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Monday, April 7, 2003

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Monday, April 7, 2003

The House met at 11 a.m.

Prayers

● (1105)

[*English*]

POINTS OF ORDER

STANDING COMMITTEE ON ABORIGINAL AFFAIRS, NORTHERN DEVELOPMENT AND NATURAL RESOURCES

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, I rise in response to a point of order raised by the member for Saint-Hyacinthe—Bagot pertaining to comments made during the last in camera meeting of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources.

I wish to withdraw any comments made with which the member has taken exception. Out of respect for you, Mr. Speaker, and the House, I wish to take it up a notch and apologize to all members of the House of Commons, especially to the members of the standing committee.

In such matters, context is essential to understanding and I now wish to raise my own point of order. It is important to share with the House the comments made by the member for Saint-Hyacinthe—Bagot, which prompted my reaction. The member had repeatedly confronted the chair of the committee with the angry warning, "On va t'avoir. On va te fixer". Roughly translated, it means, "We will get you. We will fix you". I consider those words to be of a most serious nature.

I request that you ask the member to explain who he meant by "we" and what he meant by "We will fix you". I am sure Mr. Speaker will note that the use of "fixer" in this context does not have its traditional meaning of "to stare at something".

If I am to chair a committee of the House with three mandates, aboriginal affairs, northern development and natural resources with five political parties at the table, I do not believe that I should be required to discharge my duties with the added burden of concern for my safety.

Mr. Speaker, I leave my point of order in your capable hands and defer to your judgment and wisdom.

The Speaker: I thank the hon. member for his assistance on this point, which the Chair has under advisement at this moment. I will take his comments into consideration in the ruling that I will be giving on this matter in due course.

It being 11:08 a.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CITIZENSHIP ACT

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance) moved that Bill C-343, an act to amend the Citizenship Act, be read the second time and referred to a committee.

He said: Mr. Speaker, it is an honour and a privilege to be standing here this morning regarding this issue. I would like to thank the member for West Vancouver—Sunshine Coast for initiating this private member's bill, Bill C-343, an act to amend the Citizenship Act.

I ask Canadians, especially the government, to listen carefully to what the bill is about because what I am about to disclose is an eye opener. It is an eye opener that may put into question whether an individual is truly a Canadian citizen because being born in Canada may not necessarily mean that one is a citizen.

We never question our birthright. We take it for granted. We assume that because we are born here we are automatically a Canadian citizen for life. This may not be the case for some, especially if they were born in Canada between 1946 and 1977, if their parents moved to another country and while in that other country became citizens of that country. This could happen to someone we know: a neighbour, a friend or a relative.

This private members bill, Bill C-343, would correct a wrong that should have been resolved when the Citizenship and Immigration Act, replaced in 1977, allowed dual citizenship, but the dual citizenship allowed in 1977 was not retroactive.

Let me go back to the provisions of the first Citizenship Act that was introduced in 1946. The 1946 first Citizenship Act meant that children born in Canada could lose their citizenship if their parents became citizens of another country. This private member's bill would amend the existing act to recognize Canadian born children who left the country between 1946 and 1977.

A person born in Canada today is a Canadian citizen for life but there are thousands of people who do not have this right. Why? It because these people, through no fault of their own, lost their Canadian citizenship. They are called "lost Canadians". Not only have they lost their Canadian citizenship, the government has made these children stateless because at that time children did not automatically become U.S. citizens when their parents did.

Let me take a few minutes to outline the gist of this private member's bill. Bill C-343 is designed to remedy the situation where people were, as children, deprived of their Canadian citizenship as a result of the operation of "section 18 of the Canadian Citizenship Act, chapter 15 ofthe Statutes of Canada, 1946". This provision was in force until February 14, 1977, and provided that a minor child ceased to be a Canadian citizen upon the responsible parent becoming the citizen of another country.

Bill C-343 would make it easier for those people to regain their Canadian citizenship as they would no longer have to be established as a permanent resident in order to do so.

Many do not meet the landed immigrant entry requirement which is required in order to be considered lawfully admitted. People like Mr. Don Chapman, a U.S. airline pilot, does not meet the resident requirement of one year to resume his citizenship because of the nature of his employment.

Bill C-343 makes reference to amending Section 11 of the Citizenship Act by adding the following after subsection 1(1):

> The requirement set out in paragraph 1(d) does not apply to a person who ceased to be a Canadian citizen as a result of a parent of that person acquiring the citizenship or nationality of another country before February 15, 1977.

● (1110)

Further, the Liberal bill, Bill C-18, introduced in the second session of the 37th Parliament entitled the citizenship of Canada act, fails to remedy the problem faced by lost Canadians.

Bill C-343 is about lost Canadians, Canadians like Don Chapman, who I mentioned earlier. Don is presently a pilot for a U.S. airline. He was born in Canada of Canadian parents. In 1961 he moved with his parents to Seattle. He was seven years old.

Mr. Chapman lost his rights as a Canadian because his parents swore allegiance to the United States. Mr. Chapman wants to return to his homeland where he was born, but Canada will not give him his citizenship back.

Federal immigration officials said that Mr. Chapman's parents had effectively forfeited his Canadian citizenship in 1961 when they moved to the U.S.A. and took out American citizenship. To me, this is ridiculous. Don Chapman did not apply for American citizenship. His parents did.

Another example is of Ms. Magali Castro-Gyr, a fourth generation Montreal Canadian born in 1959. Her mother is a Canadian citizen but her father became a U.S. citizen and, because of her father's actions, she was stripped of her Canadian citizenship. Did Ms. Magali Castro-Gyr know she was no longer a Canadian citizen? No, she did not.

She discovered she had lost her Canadian citizenship when in 2001 she applied for Canadian citizenship certificates for her two sons. She was informed by a Citizenship and Immigration official in October 2001 that she had ceased to be a Canadian citizen in 1975 when her father became a U.S. citizen.

Ms. Castro-Gyr is living in Canada. She has a Canadian passport. She has a social insurance number and she has a job as a teacher.

Some people, like Ms. Castro-Gyr, may not know they are not legally Canadians until they apply for a passport and are turned down.

There are many other lost Canadians, like Mr. Charles Bosdet who was born in Manitoba in 1956. His father became a Mexican citizen and, in 1965, his mother and father became U.S. citizens. Mr. Bosdet discovered that he was not a Canadian because his father became an American citizen. In fact, Mr. Bosdet is stateless.

There are many hundreds more Canadians who believe they are legally Canadian citizens but have actually lost their citizenship because of one or both of their parents moved and became citizens of another country.

I strongly urge that Canadians born in Canada between 1946 and 1977, whose parents became citizens of another country, to check their documents. They may discover they are no longer Canadians.

Under the 1947 Citizenship Act women were, in essence, property of their husbands and children were property of their fathers.

In Bill C-18, presently before the House, the government has addressed the women affected by the original Citizenship Act of 1947 saying that they should be allowed back into Canada as full-fledged citizens.

What about the lost Canadian children? Should our lost Canadian children not also be allowed full-fledged citizenship?

Let me restate that Bill C-343 is exclusive to those individuals who fall within the parameters of losing their citizenship through no fault of their own, as a consequence of their parents taking out citizenship in another country. These lost Canadians did not voluntarily choose to be citizens of another country. Their parents did.

We should adopt this private member's bill, Bill C-343, and welcome our lost Canadians home.

● (1115)

As stated earlier, the 1977 Citizenship Act which replaced the 1947 act allowed for dual citizenship but was not retroactive. Those Canadian children lost their citizenship under the 1947 Canadian Citizenship Act, an act that came into force from January 1, 1947 to February 14, 1977.

The act stated:

> Where the responsible parent of a minor child ceases to be a Canadian citizen under section 15, 16 or 17, the child thereupon ceases to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

Bill C-343 would allow these individuals, in most cases children who lost their Canadian citizenship between the years 1946 and 1977 as a consequence of their parents acquiring another country's citizenship, to have their Canadian citizenship reinstated if desired.

I will wind up as I know many members in the House want to speak to this issue. Bill C-343 should be incorporated into Bill C-18, the Citizenship and Immigration Act to correct historic wrongs and bring the 2003 act up to current morals and standards of what it means to be Canadian.

Let us pass this bill and finally welcome home our lost Canadians. Allow them to reclaim the birthright they lost as a child. As the Canadian Alliance citizenship and immigration senior critic from Calgary West stated in Halifax on February 10, "citizenship should not be stripped from anyone except by their own decision or by their own actions".

This private member's bill is to correct a wrong that should have been resolved in 1977. I ask the House to support this private member's bill, Bill C-343, so this wrong can be corrected and allow our lost Canadians to finally come home.

● (1120)

Mr. Sarkis Assadourian (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I really appreciate the statements made by my colleague from the Alliance Party who moved the motion. As he mentioned in his speech, we discussed this issue in the Standing Committee on Citizenship and Immigration. However also he knows nobody in the House is opposed the principle of this idea. We all support it.

Is the hon. member suggesting that citizenship be given back to these individuals, these lost Canadians, without security or health checks, which is required of all new Canadians coming into the country?

Mr. Darrel Stinson: Mr. Speaker, this can all be done. That is not the tie-up here. I take a little exception to the question. I have no problem with the security or health checks.

If it is a financial concern the member opposite may have in this regard, this is basically a non-issue. Citizenship being stripped from children without their choice is not fair at any time. On the financial end, and I will state this bluntly, we see the waste and disregard for the use of taxpayer money, and I could mention many things. This far offsets these people coming back as Canadian citizens and it becomes a non-issue in just about everybody's mind.

I do not think anyone has a problem of having background checks done on these people.

Mr. Sarkis Assadourian (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, as I said in my question, I do not think any person in the House or in the country would like to see individuals lose their citizenship because of things they did not do or did not even know about it. As the member mentioned, this was done from 1947 to 1967, before we changed the law to ensure this did not take place.

Bill C-343 addresses the issue but does not tell us how it would be overcome. As my colleague has said in answer to my question, he agrees with me that security checks and health requirements have to be complied with before we give citizenship back to individuals. Obviously the intent is good but we have to follow procedures. The hon. member mentioned two individuals who made presentations to committee. We all support the concept of giving back citizenship to them. However the issue is how to do it.

In 1947 those citizens left the country with their children and chose to revoke their citizenship on their own. The children of those parents automatically lost their citizenship. That was the case from 1947 to 1967. We changed the law and we cannot do that any more. Now the individuals must decide by themselves. If they were to revoke citizenship that would be their own choice. In some cases they can have dual citizenship, such as Canadian and American or Canadian and French, or any other nationality they wish, provided Canada has a bilateral agreement with that country.

As recently as this February, the federal court passed two judgments on the same issue, in the case of Avner Gordon and David Gordon and in the case of Henry Sieradzki. Both judgments confirm the fact that there must be a requirement for them to join their Canadian families without losing anything. Also the court decided the decision did not contradict any Canadian human rights and therefore complied with human rights regulations. That is why we asked these individuals to come forward and apply. Hopefully we can process them as soon as possible and give them back the citizenship they so richly deserve.

Bill C-18 would change the law so individuals would have to live in Canada for one year within a two year period to become citizens. Presently it is one in three. When I became a citizen in 1975, I had to be here five years to become citizen. I am happy things have been relaxed, which is good.

All we require from these individuals is for them to live here for a year to show that they are committed and that they care about Canada. There is no reason to doubt them but under the laws they have to show a commitment to Canada by living here for a year. Rather than the three year period, it would be a two year period and they could then get their citizenship as the law requires.

Bill C-343 would mean automatic citizenship for these individuals. As I said earlier, we agree with the principle. However I do not think it is right that it be given automatically. The hon. member himself said we have to have security checks.

We are lucky to live next door to the United States. It does not take too long to have security checks done, one or two weeks or maybe a month. The RCMP asks the proper authorities south of the border to check on a person. That is easy. However with some countries overseas, Europe, South America, Africa, whatever the case may be, it takes a long time. Sometimes it takes two years for security checks. That is why we are asking that they co-operate with us so security checks can be done and health requirements approved before we give citizenship.

This is not the final word. The minister agrees on the principle of this issue. The committee will discuss this in the next few weeks. I am hopeful we will come up with new solutions that will satisfy the hon. member and everybody in the House. However we have to follow the course and discuss this issue in committee, as the hon. member mentioned earlier.

I look forward to the debate and the input of everybody involved in this subject at the committee for citizenship and immigration.

● (1125)

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, I am pleased to have this opportunity to speak to Bill C-343, which started out in February 2002 as Bill C-428.

This bill is intended to remedy a serious problem for those affected by it. The first Citizenship Act, in 1946, specified that a child of minor age automatically lost Canadian citizenship when the custodial parent became a national or citizen of another country. A child born here who would normally have Canadian citizenship lost it because his or her parents became nationals or citizens of another country.

It must be kept in mind that, prior to 1977, dual citizenship was not allowed. Now it is, and has been since 1977. However, when the 1946 legislation was amended, no measure was introduced to correct what might be termed an injustice to the children affected since 1946, because dual citizenship was possible from 1977 on.

The most that is in place in the 1977 legislation is a clause specifying that a person who once had Canadian citizenship may recover it once he or she has been admitted as a landed immigrant and resided in Canada for one full year before applying for citizenship. I would remind hon. members that we are referring here to people who were born with Canadian citizenship but lost it because of a decision by their parent or parents.

It is important to stress that citizenship by naturalization does not comprise exactly the same rights and privileges as that acquired by birth. A naturalized citizen can have his or her citizenship revoked, and can be declared inadmissible, while those born with citizenship cannot.

What I have just said is equally true for Bill C-18, which includes anti-terrorist clauses calling for the revocation of the citizenship of naturalized citizens through recourse to a judicial process including the use of secret evidence. There is no right of appeal and expulsion from the country is automatic.

How many people would be affected by Bill C-343? That is very hard to say. It is even harder to say whether all those affected would want to regain Canadian citizenship.

Some cases have come forward. For example, there is Don Chapman, who testified before the Standing Committee on Citizenship and Immigration. Mr. Chapman, who was born in Vancouver, Canada, found himself in this situation when his parents emigrated to the United States. Therefore, he lost his Canadian citizenship. All his adult life, he has wanted to become a Canadian citizen again.

He applied directly to the then Minister of Citizenship and Immigration to ask for special treatment, but to no avail. All he was told was that he had to follow the pre-established rules requiring individuals to apply for permanent residence and live in Canada for one full year before applying for citizenship. However, Mr. Chapman's problem is that he is an airline pilot, which would, according to him, make it difficult for him to fulfill these requirements.

● (1130)

I would add that the current minister, when consulted about another case, answered that he was open to these individuals applying for their citizenship and that each case would be considered individually.

However, in my opinion, this case-by-case approach, which may be the result of good will, runs up against the reality, which is that files are piling up on the desk of the Minister of Citizenship and Immigration. These files pertain to various matters, such as visas, applications for permanent residence, and so forth. All the members have submitted files to the Minister of Citizenship and Immigration. These files have been accumulating exponentially on his desk since September 11.

I would like to state that the Bloc Quebecois became very aware of the need to change these provisions. In fact, during a trip to Australia, the member for Rimouski—Neigette-et-la Mitis—whom I will say hello to now, since she is recovering from a painful triple bypass—met a person from her riding who has to go through the same process as Mr. Chapman, which does not thrill him either.

Therefore, it was on the basis of information provided by the member for Rimouski—Neigette-et-la Mitis that we in the Bloc began our research to clarify the situation and look at the ways we could modify the law. That is why, after completing this research and after meeting Mr. Chapman herself, the member for Laval Centre proposed an amendment to Bill C-18 to address this problem.

The proposed amendment read as follows:

> That the bill, in Clause 19, be amended by adding after line 10 page 13 the following:

And I shall read the exact wording proposed:

> The requirements set out in paragraphs (1)(*a*) and (*b*) do not apply to a person who ceased to be a Canadian citizen as a result of a parent of that person acquiring the citizenship or nationality of another country before February 15, 1977.

It seems to me that this would provide retroactive justice to these children who, if they had remained in Canada, would be Canadian citizens. If their parents had acquired another citizenship after 1977, these people also would have been able to keep their Canadian citizenship.

I hope that the government will be sensitive to this need for retroactive justice.

● (1135)

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House and speak in support of Bill C-343. I would like to thank the member for Okanagan—Shuswap for bringing this bill forward. I believe it was previously introduced by the member for West Vancouver—Sunshine Coast.

It is an important and pertinent issue today. The citizenship and immigration committee is debating and holding hearings across the country on a new citizenship bill. It is timely that this should come forward.

I, along with millions of Canadians, was not aware of the lost generation, the lost Canadians. It was in February or early March when I attended the citizenship hearings in Vancouver on Bill C-18 that there were a number of representatives, including Mr. Chapman, who came forward. They provided information that I found quite astounding in terms of the individual situations that they had managed to track through their website. The committee was informed about the impact of the changes made back in 1997 that everyone seems to have forgotten about.

It is important that we are debating the bill today and voting on it because it is something that needs to be rectified.

When we think about citizenship, it is not something that can normally be revoked unless a person makes some decision to do that. Here we have a bizarre historical situation. If during the period 1947 to 1977 parents moved to another country for employment, and in many cases in Canada it was to the U.S., their Canadian citizenship ended. The member for the Bloc pointed out that there was no dual citizenship at the time. Lo and behold, in many cases children and spouses unknowingly lost their citizenship as well. This is what is most astounding about this historical situation that exists in our country.

It is bad enough that it existed for so long that people went to tremendous financial expense, but they invested a great deal of time and energy in an emotional sense trying to get some redress. When they found out that they were not Canadian citizens, often by accident, they would seek some relief and redress.

What I find even more disturbing is the fact that Bill C-18 addresses issues around citizenship but does not contain anything that would deal with this historical situation.

We would think that the minister and the department would put this somewhere near the top of their list for an amendment that would provide relief in a pragmatic way for the people this affects. There is nothing in Bill C-18 that would deal with this.

We have delegations coming forward telling us that they feel aggrieved. I do not blame them. They have totally legitimate cases.

In fact, let us look at Bill C-18 and what it is trying to do. In the hearings that have been held so far across the country there is near unanimous opposition to the provisions in the bill. It would take us further down the road of taking citizenship away from people and revoking citizenship in a way that there would be no fair judicial process nor appeal.

We are not correcting the situation. We are actually making it worse. Potentially, many people in this country, if the bill were to be approved and I hope it would not be, would face very arduous circumstances if they were facing allegations under a security risk and so on.

● (1140)

At the hearing in Vancouver we heard stories of a number of people, including Mr. Chapman, Keith Menzie, Ron Nixon, and George Kyle.

One story that I found amazing involved Ms. Magali Castro-Gyr who was a natural born Canadian of Canadian parents. She had a valid Canadian passport and a social insurance number. When she went to register her two foreign born children, she was informed that she would not be able to do that. She was informed that she herself was no longer a Canadian. This lady had sponsored her husband who was from Switzerland and the government accepted that. Now the government was telling her and her family that they were not Canadians. It is truly a bizarre situation.

In debating this at the Vancouver hearing the chair and others agreed that this was a ridiculous situation and indicated that officials would be brought in and so on.

Some people think the bill before us does not go far enough, but at least it is a step in the right direction. The government member who spoke to the bill this morning did not make any suggestions as to what could be done. There is an acknowledgement that between 1947 and 1977 there was a lost generation of Canadians who are now faced with the trauma of what happened to them, but nothing has come forward from the government side in terms of how this would be addressed, either through the citizenship act or this private member's bill. There was even a bit of criticism asking why the creator of the bill had not thought about this step or that step. If the government is acknowledging that a problem exists, then surely it has all the resources within the department to figure out how the heck it is going to fix it.

I must wonder and question the government's intent here. Debating the bill today would give us an opportunity to test where the government is at on this issue. If it were committed to redressing what took place to an unknown number of individuals, then it would be helpful to have some information indicating what would be done. We have not had that indication in committee or the House.

I am now the immigration critic for the NDP. I will continue to press this issue as will other opposition members. My predecessor in this portfolio, the member for Winnipeg North Centre, also supported the bill in its previous form. She spoke out very strongly on this issue. We will continue to do that because Canadians have a legitimate grievance here.

I urge members on the government side to listen to this debate and when it comes time to vote on the bill, to either vote for it as far as it goes or make it absolutely clear that measures will be taken within the department to rectify this wrong that has existed for many years. People should be removed from this difficult emotional and financial situation of wondering who the heck they are and wondering if they are or are not Canadians.

The NDP supports Bill C-343 and we encourage other members to support it as well.

● (1145)

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, just to make sure that we understand what we are talking about here, I will read the explanation. The bill "is designed to remedy the situation where a person has, as a child, been deprived of their Canadian citizenship as a result of the operation of section 18 of the Canadian Citizenship Act, chapter 15 of the Statutes of Canada, 1946".

We must be very cognizant of the timeframe here. That was legislation in 1946, which is 57 years ago. A lot of things have changed since the statutes were developed at that time, as everyone can imagine.

That provision, which was in force until February 14, 1977, thus creating that 31 year gap we are talking about, provided that a minor child ceased to be a Canadian citizen upon the responsible parent becoming the citizen of another country.

This present enactment makes it easier for such people to gain or regain their Canadian citizenship so that they will no longer have to be established as permanent residents in order to do so.

However, again let us look at the timeframe in which that legislation was passed and enacted. Under the 1947 Citizenship Act, not only minor children but women were considered to be the property of their fathers and husbands. Therefore, before 1977, if a parent, the parent being the father in this case, relinquished his Canadian citizenship, under the law at the time the rest of the family also lost its Canadian citizenship. Of course, the child could have been any age, from a baby a couple of days old to a teenager or whatever, who may or may not have understood what it was all about or may or may not even have understood where or when he or she was born or what went on or what kind of country it was.

While it is regrettable that these wives and children also ceased to be Canadian, parents at that time made, and parents to some degree yet do make, decisions for their minor children. The decision to relinquish citizenship is another choice that the responsible parent made for the children. Really, it was a conscious decision made by the parents to move and to take up citizenship in another country, not ever thinking, of course, that it would perhaps become a major problem for the child down the road.

As we can remember, in 1946 there was not a lot of movement back and forth. Certainly very few of the people who left their homes in Canada, and in Atlantic Canada in particular, and moved to the United States ever thought they were coming back, and very few ever did. Many of the people affected by this law have spent their entire lives outside of Canada, as everyone knows. There is no provision under the Citizenship Act for resumption of citizenship for people who have ceased to be Canadian citizens as long as they are eligible for lawful admission to Canada and have resided in Canada as landed immigrants for at least one year. The place of birth may not be a condition for re-establishing citizenship. It is only one aspect of citizenship and should not be the only or the most important aspect when considering this bill. That is why we might question why the government has not made some changes.

We have to look at this almost as a case by case issue. First, where did the family move? In which country did the parents, or parent, because in the earlier years the father made the decision, take up residence? What has happened in the interim? We hear the example of the United States used quite often because a lot of our people moved to the United States for employment, as unfortunately many of them are doing today.

Today, of course, a lot of our people hold dual citizenship. It is not a major problem and there is a pretty free flow back and forth. However, what about if the parents moved to Afghanistan, the child grew up there, happened to come under bin Laden's instructions for *x* number of years and wanted to come back to Canada?

● (1150)

I do not think we can just have free flow, whereby people who were born in Canada and moved to some other country for *x* number of years, regardless of how young they were, automatically can come back without scrutiny. Perhaps the government is correct in this case in issuing a word of caution and I think it is an issue that we can only deal with on a case by case basis.

With our neighbours to the south, and perhaps other British countries like England or Australia, we have had a free flow of like-minded people. We do not have stringent immigration laws, but the thing is that in this day and age, since 9/11, there is a complete and utter difference in the awareness of people who come to our country and why they come here.

We have to be a little cautious here. We cannot just say that if people were born in Canada, regardless of where they went, regardless of where they lived, regardless of what they have done, then there is free flow back here. I do not think that is the way it can work. Perhaps the government is right in being a little cautious in this situation.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, it is a pleasure to speak to Bill C-343, an act to amend the Citizenship Act. This is the second incarnation of the bill, which unfortunately on its first introduction did not make the draw. I am grateful that due to the reform in the manner we treat and vote on private members' bills and to the assistance of my colleague, the member for Okanagan—Shuswap, the bill can now make it to the floor of the House for debate.

Reform of private members' business has been a long-standing initiative of the Canadian Alliance. We believe that giving more power to individual MPs in the development of legislation would make this institution much more vital and more democratic. Allowing for all private members' bills to be votable adds further impetus and meaning to the role of a member of Parliament, ending the lottery approach to getting a worthwhile and enlightened bill before the House.

Let me point out that Bill C-343:

is designed to remedy the situation where a person has, as a child, been deprived of their Canadian citizenship as a result of the operation of section 18 of the Canadian Citizenship Act, chapter 15 of the Statutes of Canada, 1946. That provision, which was in force until February 14, 1977, provided that a minor child ceased to be a Canadian citizen upon their responsible parent becoming the citizen of another country. This enactment makes it easier for such a person to regain their Canadian citizenship as they will no longer have to be established as a permanent resident in order to do so.

Further, if Bill C-18, introduced in the second session of the 37th Parliament and entitled Citizenship of Canada Act, receives royal assent, then section 19 of that act is amended by adding the following after subsection 19(2):

The requirements set out in paragraphs (1)(a) and (b) do not apply to a person who ceased to be a Canadian citizen as a result of a parent of that person acquiring the citizenship or nationality of another country before February 15, 1977.

Let me put the intent of the legislation in more fundamental terms. Between 1947 and 1977, thousands of Canadian families left Canada, often in the pursuit of jobs south of the border. In many cases the father had to become an American citizen to get the job. Unbeknownst to many of the families, under the immigration law Canada adopted in 1947, wives and children were considered the property of the fathers. When the fathers renounced their citizenship, their wives and families automatically lost theirs.

The law was changed in Canada in 1977 to recognize dual citizenship, but the new rights were not made retroactive to those who lost their citizenship between 1947 and 1977 through no fault of their own and through no conscious decision of their own. I see this as not only unfair but discriminatory.

A person born in Canada today has the right to citizenship for the rest of his or her life, but there are thousands of older people who are caught in this 1947 to 1977 trap who do not have that same right. I believe it is time to recognize the wrong and make it right. I want to correct this injustice and thus I first introduced the bill in early 2002.

The issue and the injustice were brought to my attention by an individual who spent 30 years struggling to have his Canadian citizenship re-established. In 1961, Don Chapman, a Canadian who was then seven years old, forfeited his Canadian citizenship because his family moved to Seattle and his father took out American citizenship. In 1972, Mr. Chapman began applying to have his Canadian citizenship returned. He was rejected. In 1977, he tried again, only to be turned down. Here we have an individual whose family lineage in Canada goes back to the Fathers of Confederation. In fact, his family goes back five generations in Canada.

Here we have an accomplished and successful individual of impeccable credentials who has purchased a home in my riding, where he would like to settle his family as Canadians, but is deprived of this right because he lost his citizenship prior to 1977 through no fault of his own. He has no criminal record and is even prepared to pay Canadian taxes; that should indicate how serious this man is about having his Canadian citizenship returned.

I would like to add today that I spoke to Mr. Chapman last night. He is an airline pilot. He has been flying 747s and has taken time off his regular job with United Airlines in the last number of weeks to fly into Kuwait, taking soldiers to the war. I wish to congratulate him for doing such a great job and for heroic efforts on behalf of the country he is a citizen of now, but also he wants to be a Canadian. I am very proud that a man like that would want to become a Canadian citizen again.

Mr. Chapman is not alone in this plight. Since I took on this injustice, I have had the opportunity to meet and assist another individual who, through an even more bizarre twist of circumstances and interpretation of our Canadian Citizenship Act, not only lost her citizenship but may not even be a citizen of any country at all. To make matters worse, her two sons find themselves in the same situation despite the fact she, her parents and her sons all live in Canada.

● (1155)

In January of this year, before committee hearings on Bill C-18, Ms. Magali Castro-Gyr provided moving and compelling testimony on the injustice perpetrated on her and others who lost their Canadian citizenship between 1947 and 1977.

Since 2001, Magali spent $20,000 of her own money on lawyers trying to remedy this wrong. Last June her case made it to judicial review but the judge ruled that more precise work had to be done by both sides and she sent them back to their respective sides to prepare further, which, of course, means more legal expenses for Magali. The entire situation is not only unfair, I believe it would even be ruled unconstitutional if it made it to the Supreme Court. It is a shame we are putting people, who are obviously Canadians, through this unnecessary process by asking them to go through the landed status route.

Officials suspect that there are thousands of others caught in the citizenship morass, including another individual, Mr. Charles Bosdet, whose case was also brought to my attention by Mr. Chapman. I worked on this file for five years and made representation to successive ministers of citizenship and immigration on behalf of the grieved parties. I am moved by the passion and desire of these Canadians to return home. It is their diligence in this cause and their love of this country that prompted my intervention and my private member's bill. I believe their case for re-establishment of their Canadian citizenship is legitimate.

In January, following Mr. Chapman's and Ms. Castro-Gyr's testimony before the citizenship committee, the Minister of Citizenship and Immigration indicated to me that he was sympathetic to the situation of these individuals and that he would consider using his powers to restore their citizenship. I am grateful for this acknowledgement by the minister and thank him for his consideration of these cases on compassionate and humanitarian grounds. The minister talked to me last Thursday and mentioned that he will be bringing something to the committee, I hope in the next couple of weeks, that could solve this problem.

I appreciate, and I know all members of the House do that maybe, once and for all, we can solve this problem. I remember hearing the Tory Party and I think someone from the government side talking about security checks. We have no problems with that. Issues like that can be discussed at committee. However if the minister brings something to the committee that will solve the problem we will all appreciate it.

Each year Parliament dedicates a week to recognize Canadian citizenship and what it means to be a Canadian citizen. It allows us an opportunity to reflect upon the values of Canadian citizenship and its rights, privileges and responsibilities. During that week all Canadians are asked to reaffirm our commitment and loyalty to Canada. This year will mark the 56th anniversary of the Canadian Citizenship Act. Since 1947 Canada has opened its arms to millions of immigrants and conferred citizenship on over 5 million people. Canada has recognized the talents and diversities these people bring to our nation. Last year's Canada week theme "We all Belong" is fitting testimony to the nature of our country and our people.

