched a consultation and review of the criminal law to assess the need for reforms addressing child specific offences, sentencing to prevent reoffending against children, facilitating child victim/witness testimony, and the age of consent to sexual activity.

● (1745)

The project is examining whether criminal code reforms are required to ensure that the serious nature of any offence against children is reflected adequately in general sentencing principles, aggravating mitigating factors, sentencing options, and how to better protect children from known sex offenders. The results of the consultation were recently presented to the Minister of Justice and to his federal, provincial and territorial counterparts at their meeting in February. They have directed federal, provincial and territorial senior officials to develop follow-up options for their consideration.

Before concluding I would like to remind the House that the government has taken and continues to take many other important steps to better protect children from sexual exploitation. For example, on November 10 last year, Canada signed the United Nations optional protocol to the convention on the rights of the child, on the sale of children, child prostitution and child pornography. This step exemplifies Canada's strong commitment to better protect children against sexual exploitation in the international context.

As well, on March 14 last year the Minister of Justice introduced Bill C-15, which proposed criminal code amendments that would better protect children from sexual exploitation. The bill included the creation of the following offences: using the Internet to lure and exploit children for sexual purposes; and transmitting, making available, exporting and intentionally accessing child pornography on the Internet. The bill also simplified the process for the prosecution of Canadians who sexually assault children while abroad.

These reforms are now in Bill C-15A. I am pleased to note that the bill has now passed third reading in the Senate with three amendments. It is now returning to the House for final consideration of those three amendments.

While we cannot support the member's bill for the reasons I have outlined in my remarks, let me state that the government, like the hon. member for Jonquière, is very concerned, as are all Canadians, about sexual offences against children. This is why the government will spare no effort in order to protect Canadian children from such offences.

● (1750)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I wish to express a sentiment to the member who just spoke. I respect him as an individual, as I respect all members of the House, so I would have to believe that what he said he meant. However it also must be said, and I say this with controlled fury, that talk is cheap.

The member said that the Liberal government is committed to the protection of children and that it will spare no effort to protect children. Give me a break. It is absolute craziness to hear these words come out of the mouth of the hon. gentleman. I respect him as an individual which is why I find it difficult to stand here and contain the anger I have within me that this very fine gentleman would make comments like that when the record of the government shows that to be simply not true.

Let us take a look at the sex offender registry. As a result of a Canadian Alliance supply day motion, the House voted in favour of the government establishing a national sex offender registry. After one full year we brought another supply day motion to the House wherein we asked why the sex offender registry had not been put in place. One full year went by with no national sex offender registry. The government then whipped its members, as is the term in parliament, and had them on their feet to vote against the Canadian Alliance motion to put into effect, what had been passed by this parliament, a national sex offender registry. Less than two weeks after that vote, it declared it would establish the sex offender registry.

The government talks and talks but does nothing about so many serious issues. I ask the Liberals: What was the difference in time? What was the difference in the occasion where they had one full year to put the national sex registry in place and they did not? We prompted them to do it again on the basis of the unanimous consent by the House of Commons and then 14 days later, having thought there was a sufficient amount of time for Canadians to forget, they slipped it in and said that they might just get around to doing that.

On March 26, Mr. Justice Duncan Shaw of the British Columbia supreme court released his reasons for a decision regarding the child pornography charges brought against John Robin Sharpe. In his decision, Mr. Justice Shaw convicted Mr. Sharpe of the possession of pornographic photographs of children but acquitted him on charges related to his personal writings that described violent sexual relations between adult men and young boys. The judge characterized Mr. Sharpe's writing as "Sado-masochistic scenes of violence and sex, directed at boys generally 12 years of age and younger". He found that "The scenes portrayed are, by almost any moral standard, repugnant".

However it was Justice Shaw's opinion that these writings did not actively induce or encourage sexual activity between adult men and young boys and therefore, even though it "arguably glorifies the acts described", he stated that the material did not meet the definition of child pornography. He went on to conclude that even if it did constitute child pornography, this graphic and violent material was not criminal because it had artistic merit.

This is a gigantic loophole that the Liberals are permitting to stand where young children are being exploited by the animals in our society. What are they doing about that case?

● (1755)

The whole issue of innocence by reasonable doubt which would apply to a murder, a bank robbery, or any other offence that is being judged before a court is applied to the question of artistic merit. One person said that there just might be some artistic merit, that if we were to take a couple of sentences from the drivel and the filth that Mr. Sharpe has put out about these 12 year old boys there just might be a little bit of artistic merit.