I believe the Don Chapmans, the Magali Castro-Gyrs, the Charles Bosdets and the thousands of others, who in my mind never really left the collective soul of this nation, also belong.

I thank all members of Parliament who have listened to this injustice at committee hearings and through the private members' process. We look forward to having a vote and moving this on to committee.

● (1200)

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I am pleased to rise in the House today to speak about some very important changes that the government is proposing to the Citizenship Act and to speak to the private member's bill, Bill C-343, which was tabled by the member for Okanagan—Shuswap.

Our proposed Bill C-18 would give applicants, who want to resume their citizenship, flexibility in meeting the residence requirement. What is being proposed is that instead of being required to reside in Canada for a full year prior to application, as is the case in the current legislation, the applicant must be physically present in Canada for one out of the two years preceding application.

[*Translation*]

We in the governing party believe that it is very important to help people regain citizenship they have lost. From this perspective, we approve of the principles laid out in Bill C-343. They are the same as those found in the current Citizenship Act and in Bill C-18. It is perfectly natural that people who have lost their citizenship, especially if it happened when they were minors, would want to come back to our beautiful country and apply for citizenship. We have nothing against regaining citizenship; we support it. In fact, we believe that people who lost their citizenship when they were a minor and now want to demonstrate their commitment toward Canada by coming here and contributing to our society, should have the opportunity to regain their Canadian citizenship.

However, we cannot support the private member's bill before us today. It would require us to automatically grant citizenship, without taking into account the applicant's place of residence or commitment toward Canada.

Do members know what this would entail? Under Bill C-343, the government could be forced to grant citizenship to a person who left Canada at a young age and who has no intention of returning to live here. It could also force us to grant citizenship automatically, without taking into account whether or not someone has a criminal history, or the danger they could represent to public health here in Canada. And finally, Bill C-343 could require us to automatically grant citizenship to someone who may not have any other ties to Canada except for the circumstances of his or her birth.

[*English*]

I am pleased to report that our current and proposed legislation would allow us to carefully weigh commitment, health and security considerations while also facilitating the citizenship application process. Canada's current Citizenship Act allows former citizens to resume their Canadian citizenship. To qualify under the current Citizenship Act a person must demonstrate a commitment to Canada through residence. They must become a permanent resident under immigration law and must reside in Canada for one year immediately prior to making their citizenship application. Knowledge of Canada, the responsibilities and privileges of citizenship and one official language, however, are not requirements for resumption as they are for a regular adult grant of citizenship. The period of residence is also less; one year as opposed to three. Therefore the requirements are not onerous.

Furthermore, the Immigration and Refugee Protection Act allows flexibility for permanent residents to retain their status while travelling and working outside of Canada. The residence requirement may be difficult for a person who must travel out of Canada regularly for employment or business purposes. Most former Canadians wishing to resume citizenship, however, intend to live in Canada and do not encounter difficulty with the requirement to live here for one year. Where a person is required to be away from Canada frequently, the legislation gives that person flexibility by requiring that he or she be present in Canada for 365 days out of two years.

● (1205)

[*Translation*]

The procedures in place are perfectly fair, and the courts have already confirmed this. We do not discriminate against anyone. By continuing along the course we have already laid out, we are guaranteeing Canadians a citizenship program that is just, effective and fair for many years to come.

[*English*]

I would like to state that the changes or modifications that are being brought to the Canadian Citizenship Act under Bill C-18, as it pertains to re-acquiring Canadian citizenship for those who lost it, particularly as minors, I believe is equitable, is efficient and addresses the fact that these individuals may have lost citizenship through no fault of their own. Therefore, they will not be put to the same requirement as a foreign national who wishes to come to Canada as a permanent resident and then wishes to become a citizen.

The requirements are much less onerous, much more generous and flexible.

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedent on the Order Paper.

GOVERNMENT ORDERS

[*Translation*]

ASSISTED HUMAN REPRODUCTION ACT

The House resumed from April 1, 2003, consideration of the motion that Bill C-13, An Act respecting assisted human reproduction, be read the third time and passed, and of the amendment.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, this is like a pregnancy. I wondered whether this would ever happen. We are all aware of the ups and downs this bill has put the House through.

Perhaps I should point out at the outset that the Standing Committee on Health, to which the bill was referred, has worked long and hard on Bill C-13. This is a bill with a history: it was previously introduced as Bill C-47, which died on the order paper, then came back as Bill C-56 in 2000, and we now have Bill C-13, which we are debating.

The Bloc Quebecois has always had concerns about certain prohibited procedures. I am thinking about cloning in particular. In the mid 1990s, the hon. member for Drummond, whose riding is located in the heart of Quebec, put forward a bill to prohibit cloning for reproductive and therapeutic purposes.

This is an aberration, an odd situation brought to the fore by the whole Clonaid episode over the holiday season. Some of our fellow citizens were under the impression that they were protected against any attempt at cloning by a public or private laboratory.

Unfortunately, we had to disillusion them when it became our duty as parliamentarians to explain that, if a public or private laboratory had, indeed, succeeded with human cloning experiments, as the Raelians implied, for example, unfortunately, there were no provisions in the Criminal Code that could have led to any legal action against those who were guilty of genetic manipulation, up to and including human cloning.

Very early in the history of the Bloc Quebecois, the member for Drummond was made aware of this issue. It was because of her sensitivity not only to the cause of women, but also to the entire issue of respect for human life, that she came to present a bill which, as we know, did not have the support of the government.

It was all the more incomprehensible because, in 1989, a royal commission was set up. The Baird commission of course recommended that legislators ban practices like cloning. The royal commission was a very important moment for those who are interested in such issues, because 293 recommendations were made.

We might ask ourselves this question: How is it that there were recommendations and that there was a royal commission? We know that a royal commission is not a trifling matter. It is set up by the Privy Council and its budget is quite substantial. A lot of research was done and scientific studies were carried out. Why is it that we have had the information we need for creating legislation since 1990, and it is not until 2003—13 years later— that the House is going to be asked to vote on this matter?

The government's attitude has definitely been rather lax. There is certainly no cause for satisfaction. This is one more issue on which the Bloc Quebecois has been particularly vigilant.

When I said that the Standing Committee on Health had devoted much time and energy to the issue of assisted human reproduction, it is important to remember that, as early as 1991, the then Minister of Health, now the Minister of Industry, had introduced draft legislation. Even before the official introduction and first reading of a bill by a minister of the Crown, the Standing Committee on Health had been asked to give its views on a number of issues. The bill asked us to validate a certain number of hypotheses with respect to the preamble to a bill like this one and the type of regulations that should be implemented. I will have the opportunity to discuss this later.

The committee considered six possible regulatory models, and selected a semi-autonomous agency, appointed by the Governor in Council. We would have preferred the board to be equally represented by both genders. The government did not retain this recommendation, but the board does have a certain degree of autonomy.

● (1210)

During review of the draft legislation, we were asked to reflect on the whole issue of prohibited and regulated activities, and various mechanisms for accountability that I will have an opportunity to explain shortly. However, Bill C-13 is characterized by the fact that the regulations are more important than the bill itself.

Most of the 26 major decisions about reproduction, manipulation and assisted human reproduction treatments, while covered in the bill, will be set out in the regulations. That is why the committee was strongly advised to ensure that the regulations would be subject to periodic review and would be referred to the Standing Committee on Health. As happened with the bill, public consultations will be held when the committee considers the regulations.

One question greatly concerns the Bloc Quebecois, which we naturally discussed in caucus. The Bloc Quebecois believes it is necessary for the Criminal Code to include provisions criminalizing certain practices. First and foremost, of course, is cloning.

But what is the approach? The Bloc Quebecois in defending the interests of Quebec—which is what brings it here—unfortunately had to oppose this bill at the report stage. Why so? I will explain, because we have received a number of letters and inquiries from the public in this connection.

Although we were in favour of this bill in principle, the Bloc Quebecois cannot vote in favour of such a bill. And why not? Because Bill C-13 intrudes in areas that are fundamentally under the jurisdiction of the provinces.

The Government of Quebec, through its health minister François Legault, has written the federal Minister of Health asking that this bill not be passed, that it not be followed up on in the House of Commons.

A list has been made of all the legislation passed by the National Assembly that is incompatible with Bill C-13. I will have an opportunity to come back to that list but I will touch on it briefly here. There are about a dozen acts, and of course the most important is the Quebec Civil Code. It contains certain provisions that are incompatible with the issue of surrogacy.

Bill C-13 is also incompatible with the Act respecting health services and social services, as well as with the Act respecting access to documents held by public bodies; the Act respecting the protection of personal information; the Act respecting medical laboratories; Quebec's Charter of Human Rights and Freedoms, including the whole area of confidentiality of some nominative information; the medical code of ethics; the guidelines of the Quebec health research fund, commonly known to people in the field as the FRSQ; not to mention the ministerial action plan on ethics and scientific integrity, which was published by the former member for Vimont on behalf of the Government of Quebec. This is all very disquieting.

Come to think of it, all treatments for infertility take place in laboratories located, naturally, in hospitals, university research centres and, occasionally, in private clinics. The best known such clinic in Quebec is, of course, PROCREA.

Why should the federal government interfere in what basically amounts to the delivery of services in health care facilities that come under the various provincial governments? Naturally, it is doing so through the Criminal Code, because of certain illegal procedures.

If the Canadian government had put before the House of Commons a bill to criminalize only a few procedures, namely the 13 prohibited procedures I will list in a moment, we in the Bloc Quebecois would have voted for such a bill with enthusiasm and our well-known sense of responsibility.

● (1215)

We felt so strongly about this that when we resumed our work here in January, I moved a motion inviting the government and the entire House to split this bill. However, the government rejected this idea, which is why we are now bogged down with this bill. We have been discussing this issue since May 2001. In fact, we have been discussing this topic for several years now. The federal government could have simply prohibited a certain number of procedures.

What is the reality? The member for Trois-Rivières also explained, through a motion that he moved in the House, that the government wants to use health to do some nation building. That is what the Romanow report proposes, naturally, and Bill C-13 is a good example of this. That said, there are still a certain number of important provisions.

Let us start with what are arguably the most important clauses found in the bill, clauses 5, 6 and 9. They render a number of procedures illegal. Therefore, if it can be proven, either before an inspector or a court of justice, anyone who is involved in any of these prohibited procedures could be brought to court under criminal charges by the crown, which could lead to either imprisonment, or a fine of between $200,000 to $500,000. The seriousness of these offences is reflected by these heavy fines.

So, what are these prohibited procedures? Of course, creating a human clone. This is an ethical issue. Incidentally, this bill deals with a variety of considerations, such as ethical and medical considerations, in addition to family law, and of course, administrative considerations as well, all at the same time.

Why is it so important to prohibit human cloning? What is cloning? First, it is a medical procedure where the nucleus is removed from somatic cells. This cell is taken and another nucleus is added, and it is then fertilized. With the help of the maturation process, it is hoped that the cell will have a new nucleus containing new genetic material, which will lead to the birth of a child that has a genetic makeup identical to the genetic makeup of the person from whom the original cell was used. That is cloning.

Cloning was first tried, with mixed results, on animals. I say with mixed results because the committee was told that the consequences for cloned animals, naturally, were extremely serious, the most immediate being premature aging and, of course, premature death. So, no animals have been successfully cloned, and this, obviously, does not encourage us to try human cloning.

But there is an ethical side to cloning. No one wants to live in a society where, in the name of humankind, we can biologically bring about the creation of two humans with identical genes. No one wants that.

I saw public affairs shows on TQS, for example, where the Raelians said, "Yes, but there are twin brothers". Of course, there are identical twins. This is a natural phenomenon. It is called homozygotic embryos. I have an identical twin brother myself. This makes some people happy and some sad, each of us is entitled to our own opinion, but the fact remains that this was not forced on nature. It is a natural phenomenon. Some people say that there is really no such thing as identical twin brothers, because life, through our personality, ensures that each of us is very different. For example, my twin is heterosexual; I, as you know, am not. We are pretty much alike in our sense of humour. But we are very different in every other respect.

● (1220)

My twin brother is greatly interested in sport and a little less intellectually inclined than I. We do, however, share a similarly refined sense of humour.

It is not true, then, that identical twins with the same genetic baggage, homozygotic twins that started out from a single cell, from a single egg, are alike in every aspect.

The question raised by human cloning is what it will mean for psychogenesis, the psychological development of the child. How can a parent raise a child knowing he or she is the duplicate of the parent, knowing they are genetically identical? Scientists came to testify that, on the psychological level, at every stage of personal development, this poses a risk for human development. This is prohibited by the bill as a result.

The second procedure that is prohibited in the bill is the creation of an embryo in vitro for purposes other than the creation of a human being. We would not want to live in a society where embryos were created solely for research purposes.

This does not mean—and I will have an opportunity to explain further when we reach the clauses on regulated activities—that if there are surplus embryos as part of the initial activity of fertilization, for example if four are created, that a person cannot donate them for research purposes with informed consent.

Research on embryos is definitely necessary, but the bill says that a person could not turn up and announce that he wanted to use medicine to create an embryo solely for research purposes. This is prohibited in the bill.

An embryo cannot be created and then maintained outside of a woman's body, i.e. in vitro, for more than 14 days. The basis for this is that the main international conventions state that the nervous system begins development on the 15th day and it can then be dangerous to keep an embryo outside a woman's body. This is prohibited.

There is another important prohibition that is also related to ethical considerations. It is forbidden to use sperm screening and selection to choose a child's sex. A father cannot announce that he wants a girl, or a mother announce that she wants a boy, and then make use of medical and genetic means in order to ensure that this happens.

Why is this prohibited? It is prohibited based on the values found in both the Quebec and Canadian charters. The first of these values that govern the legal and human community is the equality of individuals. We do not start from the pretext that women are superior to men or that men are superior to women. Given that there is no such superiority, it does not make sense that the bill would contain mechanisms that would officially allow people to choose the sex of a child. That is why it is prohibited.

There is also an important prohibition that bans any alterations to the germ line. The germ line refers to hereditary characteristics that are passed down from one generation to the next, or that skip one generation, in the case of certain deadly diseases that we know of.

We do not want to live in a society where people can have their children tailor-made. It should not be possible to say, “I want the genetic tools that will allow me to have a blond girl with blue eyes, who will be a good painter, or artist, or ballet-jazz dancer”. Accordingly, the bill stipulates that it will not be possible to have tailor-made children, nor will it be possible to select hereditary traits by altering the germ line.

Obviously—plain common sense dictates this—transplanting sperm or ova into another form of life, other than human, will be prohibited. Implanting human reproductive material that has already been transplanted into another form of life is prohibited. This is known as the creation of hybrids, or chimera, and it is clearly prohibited in this bill.

● (1225)

Another prohibited procedure that attracted a great deal of attention in Quebec is surrogacy, or surrogate motherhood. This reminds us that this bill is designed to deal with an empirically observed situation: one out of every five couples experiences fertility problems. This situation is not expected to improve in the near future. Often, environmental factors cause hormonal imbalances that may affect the ability to procreate.

Some people say we should live in a society where a couple can ask a woman with no fertility problems to bear a child.

A number of nuances or clarifications could be made on the issue of surrogacy. Let me make the following. We have been told that a surrogate mother artificially inseminated with sperm from the father who hired her is called a genetic surrogate. A surrogate mother could also carry an embryo created through IVF using the hiring couple's gametes. In this instance, the surrogate mother is making her uterus available, but there is no genetic contribution.

So, surrogacy poses quite a complex ethical problem, because one might think that women own the children to which they give birth. They do not. Pregnancy has to be an altruistic act. Women who bring children into the world with their spouse must do so, whether it was planned or not, because of their desire as a couple to raise a family.

There are therefore major inconsistencies between the bill and the Civil Code. Even if these were the only inconsistencies, the Bloc Quebecois would have to vote against the bill. There are, however, many more, which I will point out.

In this respect, a provision was included in the Civil Code of Quebec a few years ago. If I am not mistaken, it is section 541. It provides that agreements for surrogacy for payment are null and void. This means that, in Quebec, under the Civil Code, if I ask a woman to bear a child for me, I will have absolutely no right in the unborn child. As far as the mother who bore the child is concerned, the regular lineage rights—the parental authority, and all that it means for a mother to have responsibility for a child—apply.

This is where we find out how well I know the Civil Code. I would be willing to bet that it is article 541, just after the provisions on adoption, which says that agreements regarding surrogate mothers are absolutely null. I will read the passage in question:

> Any agreement whereby a woman undertakes to procreate or carry a child for another person is absolutely null.

That is article 541 of the Civil Code. The lawmakers of Quebec did not wait for Bill C-13 to be passed; they put these provisions in the Civil Code.

But now we see that Bill C-13, in clauses 6 and 12, says there are certain situations in which surrogate mothers can be reimbursed. That is quite sad. I do not know how we are going to settle this before the courts. Will it be the Civil Code or Bill C-13 that prevails?

Bill C-13 says two things. It says that it will be possible to recognize surrogate mothers who do this as an altruistic gesture. But is it not strange to see written in a bill that it will be possible for a woman to carry a child for someone else? Might that not make us think that children are perceived as a kind of property and that women are the owners of children? Should we not be seeking other ways to respond to people with fertility problems? Of course, reproductive technologies, such as in vitro fertilization, are one such way.

● (1230)

Research is needed into the causes of infertility related to the endocrine system. Domestic or international adoption is also a solution. It is, therefore, somewhat aberrant that we find ourselves with such a bill in 2003.

The Bloc Quebecois held its convention this past weekend, and it was a great moment for democracy, Mr. Speaker. We missed you a bit, but you can always come next time. We discussed all these issues in workshops.

One of the great specialists in Quebec, Professor Louise Vandelac —whom you may have heard of— is very well known internationally. Although she has also researched GMOs, her main concern is the life sciences. She told us, "It is incredible that such a thing could be happening in 2003" and added, "in the country of Margaret Atwood", referring to the English Canadian novelist and writer. She continued, "How can English Canada, the Government of Canada, turn up in 2003 with Bill C-13 in which it is acknowledged that a woman has the right to call upon another woman to bear a child for her?" This does not, of course, make any sense.

It does not stop there, however, Despite the fact that the Quebec has adopted as part of its Civil Code—in the mid-80s if I remember correctly—the section I have read, section 541, still clause 12 of this bill opens up the possibility of reimbursing surrogate mothers for altruistic purposes. It is true that this bill—and I must be honest about this so that those listening to us will not be misled—says that payment for surrogate motherhood is totally forbidden, that is if someone wanted to pay another to have a child.

This is one of the 12 procedures I have referred to which can lead to prosecution and to imprisonment or a fine of $500,000. Nevertheless, it is possible to bear children for others and the federal government will recognize surrogate motherhood agreements. Clause 10 even contains provisions for certain expenses of surrogate mothers to be met.

So, hon. members will see the incompatibility here, the value choices. Ethical decisions have been made by the National Assembly, but will not, unfortunately, be respected by the Canadian Parliament.

This whole issue of surrogacy is a very serious one. Once again, I have no idea how this will be settled by the courts. We had hoped that the federal government would not get involved and that the provinces would be in charge, as is already the case in Quebec.

This pretty well covers the issue of surrogacy agreements, the importance of which is well known. I think I have also demonstrated how these do not comply with the Civil Code of Quebec.

I thought I had a good half hour remaining, seeing that I have barely started my speech, but I will come back to that in due course, because I am getting the signal that I have only 10 minutes left.

The bill addresses the whole issue of controlled activities. No one is saying that there should be no research on embryos or infertility. The agency that will be established will receive $10 million a year and bring together individuals who, we hope, will not only have expertise but also reflect a range of backgrounds, to include not only members of the scientific community but also users. The agency will issue licences for research. Researchers who demonstrate that a need exists, that research cannot be conducted using existing reproductive material, and that the research is validated by an ethics committee and based on a serious protocol, will qualify for a licence.

This opens the door to the use of stem cells. That is why our colleagues from the Canadian Alliance have been opposed to this bill all along.

● (1235)

What are stem cells? The embryo sac, which is created a few hours after conception, contains stem cells. Researchers do not agree on the number of them. Some American researchers say that there a hundred or so, and Canadian researchers say that it is more like 300. For the purposes of my speech, we will say that there are between 100 and 300 of these stem cells. These cells have not decided what their future holds and they are able to contribute to the rebirth or regeneration of any tissue, whether it be tissues found in the heart, arm, or anywhere in the entire body.

This is extremely valuable, and unlike adult stem cells, they are not in blood, or produced in bone marrow, but are found in the embryo sac. As a result, they are easy to extract, and they can obviously be used to help people with major degenerative disorders. We have heard about Alzheimer's, cerebral palsy, juvenile diabetes and other diseases.

This is why big associations that do fundraising for this type of research explained how important it is that this bill contain regulated activities to allow for this type of research. Carrying out this type of research that uses stem cells destroys embryos.

Depending on how one defines a human being, some people say that by destroying embryos, you are committing a crime against humanity, that the embryo is a potential human being. I respect this point of view, but I do not share it. The Supreme Court clearly established that a human being is a fetus once it is outside the mother's body and has taken its first breath.

People will recall that there were a number of legal challenges on this. It might have been nice if it were legislators who had made the decision, but the abortion bill introduced by the Conservatives ended up being unique in terms of our legislative work. In fact, in the Senate, the other house, there was a tie vote. It was referred to this House. There was no conclusive vote, and there was a legal vacuum until the Supreme Court issued a judgment and ruled that an embryo was not a human being.

To be logical, from a legal point of view, if an embryo is not a human being, then we cannot, as legislators, consider any of its constituent material as a human being. That is why I was in agreement. It is not the part of the bill that I am most concerned about. Of course, that will not stop me from supporting ethical issues. I believe stem cell research must carry on, because it is important to make life better for the people who are suffering from degenerative diseases.

I have mentioned the 12 prohibited activities. The controlled activities are specified in clauses 10, 11 and 12. They would include research on embryos or reproductive material in accordance with the regulations and a licence. Any research carried out without the proper licence would be in violation of clauses 5, 6 and 9, which I referred to earlier.

Among the issues raised during our work was the type of donations that could be made. As I said, with this bill, we want to meet the needs of those with fertility problems, which affect one out of every five couples. People with fertility problems may want to go for treatment, either insemination or in vitro fertilization. For this to happen, donors have to go to a hospital or to some institution authorized to receive their donations. I am talking, of course, about the people who donate sperm or ova, what is called gametes. Interestingly enough, there is a shortage of sperm in English Canada. The sperm banks are empty.

● (1240)

As for Quebec, for perhaps other more sociological reasons and also because the regulations are not quite identical, there are fewer difficulties in ensuring a supply of sperm.

Of course, Mr. Speaker, sperm donors cannot be older than 40. This has excluded you for quite some time. At the same time, sperm donors must undergo all kinds of medical tests. The sperm is tested for genetic defects or disease. Obviously, some very important tests need to be done.

The committee asked itself the following question: if you are a donor and you go to a hospital or clinic, would you be required to reveal your identity? If you are going to donate sperm, must you identify yourself? Currently, donations are anonymous.

The parliamentary secretary will remember that many people made representations, including children born as a result of assisted reproduction, from anonymous sperm donations, and they said, "This is called the right to know who you are".

For human development, it is not desirable, they told us, to not know who the donor is. I was moved by one individual who testified that when she was in grade five in a public school in English Canada, her teacher asked all the students in the class to do their family tree. You know the drill. Our family tree allows us to discover our ancestors and understand who we came from. This is obviously important to the formation of our identity. This person, born as a result of an anonymous donation, told us what a wall she had run up against, how she felt as if she had come from nowhere, how important it was to her for donations to be anonymous but not the identity of donors.

The opposing opinion says that, in donating sperm or eggs, the donors are not making any attempt to raise a child nor any attempt to raise a family. Those who oppose identity disclosure for donors said, "Yes, but is there not a risk if I donate sperm and the child born is viable, when that child reaches 16, 17 or 18 he will seek financial support from me as the genetic father and donor".

People were worried about that. That point of view prevailed, so thoroughly that, according to the bill now before us, the regulatory agency must gather information on donors. Of course, it must gather identity data, and other information in order to maintain records, but it is not mandatory to divulge the identity of the donor.

Naturally, this has created discontent and disappointment, but there is a way to solve the problem. Quebec has solved it, as have Nova Scotia and Yukon. Thus, there are three legislatures where laws have been passed and the laws contain provisions that, in the case of children born through medically assisted reproduction, donors can never be considered genetic fathers having parental responsibilities. Three provinces have done this. Obviously, it lies within the area of family law. It is not up to the federal government to create such legislation, but this could have been done.

So, that is a question that has been asked. The systems created in some countries make it mandatory to divulge identities. I can think of Sweden, Australia, New Zealand and Austria, among others.

Mr. Speaker, I think my time is running out, but because of the importance of this debate, and in consideration of the excellent work I did in committee, could you please ask for unanimous consent to allow me 10 minutes more to complete my speech. I will not take advantage of this, but I would then feel we had addressed the issue completely.

● (1245)

The Deputy Speaker: Does the hon. member have the unanimous consent of the House?

Some hon. members: No.

The Deputy Speaker: There is no unanimous consent. The hon. member for Hochelaga—Maisonneuve has one minute to conclude his remarks.

Mr. Réal Ménard: Mr. Speaker, this is a somewhat surprising attitude.

I will conclude by talking about regulations, given that I am not welcome to speak in this House.

The 26-point regulations are very important, even more important than the act itself. I want to reassure those listening, who may think that the regulations will be made and published in the *Canada Gazette* without prior scrutiny by the lawmaker. The bill does provide that the minister lay the proposed regulations before a committee. Public consultations will be held. Then, we will report back on these regulations. This way, all those concerned will get a chance to express their views.

I am sorry that I was unable to deal with the bill in greater detail, but there will be other opportunities.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, considering the complexity of the issues, I seek the unanimous consent of the House to extend my speaking time by 10 minutes.

The Deputy Speaker: Does the hon. member for Mississauga South have the consent of the House?

Some hon. members: Agreed.

The Deputy Speaker: The hon. member for Mississauga South has 30 minutes.

Mr. Paul Szabo: Mr. Speaker, I thank all hon. colleagues for the opportunity to provide my input on Bill C-13.

Bill C-13, an act respecting assisted human reproductive technologies and related research, is an omnibus bill. As members know, an omnibus bill affects many bills and attempts to do so much that everyone can find something that they do not like in the bill. As well, omnibus bills are often used to get through the back door what one cannot get through the front door. This is the case with Bill C-13.

Bill C-13 was intended to prohibit—and I stress intended to prohibit—cloning and other unethical reproductive activity, to regulate fertility clinics and to regulate biomedical research. The bill falls short of meeting those objectives and I intend to lay out the facts for all members to consider.

Based on expert opinion, Bill C-13, despite the report stage motion that was passed, still does not ban all forms of cloning. Let me repeat that Bill C-13 still does not ban all forms of human cloning.

There are numerous techniques of cloning, such as somatic cell nuclear transfer which is reportedly the technique that was used by the Raelians, also parthenogenesis, germline cell nuclear transfer and many others. Cloning is not just one thing; it is a range of techniques all leading to the same thing.

Precise definitions are very important in the bill but they were handled very poorly according to numerous witnesses.

Dr. Ronald Worton is the chief executive officer of the Ottawa Health Research Institute. He is also the scientific director of the Canadian Stem Cell Network. He testified before the Standing Committee on Health that from a scientific perspective, many of the definitions in Bill C-13 were either incorrect or problematic. Dr. Worton is likely going to become a Nobel laureate for his research in health. His work is much respected in Canada and certainly by the health committee.

Others have also raised the same concern. In a submission to the committee, Dr. Dianne Irving, a research biochemist and biologist, detailed how contradictory and erroneous scientific definitions in the bill would not even prohibit all forms of human cloning.

If Bill C-13 is to achieve anything, it must ban all forms of cloning, all manners and all techniques and it does not.

Clause 5 of the bill states:

> No person shall knowingly create a human clone or transplant a human clone into a human being.

On its face this is clear; one cannot create a human clone. Most people think that a human clone is a born child. They think of what the Raelians did. They birthed a child. That is a human clone.

In the bill a human clone is not a born person. Obviously if the bill says a human clone is a born child, one would not transplant it into a human being. Therefore it must not be a born person. In fact the bill defines human clone. It is defined as an embryo. A human clone is actually an embryo that, as a result of the manipulation of human reproductive material or an in vitro embryo, contains a diploid set of chromosomes obtained from a single living or deceased human being, fetus or embryo.

Now we can appreciate how confusing this is, but why is it confusing in the bill? Members have to ask themselves, why are the definitions so confusing? Why is the prohibition so confusing? Why are there so many gymnastics? Why can it not just outright state, no cloning by any means, any techniques? There is a reason.

The term "human being" is frequently used but is not defined in the bill. The usage verifies that it is referring to a born human being and the minister has confirmed this fact. She indicated that the definition being used comes from case law, from the laws of Canada, and means that it is a child completely emerged from the womb.

Dr. Irving has noted that that definition of human clone is flawed and would not cover certain types of cloning, including pronuclei transfer, formation of chimeras and back breeding, mitochondria transfer or DNA recombinant germline transfer also referred to as eugenics.

● (1250)

I am not an expert but I have looked up the terms. They exist and I accept the word of expert testimony that these are forms of cloning and these forms of cloning are not prohibited by this bill.

The deficiencies in drafting the bill also get worse. In clause 5(1)(c) the bill states:

> No person shall knowingly
>
> for the purpose of creating a human being, create an embryo from a cell or part of a cell taken from an embryo or foetus or transplant an embryo so created into a human being;

That is a difficult clause to understand but the problematic phrase in the clause is "for the purpose of creating a human being". One is prohibited from doing that if the purpose is to create a human being. What happens if the purpose is not to create a human being? What happens if the purpose is to just do research? All of a sudden, if someone's purpose as a researcher is simply to create this embryo for research purposes, then the bill does not ban that activity.

On a prima facie case this is absolutely clear. Bill C-13 does not ban all forms of cloning. Nor does it prohibit unauthorized research on human embryos. This would allow cloned human embryos to be implanted in the uterus at the embryonic stage and then be harvested for research at any time from the embryonic period through the ninth month of gestation, anytime during the pregnancy of a woman. Not only could researchers get stem cells from that unborn child, they could also harvest organs from that unborn child. Now we are getting serious. This is not just simply a matter of cloning; this is a matter of using human beings and all their parts for research.