Sharpe walked. He walked because of the same law with respect to innocence because of some small doubt. He walked because of that application of the law.

The judge made these findings in the face of evidence provided by a psychiatric expert who deals extensively with sex offenders and child molesters. The expert testified that the material produced by Mr. Sharpe was much worse than other child pornography he had ever seen before. He noted that it celebrated these abnormal sexual relations and that it conveyed the idea that sexually related violence directed at young boys by adult men is enjoyable.

Mr. Justice Shaw dismissed any moral evaluation as a consideration in determining whether something has artistic merit. He stated that his determination of whether this graphic and violent material had artistic merit must be made on a totally amoral basis.

Unless we apply moral values, who says that sex between children and adults is wrong? That is a moral judgment. The law is a moral law. Otherwise the law simply does not stand. It does not apply. There is no basis for the law.

Of course it is absolutely unconscionably repugnant that adult men would have sex with small children. I cannot imagine any decent human being in the world, let alone in Canada, who would say otherwise, but that is a moral judgment. How can we say that a moral value cannot be applied to something that is totally immoral by any standard?

In my opinion the reasoning of Mr. Justice Shaw is totally misguided. Morality is the basis for law in every society, including our Judeo-Christian society in the west. His reasoning demonstrates a lack of understanding as to why these laws are enacted in the first place.

Simply put, it is through our criminal laws that our society has imposed moral disapproval for the exploitation of children by adults. To try to understand or justify the prohibition against the violent sexual exploitation of children in an amoral context is futile. No wonder the judge believed he had no alternative but to acquit Mr. Sharpe of these serious charges.

If the bill for all of the legal reasons the Liberal member talked about is deficient, why is the justice department not doing something about it? Why is the justice department studying and studying? Why is the justice department not doing something to protect Canada's children? I do not understand this.

An hon. member: We are.

Mr. Jim Abbott: Oh they are. Well, there you go.

I come back to the issue of the sex offender registry. It was through the initiative of the Canadian Alliance that the House unanimously approved a sex offender registry. The government took more than a year. When we asked why it was not doing anything about it, we were told the government was not going to do anything about it and then the Liberals played the political game and did it 14 days later.

● (1800)

The children of Canada are the future of Canada and they deserve our respect, our support and our attention to this matter. What the Liberals are doing is not good enough.

[*Translation*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I congratulate the member for Jonquière; I fully support her initiative. I think this bill is very important.

[*English*]

The principle being brought forward in the bill is of undeniable importance.

I share with an overwhelming majority of Canadians the moral outrage expressed by the previous speaker. As a parliament, we must address some of these very important issues. Some of these issues however have gone to the courts rather than being dealt with here in the Parliament of Canada. We all have to take responsibility for that but it is the government that drives the agenda. As much sparseness and paucity as there is with that agenda, it is the government's responsibility to bring the priorities of the nation forward.

I would say that is exactly what my colleague from the Bloc is doing in her efforts to bring attention through Bill C-208 to the issue of sexual interference and sexual assault on children. One of the most horrific things a child can experience in his or her young life is abuse, and very often the abuse is committed by a person in a position of trust because of the access that person might have to a child in a vulnerable position.

Through Bill C-208, the Bloc is attempting to deal with specific criminal code amendments that would in essence limit the discretion exercised by those within the justice system. I must say with great regret that I have some difficulty with the way in which the bill is presented. However I completely embrace the intent, the spirit and logic behind it and I completely support what the member has set before the House.

I listened intently to the member's remarks and the emotion and sincerity that she brings to the issue is undeniable. However, and I say this with some reluctance, I associate myself with the remarks of the parliamentary secretary in this regard because of the difficulties in limiting the options available to those currently working in the justice system. I say that with the greatest respect and as somebody who has worked in the justice system.

The difficulty with removing the ability of charging under the criminal code under a hybrid section, that is to say taking away the discretion of the crown to proceed by way of summary or indictment, severely limits one of the dirty little secrets about the justice system, which is that a great deal of plea bargaining goes on. That is the reality of how our system functions on a day to day basis. It is one of the practical and necessary evils of what takes place in our justice system.

I do not want to cloud the issue with lawyer talk and mumbo-jumbo and be accused of somehow supporting any effort whatsoever to shield from justice those who perpetrate horrific crimes against children or to suggest in any way that we should water down sentences. That is not what I am putting forward.

Sadly, taking away the ability to charge somebody with a summary offence under a sexual assault provision of the criminal code, in particular section 151 which deals with sexual interference, and making mandatory minimums, does away with one of the fundamental, practical blunt instruments of our justice system and that is the ability of the crown and the defence to sit down and discuss in a practical way how to mete out justice, how to proceed in the best interests of protecting society but, most important, I would suggest in these instances, of protecting an innocent child, a young person who has been victimized. That often entails not going to trial and working out, in some fashion, a guilty plea.

To say, by virtue of the change that will be enacted through the passage of the bill, that one can no longer do that and has to go for a mandatory minimum of two years or, in an indictable offence, five years, would tie the hands of crown attorneys to enter into those discussions in good faith. They would no longer be able to say that in the best interest of the child counselling may be needed.

To her credit, the member for Jonquière has included something which I completely and wholeheartedly embrace. She has included the mandatory supervision and counselling elements in the legislation. However, in removing summary conviction from the wording, it would make sexual interference with anyone under the age of 14 an indictable offence and puts in place mandatory minimum sentences.

● (1805)

There are cases where a mandatory minimum would be fitting and appropriate. However, and I am speaking bluntly from a perspective of having worked in the justice system, there is in everyday parlance a scale of seriousness for sexual assault. The hon. member mentioned rape. Rape has a horrible impact on a young person's or anyone's life. At the far end of the scale is touching for sexual purposes, something that is inappropriate and offensive in many ways. Depending on the sensibilities of the victim it may have a psychological impact almost equal to rape. Yet on the scale of seriousness it must be deemed to be on a different level than rape.

By curtailing the power of crown attorneys, judges and police officers to lay charges I have great concerns that the way the bill would be implemented would cause problems and practical interference with the administration of justice as opposed to addressing the issue the hon. member wants it to address.

The charge demonstrates the spirit of public sentiment as does the bill, but it would have the opposite of the desired effect. By requiring proof of intent including proof of sexual purpose it would raise the ante. It would increase the ability of the crown to decide how to proceed with an offence, whether by trial or in another way.

Currently in cases that are considered borderline or where there is circumstantial evidence a judge or jury can recommend a lesser punishment. If the sentence were always a minimum of two years, defence counsels would go to trial in each and every case. Some Canadians and hon. members may consider this to be backing away from the need for our justice system to respond in a strong way and mete out deterrence not only for individuals but for the public. There is a need to show our revulsion and denunciate any type of offence involving sexual assaults on children.

However the ability of judges, crown attorneys, defence lawyers or police officers to proceed by way of summary conviction is an option that keeps the wheels of justice turning in many cases. We have huge backlogs in the courts today. That is a whole other issue but it is a practical consideration.

My hon. friend spoke of the Sharpe decision which we in the Progressive Conservative Party absolutely denounce. However in many instances judge made law is backfilling shortcomings in our law for which the government must take responsibility. We often hear the government pointing the finger at the opposition or at an administration of 10 years ago. Well, it is the present government that is in office. It must take responsibility for its decisions today. That responsibility to be lacking and the Canadian people will find it to be so.

The amendment would completely remove flexibility from our justice system. It could have the opposite effect. It could keep first time offenders from being released because of the crown's decision to proceed by way of indictment and higher sentences in every instance.

The Conservative Party maintains that there is a clear and undeniable need to protect those who are most vulnerable in society. We need to focus on that in every avenue and at every opportunity. Sexual assault in all its forms is an issue of power and control. The effects on the victims, particularly children, are incalculable in both the long and short term. As studies have shown, recidivism is most serious in cases involving sexual assault.

I applaud and support the hon. member in her intent to bring the bill forward. I support her in every way to have the issue addressed further. I will continue to do so in every fashion.

● (1810)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I became very angry when I heard the Parliamentary Secretary to the Minister of Justice talk about the increase in the costs of trials and treatments. He spoke only about money. He did not say a word about sex offences committed against individuals under the age of 14. He said nothing about the impact and how it ruins the life of a young person. He answered like a technocrat. I hope he will never face such a problem in his family or that people he knows will never experience such a tragedy.

Dozens and dozens of young persons were raped by sex offenders, by pedophiles in my region. I met them. Dozens of youths under the age of 14 signed the petition; they cried and shouted. You cannot imagine how much I felt their anger. I wish the member had seen them; I wish he had listened to them to get a better idea of the numbers. I would have liked him to open his heart to their plight.