The faulty crafting of this clause is extremely dangerous, not only because it permits cloning but it also allows unborn children to be butchered for their parts. This is very technical and complex. That is why it is so important that expert testimony be obtained and why Health Canada must answer all the questions posed by members, and they have not.

Members of Parliament cannot be experts in all things. Therefore, we rely on credible evidence and comprehensive answers to the questions that we have asked. Members should know that despite the cautions of Dr. Worton and Dr. Irving, neither of them had the opportunity nor were they asked subsequently to appear before the health committee to present those concerns in detail. Why, when experts raise problems and concerns with either problematic or incorrect definitions, would the committee or Health Canada not address those concerns with experts?

Furthermore, the Minister of Health herself never appeared before the Standing Committee on Health to answer questions or defend Bill C-13 or to undertake to provide the committee with a response from her department to the very serious deficiencies noted by numerous experts. Why? That is the question.

To summarize, Bill C-13 does not ban all forms of human cloning and in its current form would permit research on unborn children as long as they were harvested before birth. These are fatal flaws in Bill C-13.

I want to move on to comment on the creation of in vitro human embryos. Bill C-13 seeks to prohibit the creation of a human embryo for any purpose other than creating a human being. In other words, if it is for the purpose of reproduction, that is fine. For other purposes, it will not be permitted unless one can get a licence from an agency.

We should note that the fertility industry habitually harvests more eggs from women and creates more human embryos than are reasonably necessary for in vitro fertilization. Women can be drugged to the max, and they are based on expert testimony before the committee, and a fertility clinic can harvest up to 25 eggs. However they only need three to five eggs for the first fertility treatment under IVF. All those eggs would be fertilized and those that are not necessary for the first attempt at IVF would be frozen, and I will comment on that in a while. The point is, in vitro fertilization as part of the normal course of its operation does create surplus embryos.

● (1255)

The minister rationalizes that research on embryos should be permitted since these human embryos are no longer required for reproductive purposes and they will just be thrown in the garbage. That was her response to the press when she tabled the bill on May 9 of last year. The Minister of Health said to go ahead and use them for research if they were only going to be thrown in the garbage. This is appalling. One would have thought that if surplus human embryos were being created, the appropriate response for any Minister of Health should be, "How do we reduce or eliminate the creation of surplus embryos?" Should it not be to fix the problem rather than to take advantage of the problem?

The fundamental principle of the bill is that human embryos can only be created for the purpose of creating a human being. Yet what we are saying is that if there happens to be some left over, let us use them for research anyway because otherwise they will be thrown in the garbage.

Dr. Françoise Baylis has been very important in this process. She is a professor of medicine and philosophy at Dalhousie University and is vice chair of the board of governors of the Canadian Institutes of Health Research. In her testimony before the Standing Committee on Health, Dr. Baylis said:

> The first thing to recognize in the legislation and in all of your conversations is that embryos are human beings. That is an uncontested biological fact. They are a member of the human species.

Bill C-13 disputes the biological facts. To accept the fact that a human embryo is a human being would make it illegal to destroy human embryos for research even if those embryos were no longer needed for fertility treatments.

I understand that this is a very delicate issue because we are talking about when life begins. Human embryos are human beings and are entitled to the protection and dignity afforded to all human beings. Furthermore, human beings do die and when they do, we do not throw them in the garbage. How absurd. We put them to rest in an appropriate and dignified manner. I know that the medical community has established appropriate guidelines for when a human being dies and for its appropriate and dignified disposition. The medical community would never say to just throw them in the garbage.

Researchers want these embryos because they want stem cells within the embryos. We know that. They hope that these stem cells may one day be useful in treating illnesses. However stem cells from embryos have shown a tendency to spontaneously create tumours and other unintended cells. In addition, they do not have the same DNA as the prospective patient and therefore they are subject to immune rejection and would require lifelong anti-rejection drugs. This is good news for the pharmaceutical industry but it is very bad news for the human embryo and those who acknowledge the biological fact that human embryos are human beings.

One of the primary principles of medical ethics is that if the scientifically possible is in conflict with the ethically unacceptable, the ethical view must prevail. Our responsibilities as members of Parliament is to therefore ensure that human beings, at any stage, must never be used for biomedical research because there are ethical alternatives.

The situation with surplus embryos actually is much worse than the public really understands. If a fertility clinic drugs a woman to the maximum, as I have said, and harvests 25 eggs, only three to five of those actually will be necessary for in vitro fertilization. The remaining 20 embryos would be cryogenically frozen and thawed as needed for future attempts as necessary. However, and this is an important point, 50% of frozen embryos do not survive the thawing process. That means that of the remaining 25 embryos that are cryogenically frozen and thawed for future use, 10 of them will be destroyed. They will die simply because the cryogenic freezing process is unacceptable.

This is a tragically low threshold of success for any medical procedure, and we can and should do better. How can we tolerate the destruction of so many human beings as part of a process that itself is attempting to create human beings? There is a grave contradiction here.

● (1300)

There are other alternative approaches to these problems. If there are surplus embryos, medical research communities should be working to perfect the techniques to eliminate or reduce the creation of surplus embryos. Medical research should concentrate its efforts on perfecting the process to store the eggs that are harvested from women, not the fertilized eggs but the eggs from women, and only fertilize those that are necessary for reproductive purposes. That process is now under intensive research outside of Canada. I am not sure what is happening inside of Canada. When it is perfected, there will be no surplus embryos.

At this time the research community has developed an in vitro fertilization process that habitually produces surplus embryos, which are in turn used for their own research. Research is supplying itself using IVF as the delivery point. This is a conflict of interest, and in the extreme. We as legislators have a responsibility to correct this unacceptable situation.

Another alternative is to permit the adoption of surplus embryos by other infertile couples. This is no different than adopting a born child. In the United States there is a program that is doing just that. It is called the snowflake program and it has been very successful. If this bill were truly intended to assist the infertile, why has Health Canada rejected this viable and successful program, a program that would make use of any surplus embryos.

Today in Canada there are approximately 24 fertility clinics and many of these are private for profit companies. As such, we do not really know how many surplus embryos are presently in storage nor how many would have received informed consent to be donated for research purposes. However Dr. Baylis has done an informal survey and she estimates that there are about 500 embryos frozen in Canada, in total. Of those, half are necessary for future IVF treatments. That means there are 250 that may be available for research purposes.

As I indicated, half of these will die while thawing. Of the 250, 125 will die while thawing. Therefore, we are down to 125. Then Dr. Baylis goes on to explain that of those 125, only 9 of the frozen embryos when thawed would actually be able to produce a viable stem cell line. Of the 9, only 5 of them would be of a standard that would meet the quality requirements of researchers. Think it out. Only 5 out of 250 embryos that are thawed would actually be useful. That is 2%. In other words, 100 human beings would be destroyed to obtain 2 useful stem cell lines, which may be able to be used to find cures and therapies to assist other human beings. This makes no sense at all.

One would think that Health Canada would have determined whether there were sufficient embryos to sustain meaningful research in advance of preparing this bill to regulate research and fertility clinics. Why has it not? I know Dr. Baylis is looking for funding to do a formal survey but we do not know what is happening in fertility clinics. We do not know what is happening out there today. How can we have legislation to regulate fertility clinics? These are the same fertility clinics that refused to appear before the health committee to disclose how they operated their businesses. This is awful. I cannot understand how that happened.

There is also another ethical alternative to destroying embryos to obtain those stem cells. Stem cells actually occur naturally in every organ of the human body. Last year Dr. Catherine Verfaillie published verified research that stem cells from bone marrow could become virtually any cell in the human body. This means that stem cells from a person's own body could be taken and used to repair damaged cells elsewhere in that person's body. That means that there is no ethical controversy, no immune rejection problem, no need for lifelong anti-rejection drugs and no concern about the spontaneous creation of tumours.

● (1305)

Why is it that the researchers are so anxious to have stem cells taken from embryos despite the ethical controversy and all the other problems, such as immune rejection? There is an answer and we heard it. I know a couple of members were there at the same meeting.

The bold and the true answer came from Dr. François Pothier, who has a Ph.D. in cellular biology and is a professor at Laval University. On February 5, 2003, while addressing a round table on assisted human reproduction, sponsored by the Friendship Group of Parliamentarians for UNESCO he answered the following question: Why do we want embryonic stem cells? Why are we shunning adult stem cells? His answer was “There is no money in adult stem cell research”.

That is the answer that everyone has been waiting for. Why do we want embryonic stem cells? It will cause all kinds of interesting scenarios for commercialization, drug use and all kinds of opportunities for people to make money. According to Dr. Pothier, and I believe this sincerely, the reason we do not concentrate on research using adult stem cells is that there is no money in adult stem cell research.

If one's own stem cells could be used to treat themselves, the prospect for patenting and commercialization would be diminished. Drug companies would also have less incentive to provide research funding. If research was unlikely to lead to increased need for the drugs why would they? One can only conclude that the bill really is about money.

We know that researchers migrate to money and have shown only a secondary interest in the ethics of research. I have tried to move a motion at report stage to include amendments to the Patent Act to guide the patentability of biomedical research. I was ruled out of order because Health Canada said that it was beyond the scope of the bill.

On the contrary, patenting of such research would likely reduce research done in Canada because the cost of patented techniques would be prohibitive for other researchers to use.

If patenting of biomedical research is allowed, the amount of effective, meaningful research in Canada will actually go down.

With regard to biomedical research, Bill C-13 would establish the assisted human reproduction agency of Canada. It would have the authority to issue a licence to authorize the use of human embryos for the purpose of research only if it is satisfied that the use is necessary for the purpose of the proposed research. The word "necessary" is the key.

In the opinion of the Standing Committee on Health, the criteria for what constituted necessary must be laid out. As a starting point, the following is what was recommended in the health committee' report: Even if all other regulatory criteria are met, no licence may be issued unless the applicant clearly demonstrates that no other category of biological material could be used for the purposes of the proposed research.

In other words, embryonic stem cells cannot be used if there is another ethical alternative. It is a good compromise I think for most but Health Canada rejected the recommendation of the committee and emphatically refused to define the term "necessary" in the legislation.

It is hard to believe that there are no criteria in the bill to guide this agency that would authorize and licence the research. Something might be buried in the regulations but I will talk about that later.

One would think that if research proposed has already been done then a licence should not be issued. If there are other ethical means to achieve the research, then a licence should not be issued in that case either. It simply does not make sense not to articulate the fundamental principles that should guide the agency.

Health Canada appears to be totally dependent upon the research industry. In fact, we all know it was the research industry that developed Bill C-13. The research industry, right back from the royal commission, right through the CIHR and all the iterations of the bill, the research community was the driver of what is in the bill. My sincere belief is that Health Canada went along for the ride.

The Standing Committee on Health spent two years studying the draft bill and Bill C-13. It received hundreds of submissions and heard from over 200 witnesses. I was very impressed with the quality of work that was done by the committee. In fact, the report on the draft bill was the best report I had ever seen.

After due consideration, however, the committee made only three substantive amendments. The first was that 50% of the board of directors of the agency should be women. The second was to ensure that people wanting IVF treatment would receive counselling and independent advice. The third was that the conflict of interest provisions in the bill would be broadened so that pharmaceutical and biotech companies could not be on the board of directors.

● (1310)

Those were very reasonable amendments and yet Health Canada rejected every one of them and put in report stage motions to reverse them. As a result of two years of work done by committee and after all the witnesses who appeared before it, there is nothing substantive in the bill, and that is a shame. I honestly believe the bill would have been better with many of the committee's recommendations.

This is a very troubling situation and it should raise caution levels of all members with regard to the credibility of Bill C-13. When ministers, the staff and the bureaucrats in all departments ignore the work and recommendations of standing committees and ignore the questions and suggestions of members of Parliament, the bill in question develops an opposition. If hon. members do not receive satisfactory explanations to their concerns or answers to their questions how can we say that we have discharged our responsibilities?

I believe members have been misled by the hype and rhetoric surrounding Bill C-13. The bill already has serious deficiencies and more will come out when questions are answered. In my view, the bill cannot be fixed in its present form. As the member for Hochelaga—Maisonneuve suggested, its deficiencies would be better addressed by a split bill, one dealing with prohibited activities and the other dealing with regulating research. The minister still has that option.

The bill also has other notable problems and I will deal with them quickly. The bill would prohibit the creation of a chimera. However a chimera, as defined in the bill, is the combining of animal and human, but it would prohibit the transplantation of non-human material into humans. It would not do the reverse. The bill would permit the transplantation of human reproductive material into non-human life forms, and the minister has said that this is necessary research. I do not buy that.

The bill would not permit the creation of a hybrid for the purpose of reproduction. However if the purpose of the research is in fact to do research, then hybrids would be permitted because they would not be used for reproduction but for research.

With regard to conflict of interest, as I have already indicated, the bill presently says that pharmaceutical companies and biotech companies can be on the board of directors. Why not? It is a conflict to the extreme. The bill would not require board members to file conflict of interest statements. Health Canada said that it would be too inconvenient for someone who was not paid very much and because part time appointees are less likely to have a conflict. This is faulty logic.

The bill would not prescribe transitional provisions relating to frozen embryos that existed prior to the bill coming into force but it should. It is very important. There are 500 embryos out there. How do we deal with them?

The bill would not require all fertility clinics to use the same application or information disclosures? Why not? It was recommended at report stage. Would consistent documentation, forms, disclosures and consent, et cetera, not make some sense?

The bill does not prescribe limits on the amount of drugs that can be administered to women and other limits that can affect women's health. Why would we not do that since this is a women's health bill?

There is very substantial policy in the regulations. Although members can have an opportunity to review the regulations, the bill goes on to say that members will only be able to comment. In other words, parliamentarians will not get an opportunity to approve or reject regulations to the bill, and most of the details of the bill are buried in the regulations. We will not see that until two years after royal assent. Parliament has a problem.

The bill would permit the use of surplus embryos for the purpose of education but it has no rules. As the member for the Bloc mentioned, it would provide surrogacy for profit and reimbursement of employment income. Those things were rejected right from the royal commission all the way down the line, and it was sprung on the House at the last minute. That must change.

If we were to defeat the bill, fix it and reintroduce two improved bills, one on prohibitive activities and one on controlled activities, they would result in earlier enforcement than if we proceed with Bill C-13 as it is now. A bill on prohibitive activities would pass at all stages very quickly and would be in force immediately, which is what Canadians want to see.

● (1315)

The other two are more problematic and that is what is delaying this whole process. I think we have to do some serious thinking about this.

The bill attempts to address reproductive technologies but it does so very poorly. It also touches on the very delicate, ethical and moral issues related to the sanctity of human life. For this reason a vote on this bill is a matter of conscience. I personally do not condone the destruction of human beings for research purposes under any circumstances. Consequently, I will be voting against Bill C-13.

● (1320)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I want to take the opportunity to thank my hon. colleague on the government side for all the hard work he has done to not only educate the members of the House but, indeed, the Canadian population on the seriousness of this issue.

I, like my colleague, cannot vote in favour of the bill for many reasons, one being that nowhere in the legislation does it allow the offspring of someone who has been created by in vitro fertilization to actually know the name and history of the father or mother. It is usually the father, of course. A constituent in my riding, Olivia Pratten, has lobbied long and hard to get this included in the legislation. She is 20 years of age at the moment and would like to know something about her father. She has no recourse within the legislation to ever know anything about her father.

I do not know whether my hon. colleague knows this, but my understanding is that there will be a court challenge to this part of the law should Bill C-13 pass and that it is planned to take this as far as the Supreme Court of Canada to right the wrong that is in this very flawed legislation.

I wonder if my hon. colleague could comment on that and comment on the kind of cost this would be to people's lives and to taxpayers as they have to take these things through the courts to change a bad law.

Mr. Paul Szabo: Mr. Speaker, the member is quite right, there is a provision in the bill with regard to the anonymity of a donor.

The bill does provide that a person who was born by these reproductive techniques will be able to know details about the health, et cetera, if there is any predisposition of the donors. What it does not permit though is disclosure of the name of that person. It is not all one way or the other, but the actual identity of that person cannot be known unless the donor gives his or her consent. That is the problem to which the member relates.

I can assure him that the Standing Committee on Health was very supportive of opening up the anonymity so that on the request of the children born of these techniques, they could find out who their father was. I think this is parallel to the situation we see so often with regard to adopted children, that they need to know who their parents are.

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, I also commend the member for Mississauga South who I know has worked probably more than anyone in the House on this particular bill and is more knowledgeable on most aspects of the bill than anyone.

In his discussion today I did not hear a lot of discussion about surrogacy. We know the committee was very concerned about the commercialization in surrogacy. There are some 54,000 websites, mostly in the United States, advertising surrogacy and promoting various attributes. It basically boils down to the selling of women's bodies for commercial purposes. They get a higher price if they can produce twins or if there are multiple successful pregnancies and so on. Would the member like to express his views on this subject?

Mr. Paul Szabo: Mr. Speaker, the member is quite right. The bill was amended at report stage to permit surrogate mothers to be reimbursed for lost employment income if a doctor provides a letter that continuing to work may pose a risk to her health or to the embryo or the fetus. However, the member is right when he says that it is a clear contradiction of the principle of non-commodifying the reproductive capabilities of women. The principle was presented and included in the royal commission report, and consistently through all of the discussions it has been supported that there should not be commodification of surrogacy.

It is very unusual how it came forward to this place, and it is unusual that the minister would abandon everything that she said on surrogacy and support that motion. At committee it was definitely rejected. In this place, it passed by a small number of votes. I think it was a big mistake and I am sure that attempts will be made to reverse that.

While I have the floor, I also want to point that when I was discussing utilization of embryonic stem cells for research and I said that we have 500, one of the points I forgot to put in, and members might be interested, is that today it was reported that the British have destroyed 40,000 human embryos for research purposes and they have no reports of any successful research as a result of destroying 40,000 human beings. It is absolutely astounding.

● (1325)

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, again we are here with Bill C-13, a very important piece of legislation, probably one of the most important pieces of legislation that the House has considered to this point in the 37th Parliament. There are great implications for Canadians, for Canadian families and, because of difficulties with infertility, for men and women trying to produce babies .

The implications go far beyond that, which is why we have had such an interesting and prolonged debate. Again, to go back to the origin of the House dealing with this, the recommendation did come to the health committee from the minister, who asked us to look at draft legislation. The agenda has been ongoing since 1995 with the Royal Commission on New Reproductive Technologies. Canadians have been looking into this going back a long way and we have been waiting a long time for some response.

I want to refer to the committee work because it was a procedure that we felt was very commendable. In fact, rather than getting the legislation already in a legislative framework for debate, we received a recommendation from the minister as to the direction he felt it should take and he asked us to consult Canadians and to hear from witnesses and to come up with our version of how we should respond.

I want to refer to the committee's preamble. The committee entitled our work, "Assisted Human Reproduction: Building Families". Under the framework at the beginning of our report, we established our priorities. The committee established three priorities to be used in appraising the individual components. There are many and varied components to this legislation, but these priorities flowed from the committee's view, from the views of committee members from all parties and all sides. We took this issue seriously.

The committee's view was that "the primary goal of assisted human reproduction is to build families" and therefore we focused on the potential effect of the draft legislation on three priority issues. The first was children. The committee took the view, and I think rightly, that the focus should be on children. Priority number one was that for children resulting from assisted human reproduction procedures, "The legislation must protect the physical and emotional health as well as the essential dignity of the children who are the intended and desired result of the procedures". Our first priority was the children who will be produced.

The second priority was the adults participating in the reproductive procedures: "The legislation must protect the adults undergoing the procedures from potential negative physical, social and emotional effects". In order to hyperovulate, women undergoing these procedures are often exposed to very caustic chemicals. In the process, there can be rather significant consequences for the women. We wanted to make sure that the people participating are also protected from negative physical, social and emotional effects.

Finally, there are the researchers and the physicians who conduct the research: "The legislation must oversee the experimental aspects of the...procedures while allowing selected procedures that might alleviate human suffering".

These were our priorities: first, the children; second, the adults participating; and finally, the research community. We are concerned that the way in which the bill has developed has moved away from the committee's priorities and has taken on other priorities. I will address some of these concerns.

The member for Mississauga South has just pointed out some of the concerns we have in relation to the emphasis on stem cell research that will come out of this. Also, there is the issue related to anonymity of the donors as far as the children's needs being respected is concerned.

As well, there is the issue of industry in terms of the regulatory body that is to be set up to oversee this, a very important aspect of the bill. Members worked hard on this and it was the committee's view to make sure there was no conflict of interest in this important body that will govern this research. Unfortunately, amendments that would have tightened up the conflict of interest provisions were not supported in the House and in fact provide for, as the member for Mississauga South just alluded to, members from industry who have profits tied up in this industry and a great vested interest, perhaps, in being in a position to make decisions with that regulatory body.

● (1330)

I would just like to mention the overarching considerations of the committee that we felt were important to put in the preamble. One principle that we felt was overarching was "respect for human individuality, dignity and integrity". We also felt that a "precautionary approach" was necessary "to protect and promote health", and that "non-commodification and non-commercialization" were to be foundational issues. We are concerned that this is violated by the bill and that these interests have not been enforced. We felt also that informed choice is important, as well as accountability and transparency. I will just leave the committee report at this point, but those were the principles we wanted to address.

The bill addresses very important aspects that are important to all Canadians, at least those who are conversant with these issues, such as therapeutic cloning. Cloning of human beings is a topic of much discussion these days, as is germ line alteration, and these issues are addressed by the bill.

The member for Yellowhead, our health critic for the Canadian Alliance, moved an amendment the other day to which I will refer. It said:

> That the motion be amended by deleting all the words after the word "That" and substituting the following thereafter:
>
> Bill C-13, an act respecting assisted human reproduction, be not now read a third time, but be referred back to the Standing Committee on Health for the purpose of reconsidering clause 18 with the view to allow children born through donor eggs or sperm to know the identity of their biological parents.

Just a moment ago, my colleague, the member for Nanaimo—Cowichan, stood in response to the member for Mississauga South and mentioned a young woman from Nanaimo. Her name is Olivia Pratten. She is a young woman who was one of the first offspring from assisted reproduction. She has been speaking on these issues since she was about 15.

This is not an issue of passing interest to Olivia Pratten. This issue has affected her life, the origin of her life, and it affects her to this day. I would like to make reference to her remarks to committee, because her voice needs to be heard, and frankly, the way the bill stands it has not considered this voice at this point. In fact, it has violated and works contrary to what Olivia is asking on behalf of the children produced by this technology. Olivia Pratten says that only donors who are willing to be identified to the child upon reaching their age of majority should be accepted as donors. Responsible, accountable and fully consenting donors: that is the standard that needs to be set by the medical establishment and the government that should be regulating them.

Sadly, the bill allows for anonymity of donors to continue. Anonymous donations allow for a college student to make repeated donations with a financial inducement.

I see that the member opposite is engaged with this. Maybe he thinks it is a good idea. I am not sure. We know that college students often need financial support, but we question whether this is the way they should be earning their way through college: by making a donation for which they get paid $65. That is not payment, according to those making the payment; it is compensation for expenses. For the student to come over to the clinic and make a donation of sperm, he is rewarded with $65, but he is not allowed to do this every day. No, he is only allowed to do this three times a week. That amounts to about $195 a week. We are talking about $800 a month. That is pretty good part time income. That is not income, by the way, but just compensation for his expenses.

This is commodification and commercialization. This is part of what we were concerned about as committee members. The committee was very clear in saying that men and women in Canada need to understand that their bodies are not for sale, that their reproductive capacities are not for sale. While we want to be compassionate and do everything we can to help those who are experiencing the great difficulties that go with fertility problems, we do not want to see people selling their bodies or their body parts. We do not do that with organ donations. We do not encourage Canadians to sell a kidney. We do not encourage the poor people in the country to receive a cash donation by giving up a kidney. Some countries do and in some countries they are not even compensated; the organs are just taken.

● (1335)

We do not want to encourage commodification of body parts in our country. Carrying on with Olivia's comments in committee, she said:

> Simply put, the loss of never being able to see or know who this nameless, faceless person was, in my future children and in myself, is something that lasts a lifetime.

The young woman born of this procedure is concerned because she does not know who her father was.

There are other countries that have taken an open donation model where the donor agrees that at the appropriate age children the information about who they are will be given them so they can know something of their biological history. Procedures can be put in place to protect the person from financial obligation, but all children should have the right to know who their parents were.

All children should have the right to know what their genetic inheritance is, if only for health reasons. It would include their emotional, mental and physical health because there are inherited conditions that can affect their offspring in many generations to come. Anonymous donations where this just goes into a system and spins out, and produces a child with no knowledge of where it comes from violates this principle and violates the rights of children produced to know from whence they came.

Olivia argued:

> An open system not only gives the child acknowledgment and respect; it also has a positive effect for all parties involved, as well as the overall societal impression of donor insemination. Maintaining an anonymous system implies that there is something shameful about this practice. How can we believe that emotionally healthy families can be created in such an environment?

Barry Stevens is another person produced from the early procedures who appeared before the committee and I would like to refer to his remarks. Barry Stevens made a film on the subject called *Offspring*. The film was about the search for his donor's identity and it won a Gemini award.

Barry gave evidence at the health committee on December 2, 2002. He brought attention to studies that dispel some of the myths about donor anonymity. Barry Stevens says: "We are often told that children born from gamete donations do not want to know their donor". Mr. Stevens told us this was completely false. He pointed to a study that highlighted the fact that between 79% and 83% of donor offspring thought they should be able to know the identity of the donor and they wished very much to have that information. Their main concerns were the lack of genetic continuity and frustration in being thwarted in the search for their biological fathers.

A second study dispelled the myth that an open donor system would wither for a lack of donors. Mr. Stevens pointed to Sweden where a law was passed for a mandatory open system. After an initial drop there was a 65% increase in donors above the pre-law levels.

For those naysayers who say that if we were to go to an open system the whole system would collapse, it simply is not true. There are models of an open and responsible system. It tends to attract more responsible donors who are aware of the risk and willing to help. They are concerned about having children but for their own reasons want to do it in a responsible way. There are such people and this direction would be more respectful of the children that would be produced.

This is what the committee worked toward. There was quite a bit of discussion on this in committee. Frankly, the government side made sure that when it came to voting it did not come in this way. I hope members will reconsider because many members did not have the opportunity to hear the testimony of Olivia Pratten, Barry Stevens, and those who are firsthand products, who have had the experience, and who have lived with the consequences of being born from an anonymous system.

Mr. Stevens quoted figures saying 30% mistaken donor identity have been given but with little proof. Mr. Stevens quoted from a *Lancet* journal article saying the rates of non-paternity have taken on the character of urban folktales, pieces of conventional wisdom that are widely believed but have little basis in fact. The *Lancet* study actually found that non-paternity rates for some populations were as low as 1% to 3%. I suppose mistakes are possible but not on the scale that those who argue against an open system.

● (1340)

Mrs. Catherine Clute, a spokesperson for the Coalition for an Open Model in Assisted Reproduction, also gave testimony. She did not mix her words for the health committee. She stated that "anonymous gamete donation is a throwback and a travesty. As we have seen in adoption, secrets and lies provide no foundation for a family and certainly not for a life".

This bill will come before the House for a vote. Rather than be voted on at third reading, it should go back to the health committee for reconsideration of this important issue of anonymity. We think the committee should hear the voices of Olivia Pratten, Barry Stevens, the people most affected, the people with the most experience, the people with a personal interest and passion for the subject, and the ones for whom this is not just another issue but the main issue and whose concern is to protect the children who will follow them as products of this technology. Their voices should be heard and the committee should consider this.

If we were to adopt the system, we should make it integral in Canada. We should have an open system of donation, one that respects the children who will be born and their futures, and concerned about the mental, emotional health and stability of the families that will be produced, as well as the generations that will come in this area. We need an open system and I hope all members will be ready to consider that and do the right thing for the sake of the children who will be born.

I would like to go for a moment to the minority report that came from the Alliance where we talked about the conflicts between ethics and science. It stated:

> Nevertheless, there will always be situations where what is scientifically possible and what is ethically acceptable conflict. In such situations, we concur with the minister when he told the committee, "There must be a higher notion than science alone...that can guide scientific research and endeavour. Simply because we can do something, does not mean that we should do it".

The recommendation in our minority report was:

> That the mandate and code of practice of the Regulatory Body to be established by the legislation include a directive to the effect that where there is a conflict between ethical acceptability and scientifically possibility, the ethically acceptable course of action shall prevail.

We consider that an important aspect because it ties right in with the use of embryos for research. The member for Mississauga South has addressed this just recently. There has been much discussion in the House about the use of embryos for research.

The bill rightly would prevent the creation of embryos for research purposes, but in fact would allow for the creation of embryos through so-called surplus embryos left over from reproductive technologies. I am concerned because that would cause the most vulnerable people, the ones who are expected to give their embryos up because of their failed physiology, to attempt to find a way to have a child and we are saying to them, "Yes, we will help you have a child, but the leftover ones we want for research".

The member opposite referred to Dr. Pothier who spoke at the UNESCO meeting related to reproductive technology. He said that there is no money in adult stem cell research. Dr. Freda Miller from McGill, now of Toronto, is one of our top researchers in the area of adult stem cell research. When I asked her about that she said that, frankly, she did not see any opportunity for patenting or profits in adult stem cells.

Yet, as committee members, like the member for Mississauga South, who have taken the trouble of educating themselves and understanding the science, along with scientists like Dr. Alan Bernstein, the head of the CIHR, Dr. Ron Worton, the head of the Ottawa stem cell research body, we have admitted that adult stem cells are where the best treatments are likely to come from. Why is it that this research will allow embryos—

Ms. Carolyn Bennett: They never said that.

Mr. James Lunney: Yes, they did. The hon. member for St. Paul's is saying they did not say that. She was not on the committee when these members made these statements. They are on the record and she should check it out. They said that the best results are expected to come from adult stem cells and they hope to learn something from using embryos.

● (1345)

This debate should not be about commodification or profits. It should be about what would profit Canadians, where the best hope for the best treatments and results would come from, and where Canadians could expect to get the best results. That is what this should be about, not about profits. I hope all members will take that into consideration as we vote on this important bill.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to take the opportunity to give an enormous amount of credit to the member for Nanaimo—Alberni for his contribution to Bill C-13. He spoke at every stage, he was active in committee, and he knows what he is talking about. My question relates to the structure of the bill. Being an omnibus bill, it does a lot of things.

I wonder if the member would care to comment on whether or not he believes that a bill which came forward and, very simply, banned the prohibited activities laid out in the bill, without a lot of complexity and linkages to the fertility clinics, researchers, agencies, et cetera, could pass quickly through the House and, in fact, have an in force date even sooner than would likely be the case with Bill C-13?

Mr. James Lunney: Mr. Speaker, linking so many factors that are not directly related is a big problem. As the member indicated, there are things that all members in the House agree on. We are in agreement on banning cloning. We would be pretty close to being in total agreement on banning therapeutic cloning. There are other obvious aspects of the bill that we could pass in a flash in this House.

However, when we link it to related research, it seems that, as so often happens when we get into omnibus bills, we get an issue that members would like to support but we get other controversial issues that ride in on the coattails. Certainly, that is the case of the "and related research" that rides on the tail of this.

The grandfathering issue is also a big concern. By the time we get to see this bill enacted, it could be a year before we have regulations in place. We tried to put in clauses that would put a time limit on when members would be allowed to address this and yet, it was not supported by this bill.

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, we are talking a good deal today about the use of embryonic stem cells versus adult stem cells. In my reading of the literature as I have researched this, it seems clear to me that the use of adult stem cells, in terms of research and the kind of successes that adult stem cell research has had in terms of treating diseases like Parkinson's, MS and other debilitating diseases, has been quite remarkable.

My understanding is there has not been a single medical advance due to the use of embryonic stem cells and that there is a huge rejection problem with the use of embryonic stem cells because the donor is completely unrelated to the recipient. Whereas, for example, if people bank their adult stem cells, using them themselves when they might have a medical concern, there is no problem of rejection.

The pharmaceuticals have a huge stake in this, in terms of the production of anti-rejection drugs in the use of embryonic stem cells, and have been one of the more aggressive parts of our society in the promotion of embryonic stem cell research.

Would the member like to comment on that because this something that a lot of Canadians do not realize?

● (1350)

Mr. James Lunney: Mr. Speaker, in nearly 20 years of research in animal models using embryonic stem cells and for very practical reasons, when the embryonic stem cells are put into another body it is a simple fact that the human body contains some 80 trillion to 100 trillion cells. That is a lot of cells. It is a big network. The human body checks licence plates. The immune system will kick out a cell that does not belong, which is why people with organ transplants have to take anti-rejection drugs. If we take cells from an embryo and put them into a human body, they are going to be attacked by the immune system and rejected unless that person takes immune-suppressing drugs.

There is certainly very promising results with adult cells in Parkinson's. I stood face to face with a man who had multiple myeloma which is a very serious bone cancer. Adult cells were extracted from his body. Chemotherapy was used to kill his bone marrow where the multiple myeloma was situated and afterward, his own stem cells were reintroduced. He re-established his own cells and was doing just fine.

Adult cells, where they do not have the rejection problems, taking cells out of one's own body, growing them in vitro and injecting them back into the body, show tremendous promise. We understand it is quite possible to stimulate the bone marrow to kick out extra stem cells from the marrow chemically and then to extract them from the circulation with a simple blood withdrawal. Because they are of a different specific gravity, they can be separated from other cells in a centrifuge. They can be grown in a Petri dish and reinjected back into the body allowing those stem cells to find the area undergoing repair, whether it is a heart that has had a myocardial infarct or some other area of repair. The tissues will establish themselves and begin to identify with the tissue around them and show tremendous promise for repair that will not need major medical interventions and a lot of help afterward. It will be healthy tissue and a healthier patient.

There is tremendous promise in adult cell research but as we heard from the member for Mississauga South and at committee from several researchers, the profits seem to be on the embryos. If it is ever made to work it, will take a major intervention of some kind from industry to keep the patient alive and there are huge profits to be made.

I have a bigger concern. They are going to have great trouble making embryonic stem cells work because of the reasons we have mentioned, particularly the immune attack and immune incompatibility. I am concerned that they can establish a stem cell line, or would like to, that will grow a product, maybe dopamine for the Parkinson's patient and they will be able to create a little farm out of that stem cell line and extract a product which will be very profitable as long as one continues to take the product, whether it is dopamine or whether it is neurotransmitters for the Alzheimer's patient or insulin for the diabetic.

Frankly there is a tremendous possibility for profits if farms can be established of human tissue that will grow products that can be used to ameliorate human disease. That is a major concern. That is why we on this side of the House recommended in our minority report that we impose a three year moratorium on embryonic stem cell research while we give full effort with public funds toward developing the potential of adult stem cells. Canada has the potential perhaps to be a world leader in this area of research if we make our emphasis in the right area.

We called for and hope the members will still consider a right approach for Canada to be a leader. Let us find a way to make the adult cells available to Canadians and advance the researchers who have a great interest in this area.

● (1355)

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I would like to ask my colleague from British Columbia whether he believes that the provisions for cloning in the bill are comprehensive in terms of their prohibition on cloning.

Could the member also comment on the Canadian Institutes of Health Research? Apparently they have put a temporary hold on their pending guidelines to permit embryonic stem cell research. Does he think that is consistent with the will of Parliament?

The Deputy Speaker: Before I give the floor to the hon. member, we find ourselves in the situation from time to time where it is very close to question period and one member's time would lapse and then someone else would be given the floor for one or two minutes.

If the House will indulge the Chair, I would be inclined to allow the member for Nanaimo—Alberni a little more time to answer which will bring us to members' statements, rather than give the floor to someone else, in this case possibly on the government side.

Mr. James Lunney: Mr. Speaker, this was quite a shocking aspect of the whole procedure. In the middle of the committee and Parliament debating this, the Canadian Institutes of Health Research came out with their own guidelines that would allow embryonic research. That caused quite a furor. They agreed to withhold funding for embryonic stem cell research until April 1.

The research guidelines established by the CIHR are not consistent with what the committee heard in terms of the potential of the adult stem cells that would allow the scientists to go full hog after embryos to see what they could do with them. We feel the emphasis should be focused on adult stem cell research where the great potential is for Canadians.

I have a quick word on chimera because it was an important aspect of the bill and it is related. The bill would allow the mixing of human and animal genes for research purposes. The risks associated with mixing cell components, or genes of animals and humans are untold for humanity because of viruses that are contained within those cells. It is an area that we should approach with a lot of caution. The bill leaves it open which is not good enough.

STATEMENTS BY MEMBERS

[*English*]

CANADIAN SHIPOWNERS ASSOCIATION

Mr. Stan Keyes (Hamilton West, Lib.): Mr. Speaker, I rise to offer congratulations to the Canadian Shipowners Association, a truly Canadian association that celebrates its 100th anniversary today.

On this very day 100 years ago, April 7, 1903, a group of senior Canadian businessmen and shipowners met to discuss the future of the marine industry in Canada. Their deliberations resulted in the creation of the Dominion Marine Association, the predecessor of the Canadian Shipowners Association.

Together they set a course to steer marine and shipping activities in Canada and set an agenda to work with government to strengthen Canada's growing marine sector.

We are all proud of the CSA and its members as they continue to build a more competitive Canada through innovation, reliability, the use of advanced navigational technology, an outstanding safety record and a true sense of environmental stewardship.

[*Translation*]

Our best wishes to the Canadian Shipowners Association and its members, who are embarking on their second century.

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[*English*]

CARING CANADIAN AWARD

Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance): Mr. Speaker, it is a great pleasure for me to congratulate my constituent, Berenice Haggarty of Burns Lake, B.C., who was named a recipient of the Governor General's Caring Canadian Award on March 18, 2003. She is one of only 73 Canadians to be recognized in this way.

The award is made to individuals and groups whose unpaid voluntary works provide extraordinary help or care to people in their communities.

Mrs. Haggarty has committed her time and caring to those in need for many years. It is truly fitting that she be honoured in this fashion.

Congratulations to Berenice Haggarty. I join with all of her neighbours, friends and family in thanking her for her selfless contribution to the community of Burns Lake, B.C.

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● (1400)

[*Translation*]

WORLD HEALTH DAY

Ms. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, each year on April 7, the World Health Organization celebrates World Health Day. This year, the theme for World Health Day is “Healthy Environments for Children”.

The purpose of the day is to focus on creating healthy settings for children at home, at school, and in the community.

S. O. 31

[*English*]

Through the national children's agenda and the first ministers agreement on early childhood development, the government has already demonstrated a strong commitment to having a positive impact on the psychosocial and economic factors that influence children's health. Recent investments in the health care system and the health accord will also benefit children who need treatment for physical and mental illness.

However, a clean environment is also crucial to healthy children's growth and development. Children can be more vulnerable than adults to the harmful effects of environmental threats because of their unique exposure patterns, behaviours and stages of development they are going through.

* * *

WORLD HEALTH DAY

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, today we are celebrating World Health Day. This year the theme is "Healthy Environments for Children".

Children are at greater risk from environmental threats because of their unique physiological, developmental and behavioural characteristics. As such, this is an issue that features prominently on Environment Canada's agenda.

The Canadian Environmental Protection Act is our key instrument through which we seek to reduce threats to our environment and to human health. We work closely with other federal government departments, particularly Health Canada, to advance our understanding of this issue.

Environment ministers of Canada, Mexico and the United States have adopted a cooperative agenda for children's health and the environment in North America. This agenda commits three countries to collaborate on projects to strengthen protection of children's health from environmental threats in the three countries.

Healthy environments for children should not be our goal for just one day but should be our forever commitment to future generations.

* * *

JUNO AWARDS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, this weekend Ottawa played host to the Canadian music industry's biggest bash of the year, the 32nd annual Juno Awards. The sold out Corel Centre was jammed packed with fans to celebrate internationally renowned Canadian music talent.

Award winners included Avril Lavigne who took home four awards including album of the year and new artist of the year. Other winners included SUM 41, Daniel Bélanger, Remy Shand and Our Lady of Peace. Ottawa's own Alanis Morrisette took home the award for producer of the year.

Special congratulations also go out to Tom Cochrane and Terry McBride, for their induction into the Canadian Music Hall of Fame.

It is therefore with great pride that I congratulate on behalf of all my colleagues, all the nominees and winners of this year's Juno Awards.

AIRLINE INDUSTRY

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, Canada's airline industry is in chaos and the Liberal government can take the lion's share of the credit.

It is ironic that the Minister of Transport who shuffles half a million dollars a day in subsidies to VIA Rail, taxes the air industry to the point of collapse with a variety of taxes, user fees and other charges and policies that harm the air travel industry.

Then Air Canada has managed to run its newly privatized debt free airline $13 billion into debt in 14 years. Air Canada has continuously operated in a predatory manner against all competition. It moved into whatever routes new startup airlines operated, even when it was losing money on a continuing and long term basis.

The government needs to stop the air industry tax gouge and Air Canada needs to concentrate on high end main point national and international travel. Its cost base is too high to compete against low cost competitors that are not going after the higher end market.

Operators like WestJet found its niche. Air Canada needs to find its and the government needs to stop its destructive policy of taxing airlines and air travellers to death.

* * *

ELECTIONS IN PEI

Mr. Shawn Murphy (Hillsborough, Lib.): Mr. Speaker, I rise today to congratulate Robert Ghiz on his election as leader of the Liberal Party of Prince Edward Island. The massive leadership convention was held in Charlottetown last Saturday. In excess of 4,000 members attended this well organized event.

In the leadership race were Robert and Allan Buchanan, a former cabinet minister in a previous government led by Robert's father, the late Joseph Ghiz. The results were extremely close, as party members had to choose between two excellent candidates.

At 29, Robert is the youngest person ever to be elected as a leader of a political party in Prince Edward Island. A little trivia for the House, my wife Yvette was Robert's grade two teacher which sort of dates me.

The campaign was exciting, enthusiastic and full of energy. I can report to the House and to all Canadians that the Liberal Party is very much alive and well in Prince Edward Island.

Both candidates are to be congratulated on the manner in which their campaigns were conducted. On behalf of all Prince Edward Islanders, I wish both Robert and Allan well as they continue to work as a team in leading the Liberal Party into the next provincial election.

● (1405)

[*Translation*]

WORLD HEALTH DAY

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, as Bloc Quebecois health critic, I would like to invite my fellow citizens to celebrate World Health Day today.

On this day, in Quebec and throughout the world, thousands of activities will take place to highlight the importance of health to the happiness and well-being of each individual.

This year's theme has to do with the need to create healthy environments for children. World Health Day gives us a unique opportunity to draw attention to the threats to children in their own environment and to mobilize public opinion to protect them.

All of the planned activities are intended to increase public awareness and change thinking. Some of the initiatives being taken will certainly alter the course of events.

Help us to promote a healthy environment for children and make their future brighter.

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[*English*]

GERALD EMMETT CARTER

Mr. Dennis Mills (Toronto—Danforth, Lib.): Mr. Speaker, I am saddened to inform the House of the passing of a great Canadian. Retired Archbishop of Toronto, Gerald Emmett Carter died at the age of 91.

Cardinal Carter rose from a working class Montreal background to become Canada's highest Catholic representative. He worked tirelessly for the poor. The Cardinal was instrumental in establishing Toronto's Covenant House to help street youth. He also helped broker many agreements with governments to provide affordable housing for the elderly and the disabled. He also had a unique ability to motivate and mobilize political and business leaders.

Just three weeks ago he was joined by our former Prime Minister Turner for a St. Patrick's Day toast. In the early eighties, Prime Minister Trudeau consulted him regularly on the Constitution, and they became close friends.

Our nation was blessed to have Cardinal Carter. He has forever influenced our great nation, and he will be sorely missed.

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PERTH—MIDDLESEX

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, the Prime Minister has finally called the Perth—Middlesex byelection, six months after John Richardson stepped down as the member of Parliament and four days before the legal deadline.

In the meantime, there have been two Liberal nomination meetings, two Liberal candidates, a botched candidate selection process, an internal Liberal Party investigation into what went wrong and six months during which residents of Perth—Middlesex were deprived of an MP.

S. O. 31

In the latest fiasco, the hon. member for LaSalle—Émard cancelled a trip to the riding last Friday, forcing the cancellation with only a few hours' notice of a fundraising dinner. He claimed that weather kept him trapped in Toronto but the sleet and the freezing rain were not enough to keep the Leader of the Opposition from making the very same trip the very same day.

Nor was the weather enough to deter 350 local residents who came out to a dinner in Stratford to hear Canadian Alliance candidate Marian Meinen and the Leader of the Opposition reiterate their support for our American and British allies in their time of need.

Marian Meinen is a proud 30 year resident of the county. She will do it proud as its member of Parliament.

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2005 CANADA SUMMER GAMES

Mr. Rick Laliberte (Churchill River, Lib.): Mr. Speaker, I would like to extend my congratulations to the 2005 Canada Summer Games Host Society, the Canada Games Council, the city of Regina and the province of Saskatchewan which along with the Government Canada signed today in Regina the 2005 Canada Summer Games multiparty agreement.

The Government of Canada is pleased to work with these partners to ensure that the games are a tremendous success. The 2005 Canada Summer Games will create social, cultural and economic benefits to the citizens of Regina and Saskatchewan.

The community pride generated by the many volunteers who will become involved in the staging of the games yet to come is another example of the richness that the Canada games will bring to a host region.

Please join me in extending my best wishes to the host society and all our partners as we prepare for the 2005 Canada Summer Games in Saskatchewan in Regina.

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● (1410)

CANCER MONTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, April is cancer month and a new global report on cancer just issued by the World Health Organization reveals the alarming prospect that cancer rates could increase worldwide by 50% by the year 2020. Already 12% of all deaths each year are directly cancer related.

This world cancer report states that fully one-third of these cancers can be prevented with urgent government action. It calls on all governments to begin to take such action today. That is necessary advice for the federal Government of Canada. Why not begin today on world health day?

Last fall the Auditor General reported the government still does not even have an effective surveillance system in place to monitor cancers. Not only are simple incident rates poorly monitored, but also missing is the analysis of risk determinants and treatment outcomes upon which any effective cancer reduction strategy can be based.

An effective national strategy could make Canada a world leader in reducing cancers. It is time for the government to finally take action, ban deceitful advertising by tobacco companies and bring in a national health public strategy today.

* * *

[*Translation*]

CANADIAN SHIPOWNERS ASSOCIATION

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I would like to draw attention today to the centenary of the Canadian Shipowners Association, which has been involved in promotion of the marine shipping industry since April 7, 1903.

It began life as the Dominion Marine Association, and has contributed to the development, expansion and maintenance of a shipping fleet in Quebec and in Canada.

It is faced with many challenges, among them the condition of marine infrastructure, increased international trade, heightened security, and the constantly increasing use of the cost recovery approach by the Canadian Coast Guard.

The association can count on the Bloc Quebecois' support in developing a strong marine industry, given the dependence of several regions of Quebec on this mode of transportation.

My colleagues and I speak for all the people of Quebec in congratulating the Canadian Shipowners Association and its employees on its 100 years of operation.

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[*English*]

AL MACBAIN

Mr. Gary Pillitteri (Niagara Falls, Lib.): Mr. Speaker, it is with sadness that I rise to remember a former Liberal member and dear friend, Al MacBain, who passed away on April 3 in Niagara Falls.

Al, who was born in Nova Scotia in 1925, joined the Canadian armed forces at the age of 17 and served his country in Europe. When he returned he completed his studies and graduated in law from Dalhousie University. He then moved to Niagara Falls where he began to practise law.

His sense of duty to his country and fellow human beings is reflected in the many years he served as an alderman for the city of Niagara Falls and as a member of Parliament from 1980 to 1984.

He will be greatly missed by his children and grandchildren, to whom he leaves I am sure many wonderful memories, memories that are shared by all those who, like me, had the good fortune to have him as a friend.

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JUNO AWARDS

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, it is a woman's world. Last night many of the Juno Awards were won by Canadian women and they were certainly well deserved. However another event took place yesterday also. The winner of *Popstars* "The One" was selected and the one was Newfoundland and Labrador's own Christa Borden.

The competition started with 7,000 participants from all across the country that culminated last night with the winner being chosen. Christa's own statement is one of encouragement to all young Canadians. She said, "It doesn't matter where you come from. If you believe, you will achieve".

We would like to congratulate all the participants and to Christa Borden, we say, "We are proud of you Christa, you kept us hanging on, but you are the one".

* * *

[*Translation*]

IRAQ

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, Ind. BQ): Mr. Speaker, commenting on the Spanish Prime Minister's decision to support the United States and Great Britain in their offensive against Iraq, a former Spanish member of Parliament said that Prime Minister José Maria Aznar had clearly seen where their interests lay. Here, the Liberal government appears to have forgotten where our interests lie.

The United States are our largest trading partners, receiving some 85% of our exports. As a result, any boycott of our goods in reprisal could prove disastrous to our economy. The government must not delay any longer in preparing an action plan to counter the antiCanadian movement that is beginning to build south of the border.

As President Bush has said so many times, "You are either with us or against us". Forced to choose between the values preached by Iraqi dictator Saddam Hussein and western freedoms and democracy, I have no hesitation whatsoever in siding with the coalition led by the United States.

* * *

● (1415)

[*English*]

VETERANS AFFAIRS

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, on March 31 the hon. Minister of Veterans Affairs and Secretary of State, Science, Research and Development honoured 14 Canadian citizens with the Minister of Veterans Affairs commendation.

Frank Volterman, a constituent in my riding of Hamilton Mountain, was among those honoured. Mr. Volterman is a veteran of the Dieppe raid and has been cited for assisting veterans and their widows in applying for government benefits.

For more than 20 years, he has served on the board of directors of the Royal Hamilton Light Infantry. He has also designed commemorative flags in honour of the Hamilton veterans who had contributed to Canada's war effort in France and Holland. Mr. Volterman has devoted much of his life to the care and well-being of fellow veterans and to the remembrance of their contributions, sacrifices and achievements.

My congratulations go out to Mr. Frank Volterman and the other recipients of this well deserved commendation.

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QUEEN'S JUBILEE MEDAL

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, on Friday, May 9, it will be my honour to present the Queen's Golden Jubilee Medal to 10 very special Canadians.

These medals are awarded to citizens who exemplify the outstanding qualities that have helped make Canada the wonderful country it is today. Each of these recipients has demonstrated excellent and exceptional involvement in various areas of endeavour to the betterment of our communities.

The recipients are: Cliff Fryers, George Harrison, Marjorie Henman, Norman Howie, Thelma Howie, Jim Leung, Eric Lowther, Withold Mazura, Margaret Morain and Dr. Meredith Simon.

I am proud to publicly recognize the contribution of these outstanding citizens who are also models for those who have the responsibility of shaping Canada's future. On behalf of all Canadians, I congratulate and thank each one.

ORAL QUESTION PERIOD

[*English*]

IRAQ

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, let me quote the Prime Minister on the issue of Iraq: "...changing of regimes in different countries is not a policy that is desirable any time", that was on March 18; "The question of changing regime is not a policy that is acceptable...", March 25; "... we say that changing the regime is not the right policy...", March 26.

Is opposition to regime change in Iraq still the position of the government?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I think we have made it very clear in the House. We worked very hard to have an international organization that would deal with this situation in a way which would be in the best interests of the Americans, the British and the world community. We still strive to make sure that our international organizations are strong and are able to deal with these situations.

War has begun. Conflict has begun. We have also made it very clear that we wish our American allies and all those serving in Iraq a speedy end to this, with as few victims and as few casualties as possible.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I just read a series of statements from the Prime Minister saying that he was against regime change. I expected to get an answer to that.

The Prime Minister, as the minister states, has tabled a motion in the House saying that the government now supports the mission of the U.S.-led coalition. The coalition's stated goal is regime change in Iraq. Does the government support regime change in Iraq or does it not?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the government, and I believe a large majority of the Canadian population, do not believe that regime change is something that we should engage in lightly in the international world without having the international approval of the United Nations Security Council which is designed by the world community to deal with such issues. That issue is past us.

Of course we wish our American allies a speedy end to this. Of course we wish them well in their endeavours. Of course we wish to not see them have casualties, and we wish, in the best interests of Iraq, that this be put to an end as quickly as possible.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I am sorry but I am going to ask for another clarification.

I have a series of quotes from the House of Commons of the Prime Minister saying that he was against regime change in Iraq. They were made only days ago. Is the foreign affairs minister now saying that the government supports regime change in Iraq? Yes or no.

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I quite understand the Leader of the Opposition's concern with regime change. It happens a lot over there so I quite understand why he might be nervous about that. However let us be very clear. For his protection, we hope they have a system there, like we want an international system that works so that this is won in the best interests of the peace and security of the world.

We wish our American allies well. We hope this ends quickly. We hope we will all come together for the benefit of the Iraqi people now that this has commenced.

● (1420)

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, that is a pathetic evasion.

When the member from Brampton visited Baghdad to express her admiration for Saddam's regime, she said that she did so with the Prime Minister's approval. When a Liberal member expressed her hatred for Americans, she said that the Prime Minister had not reprimanded her. The energy minister attacked the U.S. president and he still has not apologized.

Now the Alliance has put forward a motion expressing regret for these anti-American slurs but the Liberals will not support it.

Why is it that for the Liberals, good foreign relations means never having to say you're sorry?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Prime Minister has made it very clear that we do not approve of comments which in any way attack the integrity of our American friends. They are our best friends. They are our allies. We work with them on millions of issues.

On one issue out of perhaps a million we have had a difference of opinion but is it a difference that divides us in terms of the long term policies that we should be pursuing? In the best interests of the world community, we will continue to have those differences but we will manage them in the sense of respect, admiration and friendship that joins our two countries.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, if that line is true, then why has the Prime Minister not reprimanded his minister or the members from Mississauga and Brampton? Why has he not? Why is the government not supporting the motion we have to apologize on behalf of the House and to express its regret for the anti-American slurs coming from the government?

Instead of sending their ministers down to the United States to try to cover over the problem, why do the Liberals not take the high road and just apologize for the record of anti-American slurs coming from their own benches?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I would sincerely hope that all members of the House would take the high road and seek not to antagonize other people and use partisan politics around this to benefit themselves and try to damage our country. They are seeking to damage our country with partisan shots, which are not appropriate and not even based on facts.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Condoleeza Rice, Bush's national security advisor, stated that it would be only natural for the coalition involved in the war in Iraq to have the lead role in its reconstruction.

Since Canada is not officially a member of this coalition, could the Minister of Foreign Affairs tell us if the Deputy Prime Minister, currently in Washington, has been instructed to stress to the United States that it is vital for the UN to oversee the reconstruction of Iraq?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Deputy Prime Minister is in Washington to speak with Secretary Ridge about Canada-U.S. relations, specifically about how arrangements at the border are to be organized.

However, I can assure the House that, when I was in Brussels last week, I met Mr. Powell and foreign policy representatives from other countries. Everyone is seeking a balance between the presence of the coalition forces and the role of the international community.

Canada, naturally, will insist that the international community's role be as broad as possible.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last week, it was the turn of the U.S. ambassador, Mr. Cellucci, to state that, before the conflict began, it was not clear that Canada would not be taking part in the war in Iraq without UN approval.

In fact, Canada's position is still ambiguous; it is not taking part in the war, but some of its soldiers are.

If the government will not pull these soldiers out, which would be consistent and logical, will it suit action to intent and at least clearly inform the Bush administration that the reconstruction of Iraq must be carried out under the auspices of the UN? Will it make this clear?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the United States is very aware of the importance of the international community in rebuilding Iraq.

Mr. Powell said in Brussels on Thursday that the UN would play —to use his words—"a major role" in post-war Iraq. But what role remains to be determined.

The conflict must end first. The country must be secured before the next step is taken. Canada will be there to play a role, to assume its responsibilities in the reconstruction of Iraq within an international context.

● (1425)

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, on Friday, the special rapporteur to the UN, Jean Zeigler, said that coalition forces were hampering the work of humanitarian organizations and that the situation bordered on a large-scale humanitarian catastrophe.

Will the government pressure the English-American coalition to open up corridors and secure areas to supply provisions, as representatives of some 20 international organizations have asked?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we are very proud of the efforts made by Canadian NGOs. Our government promised humanitarian aid in Iraq. We will work with the United Nations. We will work with NGOs. We will work with any country to provide Canadian resources to the Iraqi people, whom we want to support in this difficult time.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, Jean Zeigler said that the coalition is hampering the work of humanitarian organizations. He also said that aid must be provided based on the principles of humanity, neutrality and impartiality, as required by the United Nations. This is not possible with combat troops.

Rather than brag about Canadian NGOs, would the minister please answer my question: will the government pressure the coalition to allow specialized civilian institutions and UN organizations to feed the people of Iraq, as should be the case?

[*English*]

Hon. Susan Whelan (Minister for International Cooperation, Lib.): Mr. Speaker, we are closely monitoring the situation on the ground. We are extremely concerned about the current situation in Iraq.

I was briefed this morning and I know UNICEF has successfully transported medical supplies and water purifiers. I also know that the WFP has been able to transport tonnes of wheat and flour into northern Iraq. We are closely monitoring the situation.

We recognize that some of the last steps are working with U.S. soldiers. We are working very closely to ensure that humanitarian assistance is getting to where it needs to go.

CANADIAN FORCES

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the government's latest motion on the war is classic Liberal doublespeak. Only Liberals could ask Parliament to reaffirm non-participation while Canada is clearly participating. We have troops inside Iraq. Canadian ships are looking for Iraqi officials and escorting ships of war in the gulf. Canadians are serving on AWACS.

In light of all these facts, can the Prime Minister honestly say that Canada is not participating in Bush's illegal war?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, this perpetual NDP complaining, anti-Americanism does get on one's nerves after awhile.

The fact of the matter is that on this side of the House we take pride in our role in fighting shoulder to shoulder with the Americans against terrorism. We, unlike the NDP, are proud of the role that our ships play in leading a multinational coalition in the gulf against terrorism. We are proud of that and we do not apologize in the slightest.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am astounded to hear that the minister would think that somehow that is anti-American. The question here is what is Canada's position. Maybe the Liberals need a new clarity bill to clean up their own act.

The Liberals used to call Bush's war unjustified. Now they wish him well in his mission with no qualifiers at all. Even Tony Blair is saying that there is a limit and that the reconstruction of Iraq should be done under the UN. Yet the Liberal motion does not even mention the words "United Nations".

If they cannot be clear on war, could they at least be clear on peace. Is Canada's position on reconstruction through the UN? Yes or no?

Hon. Susan Whelan (Minister for International Cooperation, Lib.): Mr. Speaker, we have been very clear. We have said very clearly that the United States is one of our allies and partners and that we expect to be part of the reconstruction process. We intend to participate and we fully believe that the United Nations will play a role in this.

* * *

IRAQ

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, my question is for the foreign minister.

On March 27, Canada's ambassador to the UN finally told the Security Council that the UN should be given the mandate to lead reconstruction in Iraq.

The House assumes that in the 10 days since, the Prime Minister has had time to prepare a detailed Canadian proposal for reconstruction. The difference between a UN led reconstruction effort and one led by the Pentagon could be the difference between success and failure.

The Prime Minister has not come to Parliament on the war. Will the government come to Parliament on reconstruction and describe in a ministerial statement tomorrow exactly what Canada is proposing?

● (1430)

Hon. Susan Whelan (Minister for International Cooperation, Lib.): Mr. Speaker, Canada has clearly indicated its willingness to participate in reconstruction efforts with the UN playing a central role alongside the coalition, the expected Iraqi transitional authority and other international partners.

I have had productive conversations with a number of my counterparts, including those in the United States, to discuss the ways in which the international community can best respond to the needs of the Iraqi people. We will work toward reconstruction.

* * *

MEMBER FOR LASALLE—ÉMARD

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, this is not about aid.

My question now is for the Deputy Prime Minister.

Some hon. members: Oh, oh.

The Speaker: Order, please. We have to be able to hear the right hon. member's question. How could the Deputy Prime Minister possibly answer when we cannot hear?

Right Hon. Joe Clark: Mr. Speaker, my question is for the acting Prime Minister.

The Parker inquiry defined conflict of interest as "a situation in which a minister of the Crown has knowledge of a private economic interest that is sufficient to influence the exercise of his or her public duties and responsibilities".