Young people who are sexually abused are scarred for life. I also met mothers who were abused by pedophiles when they were young. Today, these women are adults, but they have never psychologically recovered from such abuse. I would have liked the parliamentary secretary to listen to them and to help me. No, this bill is not perfect and I had no intention of claiming that it is.

I want to thank the hon. member for Pictou—Antigonish—Guysborough for all the issues that he raised. I thank him for his support. I also thank the Canadian Alliance member. I would have liked this bill to be referred to the Standing Committee on Justice, because we could have heard witnesses and we could have discussed all the issues that are part of this legislation. But these people will never be heard by members like the Parliamentary Secretary to the Minister of Justice.

Worse still, and this makes me want to scream, is the fact that the government whip opposed the idea that this bill be made a votable item. Yet she is a woman. This is even worse.

As a woman, as a mother and as a grandmother, what this government is doing violates my very being. It does not want to pursue this issue. It does not want this issue to be discussed at the justice committee. The government could at least hear evidence. There are many people from my region who would like to appear before the Standing Committee on Justice, so that at last they can be heard by parliamentarians, who are here to listen to the public. But these people will not have the opportunity to do so and I am extremely disappointed.

Today, April 10, 2002, is a turning point in my life as a woman. I never would have thought that, in 2002, parliamentarians would refuse to hear people who were sexually abused.

This is why I am again asking for the unanimous consent of the House, so that my bill can at least make it to the Standing Committee on Justice, so that it can be improved, witnesses be heard and the issue by understood by its members. Even if the bill is not adopted by the committee, at least these people would have been heard.

I am making a heartfelt plea to all parliamentarians and to those who are listening to us. Mr. Speaker, I would be grateful if you could ask again for the unanimous consent of the House.

● (1815)

The Acting Speaker (Mr. Bélair): Is there unanimous consent to make this bill a votable item?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): The period provided for consideration of private members' business has now expired. Since the motion has not been selected as a votable item, the item is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on March 12, I asked the Minister of Human Resources Development a question about employment insurance and the $42 billion surplus. There was a rumour to the effect that the Department of Human Resources Development wanted to charge interest on overpayments, which would increase even more the employment insurance fund.

To my great surprise, the minister gave me the following answer:

> Mr. Speaker, my department is reviewing a proposal to charge interest on employment insurance debt related to fraud only and not to debt accrued as a result of mistakes. This intention was signalled in our report on plans and priorities last year.

Last week, she put forward a proposal to impose interest on employment insurance debt related to fraud.

We could perhaps understand the minister's comments if we were told that the minister would charge interest only to those who have committed deliberate fraud. But who will decide that someone has committed fraud?

It will be this same minister, her employees, public servants, who will sit down and decide whether one case involves fraud and another does not. We are talking about people who have lost their jobs, but in addition, if someone is found guilty of fraud, he or she will have to pay penalties.

Our Canadian Alliance colleague mentioned a case here in the House of Commons of someone who apparently obtained $350 by fraudulent means. There were penalties of $3,500. But that is not enough. Now the government wants to charge interest.

On top of that, in her release, the minister says that she wants to use "the Bank of Canada average rate plus 3%". This is completely unacceptable, and so is the rate of interest, because the surplus is $42 billion. Right now, the federal government is receiving $8 billion in surplus EI payments to pay down Canada's debt, while the unemployed are receiving $7.2 billion.

And it talks about fraud. I think there is more fraud going on in the government than there is among workers who have lost their job.

● (1820)

The Acting Speaker (Mr. Bélair): I think that the member has gone a bit too far. I would ask him to choose his words carefully.

Mr. Yvon Godin: Mr. Speaker, what I have said has been said. I agree that I might have gone a bit far, but when we are going after the money of people who have lost their job, when we empty their refrigerators and call them cheaters, I have a problem with that.

When people owe up to $20,000 in employment insurance simply because they have left a job in Toronto, when they were actually only paid for 12 hours of work a week, and they cannot work and feed their families on such low wages, it is very hard for the workers to accept it.

Once again, I am asking the minister to reconsider her decision and to forgo the interest. As far as I am concerned, the $3,000 or $5,000 penalty is high enough. It represents a lot of interest. However, not satisfied with the Bank of Canada rate, she would like to add an extra 3%. I am asking the minister to reconsider her decision.

Ms. Raymonde Folco (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, before I start answering, I would like to say that I fully understand the concerns raised by the member who just spoke.

However, we must keep in mind that most Canadians who apply for employment insurance are honest and hard working people who need temporary income support while they are unemployed. However, we must not be naive.