The ethics counsellor told CBC *Disclosure*:

> We were never trying to pretend that [the member for LaSalle—Émard] did not know the nature of his interest. He of course knew.

That means that the then minister of finance clearly broke the guidelines established by the Parker commission and applied to Sinclair Stevens.

Mr. Stevens resigned. The Liberal minister did not. How can the government possibly justify—

The Speaker: The hon. Minister of Transport.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we have made it clear a number of times that the former minister of finance followed all of the rules, all of the conflict of interest guidelines. I should say that those were guidelines that were based on guidelines established by the previous Conservative government, of which the right hon. member was a member. He should know that before he asks such spurious questions in the House of Commons.

The fact of the matter is that he should not be coming in here every day maligning the reputation of the former minister of finance.

Oral Questions

CANADA-U.S. RELATIONS

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, three-quarters of Canadian business leaders are worried about anti-American comments made by government members. Yet we learned on the weekend that the Prime Minister took the time in the last caucus to joke about the Canada—U.S. relationship saying that it was not at its worst level in history.

I wonder if the Prime Minister could tell us how bad our relationship with the United States has to get before he starts understanding the consequences of his own actions?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, if one looked at the recent speeches of the Ambassador of the United States to Canada,one would see how good the relationship is between Canada and the United States. Read the speeches. He talks about the agreements we have signed together, the things we do together, the things that join us.

Why does the opposition not join with the Americans, ourselves and others in the world who want to find out what joins us in working together rather than searching always for what divides us and sets us apart?

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, this is the party on this side of the House that has expressed the majority of Canadian support for our American and British allies.

The tourism industry, the auto sector, the aerospace sector and others have all warned about the hard dollar cost of the Liberal mismanagement of the Canada-U.S. relationship.

Does the Prime Minister not fear that a good deal of his own legacy will now be rewritten in the history books as a complete mismanagement of Canada-U.S. relations?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Of one thing we can be certain, Mr. Speaker, and I hope the Canadian public notes that if the voice of the party opposite is the voice that is heard, we are guaranteed to have trouble with our American partners. We are working on making them better, not worse.

* * *

[*Translation*]

TAXATION

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, there is a broad consensus in Quebec on the existence of a fiscal imbalance between the federal government and Quebec.

Why will the federal government not admit that there is a fiscal imbalance and that it absolutely must be corrected?

[*English*]

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I want to thank the hon. member for his question. He would know that one of the hallmarks of the federal government has been its excellent relationship with the provinces of the nation.

Of course we would sit down with any province that feels we have some issues to deal with, whether they would be fiscal, social, economic or indeed cultural.

● (1435)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, following the release of the Séguin report, the Minister of Intergovernmental Affairs said that the fiscal imbalance was a myth, that there was no such thing. But his statement is not borne out in fact and is contradicted by most experts in the matter.

Would the Minister of Intergovernmental Affairs not be wiser to open his mind to the reality of a fiscal imbalance and recognize that major changes need to be made to the existing system?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, whether or not we say that there is a fiscal imbalance, the fact remains that the governments in this federation have a duty to help one another out. We will do so even better if we all believe in developing the same country.

[*English*]

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, back in 1994 the former finance minister announced he was closing loopholes in our tax system. The reason was that "certain Canadian corporations are not paying an appropriate level of tax". Right. The trouble is his corporation was one of the culprits.

Why should Canadians trust somebody who wants to be the prime minister of Canada when he does not pay his fair share of Canadian taxes?

The Speaker: The preamble of the question sounded as though it was going to be all right, but the second part of the question was not. It is improper to ask and it is not a matter of the administration of the government to ask about various taxpayers. The hon. member for Macleod may want to rephrase his question in his supplementary.

Mr. Grant Hill: I will be happy to rephrase that, Mr. Speaker.

The Barbados flag of convenience tax scheme benefited CSL and the former member for LaSalle—Émard. He was the finance minister of the government. I think Canadians would want to know why should they trust this man to be the prime minister of Canada when he did not pay the proper Canadian taxes. Why?

The Speaker: The administration of the Government of Canada has nothing to do with the choice of the next prime minister. I am afraid the hon. member's question is out of order. We will have to move on.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, whether the federal government likes it or not, the fiscal imbalance accounts for a $50 million a week shortfall for Quebec.

Are we to understand from its denying the existence of a fiscal imbalance that the federal government intends to maintain the status quo and take no action to change a situation that is depriving Quebec of $50 million a week?

[*English*]

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I thought the question had been asked already by another Bloc member. Perhaps I could take this opportunity to once again restate the original answer, or perhaps the hon. member could listen to my original answer so I would not have to repeat it again.

It is clear to the federal government that cooperation with the province is important, but there are some very basic fundamental issues. If one looks at provincial revenues versus federal revenues over the past 20 years, they speak to a certain reality, a reality that the hon. member simply does not want to accept.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, during the 1998 election campaign in Quebec, the Prime Minister, who lent his support to the Quebec Liberals, stated that, as far as the constitution is concerned, the general store was closed.

Are we to understand that, in 2003, the President of the Treasury Board is telling Jean Charest that when it comes to the fiscal imbalance, the till is empty?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the member twisted the Prime Minister's words. He did not say that the general store was closed. Let her check it out.

* * *

[*English*]

CANADIAN FORCES

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the Prime Minister said that Canadian military personnel serving on exchange with the U.S. and the U.K. in Iraq have become members of the exchange country's military. If that is true, then the Canadian troops in Iraq operate under the host country's rules of engagement.

The government cannot have it both ways. Do Canadian troops serving with the U.S. and the British in Iraq serve under special rules made up by the government, or do they serve under the same rules as the units they are attached to?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, that is a very tired question covering material I have gone over a dozen times.

These exchange agreements have been in place for decades. Before we send such a person, we verify that the actions are in accordance with the directions of the Canadian military and the Canadian government. However, once the person is in the field, he or she does not write back to Ottawa for orders on day to day matters but nevertheless, remains subject to Canadian law.

● (1440)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the government says that Canadian military personnel serving with the United States and the United Kingdom in Iraq are only allowed to fire in self-defence. If Saddam's army fires on the U.S. or U.K. units to which the Canadians are attached, what are the Canadians to do?

Can the government assure us that our CF members will not face disciplinary action if they fire on the enemy to protect British or American troops in those units?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I am not quite sure I followed that convoluted logic. My colleague suggested I might try to draw a picture to answer the question. I understand that props are not allowed in the House, so I will leave it at that.

* * *

THE ENVIRONMENT

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, Canadians are increasingly active in Antarctica; students, researchers and tourists. Canadian business is also active there. Antarctica is a very special untouched part of the globe.

Could the Minister of the Environment tell us when Canada will ratify the protocol for environmental protection under the Antarctic treaty, commonly known as the Madrid protocol?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the Minister of Foreign Affairs and I agree it is high time that Canada ratified the Antarctic treaty. The protocol is essential to protect one of the world's most sensitive and interesting ecological regions. I can assure the hon. member that ratification is expected by the end of the year.

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SOFTWOOD LUMBER

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, given the ongoing softwood lumber fiasco and the fact that Quebec and Ontario are not going along with the Aldonas policies, is it not time for the trade minister to abandon the strategy of provincial concessions that B.C. is still pushing and make it clear that Canada has a right to make its own forestry policies?

Will the minister be clear and state he will not sell out Canadian forestry policies and jobs? Will he assert that position both to B.C. and more important, to the U.S.?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, let me be clear that our government has always pursued a two track approach. We are absolutely free in this country to pursue the forestry practices we want in our own country according to our own sovereignty. We will win before the courts at the WTO and NAFTA.

However, the British Columbia government of Mr. Campbell was elected last time with its own plan of changes for forestry management practices. He was elected with the mandate of doing that. It is the sovereignty of the British Columbia legislature that will adopt the changes promoted by a government elected on that platform.

Oral Questions

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the recent increase in cases of SARS is causing nationwide concern in Canada, placing enormous stress on our health system. If nothing else, it points to the need for a national public health strategy and a meaningful health surveillance system.

The national laboratory network, of which the Winnipeg virology lab is a part, has said publicly that outdated legislation and fragmented Canadian public health programs are causing a great disservice to Canadians.

Will the health minister finally do what the Auditor General and Roy Romanow have recommended and implement a national public health strategy?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, we take our obligations in relation to public health very seriously, as do the provinces and the territories. We are constantly discussing how we can improve our public health infrastructure in this country.

While the SARS outbreak is obviously of deep concern to all of us and puts pressure on the system, I was reassured by the words of Dr. David Heymann from the WHO when on Friday he said that Canada is doing an exemplary activity. Much of what has been going on in Canada, including the system of notifying airline passengers and screening airline passengers, has been shared with other countries as an example of best practices.

* * *

● (1445)

ETHICS

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, the ethics counsellor told CBC's *Disclosure* that he needed the permission of the member for LaSalle—Émard in order to publish the list of the 12 meetings he had with CSL officials during his tenure as finance minister. Such a list will tell us the dates, the topics and the people present during the meetings.

As the person responsible for enforcing the code of conduct for his ministers, will the Prime Minister instruct the member for LaSalle—Émard to please make that list public?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, these are matters between the member for LaSalle—Émard and the ethics counsellor. We have been consistent in all of the answers that we have given, the Prime Minister in particular. The former minister of finance followed all the rules, followed all the guidelines. We believe that should end the matter.

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, in response to a question on Thursday about the Barbados tax loophole, the Minister of Finance said:

> Perhaps the hon. member could be more precise about what loopholes he believes exist.

He also said that these provisions

> —are not changed unilaterally. They do require negotiation.

The loophole in question is section 11.2(c). The minister knows that he is able to put an end to the provision unilaterally with six months notice.

Could the finance minister now tell the House why the loophole still exists? Who made the decision to keep that loophole open?

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member should know that the answer given by the Minister of Finance last week was indeed the correct answer to the question asked. He is right that the provisions of the treaty continue to apply and would not be a matter to deal with unilaterally.

* * *

IRAQ

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, the defence minister has more definitions for what constitutes a terrorist than a shelfful of Oxford dictionaries.

He says we are in the gulf to seek out terrorists of any citizenship, but then he will not allow Canadian troops to intercept, detain or transfer Iraqi suspects. Our allies are under constant threat by Iraqi terrorists.

I would like to ask the lexicon challenged defence minister what is his definition of an Iraqi terrorist, anyone except Saddam's henchmen?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, the hon. member raised the question of the breadth of one's definition of terrorists. I think the Canadian Alliance is unrivalled in these matters. I remember a couple of years ago when the House decided to make Nelson Mandela an honorary citizen that it was a member of the Canadian Alliance who branded him a terrorist, a position with which this government took great exception.

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, that is a nice try at a definition, but I think he will find that in the dictionary between “baloney” and “claptrap”.

The minister claims that we are in the gulf to help our allies fight a war on terror, but he will not allow our troops to intercept or detain Iraqis, the very terrorists who pose the biggest danger. Surely the minister would admit that Saddam's regime poses a huge terrorist threat.

How could he say that the war on Iraq is not connected with the war on terrorism?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I have said many times that the Government of Canada is proud to be engaged with our American friends in the war against terrorism in the gulf. Unlike the NDP and the Bloc, we are pleased when Ambassador Cellucci draws attention to the size of our contribution to this effort.

As I mentioned to the hon. member last week, if there is a boat carrying mines or other things damaging to ships, we will intercept that boat whether it is carrying an Iraqi flag, a Canadian flag or any other flag.

[*Translation*]

CANADIAN TELEVISION FUND

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, today the board of the Canadian Television Fund held an emergency meeting in preparation for the announcement of the projects it will be funding this year. It is really feeling the impact of the $25 million cut in the federal government's contribution.

How can the Minister of Canadian Heritage be proclaiming loud and long that this cut in federal contributions is being offset by other partners in the fund, when commitments for Quebec content programming have been jeopardized by the $25 million annual cut?

Ms. Carole-Marie Allard (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, the reason we are saying this is that it is true. The cable and satellite TV industry has greatly increased its contribution to the fund. At its inception in 1996, the participation by the Government of Canada was to be $100 million. This year, the government has decided to maintain its contribution at $75 million, thus ensuring that the fund will have $232 million available again this year. That is not a figure to be sneezed at.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, this is wrong, because there is $4 million less available to cable companies.

How can the parliamentary secretary and her government maintain there is no problem when it is forecast that there will be 60 fewer TV productions in Canada, and 20 in Quebec? Is that what assistance to production in Quebec is all about?

● (1450)

Ms. Carole-Marie Allard (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, when the Canadian Television Fund was created, the projections were for it to be maintained at around $200 million annually. With the government's contribution this year of $75 million, the total will be $232 million. That is why we maintain that there is no problem; this government needs to support other sectors of the cultural industry also.

* * *

[*English*]

HEALTH

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, the World Health Organization has asked all affected countries to screen outgoing passengers for SARS. This measure would be a responsible way to suppress the SARS spread from nation to nation.

Canadian airport employees have not been ordered to pre-screen passengers before they board their flights. How can we expect other countries to screen passengers coming into Canada when we are not interviewing outgoing passengers?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as I have said a number of times in the House, we have screening procedures in place for both inbound and outbound passengers. As I have tried to explain, we believe that those procedures are a reasonable approach at this time to deal with the level of risk that exists at this time.

I go back to what Dr. David Heymann, who is the executive director of WHO's communicable diseases unit, had to say. In fact, he applauds Canada and describes us as doing an exemplary job in relation to the system of notifying airline passengers and of screening airline passengers. In fact, those procedures have been shared—

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, what about Calgary, and what about the people who cannot read?

Employment insurance guidelines have changed to permit affected people to make claims if quarantined for SARS. Unfortunately, it only applies to claims made after March 30. During the tainted blood tragedy, Canadians made it clear that they do not like compassion that is determined by the date on which one gets sick. Will the minister remove the date restriction in order to permit any employed Canadian affected by SARS to make a claim?

Some hon. members: Oh, oh.

[*Translation*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I have a lot of friends here. I believe this question is on SARS.

[*English*]

I can assure members that the Government of Canada recognizes the seriousness of the issue. Employment insurance is there to help eligible workers who may be directly affected by SARS. We have amended the employment insurance regulations to remove the usual two week waiting period for SARS related cases. It would be my recommendation and suggestion to any who want information that they contact our offices, either through the Internet or through our 1-800 telephone number.

* * *

FOREIGN AFFAIRS

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, the SARS outbreak has created a great deal of suffering in my riding, in the GTA and in Canada. The management of the disease could have been much better handled if the Government of China had co-operated with WHO officials.

The contrast between the Government of Taiwan and the Government of China could not be more stark. Taiwan aspires to be a member of the WTO and co-operates. China, meanwhile, is a member and does not co-operate. In fact, in perennially blocks Taiwan's aspirations to join.

I would ask the Minister of Foreign Affairs, when will Canada stand up to China and actively campaign for Taiwan's admission to the WHO instead of hiding behind the skirts of its one China policy?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows, better than many of us in the House because he works very closely with his Taiwanese colleagues, the government and the Canadian people have great, good close links with the Government of Taiwan and with the people of Taiwan.

As the member also knows, the rules of the WTO are such that only nation states recognized by the United Nations can join the WTO, and therefore we work with Taiwan through collaborative centres such as the CDC and others, the United States, to provide Taiwan with up to date information. We are confident we are doing everything we can to work with the Taiwanese people to contain such epidemics.

* * *

● (1455)

JUSTICE

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, my constituent, Lisa Dillman, just received horrifying news. Her ex-husband and convicted child molester, John Schneeberger, has just reapplied to force his young children to visit him in prison.

Nearly two years ago, I saw the sheer terror of those little girls as they were forced into that prison. He sexually assaulted those little girls' 13 year old stepsister.

Will the government now support my bill, Bill C-231, Lisa's law, to prevent this injustice from ever occurring again?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, essentially the hon. member should have a look at the amendments to the Divorce Act, which have been tabled before the House. The bill has not received second reading. It is before the committee and in that bill there are provisions to that effect.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, in that bill it covers the physical part of things. It does not cover the psychological. Those young girls have undergone a psychological crisis because of what the government forced them to do. That is what he needs to deal with and the bill does not do it. Will the minister commit to dealing with the issue of psychological and physical abuse by parents?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member should read Bill C-22, the amendments to the Divorce Act. Essentially the starting point of that bill is the question of the best interests of the children. Taking into consideration the best interests of the child, we list for the very first time some criteria that a judge will have to use in order to come to that conclusion. With regard to the Lisa's law case he just referred to, he should look at the bill as well. In the amended bill, we deal with that situation.

* * *

[*Translation*]

FISHERIES

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the Fisheries Resource Conservation Council's recommendations on the cod fishery in the Gulf of St. Lawrence should not serve as a pretext for the Minister of Fisheries and Oceans and the federal government to abdicate their responsibilities. Whether there is a total moratorium or not, this industry and the communities affected by the minister's decision will suffer a major blow.

Can the Minister of Fisheries and Oceans commit to a real assistance plan, whether there is a total moratorium or not?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, whether or not there is a moratorium, I will do what must be done as the situation unfolds.

In the meantime, we are working directly with the provinces of Quebec and Newfoundland to assess the future impact. The Minister of State for the Atlantic Canada Opportunities Agency and the minister responsible for Canada Economic Development will work to develop Canada's response. It is hoped that the Quebec government will meet its responsibilities in terms of economic development, part B on human resources and all the other provisions.

* * *

[*English*]

CANADA GAZETTE

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, it has come to my attention that the *Canada Gazette* has undergone some major changes. Could the Parliamentary Secretary to the Minister of Public Works please advise the House on those changes?

Ms. Judy Sgro (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, I thank the hon. member for his question. As parliamentary secretary, I am pleased to answer the question. We all know that the *Hill Times* calls itself Canada's political and government newspaper and does an excellent job, but the real Canada newspaper for the government is the *Canada Gazette* and it has celebrated more 150 years of delivering information to the general public on the regulation laws.

As of last Saturday, the *Canada Gazette* is now online and will be able to offer the Canadian public information on the laws and access to the privileges.

* * *

NATIONAL DEFENCE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, Thursday in committee the assistant deputy minister for defence stated that the move of the Emergency Preparedness College to the riding of Ottawa South was permanent. The minister has said that it is interim, so which is it? Permanent or interim?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, it occasionally happens that interim things have a habit of once in a while becoming permanent, but I should point out to the hon. member that while her first interest naturally is in her riding, my first responsibility in this area in the post-September 11, post-Iraq period, is to provide training to the first defenders in the event of a terrorist attack and the facility at Arnprior was simply not up to the task.

● (1500)

[*Translation*]

CANADA LABOUR CODE

Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, the Minister of Labour said that during the review of part I of the Canada Labour Code, workers and employers did not want to include antiscab provisions. However, in a letter dated February 20, the President of the FTQ, Henri Massé, said that that comment bore no resemblance to reality and he asked her to rectify here mistaken comments.

Will the Minister of Labour have the decency to acknowledge that she distorted the facts and apologize?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, what I said, was that when we were working on part I of the code, there was a compromise between workers and employers.

You can verify and you will see that I said quite clearly that it was a compromise between both parties.

* * *

[*English*]

TRANSPORT

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, in spite of objections from the Newfoundland provincial government and the community of Stephenville, the transport minister approved the divestiture of Port Harmon to a private company. Without public consultation, the minister turned over a public asset for $1 as well as a commitment of millions of dollars for port improvements.

Will the minister tell us why he ignored the province and the not for profit community interests in favour of a for profit company that has as one member the harbourmaster, who just happens to be the spouse of a senator?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the port divestiture fund process was applied here. There was notice in the community. The individual company that was to receive the port made adjustments to reflect Transport Canada's wishes in making 50% of the shares in that company open to the local community and four out of seven members of the board of directors. This is a matter of local controversy and we recognize it. All the normal procedures were followed. It is really a matter of local politics and local personalities.

* * *

POINTS OF ORDER

PRIVATE MEMBERS' BUSINESS

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I rise on a point order regarding the accuracy of *Hansard*.

On April 1 the House was considering the following motion during private members' business:

> That, in the opinion of this House, the government should call upon the United Kingdom to return the Parthenon Marbles to Greece in order to be restored in their authentic context, as the Marbles represent a unique and integral part of world heritage and should be returned to their country of origin, before the 28th Olympiad in Athens, Greece, in 2004.

Points of Order

At the conclusion of the debate on the motion there was a significant exchange that was not recorded in *Hansard*. The absence of this exchange altered how the outcome of the motion was recorded.

This is what *Hansard* recorded. The Acting Speaker, which was the Assistant Deputy Chairman of the Committees of the Whole, is recorded as saying:

> Is the House ready for the question?
>
> **Some hon. members:** Question.

The Acting Speaker then said:

> The question is on the motion. Is it the pleasure of the House to adopt the motion?
>
> **Some hon. members:** Agreed.

The Acting Speaker is then recorded as saying:

> I declare the motion carried.

The member for Barrie—Simcoe—Bradford, who is the Parliamentary Secretary to the Minister of Foreign Affairs, stood and said:

> Madam Speaker, I seek clarification of just what is required in order to pass this motion. Would you enlighten the House?

The point of order does not make much sense because there is information that is missing. While in *Hansard* everything the Speaker said seemed clear, the videotape in fact tells a different story. This is what the tape recorded.

The Acting Speaker said, "Is the House ready for the question?"

Some hon. members, "Question".

The Acting Speaker then said, "The question is on the motion. Is it the pleasure of the House to adopt the motion?"

Some hon. members said "yes".

In *Hansard* no member is recorded as saying nay, yet on the tape you clearly hear the parliamentary secretary for the foreign affairs minister saying nay.

The tape continues to record information that is missing in *Hansard*. This is a transcript from the videotape.

The Acting Speaker said, "Carried, the motion is carried."

The Acting Speaker again says, "I apologize, I did not hear a nay but I will start again".

The Acting Speaker then again says, "All those in favour of the motion will please say yea".

Some hon. members said "yea".

The Acting Speaker then said, "All those opposed will please say nay". The Acting Speaker says, "Okay. I did hear the nay this time".

The Acting Speaker then says, "I declare the motion negated".

Then she corrects herself and says, "The motion does carry".

It now makes sense when the Parliamentary Secretary to the Minister of Foreign Affairs rose on her point of order and sought clarification. She was clearly surprised that the motion was first negated, then carried.

The most troubling aspect of this deletion of information was that the motion carried on division yet it was recorded as carrying unanimously. As you know, Mr. Speaker, there are three ways a motion can be adopted by the House; by unanimous consent, by majority vote and on division. There are significant differences between these three.

On page 968 of Marleau and Montpetit it says:

> A Member verifies his or her own intervention and may suggest corrections to errors and minor alterations to the transcription; a Member may not make material changes in the meaning of what was said in the House.

Correcting minor errors is one thing. Removing significant text is another, particularly when the result alters the outcome of how a vote is recorded.

On page 969 of Marleau and Montpetit, it explains:

> When a question arises in the House as to the accuracy of the record, it is the responsibility of the Speaker to look into the matter.

I ask that you look into this and determine who authorized the editing of *Hansard* and also determine the reasons for the edit. As members we are responsible to our constituents and we must take responsibility for our actions.

It has been brought to my attention that the Greek community was quite upset that a government member said no to the motion, yet the official record records no division. If it were determined that the record was altered to save political face, then we would have a much more serious situation on our hands, one involving privilege.

● (1505)

I have no problem publicly stating my support for the motion but it appears that some hon. members do have a problem with the record recording their lack of support. Like all Canadians, Canadians of Greek origin deserve honesty and respect.

The Speaker: The Chair thanks the hon. member for Kootenay—Columbia for his vigilance in ensuring that the records of the House are up to date. I am of course surprised to hear the variation between what he says was recorded in the video of the House and what is in *Hansard*. I know sometimes there are variations and the Chair of course will look into the matter and get back to the House with any information I am able to glean from the facts. I note this occurred on April Fool's Day. I hope it is not some kind of mistake that happened because of that.

* * *

BUSINESS OF THE HOUSE

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been consultations among all parties in the House and I believe that you would find consent for the following. I move:

> That, at the conclusion of oral questions on April 8, 2003, immediately before proceeding with any deferred divisions, the House shall hear a brief statement by a representative of each party, followed by a reply by the Prime Minister.

I understand there are some deferred divisions that day.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

POINTS OF ORDER

ORAL QUESTION PERIOD

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, regard to question period today. I think the acting minister of finance, in response to the member for Brandon—Souris, may inadvertently have provided false information, incorrect information, to the House on a material matter. I would ask that he review with his officials the capacity of Canada to end unilaterally the relevant provisions of the Barbados tax treaty by giving six months notice.

● (1510)

The Speaker: The right hon. member for Calgary Centre really is asking another question. If he has concerns about the answer that was given, I know he would want to send a note to the minister and advise him that perhaps there was a problem so the minister could correct the difficulty if indeed some retraction was necessary. Alternatively, he could apply I suppose, as the House leader is suggesting, for an opportunity to debate the matter on the adjournment of the House on one of our late shows, as they are commonly called.

I do not think it is really a point of order but I am sure that the minister is thankful for the right hon. member's intervention.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, on a point of order. There was confusion as to the meaning of the motion. Would the government House leader be so kind as to explain it to us, so that we can see to what it corresponds?

ROUTINE PROCEEDINGS

[*English*]

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 40 petitions.

* * *

SCHOOL COMPUTER ACCESS PROTECTION ACT

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance) moved for leave to introduce Bill C-426, An Act to provide for the establishment and implementation of a national program to prevent school computers being used to make contacts or access material that is potentially harmful to students.

She said: Mr. Speaker, I just wish to introduce this to help all students across Canada, including my own grandchildren, and to protect them. It is time we ensure that every computer in this country in the school system has some controls on it.

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

* * *

PETITIONS

CANADIAN EMERGENCY PREPAREDNESS COLLEGE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, on behalf of the people of Ontario and the rest of Canada, our petitioners are requesting that Parliament recognize that the Canadian Emergency Preparedness College is essential to training Canadians for emergency situations, that the facility should stay in Arnprior and that the government should upgrade the facilities to provide the necessary training to Canadians.

BILL C-415

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I would like to present a petition on behalf of a number of constituents in and around Nanaimo, British Columbia who are concerned about Bill C-415 and the fact that this would add sexual orientation to the current list of identifiable groups in the hate propaganda sections of the Criminal Code of Canada, that this would in effect have the capacity to silence those who have moral disapproval of a certain sexual practice and that it should not be judged to be promoting hatred toward that person.

The petitioners ask that Bill C-415 be halted.

● (1515)

BILL C-250

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I am pleased to present to the House a petition with the names and addresses of people from across Saskatchewan. The petitioners are concerned and ask the government not to pass Bill C-250 and enact it into law.

AIRLINE INDUSTRY

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, with regard to Standing Order 36, I would like to present literally thousands of signatures on petitions throughout the country of Canadians who want the repeal of the government's security tax, not just to cut it down but repeal it, recognizing that it has the potential to create a serious problem for the industry, which we now know it has done, and to recognize that no Canadian traveller should pay for security on their own but that it should be something that the country does as a whole.

HEALTH CARE

Mrs. Bev Desjarlais (Churchill, NDP): As well, Mr. Speaker, I have a petition on behalf of citizens in my riding recognizing the support for the Romanow commission and asking that the government follow through on recommendations from the commission.

TRUCKING INDUSTRY

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I have another petition from Canadians throughout the country, and a good number of them from Ontario, recognizing that they obviously do not have a fair bit of representation in Ontario, which is something I hope they will change in the future. The petitioners recognize that the government's 84 hours of work for transport truck drivers is not acceptable and they ask the government to revisit that.

IRAQ

Mr. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I wish to present a petition for over 150 Yukoners who feel that because of the casualties of war, the humanitarian disaster it would create after and the destabilization of the region, that Canada should refuse to send any troops to Iraq and should pursue instead a policy of diplomacy, peacekeeping, human rights monitoring and disarmament.

[*Translation*]

CANADA POST CORPORATION

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am pleased again to present a petition about section 13(5) of the Canada Post Corporation Act concerning rural route mail couriers.

Of course, the petitioners call upon Parliament to repeal section 13 (5) of the Canada Post Corporation Act in order to grant these workers collective bargaining rights.

[*English*]

CHILD PORNOGRAPHY

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have three petitions today. The first one concerns child pornography.

The petitioners, who include a large number of Canadians, including from my own riding of Mississauga South, would like to draw to the attention of the House that the creation and use of child pornography is condemned by the majority of Canadians and that the courts have not applied the child pornography laws in a way which makes it clear that the exploitation of children will always be met with swift punishment.

The petitioners therefore call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

MARRIAGE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition concerns the definition of marriage.

The petitioners would like to draw to the attention of the House that the majority of Canadians believe that the fundamental matters of social policy should be decided by elected members of Parliament and not the unelected judiciary, and that the majority of Canadians support the current legal definition of marriage.

Therefore the petitioners petition Parliament to use all possible legislative and administrative measures, including the invocation of section 33 of the charter, the notwithstanding clause, if necessary, to preserve and protect the current definition of marriage as being between one man and one woman to the exclusion of all others.

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the final petition has to do with stem cells. It is quite appropriate on a day when we are debating Bill C-13.

The petitioners would like to draw to the attention of the House that Canadians do support ethical stem cell research, which has already shown encouraging potential and provides the cures and therapies necessary to deal with the illnesses and diseases of Canadians.

However they also point out that non-embryonic stem cells, also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

The petitioners therefore call upon Parliament to pursue legislative initiatives which support adult stem cell research to find the cures and therapies necessary for the illnesses and diseases of Canadians.

* * *

● (1520)

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. 160 and 165.

[*Text*]

Question No. 160—**Right Hon. Joe Clark**:

Since 1993, on what dates and on what subjects did the Prime Minister and all other ministers receive briefings on their blind trusts?

Mr. Rodger Cuzner (Parliamentary Secretary to the Prime Minister, Lib.): The dates and subjects of briefings of the Prime Minister and all other ministers since 1993 regarding their blind trusts are considered personal information under the Privacy Act. As such it cannot be divulged. General information about measures taken by public office holders to comply with the Conflict of Interest and Post-Employment Code for Public Office Holders can be found in the "Public Registry" at the ethics counsellor's web site. Precise information about the personal financial situation of public office holders is not placed in the public domain. The Prime Minister's and all other ministers' compliance arrangements with the Conflict of Interest Code is a matter of public record as is the disclosure of whether or not they have used a blind trust as a means of divestment of publicly traded securities.

Question No. 165—**Mr. Gerald Keddy**:

With regard to the cost of the Commission on the Future of Health Care in Canada: (*a*) how many research studies were contracted and what was the cost of each study; (*b*) how much was spent on travel by the Commissioner, by other staff and what was the total expenditure on all travel; (*c*) what was the Commissioner's salary and what were the total costs of salaries and benefits for other staff; (*d*) what was the total cost: (i) for advertising; (ii) for public relations contracting; (iii) for printing; (iv) for mailing or distributing of the reports of the Commission; and (*e*) what was the total of costs incurred by the Commissioner?

Mr. Rodger Cuzner (Parliamentary Secretary to the Prime Minister, Lib.): The commission started its activities in April 2001 and issued its final report in November 2002. The activities of the commission formally ended on December 31, 2002 and the expenditures provided by the Privy Council Office in response to the question were incurred over this 21 month period.

a) There were 72 research studies contracted. Each study with its associated cost is shown in Appendix 2.

b) The total spent on travel and accommodation for the commissioner was $153,759. The total spent on travel and accommodation for commission staff was $1,173,324.

c) the commissioner's salary rate is within the range $600—$750, per diem.

Total salaries for full and part time staff were $2,999,569. Salaries for part time staff were $31,688 and salaries for full time staff were $2,967,881.

The cost of employee benefit plans is calculated at 20% of total salaries in accordance with Treasury Board instructions with possible year-end adjustments for the current year still to be determined.

d) i) Advertising costs were not tracked separately and any advertising costs incured are included int the cost of public relations.

ii) The total spent on public relations was $3,247,679. This cost includes professional communication services, writing services, public relation services and media monitoring and media relations.

In addition to the above, a total of $1,152,911 was spent on professional servicces for the planning and providing of conference and workshop services.

iii) The total cost for printing was $239,403.

iv) The total cost for miling was $55,328. The cost for distribution of the reports of the commission is not available.

e) The total cost of the commission to date is $14,281,572 but there still remain further year-end adjustments.

APPENDIX 2

(6) RESEARCH STUDIES

Contractor	Amount
ACCESS CONSULTING LTD.	$33,000
ALAN SHIELL	$7,000
ANDRE BRAEN	$7,000
ANITA KOZYRSKYJ	$3,000
ANTONIA MAIONI	$7,000
CANADIAN CENTRE FOR POLICY ALTERNATIVES	$95,000
CANADIAN HEALTH SERVICES RESEARCH FOUNDATION	$66,666
CANADIAN HEALTH SERVICES RESEARCH FOUNDATION	$66,666
CANADIAN HEALTH SERVICES RESEARCH FOUNDATION	$66,666
CANADIAN INSTITUTE FOR HEALTH	$18,692
CANADIAN POLICY RESEARCH NETWORK	$94,950
CANDACE JOHNSON REDD	$7,000
COLLEEN FLOOD	$7,000
COLLEGE OF PHARMACY	$3,000
CR & J DEBER CONSULTING INC.	$7,000
CREDES	$7,000
CYNTHIA RAMSAY	$7,000
DALE MCMURCHY	$10,000
DONNA M. GRESCHNER	$7,000
DR. STEPHEN TOMBLIN	$7,000
DR. ALEJANDRO R. JADAD	$5,000
DR. ANITA J. GAGNON	$7,000
DR. BOB EVANS	$7,000
DR. BOB EVANS	$10,000
DR. PAYL MCDONALD	$10,000
DR. RAYMOND PONG	$10,000
DR. S.E.D. SHORTT	$5,000
DR. STEVE MORGAN	$3,500
DR. STEVE MORGAN	$5,000
EKOS RESEARCH ASSOCIATES INC.	$149,990
FACULTÉ DES SCIENCES INFIRMIÈRES (UNIVERSITÉ LAVAL)	$7,000
FRANÇOIS CHAMPAGNE	$7,000
GAIL TOMBLIN MURPHY	$7,000
GERARD BOYCHUK	$7,000
HARLEY D. DICKINSON	$7,000
HOWARD LEESON	$7,000
HUGH ARMSTRONG	$3,500
IAN MCKILLOP	$7,000
INFORMATICA RESEARCH SERVICES	$10,000
JAYNE PIVIK	$7,000
JEAN-LOUIS DENIS	$7,000
JEAN-LUC MIGUE	$7,000
JERRY HURLEY	$3,500
JOHN EYLES	$2,000
JOHN N. LAVIS	$7,000
JON R. JOHNSON	$7,000
JULIA ABELSON	$5,000
KATHERINE FIERLBECK	$7,000
LARISSA MCWHINNEY	$1,575
LOUIS IMBEAU	$7,000
MANITOBA CENTRE FOR HEALTH POLICY	$4,000
MARIE-CLAUDE PREMONT	$7,000
MARTHA JACKMAN	$7,000
MICHEAL RUSHTON	$7,000

MIRIAM SMITH	$7,000
PASCALE LEHOUX	$7,000
PASCALE LEHOUX	$5,000
PAT ARMSTRONG	$3,500
POLLARA	$82,200
POLLARA	$56,526
PWC CONSULTING	$7,000
QUEEN'S UNIVERSITY	$95,000
REJEAN PELLETIER	$7,000
RICHARD OUELLET	$7,000
SEAMUS HOGAN	$7,000
SHOLOM GLOUBERMAN	$7,000
THE CANADIAN INSTITUTE OF HEALTH RESEARCH	$10,400
THE CANADIAN INSTITUTE OF HEALTH RESEARCH	$15,600
THEODORE R. MARMOR	$7,000
TIMOTHY A. CAULFIELD	$7,000
VIEWPOINT LEARNING INC.	$2,000
VIEWPOINT LEARNING INC.	$108,952

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan: Mr. Speaker, if question No. 161 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

Return tabled.

[*Text*]

Question No. 161—**Mr. Gerry Ritz**:

> With respect to government real estate holdings over the past six years (1997 to 2003): (*a*) what was the total square footage owned by the goverment; (*b*) specifying the names of the buildings, real estate agents involved, commissions paid to the said agents, puchase prices or lease prices, and names and addresses of the vendors, what new buildings were acquired or leased; and (*c*) in cases where financing was required, what companies provided the financing, what were the amounts and what interest rates were charged?

Return tabled.

[*English*]

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

The Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

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

The House resumed from December 6, 2002, consideration of the motion in relation to the amendments made by the Senate to Bill C-10, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, and of the amendment.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, my point of order pertains to the motion to concur in the Senate's message respecting the vision of Bill C-10. I will also comment on the notice given by the government to curtail debate on the motion using Standing Order 78.

Mr. Speaker, as you are aware, both the Senate and the Commons have clearly established a difference between dividing bills and amending bills. It would be inconsistent not to apply the same logic and establish a difference between the Senate messages that amend bills and Senate messages that divide bills.

I will argue that the motion to concur in the message from the Senate regarding Bill C-10 cannot be considered a stage of a bill nor can the Senate's division of Bill C-10 be considered an amendment to Bill C-10.

Accordingly, the motion to concur in the Senate's message should not be listed on the Order Paper as a motion in response to an amendment made to a bill. It should properly placed on the Order Paper as a government motion. If you were to agree with my point of order, there are two consequences.

First, the notice given by the government to time allocate the motion in response to the Senate message is invalid since Standing Order 78 cannot be used to curtail debate on a government motion unrelated to the legislative process.

Second, the wording of the motion is incorrect. It is worded as a motion to concur in a message from the Senate regarding an amendment to a bill.

As was argued on December 5, 2002, the issue of the Senate dividing a Commons' bill was unprecedented.

We all assumed and accepted that this message seeking concurrence to divide Bill C-10 should be treated as an amendment made by the Senate. There are no other precedents regarding messages from the Senate dealing with legislation. If we had thought it through, we could have concluded that the division of a bill should not be treated as an amendment. Dividing a bill has never been considered an amendment and never should be.

The two most common messages that we receive from the Senate to which we are expected to respond are messages regarding amendments to legislation and messages regarding participation on joint committees.

A message regarding amendments made to legislation is treated as a stage of a bill. A motion pursuant to Standing Order 78 would, in that case, be in order to curtail debate.

A message regarding a committee, or any other business, would also be responded to by a motion. However the motion would be considered a run of the mill government motion and would be listed on the Order Paper accordingly.

Just because the Senate message is concerning legislation does not make it a stage or an amendment to a bill. Consider as examples the numerous House orders that are moved in regard to legislation. They are not treated as stages or as amendments to bills. Let us take a more specific and pertinent example such as the division of a bill.

At page 641 of Marleau and Montpetit, it states:

> —the House may give the committee an instruction by way of motion which authorizes it to do what it otherwise could not do, such as, for example...dividing a bill into more than one bill....

A motion to instruct a committee to divide a bill stands alone from the legislation. It is a separate substantive proposition. It relates to the bill but is not a stage of the bill. The government could not use time allocation to curtail debate on such a motion.

On the Order Paper we have a motion instructing the health committee to divide Bill C-13. It was moved on November 22, 2002 by the member for Hochelaga—Maisonneuve. It reads:

> That it be an instruction to the Standing Committee on Health that they have power to divide Bill C-13, an act respecting assisted human reproduction, into two bills in order to deal with all matters related to the criminalization of practices such as cloning in another bill.

As you are aware, Bill C-13 has advanced beyond committee stage and the consideration of this motion is of no consequence to the legislative process of Bill C-13. If it were considered an amendment it would have to be disposed of first before advancing Bill C-13 any further.

If dividing a bill is not considered a stage or an amendment, then how can we consider as an amendment the motion concurring in the message from the Senate advising the House that the Senate has divided Bill C-10 into Bill C-10A and Bill C-10B.

The Senate itself did not consider the procedure to divide Bill C-10 as an amendment. The motion concerning the division of Bill C-13 is not considered an amendment in the House either. If that is the case, why are we treating the message from the Senate regarding the division of a bill as we would treat a message from the Senate regarding an amendment to a bill?

The motion to concur with the Senate should be listed under "Government Business" in the Order Paper with the other government business alongside the adjourned motion of the member for Hochelaga—Maisonneuve regarding the division of Bill C-13.

● (1525)

There was only one other precedent regarding the issue of the Senate dividing a Common's bill. On June 7, 1988, the Senate considered the matter of dividing Bill C-103, an act to increase opportunity for economic development in Atlantic Canada Opportunities Agency and Enterprise Cape Breton Corporation. The issue on June 7 had to do with the fact that Bill C-103 was no longer on the Senate Order Paper but was superseded by two separate bills and that the chair had a problem accepting that the two separate bills were still government bills.

Mr. Speaker also said:

> Senator Graham's instruction does not deal with amending a government bill, but with dividing a government bill into two bills.

The Speaker of course was correct. No one was arguing that it was an amendment. Everyone agreed that it was a separate motion adopted by the Senate. The issue was whether the Senate could adopt such a motion, not whether it was an amendment.

On July 11, 1988, the Speaker of the House of Commons ruled that the procedural event concerning Bill C-103 was totally without precedent. In his ruling on Bill C-103, the Speaker stated that he did not have the power to enforce the privileges of the House directly. He said that he could not rule the message from the Senate out of order for that would leave Bill C-103 in limbo. He said:

> The cure in this case is for the House to claim its privileges or to forgo them....

I am not asking the Speaker to enforce the privileges of the House but to define what we are dealing with and have it worded properly and listed in the right place on the Order Paper. That would not leave Bill C-10 in limbo.

In the 1988 case the Speaker did not rule the statement made by the Senate Speaker was incorrect. I am referring to the statement that the division of a bill is not an amendment. It simply was not directly pertinent to the particular arguments put forward in the case of Bill C-103 and it was not a factor in the Speaker's ruling on Bill C-10.

The opinion of the Senate Speaker that dividing a bill is not an amendment has not been dismissed. It is accepted by both Houses that dividing a bill is not an amendment but, for some reason in the case of Bill C-10, the act of dividing a bill morphed into an amendment somewhere along the road from the Senate to the Commons.

As I said earlier, we did not know what else to do with such a message because, as Mr. Speaker stated in 1988, the procedural event concerning the division of a Commons bill by the Senate was totally without a precedent.

If we look at the message itself, it does not claim to be an amendment. The message was sent on December 4, 2002 and it is recorded in *Journals* as follows: "A message regarding C-10, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, was first received from the Senate as follows":

> Ordered, That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills, Bill C-10A, an act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, an act to amend the Criminal Code (cruelty to animals), both of which are attached to this Message as Appendices "A"and "B" respectively; and
>
> That the Clerk further acquaint that House that: (a) the Senate desires the concurrence of the House of Commons in the division of Bill C-10; (b) the Senate has passed Bill C-10A without amendment; and (c) the Senate is further considering Bill C-10B.

The message does not claim to be anything more than a message. The Journals Branch does not attempt to classify the message as anything other than a message either. It began its life on the Order Paper as an amendment after the government gave notice of its motion in response. Therefore it is the government's response to the message where things went wrong procedurally.

I suspect that the government regarded the message from the Senate as an amendment made to legislation because it had no other experience of messages from the Senate regarding legislation.

Even though the message represented an extraordinary procedural event, the government's response to that extraordinary event was to use a traditional response. The motion obviously came from a template that has been used countless times.

Beauchesne's 6th edition has a number of them in appendix 1. All one has to do is fill in the blanks. There are templates in appendix 1 regarding the proper wording for report stage motions; six month hoist motions and concurrence in Senate amendments. Template No. 74 reads as follows:

> That the amendments made to Bill C-....., an act....., be now read a second time and concurred in; but that this House, while disapproving of any infraction of its privileges or rights by the other House, in this case waives its claims to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent.

The government's motion regarding Bill C-10 and the template are almost identical. I am not knocking the government's use of templates. We all use them. In fact, the opposition amendment to the government's motion could be considered a template amendment to a template motion. While the use of the templates help keep us consistent, they cannot be used in response to an extraordinary and unprecedented procedural event. We are required to think a little harder under those circumstances.

While the template theory may explain why we considered another message from the Senate regarding the division of a bill inadvertently as a Senate amendment, sound procedural practice does not come from a good explanation of how a mistake was made. Sound practice comes from correcting those mistakes.

● (1530)

Just how material are those mistakes to my argument, or how material will they be when touted as precedence, will be included in the much anticipated opposing argument that I am sure the government House leader will present in a few moments.

The House never adopted a motion that concurred in the Senate's division of a House of Commons bill. The motion before us has not been adopted yet and the only other motion, the motion regarding Bill C-103 from 1988, disagreed with the Senate. The House has never accepted the division of a bill by the Senate to be an amendment. The House thus far has rejected the Senate's power to divide a House of Commons bill outright.

That is why it is so important for us to get this right before the government adopts the motion. I would urge the Speaker not to put much stock in mistakes of the past. I would urge the Speaker to consider instead the pure logic of the argument I am presenting today. There is no question the logic is in the Speaker's Chair. It always is and always has been.

Since both houses have clearly established a difference between dividing bills and amending bills, it would be consistent to apply that difference to our response to Senate messages that amend bills and Senate messages that divide bills. If the Speaker were to agree with my argument, there would be another issue regarding the wording of the motion. It reads:

> That, in relation to the amendments made by the Senate to Bill C-10, An Act to amend the Criminal Code—

The reference to amendments is what I am concerned with. If the Speaker were to agree with my argument, would that not disqualify the motion since the motion would not make sense if it were determined that the division of a bill is not an amendment to a bill? The proper course of action would be to place motions in response to Senate messages regarding the division of House of Commons bills on the Order Paper as a government motions, and not as amendments. Motions in response to Senate messages regarding the division of House of Commons bills should either agree or disagree with what the Senate has done and should not masquerade as an amendment. Dividing a bill is not an amendment.

In preparing my argument I considered the following question: Would the adoption of a motion that addressed an action of the Senate that was not considered an amendment to a House of Commons bill satisfy the legislative process? In others words, must the communication between the House and the Senate regarding legislation be exclusively about amendments in order to satisfy the constitutional requirement that both houses pass the same bill?

I raised a point of order last spring regarding Bill C-10A. I argued that Bill C-10A should not be allowed to remain on the Order Paper because the bill lacked a procedural necessity to qualify it to exist, let alone proceed to the next stage. Bill C-10A was the offspring of Bill C-10 and was divided as a result of a separate substantive motion that instructed a committee. I attempted to convince the Speaker that since Bill C-10A had not been read a first time, nor had it been read a second time, it was not legitimately before the House.

On June 3, 2002, the Speaker ruled on the matter. He said:

> However in the circumstances, given the House's explicit instructions to the committee to divide the bill and report it in two parts, like dividing things like the Red Sea, we do have to follow the instructions that the House gave. In my view the procedure adopted by the committee was the exact instruction the House gave, which was to divide the bill into two parts and report it accordingly.

It was an excellent ruling. It did not matter to the Speaker that the bill in question did not actually receive second reading. The Speaker was satisfied with the procedural standing and legislative course of Bill C-10A because it was established through the adoption of a motion by the House. He maintained this opinion even though the motion that established the existence of Bill C-10A was not considered a stage of the normal legislative process.

In the case of the motion to concur in the Senate's division of a House of Commons bill, the fact that the motion to concur is not considered a stage of the bill or an amendment is immaterial. The Speaker, in this case, would have to respect the decision of the House as he did with the division of the bill. The records would show that both houses were in agreement and that the constitutional requirement would have been met.

Mr. Speaker, my arguments have raised two questions which I hope, in your wisdom, will give us an answer because we must ensure we do things right for the future of parliaments in this great land. Can the motion be time allocated using Standing Order 78? Can the motion remain on the Order Paper as placed and as worded?

Until the Speaker rules on this point of order I would request that the Speaker refuse to allow the time allocation motion to be moved and defer any vote on the motion regarding the Senate message until this matter is resolved.

● (1535)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there are a number of things I want to address regarding this rather complicated address that the opposition House leader has brought to the attention of the Chair.

His first argument was that this issue brought before the House by the Senate was not a stage of the bill. Obviously, no. It has been ruled by the Speaker on a number of occasions that the message from the Senate regarding anything inside a bill that amends it is a stage of the bill. Proof of that is if it had not been a stage of the bill in the past, the Chair would have not enabled either myself or my predecessors from moving a motion under Standing Order 78.

If it had been considered strictly a motion, I would have had to use Standing Order 57. In other words, I would not have been able to use time allocation. I would have been obliged to use closure. The Chair has already ruled on that. There is jurisprudence from the Chair on ruling that Standing Order 78 can be used. It has been used that way for a long time on amendments from the Senate. That is my first point.

My second point is that the hon. member was drawing some sort of parallel between the House providing a reasoned amendment to one of its own bills and the Senate providing an amendment to a bill when it sends it back to the House. That has never been considered to be an equivalent. No one has ever made that argument in the past because it is totally incoherent. As we all know, the stated purpose of a reasoned amendment is to either refer a bill back to committee so that it not be now read a second time and so on, or that it be sent over here to be divided, or whatever.

The hon. member is not correct in saying that until this item is disposed of we cannot continue the consideration of the bill. If the opposition provides an amendment, as it did the other day and perhaps it is still before us on Bill C-13 that we debated earlier today, the provisions under our Standing Orders, whereby the time is added up in order to arrive at 10 minute speeches, still count whether we are debating the main motion or one of its amendments. It is all bunched together and counts as part of the same debate of what has to be disposed of in terms of voting before we can actually vote on other matter, but that is a separate issue altogether. In my opinion, what the hon. member is alleging does not reflect reality.

The hon. member also raised the appropriateness of the Senate's message. The Senate's message has the effect of telling the House that the senators have amended the bill by dividing it. They could have amended it by removing a clause. They could have amended it by adding something. They have amended it by dividing it. The test of this is that if the minister's motion to concur in the amendment is passed, then Bill C-10A would be ready for royal assent. In other words, this is a stage of the bill considering the Senate amendment, and I go back to the initial proposition that I raised.

There are two final points that I want to bring to the attention of the Chair. If someone is now alleging that this motion is inappropriately before the House, I draw the attention of the Speaker to page XI of today's Notice Paper in which it says that two hon. members of the House have proposed to amend the motion that is in the view of the same party not properly before the House. This begs the following question to be raised.

● (1540)

This begs the following question, how could a group of MPs in the House pretend that the issue is not before the House properly and then move to amend that which should not be there according to the testimony we have just heard?

I do not believe this issue is properly in order before the House. The hon. member's point of order is not in order in itself. In order for the Chair to entertain that point of order, it should have been made before the Speaker put the motion. The motion has been put. Not only that, it has received an amendment from the same political party, but perhaps that is an aside. No one member sought that particular point prior to the motion being put. The Chair allowed it to be put which makes it in order in that regard.

The House has even entertained an amendment to that particular motion and to make the point even stronger, it was made by members of the same political persuasion as the hon. member who has raised this now.

In conclusion, the motion is properly before the House. The House will deal with it and vote, in its own time, on the amendment, if hon. members still wish to have a recorded vote on that amendment, and on the main motion. Then, of course, the matter will be disposed of. Any intervention similar to either the one that has been raised now by the hon. member or anything similar would have had to have been made at the appropriate time and it was not.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I want to complete the picture because this matter does have quite a history to it. I wanted to bring to the Speaker's attention and to the House that in actual fact the member for Winnipeg—Transcona, who was then the House leader for the NDP, did rise on a point of order back in December 2002. What he said at that time, in speaking to this issue of the principle of a divided bill coming from the Senate, was that it was the House that should decide what pieces of legislation should be divided up and in what way they should be dealt with.

He then went on to say that it should be up to the House of Commons to do this because the way in which the Senate dealt with Bill C-10 had infringed on the financial initiative of the Crown and on the privileges of the House of Commons.

Mr. Speaker, in hearing that point of order, you ruled it out of order stating that:

> The difficulty we face in the House is that there has not been a message received from the Senate that has indicated that the bill has in fact been split. It is entirely possible that the Senate could plaster the bill back together again before it sends it back to this House.

Mr. Speaker, as you know, the Senate did not plaster it back together again. In fact, it divided it and that is what is now before us. You went on to further suggest:

> In the circumstances, I would suggest to the hon. member that we leave this matter for the time being until such time as we receive a message from the Senate.

Here we are, whether we characterize it as a message or an amendment the fact is it is now back before the House and it is a point of contention in terms of whether the process is legitimate.

Mr. Speaker, I would ask you to review this and give the House a ruling on this matter because this did take place. The Senate did bring it back in terms of a message or an amendment, but clearly it is before us.

● (1545)

The Speaker: I thank the hon. member for West Vancouver—Sunshine Coast, the government House leader and the hon. member for Vancouver East for their interventions on this very interesting point.

This matter has been before the House before. When the original motion that is currently before the House, now with an amendment proposed to it, was first put, there were questions as to the admissibility of the motion. The hon. member for West Vancouver—Sunshine Coast I believe quoted from my ruling on that occasion, in which I said that the motion was one that was properly brought because it allowed for the waiver of our privileges if it was adopted in respect of divisions of bills into two parts.

Accordingly, the motion itself was a proper motion and is properly before the House, so I do not consider that matter open for debate or discussion again. That issue is closed.

To summarize, I think what the hon. member for West Vancouver —Sunshine Coast is saying is that he wants to know whether or not the motion that has been proposed is in fact a stage of a bill, because if it is, Standing Order 78 can be applied to it and therefore a time allocation motion could be moved and applied to the bill. If it is not, then it is a regular government motion and the only way to bring a close to it, if the government chooses to do something to close it, is to use closure, Standing Order 57, as has been pointed out by the government House leader.

That is the issue I am going to look at. I will review the matter and get back to the House as to whether or not this particular motion is a stage of a bill.

I thank all hon. members for their interventions on this point. I will say that it is clear that the government House leader is not moving time allocation today, notwithstanding the notice that was given. He would have had to do so before now. Therefore, it is not going to happen today, which gives the Chair ample time, I hope, to review the matter and get back to the House with a ruling.

I thank all hon. members for their patience and understanding and their submissions, which have been most helpful.

The hon. member for Yorkton—Melville on a point of order.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I believe before we can move forward there should be some kind of a ruling on that, but I have another completely separate point of order that I would like to raise in regard to this.

If we go to today's Notice Paper, there is some wording in the motion that we are debating today that is causing me concern. The motion from today's Order Paper reads, and I would like to quote:

> That this House, while disapproving of any infraction of its privileges or rights by the other House, in this case waives its claim to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent;—

That motion raises two questions that I believe have to be answered before we proceed. Number one, is it possible to waive privileges? Second, if it is, should not the privileges we are waiving be clearly stated in the motion?

I was not able to find any Canadian parliamentary references to this point, but there were two in the Australian parliament that I would like to refer to because they had to deal with this particular issue, and, as you know, Mr. Speaker, they share a common heritage in regard to parliamentary tradition.

Odgers' *Australian Senate Practice*, *Tenth Edition*, under a section titled "Waiver of Privilege", on page 69 states, and I will quote:

> From time to time suggestions are made of a House or its members "waiving their privilege", for example, by allowing the examination of particular parliamentary procedures by a court in a particular case. Such suggestions are misconceived. It is not possible—

And I emphasize this:

> It is not possible for either a House or a member to waive, in whole or in part, any parliamentary immunity. The immunities of the Houses are established by law and a House or a member cannot change that law any more than they can change any other law. This was clearly indicated by a case in the Senate in 1985. A petition by solicitors requesting that the Senate "waive its privilege" in relation to evidence given before a Senate committee was not acceded to, principally on the ground that the Senate does not have the power to waive an immunity established by law.

Odgers' *Australian Senate Practice*, *Sixth Edition*, under a section titled "Waiving of Privilege", on page 1037 states, and I quote again:

> On 24 September 1952, a member of the House of Representatives asked the Speaker (Hon. A.G. Cameron) if it was possible for a Member of the House to waive Parliamentary privilege. The following day the Speaker replied as follows:

And I will continue with the quotation:

> Each member enjoys an individual privilege which guarantees him certain powers and immunities needful to perform his functions as one of that collective body which is this House. But the privilege becomes a collective privilege in relation to anything said or done in this House in the discharge of his duties and functions. One of the oldest privileges of Parliament and the one most obvious to us all is the privilege of free speech within the chamber. Once something has been said in this House it becomes the collective property of the House, although the responsibility for saying it rests on the member. A member is always at liberty to retract or qualify something said here, but he cannot divest his statement, once having uttered it, of the privileges of the House. Nor can he, by a subsequent statement made under the same privilege, waive, cancel, impair, or destroy the privilege protecting his original statement.

I understand that similar wording has been used in the House, in 1997, but the motion also said and I quote:

> —but the waiver of said rights and privileges is not to be drawn into a precedent;—

● (1550)

Mr. Speaker, you can read my lips: I do not believe that the government can waive the privileges of any member of this House at any time. The government cannot violate the privileges of any member, not even once.

I would like clarification on the two points I have raised. Is it possible to waive privileges? And if it is, should not the privileges we are waiving be clearly stated in the motion?

I look forward to your ruling on this, Mr. Speaker.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, on this point of order, first I think that my hon. colleague, in raising this point of order, as he talks about the waiver of immunities, he talks about two things in a sense. One is the waiver of privilege and the other is a waiver of immunities, which is a kind of privilege. It seems to me that in his comments the member is really focusing on the immunities of members and their privileges as members and the privileges of the House in relation to the privileges we all hold, which is a different thing than what we are dealing with here.

What we are dealing with here is a bill that has gone to the Senate and has come back to us. We have the choice as masters of our own House as to how we deal with that. We have the choice to say that we are going to accept this proposal, as you have ruled in the past that we can do, Mr. Speaker, and we can accept the proposal to decide whether or not we accept its amendments, and then that is the end of the bill. But clearly that is within our power.

This is an attempt, really, to go over the same ground that has already been covered in previous points of order and on which you have already ruled, Mr. Speaker.

I think the key point, though, when my hon. friend talks about privileges in the terms that he has in relation to Australia, I submit that it is not the same kind of privilege we are talking about here in terms of the waiver of our rights in relation to the other House; it is a different type of matter entirely in which we are the masters of our own House. We can determine ourselves what we are to do.

● (1555)

The Speaker: I am prepared to rule on the matter and deal with it at once.

The hon. member for Yorkton—Melville has raised a point about the motion. I stress that I have already ruled this motion to be one that is properly before the House. There were points of order raised when it was brought to the House originally and I ruled the motion in order then, so I am surprised to hear further argument on this point at this moment, but I will seek to answer his questions.

First, with respect to Australian practice, the hon. member will know that the Australian parliament has chosen to codify its law in relation to privilege. Accordingly, precedents that come from that jurisdiction are ones that would be possibly at variance with our own practice since we have never codified our rules in respect of privilege. It is a matter of the common law and the constitutional law of our country and has not been codified into an act of Parliament. That act of parliament in Australia colours any rulings that might be made in respect of privilege in that country, and particularly in that parliamentary jurisdiction, since any Speaker making a ruling on the issue would have to follow the statute and comply in every respect with the law, as would all hon. members of the legislature. So I do not regard the precedent that he has quoted as particularly helpful in this case.

Second, I would say that it is not the government that is determining whether or not our privilege is waived. It is the House that will make that determination. If this motion is defeated, then there will be no waiver of privilege. If the motion is accepted, it is accepted by the House and becomes then binding on the House, because the House has accepted it and has chosen to waive its privileges.

Third, with respect to any description of the privileges that are being waived, if the hon. member has concerns about those, he is free to move amendments to this motion and clarify the matter, but it is not for the Chair to specify what the House message to the Senate will be. This will become, if it is adopted, a message to the Senate waiving privilege. What privileges are waived or how they are waived and in what respect they are waived is a matter that is determined by the House when it adopts the motion.

If the hon. member has concerns, he is free to move amendments to the motion at the appropriate time. Perhaps those amendments will be adopted by the House before the message is sent to the Senate and would allay any fears he has that this waiver may be too broad or too wide or allow something to happen that might somehow not be in accordance with the House's wishes.