We know unfortunately that there are always some people—and they are a minority—who apply for employment insurance benefits although they are not entitled to them, and who are trying to take advantage of the system. There are not that many who do so, but let us not be naive, they do exist.

This is why the Department of Human Resources Development of Canada has as a mandate to protect the integrity of the employment insurance program by conducting an investigation every time there is an allegation of abuse. We are talking about abuse, not mistakes.

The Government of Canada has a responsibility towards Canadian taxpayers as well as employment insurance claimants. When a debt is outstanding, the government must ask for payment while ensuring that employment insurance claimants are treated fairly.

In our report on planning and priorities, it was mentioned that the Department of Human Resources Development might charge interest on outstanding debt related to employment insurance. However, I would like to point out once again, as the minister has done on numerous occasions, that the proposed regulation would concern interest strictly on debts due to fraud—this is what the member across the way seems to find difficult to understand—and not due to errors. Is this clear?

In this file, we are also responsible for discouraging people from fraudulently using this program, which is so important to Canadian workers and their family.

As far as the amount of the outstanding debt is concerned, it will be dependent on the date the regulation is approved, if it is. However I want to stress that the amount of money outstanding due to fraud is on average about 1% of the total unemployment insurance benefits paid out every year.

Once again, and I hope this is the last time, I repeat that the planned penalty will not be charged to people who make a mistake in good faith. The administrative penalties will only apply to fraud.

Mr. Yvon Godin: Mr. Speaker, what the parliamentary secretary just said is all very nice, but the real problem is the $8 billion a year that the federal government takes from workers to pay down the debt. Is that justifiable?

Concerning the errors made by the federal government at the expense of unemployed workers to whom it did not pay benefits for one or two years until they brought the matter before the court of appeal, is the government willing to pay interest to these people for all the money they lost during that time? The decision that was handed down in that matter showed that the workers were right, and not the Department of Human Resources Development.

If the parliamentary secretary wants to talk about money, why would it not be a two way street? The government collects interest, even though it makes mistakes, but it does not want to pay interest to those workers who suffered for one or two years before having to turn to the court of appeal.

Is the government willing to soften its stance as much as it is willing to take billions of dollars from workers, more specifically the $42 billion and more in the employment insurance fund? That money belongs to the workers, not to the Liberal government.

● (1825)

Ms. Raymonde Folco: Mr. Speaker, here again, the member opposite is talking about errors. This has nothing to do with errors, as I have so often said. Let me add that, unlike what the hon. member seems to think, Canadians asked us, as a government, to take a careful and balanced approach in dealing with the EI issue. After all, these are tax dollars.

The EI system works well. It is reliable and it does help Canadians when they need it. Moreover, we keep increasing benefits while constantly reducing premiums. This is the eighth consecutive year that we have reduced them since 1994. This year, the new 2002 rates of 2.2% for workers and 3.08% for employers will save contributors some $6.8 billion compared to what they would have paid if the 1994 rate had been in effect.

In conclusion, I hope that the member opposite will clearly understand that we do not wish to penalize those who make errors—and I repeat his own words—but only those who illegally apply for benefits.

[*English*]

GUN REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, on March 19 of this year the Minister of Justice must have misunderstood my question because he did not answer it. In fact, just after asking him specifically about the fact that the $700 million gun registry had already lost track of over 38,000 licensed firearms owners, he responded by stating "The gun registry system works well". The minister called losing track of 38,629 licensed gun owners working well. Just a year after his bureaucrats claimed that they had licensed all the gun owners in Canada, they cannot find more than 38,000 of them.

Was not the whole point of the registry to help police identify homes with guns in them? Now the justice department cannot even tell police where these 38,000 gun owners live. An internal Department of Justice document dated January 9, 2001, revealed that only 600,000 of the 900,000 guns registered in the old RCMP restricted weapons registry system would be re-registered by the end of 2002. This would leave 300,000 previously registered firearms that would be declared as unclaimed by the minister's department. The RCMP and the Department of Justice have also lost track of 300,000 restricted and prohibited weapons registered in the 68 year old handgun registry.

On March 19 I asked the minister to explain how the police can rely on a gun registry that is missing hundreds of thousands of guns and tens of thousands of gun owners. The House is still waiting for the answer.

Last week my office received new information from the RCMP that there are 49,000 individuals from British Columbia listed in the restricted weapons registry system who do not hold a valid firearms acquisition certificate and who also have failed to apply for a possession and acquisition licence as required by the Criminal Code of Canada. This is despite a penalty of up to 10 years in jail for knowingly being in unauthorized possession of a firearm.