Accordingly, I think I am safe in leaving this matter in the hands of the hon. member for Yorkton—Melville, stating that if he wishes to move amendments to the motion limiting the privileges being waived or describing them in some particular way, such an amendment might well be admissible, and I would invite him to consult with the officers of the House seated at the table in respect of the drafting of any such amendments.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, it has been very interesting, in fact riveting, to hear the debate over the last 45 minutes. I have been trying to learn what these procedures are all about. In terms of Canadians who might be listening to this debate, scratching their heads and wondering why we are going at it and why members of the opposition are so adamantly opposed to the amendments in the bill before us, it needs to be explained.

Although we have made our points of order and we will await the Speaker's ruling, in terms of getting on with the debate on Bill C-10, it is pertinent and still relevant to talk about the concerns we have about arriving at this point and how it is that we are dealing with this bill. Basically it comes down to this. It is very difficult to accept that the Senate, which is unelected and unaccountable, somehow has the right to take a bill from the House, split it up however it wants, and send it back saying, “This is how we want it dealt with”. That is the essence of the problem here and why we had all of the points of order.

I do want to say very clearly that from the point of view of the NDP, in terms of the actual substance of the two parts of the bill, originally we basically concurred with the contents of the bills. In fact it was because the government could not get its act together, because it had so much opposition within its own ranks, that it started resorting to various mechanisms and procedures to deal with it.

What we want to focus on today is the fact that we are vehemently opposed to the motion that is before us from the government which states:

> That, in relation to the amendments made by the Senate to Bill C-10, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, this House concur with the Senate's division of the bill into two parts, namely, Bill C-10A...and Bill C-10B—

The government amendment goes on to say that while disapproving of any infringements of its rights and privileges by the other house, i.e. the Senate, in this case it waives its claim to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent.

We take a lot of exception to that. First of all, and I guess this would continue the most recent point of order, I seriously question what right the government has to say that it disapproves on the one hand but will waive the rights and privileges of the House. I do not give any such permission for the government to waive my rights. I think there are quite a few other members here who also would not give any permission or sanction for that to happen. To set that forward and to say on the one hand that somehow this is to be disapproved of but then to allow it to happen and to say that it will not be drawn into a precedent, really defies any kind of notion of common sense in terms of what logic and what consequences are now going to follow.

I want to say very clearly that we in the NDP on principle will oppose this coming forward from the government. In fact we will be supporting the amendment made by the member for Selkirk—Interlake and seconded by the member for Souris—Moose Mountain. The amendment makes it clear that we do not support the division of the bill and that in fact it is the view of the House that the alteration of Bill C-10 by the Senate is an infringement upon the rights and privileges of the House of Commons, and that therefore it should be sent back and the Senate consider bringing it back in an undivided form. That is the correct thing to do.

● (1600)

We are most concerned about the precedent that would be set here because the creation of two new bills does amount to an infringement on the rights of the House.

We have to look at this in context because regardless of the motivation for doing this, there is also a strong feeling from opposition members, and certainly from the NDP, that we do not support the idea of omnibus bills, putting everything under one cover and trying to get it through. Whatever the motivation of the Senate might have been in terms of a technical issue in splitting what was originally an omnibus bill, there is no way we will go along with the idea that it has the right to split a bill that would infringe upon the House.

It was mentioned earlier that there is a precedent. A situation did take place in 1988 with Bill C-103, which was a bill to establish Enterprise Cape Breton Corporation. It was an act to increase opportunity for economic development in Atlantic Canada and establish the Atlantic Canada Opportunities Agency, Enterprise Cape Breton Corporation and so on. It was passed by the House and sent to the Senate. The Senate split the bill and sent one part back to the House.

In 1988 Speaker Fraser ruled that the privileges of the House had been breached. Not having the power to enforce his decision, the Speaker asked the House to claim its privilege by sending a message back to the Senate. The House did indeed debate a motion to that effect which was moved by the then minister of state for the Treasury Board, Mr. Doug Lewis. The motion said that in the opinion of the House, the Senate had contravened Standing Order 87 and infringed its privileges. The motion asked that the Senate return Bill C-103 in an undivided form.

The motion from the House of Commons was agreed to. On August 18 a message was received from the Senate informing the House that Bill C-103 had been passed without amendment. The bill went on to receive royal assent later that day.

In actual fact we do have a precedent where something was sent back to the Senate with a strong message from this House which made it clear that the practice of dividing a bill was completely unacceptable. In that particular case the Senate did the right thing and sent the bill back in the correct form.

This is absolutely what we should be doing today. While we could spend a lot of time debating the actual substance of the bill, what really takes precedence here is the fact that the Senate is trying to foist its will in a manner that is completely undemocratic on a House whose members were elected in a democratic fashion.

We find it particularly worrying that the government is allowing more and more to be undermined in terms of giving a greater legislative role to an unelected body and thereby eroding the democracy in the House of Commons. This is something we should be very concerned about.

We know for sure that the Senate is a place where there is all kinds of patronage appointees. Many influential senators sit on boards of publicly traded corporations. We had a situation recently that even when the senators were doing an examination of bank mergers they tried to limit the ability of a democratically elected House of Commons committee from doing the same.

There is something that really rubs the wrong way here. We are now put in the position of having to deal with something that is not of our creation in the House of Commons. It is being put on us by the other place in a fashion that, in my opinion and I think a lot of other people would agree, would set a precedent. It becomes something that kind of creeps along, and is something that should be very worrying.

● (1605)

As I pointed out in the point of order about an hour ago, the member for Winnipeg—Transcona way back in December of last year immediately saw what it was that was going on here. He rose on a point of order in effect as an early warning to the Speaker that this was about to take place, but because the actual division of the bill had not formally happened in the Senate, the Speaker chose not to deal with it.

I urge members to think about the issue. We are coming down to the bottom line of having to vote on the motion before us. If we are true to the traditions of the House, if we uphold the notion that there are separate responsibilities vis-à-vis the Senate and the House of Commons, if we uphold the traditions that the power to deal with legislation rests in this place and that we should in no way be allowing unelected people down the hallway in the Senate to dictate what will take place in the House, even if we do it through some kind of motion that says we waive our rights and responsibilities and this is not going to create any sort of precedent, who is kidding themselves on that?

If that happens, it will have been done and it will be used at some point in the future. We will see the continual chipping away of the role and rights of members in this place. We will see a kind of enhanced role and legislative aggressiveness begin to take place in the Senate.

In closing, we will do everything we can to make sure this does not happen. We will not be supporting the government motion. We will be supporting the opposition amendment.

I hope there are members on the other side who can see the writing on the wall about what it is that is taking place here. I hope they will be willing to stand up and to protect the traditions of democratic practice in the House. I hope that they will be willing to stand up and challenge what it is that is taking place before our eyes and to say that this is not on and that we should not be couching it in terms of not needing to worry about it because there is no precedent. Things have a way of coming back and repeating themselves.

If this does go through, I would not be surprised at all if at some point in the future somebody used it as a reference, that it happened before and can happen again. We must guard against that. I urge members to vote against the government motion and to support the amendment from the opposition because that is clearly the right thing to do in this case.

● (1610)

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, I listened intently to my NDP colleague's comments on the splitting of the bill and the way it has come back to this place. Would she comment on perhaps the worst infringement of the democratic process? Is it being done here in the House of Commons with the government accepting the split or is it being done at the Senate end?

There is nothing we can do. They are masters of their own destiny and so are we. Canadian citizens out there look to us to represent them in this place. We seem to have had that function stolen away from us in this type of precedent being set. I certainly agree with the member that we are setting a very dangerous precedent by accepting the split from the Senate. We are setting a new low. I know it will be used and will be referred to in the years to come.

I am wondering what the member thinks we as an elected body could do and should do at this juncture.

Ms. Libby Davies: Mr. Speaker, the hon. member's question raises an interesting point in terms of what it is we do objectively to guard and honour the rules and traditions of this place.

We could argue that if the Senate wanted to do something it would push the envelope and see what it could get away with. The member is right when he said that there is a sense in this place that we are the guardians of those kinds of practices. It would be a grave mistake on the part of the House to adopt the suggestion from the government that we roll over and go along with whatever the Senate says and not worry because it would not set a precedent. It is our responsibility.

In terms of the points of order that have been put forward we can see what may take place in terms of voting. It is up to all of us to consider whatever procedural means to prevent it from happening. The government seems to have no qualms whatsoever regarding this. It is quite prepared for this to go ahead and allow this to take place on the basis that it would not set a precedent when in reality we know it would. From that point of view, as members of the opposition we must work as hard as we can to prevent this from happening.

We represent something broader. We represent a democratic institution. When we come here, we come with a sense of the history and the purpose of what this place represents. From that point of view, we should stand firm and not allow the Senate to usurp the practices, and the rules and traditions of the House of Commons.

● (1615)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the last two members who have spoken have said this is the fault of the Senate, and that may be true to some extent. However, is it not really the government that is the problem because it allowed this to happen? If the government were to respect the democratic process, it would never have allowed this to happen. It would not have allowed this kind of anti-democratic thing to happen.

Pointing the finger of blame in this case at the Senate is perhaps not the wisest thing to do. We should be putting the blame where it fairly belongs which is on the government for not respecting this democratic place.

Ms. Libby Davies: Mr. Speaker, I understand the member's point and that is precisely why we are opposed to the government's manoeuvre on the issue of accepting what the Senate put forward. The government is completely wrong. The onus is on the government to uphold the practices of this place. For it to roll over and say this is okay and not do anything to stop it should not be tolerated at all.

We should challenge what the Senate has done. It is pretty outrageous that an unelected body is prepared to do this. It is even worse that the government is now apparently going to allow this to go through. It is like six of one and half a dozen of the other. At this point the ball is in the government's court. It could decide not to allow this to happen. The government has the history of this place on its side. As the opposition motions states, it could send a message back to the Senate disallowing this. That is the correct course of action. That would be the right thing to do, but the government has chosen to cave in on this.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I want to thank the member as well and draw attention to something that she said. I appreciated her remarks very much. She has drawn attention to one of the key problems that exists in the government bringing forth the bill in the manner in which it did.

In the motion, the government says that it does not want to have this particular bill handled in a way that would represent some kind of a precedent. I believe that the precedent has already been set.

If we look at the Speaker's ruling that was rendered a few moments ago, he alluded to the fact that this has already been done before, so we can do it again. The government says it does not want it to be a precedent, but it is already becoming a precedent by the way it is handling it. I would like the hon. members comments on that.

I would also like her to answer this question, is it not the reason that the government is violating privileges in this way because it does not want to face the fact that there is huge mismanagement in this area, and if the House were to go through the proper procedures of this it would highlight the fact that this bill has been poorly dealt with, poorly enacted, poorly drafted, and that the government does not want to follow these procedures as it properly should?

Ms. Libby Davies: Mr. Speaker, I can only reiterate that this whole affair has been poorly managed by the government. It had difficulties with its own members on how to deal with this and that is why it sent the bill off in that form to the Senate in the first place. It is now caving into the Senate.

I agree with the member that we can say what we want, but what we do is what counts here or anywhere else in life. We know that as parents and we know that in school. We can lay down various principles and say it is this or this or it is not a precedent, but what we actually do counts for something. That becomes part of the record and that is what is taking place here.

The government did not handle this issue in a proper way. It created a situation around it. Now, it does not know how to deal with that situation, so it is allowing the Senate to go ahead and override what amounts to the privileges of the House. The government acknowledges that because it is waiving it and that is clearly wrong.

● (1620)

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have a real problem with my hon. colleague's argument that we cannot waive a privilege without losing it. If that were the case then we would not allow someone to cross over our land, for example, without them instantly having the right to do that from hence forward. The fact of the matter is that we can do that.

We can say to people that we will allow them to use our land today for some purpose, put up their tent for the night, or whatever, and the next day, if we wish, say to them that we will toss them off.

My hon. friend may know that in law, if we state every year to people that we are giving them permission to use this property, we in fact do not lose our rights and privileges. That is one of the ways we maintain our privilege.

Ms. Libby Davies: Mr. Speaker, we can see that this debate will go on for quite a while.

First of all, I never gave my permission and there are many members here who never gave their permission either. Second, even if I did or anyone else did, it is something that can be used as a precedent because it is on the record, it happened. Therefore, I do not accept the member's arguments. In fact, if anything, it reinforces the arguments that are coming from this side of the House, that what the government is about to do is clearly wrong.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, it is a pleasure to speak to the Senate amendments to Bill C-10.

I have a couple of issues before I begin the main premise of debate. I am always amazed when I hear members in the House of Commons referring to the Senate. It is obvious to all of us that it is an unelected body. However, it does have certain powers. Those powers are laid out in the Constitution and bound by points of order and procedure in this House and in the Senate.

I would beg to differ with the points of order that were raised already whether or not the Senate has the right to divide this legislation and send it back. That has been answered by the Speaker and I will delve deeper into that in my speech.

The point that I find remarkable is that the same people in this place who like to talk about Senate reform, and we all agree that we need some Senate reform, do not want to discuss giving the Senate more power. I do not think we can have one without the other. If we are going to seriously discuss reforming the Senate, perhaps someday making it an elected body, then we have to give it more power. It has to be able to introduce legislation much like it can right now but on a more timely basis. It has to be able to question in a thorough and complete way legislation that comes from this House.

The Speaker has already recognized the Senate's right to divide this piece of legislation. We may or may not agree to that and continue to raise points. I do not think that is the point. The hon. members are missing the point quite frankly. The point is that this split is based upon the fact that it is a flawed piece of legislation. Therefore, the entire piece of legislation should be thrown out and examined in its entirety.

The government is asking us to concur with amendments made by the Senate in regard to Bill C-10, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. As I have already mentioned, the entire piece of legislation is flawed. However, and key to some of the arguments that have been made already, without consent of the House the Senate split Bill C-10 into Bill C-10A which deals specifically with the firearms portion of the legislation, and Bill C-10B which examines cruelty to animals.

There has been a lot of debate in this place on whether or not there have been any precedents for that and obviously members have not thoroughly read and examined former precedents. During the debate on Bill C-103 in 1988 Speaker Fraser ruled at page 17,384:

> The Speaker of the House of Commons by tradition does not rule on constitutional matters. It is not for me to decide whether the Senate has the constitutional power to do what it has done with Bill C-103. There is not any doubt that the Senate can amend a Bill, or it can reject it in whole or in part. There is some considerable doubt, at least in my mind, that the Senate can rewrite or redraft Bills originating in the Commons, potentially so as to change their principle as adopted by the House without again first seeking the agreement of the House. That I view as a matter of privilege and not a matter related to the Constitution.
>
> In the case of Bill C-103, it is my opinion, and with great respect of course, that the Senate should have respected the propriety of asking the House of Commons to concur in its action of dividing Bill C-103 and in reporting only part of the Bill back as a fait accompli has infringed the privileges of this place.

With this, some members have taken the present case as an infringement upon the privileges of this House and as such are suggesting the split should be denied outright.

● (1625)

In his ruling, Mr. Speaker Fraser also stated:

> However, and it is important to understand this, I am without the power to enforce them directly. I cannot rule the Message from the Senate out of order for that would leave Bill C-103 in limbo. In other words, it would be nowhere. The cure in this case is for the House to claim its privileges or to forgo them, if it so wishes, by way of message to Their Honours, that is, to the Senate informing them accordingly.

On December 5 the present Speaker of the House pointed out that he agreed with Mr. Speaker Fraser:

> —that privilege matters are involved where the Senate divides a House bill without first having the House's concurrence, this is not the case in this instance. Our concurrence has in fact been requested.

That is the entire point around Mr. Speaker Fraser's decision.

Today we are looking at the amendment of the hon. member for Selkirk—Interlake, which reads:

> That the motion be amended by deleting all the words after the word "That" and substituting the following:
>
> ", in relation to the amendments made by the Senate to Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, this House does not concur with the Senate's division of the Bill into two parts, namely, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), since it is the view of this House that such alteration to Bill C-10 by the Senate is an infringement of the rights and privileges of the House of Commons; and
>
> That this House asks that the Senate consider Bill C-10 in an undivided form; and
>
> That a Message be sent to the Senate to acquaint Their Honours therewith".

From Speaker's ruling of December 5, it is clear that the action by the Senate is not out of order based on the 1988 ruling which in turn was set upon the June 11, 1941 case where the Senate consolidated two pieces of legislation into one.

The key in both the previous cases, being the request of the Senate to seek the consent of the House in regard to the consolidation of the split. The Senate as in this case asked for concurrence.

It is clear that this legislation in its own right is as flawed as the firearms registry itself. It would seem to me that we do not need to seek out precedent to reject the bill.

We can have all the discussions that we want to have. The facts cannot be changed of precedents that have been taken before this day. They are already there. The Senate has asked for the concurrence of the House and is within its rights to do that. That is not my point.

I would make it clear that the point here, and I think Parliament has missed the point entirely, whether it is in concurrence or not, is it is a poor piece of legislation. It is severely flawed. It has been changed by the Senate because it could not even swallow it. the Liberal majority in the Senate could not swallow it. The Senate sent it back to the House. We should send it back to the Senate again with a clear message that this type of legislation is poor legislation. It is not clearly thought out. It is unworkable and it should not be concurred in in the House, not on the basis of the point of order but on the basis of it being a poorly written, poorly thought out piece of legislation.

I will paraphrase that. It is unacceptable. We should send the message back to the hon. senators stating that we cannot accept this split based on the fact again that it is a piece of flawed legislation. It should be examined in its entirety in the same way it was rammed through this place and the same way the members of the government stood and supported it.

Let us take a look at it again and see if the government wants to support it again. I suspect some of the Liberals may have come to reason.

● (1630)

It is one thing to waste the amount of money that has been wasted on this bill, but probably the greater issue here is not only the billion dollars that has been spent, which could have been better utilized in other areas, but we should be clear that this has nothing to do with gun control. Had the minister responsible paid a little closer attention to the Auditor General's report, he would have noticed that the Auditor General clearly stated that the rationale behind the audit was to flesh out the cost of implementation, not whether gun control was the issue.

Unfortunately for Canadians, the audit remains inconclusive because financial information from the minister's department was not forthcoming, and is still not forthcoming. We could not get it at committee or at public accounts. We have tried several different ways to get this information but obviously the minister does not have to share that information with Canadians because the government is too arrogant to understand that Canadians count, that voters are important and that they have a right to know what is going on behind closed doors. This audit, which remains inconclusive because financial information from the minister's department was not forthcoming, found the problem more serious than simple cost overruns.

The Auditor General stated:

> The issue here is not gun control. And it's not even astronomical cost overruns, although those are serious. What's really inexcusable is that Parliament was in the dark.

The government has learned nothing. That it has taken the $72 million it lost out of the existing operation appropriations to manage the shortfall in the program resources is again unacceptable. The majority of Canadians are in favour of gun safety. What they are not in favour of is more Liberal rhetoric about how the program saves lives. It does not. The 13% increase in homicides with firearms over the last four years show us that no lives have been saved. To suggest that this ineffective registry would make our streets or communities safer is a misnomer.

When questioned about where the money has been spent in the past, the government has told us not to worry about it, that it has everything under control. Liberal transparency is simply not enough. The former minister of justice shirked his duties when he convinced his cabinet that this program would save lives and plowed ahead with implementation anyway. When it became evident that this program was fatally flawed, the next minister covered it up and they back channelled money through the supplementary estimates. We have had this debate and I suspect we will have this debate again, but it is back in the House with the government members ready to close their eyes and stand and vote in support of the unsupportable.

Now we have another minister telling us to trust him. However I can say that one party in the House, the Progressive Conservative Party, has no intention of trusting this minister, or perhaps a new minister or any of the government ministers on this bill. Where did they gain the trust of Canadians on a cost overrun of $1 billion, on a propaganda war of misinformation? What part of that equation gained the trust of Canadians? What part of the registry has worked? No part that they have touched has worked.

Regarding safe handling and safe storage, yes, most of us are in agreement that it has worked quite well but the long gun registry has not worked. It cannot work and it will not work because the government will never convince all Canadians to sign up for it. There are hundreds of thousands of Canadians who are in contravention of the law today and they will stay there. They are not registering their long guns.

Will it put this to the solicitor general's department at some stage, go out and arrest all these people and fill the prisons and the jail system with them? Maybe it will make a special internment camp somewhere. It is absolutely ridiculous, shameful actually.

● (1635)

We can get into the war of words on whether it is a point of precedence, point of order or procedure, how Mr. Fraser ruled or did not rule or how Speaker Milliken ruled but surely that is not the point.

Surely the point here today is that this is flawed legislation. We have a responsibility in this place, all members in the opposition and members of the government, to throw it out of the House because it has not worked. It has been part of a propaganda war of misinformation that the government excels at. The issue here is to throw the entire bill out on the merits of the bill, not on the question, in my opinion at least, of whether the point of order may or may not have been correct.

Is the amendment incorrect is the issue. It is not whether the Senate has the right. It has done it. The Speaker has ruled on it. We have it in front of us. Let us get rid of the bill on the basis of the poor quality of the bill, on basis that the government has misled the public and on the basis that the government should be ashamed that it has not done better to protect Canadians.

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, by dividing Bill C-15B the question really becomes: How was it divided and why was it divided? The answer has to be rooted in Bill C-15B being inherently flawed and should simply be thrown out or not divided at all.

Because of the confusion of the Senate and the House and the delays, will the upcoming July 1 deadline for registering shotguns be once again delayed or will the government finally give in and throw out the registry of long arms altogether? What does my hon. colleague say to that?

Mr. Gerald Keddy: Mr. Speaker, I appreciate the question. I am not in disagreement with the premise of the question but I think it is wishful thinking because I do not think the government is willing to change it. It will allow the split and it will force its members to vote for the bill.

I do not know if we can get everyone in agreement on the opposition side of the House. Hopefully some of the government members with backbone will actually stand up and vote against it, not just not show up for the vote but will do what they said they would.

I remember the Solicitor General, when he was a backbench member of Parliament, had a lot to say about the gun registry. He was quite vocal in his outside in the foyer behind the curtains lobby against the gun registry. It seems that he has had a change of heart. It seems that something has taken precedence over his objection to the registry.

Mr. Pat Martin: Somebody changed his heart for him.

Mr. Gerald Keddy: Perhaps someone did change his heart for him.

It is time that the members stopped saying one thing and doing another. We have a responsibility as members of Parliament to oppose this legislation, exactly as the member said, because it is a flawed piece of legislation and does not deserve the consent of the House.

● (1640)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I found it interesting that the member started off his speech by chastising those members who were supporting the amendment that would throw out Bill C-10, which has been split by the Senate.

In his comments, he chastised members who said we should try to have it thrown out based on the fact that it was inappropriate for the Senate to split the bill. At the same time, he just admitted in his debate that if we just opposed the bill based on its content because it is a bad bill, we in the opposition would never win, that it would be supported by the government and passed anyway. I find his argument on that a little hard to understand.

I think it is important, in fact, that the Speaker's ruling on this bill was based on a precedent set in the 1940s. I would like to ask the member whether he does not think that what Canadians would accept now in terms of democratic process is quite different from what Canadians would have accepted back in the 1940s in terms of democratic process. I believe that in a modern democracy people expect a lot more democratic process and do not believe the Senate should be interfering in this way. Even though the precedent is there, I think the times have changed, so maybe the precedent is not in tune with modern times. I would like to ask the member that.

The member also said that we should oppose this based on content and yet I did not hear him comment much on the content. As a final question, I would ask the member how he squares his current position on this with the fact that a former Conservative government passed Bill C-17, which was a bill that started this whole process in the wrong way in terms of the registry and so on, and—

The Acting Speaker (Mr. Bélair): Order, please. I interrupt just in case somebody else has a question. The hon. member for South Shore. I may come back to the member.

Mr. Gerald Keddy: Mr. Speaker, 75 questions and no answers, I guess, but I will give an answer pretty quickly. If we want to talk about precedents, I am always amazed at the Alliance discussion about grassroots because the precedent of where that came from is just very good for the Alliance Party. The precedent of where grassroots came from is King John's knights standing on the grass sod at Runnymede and I suggest that it has very little to do with grassroots today. On the precedent coming out of 1941, to Speaker Fraser's ruling in 1988, to the ruling by Speaker Milliken, I will stand by my point: It is very clear.

He can waste time discussing that if he wants. The Speakers have ruled on it and they have agreed that the Senate has a right to split a bill. I find that the precedent from the party that says it would like Senate reform but does not want to give the Senate any more powers is amazing. I would say the same thing to my NDP colleague. They cannot have it both ways.

I am not willing and do not want to waste my time debating the precedent of whether or not the Senate had the right to split the bill and send it back. It has been done. I want it debated on the fact that it is a poor piece of legislation. It is not worth the paper it is written on and it is high time we did something to throw it out of here besides waste words.

● (1645)

Mr. Leon Benoit: Mr. Speaker, I find it interesting that the member is calling for the Senate to be given more power although the Senate is a non-democratic body, with members appointed by the Prime Minister. It is completely non-democratic.

Does the member not think that a more appropriate way of reforming the Senate would be along the lines of what has been proposed by the Canadian Alliance, where, once the senators are elected, then we talk about making sure they have the appropriate powers to provide a check and balance based on regional differences and minority rights? Does he not think that is the way to go rather than the way he is suggesting, which is to give them more power as non-elected senators, then at some time in the future make it votable?

I would also like him to comment on why fully half of his caucus, back when this bill was put through, did not come out against this bill. Fully half his caucus did not come out against this bill when it was passed.

Mr. Gerald Keddy: Mr. Speaker, somehow or another, when one misleads the House like that there should be some responsibility on one's shoulders. Because Bill C-17 had nothing to—

Some hon. members: Oh, oh.

The Acting Speaker (Mr. Bélair): Order, please. I think the hon. member has been here long enough to realize that the last words he has just spoken are unparliamentary. I would like to ask him to withdraw them, please.

Mr. Gerald Keddy: Absolutely, Mr. Speaker, I would not want to be in contradiction of the House and certainly would withdraw those last words.

In answer to the question, this is what happens with the bill: We get off on Senate reform instead of dealing with the issue. Deal with the issue. The issue is gun control. The specific question was whether or not Bill C-17 was a good bill, versus Bill C-68. I think the hon. member would go back to the provisions of Bill C-17 in a heartbeat, because it had safe handling and safe storage and that is what gun control is all about. It is not about the long gun registry, which has proven ineffective and absolutely does not work.

As for saying that somehow this is a Tory bill, this is a bill that was brought in by the Liberals. We had a gun control bill, thank you very much, which was working quite well. It provided for licensing and provided for courses. It put better hunters in the field, because I happen to meet them when I am out there. And it provided for safe storage and safe handling. That is the key to the bill.

This foolishness about a long gun registry that somehow makes people feel better has nothing to do with gun control and obviously the Alliance Party has not figured that out yet.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, this afternoon I want to address the bill. We have raised various objections to the government even introducing this in the way that it has, but I want to go on to address some of the key and fundamental flaws and problems with this entire issue before us. First I want to give some reasons for why in Bill C-10A, which is an amendment to the original Bill C-68, introduced and passed with invoking closure back in 1995, there are serious flaws, with the government tinkering with this at this point. It is not nearly good enough and will not do anything to suddenly make this gun control.

No matter what the government says, Bill C-68, which was passed in 1995, is not gun control. Let us remember that through this entire debate. It is not improving public safety in any measurable way. It is not reducing crime. It is not doing any of the things that the government claimed it would do for the cost to taxpayers, for the original $2 million. It has gone 500 times over cost, maybe even more according to the Auditor General, and it is not accomplishing what the government wants.

The reason I want to deal with this is that, first of all, this bill, Bill C-10A, should be sent back to the Senate, the other place, as we often refer to it, for more sober second thought.

Let us look at the history of this particular bill before us now, these amendments. The House of Commons really has the authority to split bills. The Senate does not have that authority. The question the government has to ask is this: If we do not follow our Constitution, which guides us, why do we even have a Constitution? That, to me, is something that we cannot override. I know that the government is asking us to vote on whether we can remove our privileges. We cannot vote to remove the privileges of members of the House of Commons. That is against all parliamentary practice. That should never be allowed and the government is getting away with it, claiming, as I just heard members say, that it is allowed, it is fine. Many people rise as individuals on questions of privilege because the government cannot vote to take away those privileges.

The second point I would like to make with regard to why the bill should be sent back to the Senate is that the amendments to the Firearms Act contained in Bill C-10A are more than two years old and do not even come close to addressing all the problems, all the amendments, all the things that have been identified in the last two years as huge problems with the firearms registry. They do not do any of that.

That is why the bill should be sent back. That is why the whole thing should be scrapped: because the problems with the Firearms Act are not addressed by Bill C-10A, the bill that is now before us which the government would like to push through. The government does not want to go through all the stages of the bill, because if it did, more and more problems would be highlighted. It does not want to send it back to the committee stage so witnesses can come forward and point out the huge problems with the Firearms Act.

That is why the government wants us to ram it through right now. That is why it wants us to go against our privileges and go through the various stages of the bill. It does not want the bill to go back to committee to have the experts who know how the bill is unfolding come to that committee and say, "These amendments in Bill C-10A do not address the problems". That is why this thing should be withdrawn, taken off the table and done away with.

Let us look at what the Auditor General said on the cost of implementing the Canadian firearms program. Her report highlights some of the huge problems. Let us look at the error rate she identified. The Auditor General quoted various experts who have studied this and who say that the error rate is up to 90% on the registration certificates that are sent in; 90% of them contain errors.

That is not addressed in this bill. This is the biggest garbage collection system in the nation, and the most expensive, and the bill does not address that. Why are we even dealing with the bill if it does not address the huge problems with that? All we have to do is look at the RCMP's Canadian firearms program report for the information that verifies what I just said.

● (1650)

The government scrapped the whole verification process that was supposed to ensure that the information collected was accurate. It did it for the first million registration certificate applications but after that it was scrapped. We now have five million firearms in the registry with inaccurate information. The police cannot rely on it. It is garbage in garbage out. That is another problem that has not been addressed by Bill C-10A but there are many others.

The privacy commissioner put out a report entitled "Review of the Personal Information Handling Practices of the Canadian Firearms Program". He chastized the government for the huge problems it has caused and for the violation of the privacy rights of all Canadians. The government did not address any of that in Bill C-10A. Why are we dealing with that today if the bill is totally inadequate in addressing some of the concerns brought forward?

I know my time is limited but I want to deal with as many issues as I can because they are all important.