The justice minister's new $700 million gun registry is suffering from the same problems that made the 68 year old handgun registry totally useless at solving and preventing crime. Gun owners fail to report their changes of address. Gun owners die and the government loses track of the owners and the guns they used to own. Gun owners and bureaucrats make mistakes on forms. As a consequence, the information in the gun registry is so riddled with errors that it has been deemed useless by the courts for determining who actually owns the firearms listed in the registry.

On February 28 I released a report titled "Errors, Errors and More Errors", which listed 24 different types of errors being reported to my office and in the newspapers. Today I issued a second report titled "Errors Just Keep Piling Up in the Gun Registry". Today's report listed 14 different types of errors.

I do not have time to go through all of this, but I will give an example. The justice department's own documents show error rates of 71% in firearms licensing and 91% in the gun registry. The RCMP admits in access to information documents that it is responsible for but not in control of the gun registry processing. Why has the RCMP been removed from this important task? The RCMP has 68 years of experience in registering guns.

I think it is incumbent on the government to begin to explain why it is plowing ahead with this.

● (1830)

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to thank the hon. member for Yorkton—Melville for the opportunity to rise in the House today and provide some context for his comments. The initiatives we have taken to encourage early firearm registration have obviously worked. With almost nine months left before the deadline, over 1.1 million of the 1.8 million licensed firearms owners, about two-thirds, have already participated in this registration process.

The hon. member is aware that not all mail we send is received by its intended recipient. Some people have not filed an address change and, as the hon. member has mentioned, others have passed away. In fact, national media have reported that a large number of leadership ballots were returned to the Canadian Alliance as undeliverable. This is a common everyday occurrence that we do accept as part of the ongoing difficulties with any system. It is the responsibility of the firearms licence holders to report any change in address just as they must do for their driver's licence.

This is a public safety program. As such, it is much more than just a gun registry program. It is a multifaceted, practical approach that addresses the prevention of firearms deaths and injuries and crime deterrence. Screening all gun owners through licensing and tracking firearms along with minimum sentencing help deter, prevent and prosecute firearms crime.

It is clear that the firearms program is already successful. That is why Canada's law enforcement community recognizes and supports the firearms program as an important part of public safety. That is why national law enforcement organizations continue to support the Firearms Act. We are pleased that we are already seeing real life examples of the registry helping police fight crime. Information in the licensing and registration system will allow police to take preventive action. For example, officers can remove firearms when responding to domestic violence calls and they can more easily enforce court issued firearm prohibition orders.

Our government's continuing commitment is to public safety. I would like to thank the hon. member for Yorkton—Melville for the opportunity to bring these facts to the attention of the House.

Mr. Garry Breitkreuz: Mr. Speaker, I need more than just one minute to respond, because the inaccuracy that has just been displayed is unbelievable.

For example, to say that it is successful when less than 1.5 million gun owners have complied with this or tried to get a licence really is a joke. How many gun owners are there in Canada? The government does not even know. Is it two million, three million, six million? It has spent $700 million already and has barely scratched the surface as far as its stated task is concerned.

He made a comparison to the Canadian Alliance having a voting system that uses the mail system and having many of those envelopes returned. It is not a criminal offence not to vote in a Canadian Alliance election, but it is a criminal offence, with a penalty of five to ten years, for not complying with the program. To compare the two is absolutely ridiculous.

The answer to the question does not show how this prevents deaths. That is the whole point. The errors in the system make the whole system completely useless as far as prosecuting or preventing crime in any way is concerned.

I wish I had more time to elaborate on this, but the answer I got does not address the question I have, that is, how, with all the errors in the system, does it prove to be useful to the police in any way?

● (1835)

Mr. Paul Harold Macklin: Mr. Speaker, there are two parts to this program. I think the hon. member does not take into consideration the importance of one very initial program, that is, how individuals are actually trained in how to look after and maintain their firearms. Whether or not they are registered or whether for the moment we do not have their addresses in the records, we have instilled within those people the knowledge and ability to properly look after, care for, store and deal with firearms. That is very important. I think the hon. member appreciates how important it is that everyone who has firearms knows how to deal with them in a proper and effective manner.

For those people who have registered, are licensed and have now disappeared in the system, I know they are law-abiding citizens who have already gone through the legal process and quite frankly I ask and encourage them to contact the Canadian Firearms Centre to be re-identified.

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:37 p.m.)

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