Bill C-10A does not include some of the most important amendments needed to track high risk persons. While the government is spending hundreds of millions of dollars tracking down law-abiding firearms owners, such as duck hunters, sport shooters, people who use firearms in a recreational and healthy way, it does not track true criminals.

There are 131,000 people in this country who have been prohibited from owning firearms. The government has not even bothered to ask the police to see if those individuals have firearms. It does not enforce laws already on the books and now it has a totally ineffective gun registry.

I listened to the justice minister as he answered my questions in question period. He said that the firearms registry was a huge success when in fact the licensing provisions in it have denied 9,000 people permission to buy a firearm. He did not mention the 131,000 people have been denied that privilege and nobody has even checked on them. They do not even have to report a change of address. However law-abiding gun owners have to report their change of address within one month or they could face up to two years in jail. None of these huge problems are addressed in the bill.

As the Canadian Alliance has said all along, the bill goes after the wrong people in society. Why do we not go after the criminal in society rather than law-abiding people?

Another problem with the bill is that the amendments to the Firearms Act do not address the amendments recommended and accepted by the justice minister in the Hession report. The justice minister made a huge issue of the fact that he would do an internal audit of the firearms registry. After the Auditor General released her report on December 3, 2002, he made a big deal about reviewing it and bringing forward proposals to make it work.

Bill C-10A has been back and forth from the House of Commons to the Senate and none of the things that Mr. Hession identified are in the bill. Why are we even debating this today? The bill is old. The problems that have come forth in the firearms registry have not been addressed in it and yet the minister has claimed that somehow it will improve things.

The amendments in Bill C-10A to the Firearms Act do not meet the requirements to implement the justice minister's action plan. The government announced recently that it wants to transfer the Canadian firearms program from the justice department to the Solicitor General's department. Is there anything in the bill in regard to that? No. The government is violating its own rules. There is no provision in government for this to happen.

The section of Bill C-68 dealing with firearms defines the federal minister as the Minister of Justice. The Firearms Act is riddled with references to the federal minister and his authority under the act, the regulations, orders in council, safety course forms and even the appointment of the new commissioner of the firearms registry in Bill C-10A. All of this is in the bill but the government has announced that it will be transferred to the Solicitor General. Will it bring in another bill immediately following this one? Why not withdraw this and do things properly.

● (1655)

The House of Commons voted five times on Bill C-68: at second reading, at report state, third reading and on two time allocation motions. The Standing Committee on Justice spent weeks studying and reporting to Bill C-68, many of which were rejected by the justice department, but a change to the definition of federal minister was never suggested or considered.

The clear intent of the government was that the firearms program be administered by the justice department. If the government wants to transfer administration of the Firearms Act to another minister, it must be brought back before the House for a full debate of why the program will be better administered by the same people working under yet under another minister. All the government is doing is changing the name plates on the doors but it still requires an amendment in the House to do that.

The sixth issue that I bring forward is that the amendments to the Firearms Act in Bill C-10A do not address the 250 amendments proposed to Bill C-68 in 1995 by the then Reform Party in the report stage debate. All of them were rejected by the government. In hindsight, the government should have accepted those. It still has not. It has not fixed what is broken.

Today in my office we received 517 pages of briefing notes prepared for the Minister of Justice. Here are some of the quotes about Bill C-10 contained in them. I would like to read them.

In the notes dated October 18, 2002, and provided to the minister in preparation for his meeting with the Quebec minister of justice, under the section entitled Bill C-10A, it states:

> The legislation will consolidate the operation of the Program at the federal level under a Commissioner of Firearms, incorporate the firearms registry under the Minister of Justice and enable Canada to meet international obligations under the United Nations Protocol and the OAS Firearms Convention.

My question for the justice minister or the Solicitor General is: Why is the minister now saying that he is going to transfer the gun registry to the Solicitor General? Why is this transfer not made in Bill C-10A?

Another point in regard to what we found in these briefing notes reads:

> In the "approved" copy of the Justice Minister's 'opening remarks' concerning the amendments in Bill C-10 to the Senate Committee on Legal and Constitutional Affairs dated October 24, 2002 it states: "We are consolidating the statutory authority for all administration under a Canadian Firearms Commissioner who will report directly to the Minister of Justice".

The question that needs to be answered is: Why has the minister changed his mind since he told the Senate this? Why is the government proposing now to consolidate the statutory authority under the Solicitor General? The government is changing its mind constantly and none of that is reflected in the bill.

The e-mail goes on to state:

> In the "revised 02-10-23" version of the "questions and answers C-10 amendments on firearms", question #6 states: "Why have a Firearms Commissioner and how will this change the RCMP's involvement in the program?"

The next question is:

> Consolidating administrative authority for all operations under a Canadian Firearms Commissioner would ensure more direct accountability to the Justice Minister, who will remain responsible to Parliament for the program. This would in turn enhance financial accountability.

The question we have to ask is: Do we know how financially accountable the justice minister has been? The Auditor General has told us and I think that is quite clear. The justice minister still has not told us how much the gun registry has cost to date or how much it will cost to fully implement. His Plans and Priorities report tabled in the House was filled with 105 blanks; an unbelievable report that he has put forward. In many areas costs are totally unaccounted for.

Why has the Justice Minister changed his mind since the end of October? How will the amendments in Bill C-10A make the Solicitor General any more accountable to Parliament than the justice minister?

I would now like to go on to the second part of my intervention today. I have 14 questions that the justice minister must answer before Parliament and must give before Parliament before we proceed with the legislation. I will go through these in the next few minutes.

Speaker's Ruling

● (1700)

The first question the justice minister should ask before we proceed with Bill C-10A is this. The poorly worded Firearms Act amendments proposed in Bill C-10A were first introduced in the House two years ago. Many things have changed in the last two years, including recommendations from Mr. Hession calling for even more amendments to streamline the gun registry operation. Why not just put all the amendments from the minister's upcoming action plan into one new bill and let the House debate them all at once? Why do it in this manner?

The next question I would like to ask is this. The lawyers in the Library of Parliament and witnesses appearing before the justice committee exposed some serious ambiguity if the new definition of muzzle velocity and muzzle energy in Bill C-10A is implemented. The justice minister refused to consider a simple amendment to remove the confusion. Why will the minister not ask the Senate to pass this simple amendment when it reports its amendments to the cruelty to animals sections? Why did it not put that in before it reported this back to the House?

The next question is this. Since Bill C-68 came into force in December 1998, the government has passed six amnesties for the tens of thousands of banned short-barrelled handguns covered by the amendments in Bill C-10A, proving once again that these banned firearms are not dangerous at all when in the hands of their licensed owners. Considering Mr. Hession's recommendations for more amendments to streamline handgun ownership and transportation, why does the government not just introduce a new bill so Parliament can debate all the amendments to Bill C-68 all at once?

My fourth question that the justice minister should answer before we pass this is this. RCMP testing has confirmed that many air guns, pellet guns and even some BB guns exceed both the muzzle energy and muzzle velocity requirements in Bill C-10A and will have to be registered just as soon as Bill C-10A is proclaimed. How many millions of air guns, pellet guns and BB guns will now have to be registered and how much will it cost to register them? The justice minister should answer that question. He has avoided this at every opportunity he has had to answer it, and yet it is a key question.

How many criminals will this create when this is passed? People who have purchased air guns, pellet guns and BB guns, which will now, with the new definition contained here, have to be registered, will not even have obtained a firearms licence, and cannot, if they are in possession of one of these firearms, with the way Bill C-68, the Firearms Act, is worded, and will become criminals.

The fifth question I would like to ask is this. There may be as many as one million air gun and pellet gun owners. Has the government notified those people? What will the government do with them? Has it notified them that their guns will have to be registered and they have to get a licence? How will that all work? There may be as many as one million air gun and pellet gun owners in Canada. Not only do most of them not know that their pellet guns are about to become firearms that need to be registered, but they do not know how to do it or what the whole process is. How does the justice minister plan to deal with this huge problem?

The next question is this. The way the Firearms Act is currently worded, it does not permit anyone to register a firearm that is currently unregistered unless they hold a valid firearms licence and sent a letter of intent to the justice minister before December 31. Owners of these air guns and pellet guns did not know before now that some of their guns needed to be registered. What amendments are needed in order to allow these newly minted gun owners to licence themselves and register their air guns? How is that going to happen?

None of that is addressed in Bill C-10A. It is an extremely flawed bill and that is why the Canadian Alliance opposes it.

Based upon the new definition of a firearm as contained in Bill C-10A, how many millions more will it cost taxpayers to licence all these air guns and pellet guns? How much will it cost? The justice minister should answer that.

The RCMP testing has confirmed that many of the air guns, pellet guns and even some BB guns exceed the muzzle energy and muzzle velocity required in the new Bill C-10A. What has the government done to deal with the issue and to inform gun owners?

● (1705)

What has the government done to deal with the issue, to inform gun owners?

Mr. Speaker, I have a great deal more I need to relate on this. I hope at some point I will be able to do that. I would like to propose an amendment at this time. I move:

> That the amendment be amended by inserting after the words "by the Senate" in the last line of the first paragraph of the amendment the words "goes beyond the authority of the Senate and".

The Speaker: The question therefore is on the amendment to the amendment.

There will be a 10 minute question and comment period for the hon. member in a moment, but I am going to deliver a ruling on another matter.

* * *

[*Translation*]

POINT OF ORDER

STANDING COMMITTEE ON ABORIGINAL AFFAIRS, NORTHERN DEVELOPMENT AND NATURAL RESOURCES

The Speaker: I now want to rule on the point of order raised on April 3, 2003 by the hon. member for Saint-Hyacinthe—Bagot, concerning events that took place at the April 2, 2003 meeting of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources. I believe that there is some urgency to this decision since it may have some bearing on the work that the committee intends to take up this week.

● (1710)

[*English*]

I would like to begin by thanking the hon. member for Saint-Hyacinthe—Bagot for having raised this matter, as well as the hon. member for Winnipeg Centre, the hon. government House leader, the hon. member for Athabasca and the hon. member for West Vancouver—Sunshine Coast for their interventions. I also want to thank the hon. member for Nickel Belt for rising this morning to address this situation.

[*Translation*]

The hon. member for Saint-Hyacinthe—Bagot identified two issues relating to the proceedings in the Aboriginal Affairs, Northern Development Natural Resources Committee at its meeting of April 2, 2003. First, he claimed that the chair of the committee had permitted the moving of the previous question on a point of order, while another member of the committee had the floor. The hon. member protested that it was contrary to our rules to permit the moving of a motion on a point of order and that, further, the previous question is not admissible in committee.

Secondly, he raised the issue of the use of unparliamentary language by the Chair of the Aboriginal Affairs and Northern Development Committee.

[*English*]

The hon. member for Winnipeg Centre presented a slightly different version of the events, pointing out that while the chair had in fact ruled the previous question to be inadmissible, he had also invited the committee to challenge his ruling. The ruling was challenged and overturned. The hon. member for Athabasca indicated his agreement with this account of the committee's proceedings.

[*Translation*]

The hon. government House leader, who was not present at the meeting, referred the House to *House of Commons Procedure and Practice*, page 647, which describes occasions on which committee chairs were forced to intervene to overrule obstructive tactics in committee. Based on these earlier events, which he characterized as precedents, he claimed that the Chair of the Aboriginal Affairs, Northern Development and Natural Resources Committee had acted properly. He also stated that the intention of the motion that the committee was studying was to end a filibuster and not to curtail the study of the bill. He concluded by suggesting that the procedural issues raised in this case might be a subject that the Special Committee on the Modernization of the Rules and Procedures of the House of Commons should examine.

[*English*]

The hon. member for West Vancouver—Sunshine Coast offered the opinion that in fact the chair of the committee had not ruled the motion for the previous question out of order but had only drawn the attention of the committee to the fact that it was inadmissible. On that basis, he felt that no grounds existed for a challenge of the chair's ruling because no ruling had been given.

Speaker's Ruling

[*Translation*]

First, I must say that the Chair is somewhat perplexed at the situation before us in that the behaviour complained of occurred in a committee that was meeting in camera. Your Speaker has no way of corroborating the allegations of hon. members because I have no access to the verbatim transcript of the committee. So I am simply taking the word of the hon. members who have addressed these issues. I need hardly remind all hon. members that proceedings in camera are to be held in confidence and ought not to be discussed outside the confines of the meeting.

That said, it is, I think, advisable, to remind the House of our usual practice with respect to procedural irregularities in a committee. Marleau and Montpetit, page 858, states:

> If a committee desires that some action be taken against those disrupting its proceedings, it must report the situation to the House.

At page 128, we read:

> Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee which directly deals with the matter and not as a question of privilege raised by an individual member.

With respect to the issue of the use of unparliamentary language, the Chair must say that if the language actually used is as bad as has been stated, then it certainly would not be tolerated in this chamber. That said, I must point out that this is a matter that must be dealt with in the committee. Order and decorum in committee is an internal matter and the judgment of what is or is not acceptable must be made there. I know that the House is aware that the hon. member for Nickel Belt has withdrawn the remarks complained of and has apologized to all members of this House, especially to members of the standing committee, for the language he used in the heat of the moment.

While the Chair appreciates this apology—as, I am sure, do all hon. members—I would, with respect, suggest that it is in the committee that this issue needs to be settled and it is there that the relationship between the chair of the committee and the hon. member for Saint-Hyacinthe—Bagot ought to be repaired.

In the case before us, there has been as yet no report from the committee. As well, the matters raised by the hon. member for St.-Hyacinthe—Bagot have been brought forward as a point of order, rather than a question of privilege. The reluctance of previous Speakers, and of myself on earlier occasions, to intervene in the business of committees is procedurally well founded. At the same time, as the last citation from Marleau and Montpetit points out, it is not an absolute rule but depends on the severity of the situation.

● (1715)

[*English*]

Let us examine the procedural rules at issue here. First, as was indicated by several members, our practice does not permit the moving of the previous question in committee. This is clearly indicated in *House of Commons Procedure and Practice* at page 456 and at page 786.

[*Translation*]

We also recognize in our practice that committees are masters of their own proceedings. In the present case, the Speaker has been told that the committee was deliberating on a motion to apportion speaking time during its consideration of a bill referred to it by the House. Deliberations on a motion of this kind are fully within the powers of the committee and have not been questioned.

[*English*]

Marleau and Montpetit at pages 855 and 856 states:

> Generally, the length of time to be devoted to a particular topic is a matter for the committee to decide....As there is no limit in committee to the number of times of speaking or the length of speeches, committees may, if they choose, place limits on their own deliberations.

[*Translation*]

That being said, committees are also expected to adopt any such limits in a regular and procedurally acceptable manner. Speaker Fraser in a ruling given on March 26, 1990, at p. 9758 of Debates said:

> —chairmen ought to be mindful of their responsibilities and make their decisions and rulings within the bounds of the fine balance provided by our rules.
>
> —I would urge all chairmen and members of committees to try and strive mightily to ensure that the general rules of this place are followed as far as is sensible and helpful in those committees.

The House has been told that the Chair of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources ruled a motion for the previous question inadmissible. This, as should be clear from what I have said, was in conformity with our rules and practices.

The Chair's decision was appealed from and the committee overturned it. Marleau and Montpetit, p. 857 clearly states:

> While the chair's rulings are not subject to debate, they may be appealed to the committee.

● (1720)

[*English*]

Standing Order 117 reads:

> The Chair of a standing, special or legislative committee shall maintain order in the committee, deciding all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House, on receiving a report thereof.

[*Translation*]

This rule may sometimes place individual committee members in a position where they feel they have no recourse against decisions they consider unfair. While I understand such frustration, the Speaker is certainly not in a position to do anything other than uphold the Standing Orders.

It seems from the facts presented to me, that the events in the committee followed our usual rules and practices at each step. Whether the overall chain of events is entirely satisfactory is a question members may wish to consider separately.

[*English*]

I remind hon. members that the same appeal process which is currently provided for in committee at one time applied to rulings of the Speaker as well. It was only in 1965 that the right to appeal Speakers' rulings was removed from the standing orders. I urge hon. members to see the *Journals* for June 11, 1965 at page 224.

[*Translation*]

The House has recently agreed to the election of committee chairs by secret ballot, a procedure consistent with the manner in which your Speaker is chosen. This process is intended to permit such decisions to be reached free of any outside influence and to ensure that the committee's presiding officer has the complete confidence of the membership.

In light of this change, it may perhaps be an appropriate time for the House to consider whether the rule permitting appeals from the chair's ruling retains its original justification. As the hon. government House leader suggested, this is a matter that the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons may wish to consider during its study of possible improvements to our rules.

Although I understand the positions that hon. members have taken with respect to events in the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources, I do not think that under our current rules they have reached an extreme that would justify intervention by the Speaker. That is not to say that there may not be procedural difficulties in the committee which need to be addressed by those directly concerned.

There is one final point that I would like to clarify with respect to this incident. In his presentation, the hon. government House leader made reference to earlier cases of similar difficulties in committee. I remind the House that, with respect to the events in the Standing Committee on Finance in 1990, the committee did report on the matter to the House and it was referred to the privileges and elections committee for consideration of the procedural difficulties that it presented.

With respect to the proceedings in the Standing Committee on Finance, Speaker Fraser stated (Debates, March 26, 1990, p. 9757):

> I would caution members, however, in referring to this as a precedent. What occurred was merely a series of events and decisions made by the majority in a committee. Neither this House nor the Speaker gave the incidents any value whatsoever in procedural terms. One must exercise caution in attaching guiding procedural flags to such incidents and happenings.

[*English*]

Your Speaker is of the same view as Mr. Speaker Fraser on this point. I do not regard the present case to constitute a precedent by which future committee chairs should be guided, any more than the events which took place in 1984 or 1990.

[*Translation*]

I appreciate the hon. members' indulgence.

GOVERNMENT ORDERS

● (1725)

[*English*]

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

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-10, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, and of the amendment, and of the amendment to the amendment.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, I listened intently to my colleague for Yorkton—Melville on his concerns with Bill C-10A. On one of them, the point he stressed was that Bill C-10A is now two years out of date.

Having said that, I know that since that time we have somewhere in the neighbourhood of eight provinces and three territories that say they want nothing to do with it. We have five provinces and three territories that took it to the Supreme Court. We have the Inuit with an exemption from the firearms legislation. We have the FSIN from Saskatchewan saying they are taking a court challenge to the Supreme Court.

I am wondering how, then, any of this will come to bear. Has any of this been addressed in Bill C-10A, this huge public outcry that this is not effective legislation? Would the member care to comment on that?

Mr. Garry Breitkreuz: Mr. Speaker, the answer, of course, is that it is not addressed in the bill. We now have provinces that have taken a close look at this in the last few years. Eight provinces and territories do not want to have anything to do with it. There are only two provinces left, Quebec and Prince Edward Island, that are trying to co-operate with the federal government in implementing the firearms registry. That is a huge problem for the government.

It begs the question: If there are this many provinces and territories that do not want to have anything to do with the firearms registry, why on God's green earth is the government still plowing ahead with the proposed legislation? Do these provinces and territories not care about public safety? Do they not want to put in place laws that are going to be helpful to the people of this country? If there are that many people objecting to this and there is a criminal law that exempts certain segments of the population, that criminal law ought to be scrapped. That should be self-evident. Why are we continuing to go ahead with something like this?

These amendments do not address some of the huge problems that we see in the bill.

In fact, we have the government saying, "Canadians still support us", but there now are polls being done that indicate the complete opposite.

The other day the government claimed that Canadians support it. An Environics poll said that 53% of Canadians supported the firearms registry. I was asked to go on national television to respond to that poll. Before I would go on, I said I wanted to see the questions asked in this poll that showed Canadians wanted the firearms registry. At first, they refused to even let me see those questions, but I demanded it, saying that before I would go on and face a Liberal MP I wanted to know what those questions were all about.

Had I known I would be asked this question, I would have had them in front of me. I discovered in reviewing those questions that in fact the government had asked a whole series of questions like the following. "Do you support safe storage of firearms?" "Do you support the gun registry?" That was mixed in there. "Do you support safety courses that firearms owners should be asked to take?" They were asked if they supported a whole bunch of things, all in one question. If I were faced with that I would have to answer yes, and I know what a huge boondoggle the firearms fiasco is. Yet the government then appeals to that particular question as huge support for the gun registry when in fact that is not what the question was really about. Then it went on to a second question that again mixed up several things and the government says, "This is support for our firearms registry".

There is not public support for the firearms registry once the public knows what it is. The government calls this a gun control bill. When the public discovers that it has nothing to do with gun control, that it is merely a gun registry, that it is merely laying a piece of paper beside every firearm in the country, they do not support it any longer. When the public is asked the question in a poll, "do you support gun control?", in essence, we all do, but the firearms registry is not gun control.

As the hon. member just asked me about, that is why the provinces and territories said, "Get rid of this and give us more money to put police on the street". We could put up to 12,000 police on the streets of this country and that would improve public safety. It has been demonstrated by other governments that this actually works in reducing crime. That is at the heart of the question. What is cost effective? What really works to reduce crime?

The previous finance minister, the member for LaSalle—Émard, approved the spending for this entire program without giving us a cost benefit analysis. In fact, he violated the government's own guidelines. The Treasury Board guidelines mandate that before a big new program like this we should have a cost benefit analysis: Is it going to improve public safety and is it going to be cost effective in doing that? That is why the provinces and territories are saying, "Scrap this program. We need effective measures to reduce crime and improve public safety".

● (1730)

I could go on and on. The bill shows the lack of consultation on the part of the government. It rammed ahead a piece of legislation that is now seriously flawed. The bottom line is that these amendments do not correct the huge deficiencies in Bill C-68. They do not make it gun control.

That is why the Canadian Alliance is going to oppose this. It is just a waste of taxpayers' hard-earned money.

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, my hon. colleague previously mentioned the point that a person might receive two years in jail for simply not reporting a change of address. Further in his speech my hon. colleague talked about other guns, such as air guns and pellet guns. He suggested there are one million pellet gun owners in Canada. I am one of them and perhaps many here in the House own a pellet gun.

The problem with the pellet guns is they are not all marked as far as the velocity goes. How many of those one million people would actually know that they are to register something as seemingly innocuous as a pellet gun? In reality what perhaps would be a larger more serious threat would be a flare gun and there is no call for registering flare guns at all. As well there is no call to register many other items. However pellet guns are to be under Bill C-10 and perhaps would bring one million Canadians, for the first time in their lives, under the peril of breaking a law that they would be doing quite innocently.

The question I would like to ask my hon. colleague is about pellet guns and of course I mentioned flare guns. Perhaps he could expand on more problems with this and tell us all about some of the other problems he envisions with this bill so we could all be informed.

Mr. Garry Breitkreuz: Mr. Speaker, the member has raised an issue that strikes at the very heart of the problems with this bill.

The bill criminalizes people who are not criminals. That is the bottom line and it is what we need to be talking about today. That is why police on the street, the people who have to deal with the public, are beginning to come forth to say scrap the bill.

This is just one example of the difficulty it is going to create for them. Law-abiding citizens will suddenly have to be charged under the Criminal Code, firearms act, for possessing an unregistered BB gun, pellet gun or air rifle and they do not even know it at this point.

The president of the Canadian Police Association said that because of this bill the good relationship the police have enjoyed with the citizens of the country is being violated. It is destroying that trust relationship. He went on to explain that the police cannot do their work properly because of C-68. The vast majority of people, almost 100% of the citizens of the country, have to agree with criminal law in order for the police to properly enforce it. This law, he said, is beginning to destroy that trust relationship that has to exist between the police and the people that they are policing.

What this whole thing with air guns and BB guns raises is that now we will be criminalizing people because they have not done the paperwork, people who have never previously done anything wrong. Because they have not laid a piece of paper beside their firearm, people will suddenly be criminals. That is a serious problem.

Mr. Speaker, I have a question for you. I was going to rise on a point of order, but is it possible that we could have the *Hansard* record show in the House of Commons that there are no Liberal MPs rising to support or oppose the firearms amendments? Is it possible to have the record show that?

● (1735)

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker—

Some hon. members: Oh, oh.

Mr. Robert Lanctôt: I would like to be shown some respect so that I can begin my speech.

Some hon. members: Oh, oh.

The Deputy Speaker: Order, please. The hon. member for Châteauguay.

Mr. Robert Lanctôt: Once again, Mr. Speaker, we have to deal with an issue that we should not even bother with given the way things were done. We all realize that the Senate is going beyond its rights in trying to order the House around.

The Senate is attacking the rights and privileges of this House. As we all know, the Bloc Quebecois believes that the Senate should no longer exist. If the Senate wanted to have some influence over our society, it should have worked a bit harder on the Young Offenders Act, instead of wasting the time of the House today.

Why do I say that? Because now the government has to move a motion to split a bill. In the first session of the 37th Parliament, the bill called Bill C-15 at the time was split into two bills, C-15A and C-15B. Why was it not split in three, if we wanted to deal separately with the issues of sexual abuse against children, cruelty to animals and the Firearms Act? That could have been done. In fact, when the Bloc Quebecois first asked for the bill to be split, it wanted the bill to be split into three.

More and more, the government is introducing so-called omnibus bills. With only one bill, it tries to make significant amendments to several pieces of legislation dealing with various issues that have nothing in common. Provisions in those bills have nothing in common and deal with very different acts.

One instance was during the first session of the 37th Parliament, with bills C-15A and C-15B. Bill C-15A dealt with the sexual exploitation of children, and Bill C-15B dealt with cruelty against animals and amendments to the Firearms Act. Go figure. There was an opportunity, of which the government did not avail itself.

Bill C-15B received all three readings in the House and was referred to the Senate for consideration. It is absolutely ludicrous that we are now required to start all over because the bill should apparently have been divided into Bill C-10A, concerning cruelty to animals, and Bill C-10B, concerning firearms.

I am surprised, and even very disappointed, to notice that the government's motion would allow Bill C-10 to be divided into Bill C-10A and Bill C-10B. As I said earlier, had this been done at the right time, we would not be wasting our time today. The problem is that we have no choice but to consider it because of the demand to divide the bill into Bill C-10A and Bill C-10B.

Today, we are debating an amendment to this motion. This amendment, brought forward by the Canadian Alliance, states:

", in relation to the amendments made by the Senate to Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, this House does not concur with the Senate's division of the Bill into two parts, namely, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), since it is the view of this House that such alteration to Bill C-10 by the Senate is an infringement of the rights and privileges of the House of Commons; and

That this House asks that the Senate consider Bill C-10 in an undivided form; and

That a Message be sent to the Senate to acquaint Their Honours therewith."

We have already debated Bill C-15B, including these two amendments. We have gone through the three readings and, even if the bill is divided, the Bloc's position remains unchanged.

● (1740)

We spoke in committee, we heard witnesses, we held debates in this House, but unfortunately the basic issue was never addressed. Of course, animal protection is important.

It is also important that a bill be drafted, when it comes down to it, according to the standards, and that the bill respect all sides, not just one. Unfortunately, the amendments presented by the Bloc Quebecois relating to animal cruelty, pertinent though they were, would have suited those who wanted to see animals as well as all animal-related industries protected.

As hon. members are aware, it is usually the case, almost with a majority or unanimity, every amendment in this House that is submitted by the Bloc Quebecois during debate is rejected by the government.

We called for changes. Let us make it perfectly clear, we were in agreement with the principle, and still are in agreement with the bill as far as animal cruelty is concerned. What is important to know is that we are in agreement with the new part of the bill that is aimed at protecting animals, because animals are not property. Yet that element was included in a section relating to ownership rights. Imagine that.

Yes, it is high time for a change. Unfortunately, the Bloc Quebecois was not listened to, nor to some extent were all the stakeholders in animal-related industries and those in favour of animal protection who were consulted.

Our amendment was this: to respect the defences contained in section 429 of the Criminal Code, in which there are specific defences, not just those based on the common law in section 8 of the Criminal Code.

We made explicit demands, and I raised these in the House and in committee. I would have liked to have seen the Senate, rather than suggesting that the bill be split and issuing orders to the House, pay some attention to protecting the animal husbandry industry as follows: retaining the rights set out in section 429 and explicitly including them in the new part V.1, with which we agree.

This would take nothing away from the newly created part, with which the Bloc Quebecois agrees, concerning protecting animals from unbelievable cruelty. We see what goes on in kennels all over Canada and Quebec. We see the horrors of puppy mills, the unbelievable sights there.

Legislation can be based on an important principle, but be poorly drafted. What is insulting, is when they try to correct legislation to allow two groups—and these are not two conflicting groups—to protect animals from cruelty. The animal industry itself wants to prevent cruelty to animals. If it does happen, no need to worry; despite these amendments, people who perpetrate cruelty against animals will be found guilty, and we agree that penalties should be stiffer for these people who make the lives of these animals so difficult.

However, the way in which the bill is drafted will allow some groups to perpetrate abuse, because there will be a lack of resources. This is another problem that existed and has not been solved.

When a certain amount of money is provided to the Department of Justice to enforce rights, let us not fool ourselves. When forced to make a choice, attorneys general are not going to ask themselves if they should pursue a case against someone who abused a child or committed a murder, or if they should pursue a case against someone who abused an animal or demonstrated cruelty to an animal.

Unfortunately, if the legislation had been applied properly, we probably would not have to redo it. However, due to a lack of money, we are forced to specify things in the legislation and we have to do this.

● (1745)

We now have to guarantee what has always existed. When I speak of the animal industry, I refer to researchers or to hunters or farmers who kill animals for an industry, such as pork or beef producers, so that we can eat. Not everyone is a vegetarian; some people eat animals, but all is done according to the regulations and standards that this industry must obey. I can tell you that the great majority of those in the animal industry respect these standards. Truly cruel enterprises do exist and might also have been charged, despite the fact that there is a defence under section 429 of the Criminal Code—of course, that was the means of defence—namely colour of right or legal justification or excuse.

We have asked the government why it did not take the means of defence provided in the Criminal Code and include them in part V.1. Section 429 speaks of colour of right and legal justification or excuse, and that applies perfectly to clause 11.

If these allegations or these details are not reproduced in part V.1, we must understand that these defences are no longer explicit. The government says that clause 8, the defence under common law, will apply. In clause 8, what the common law provides are existing defences. If we say that the defences I have mentioned are implicit, why have these defences been explicitly included in section 429?

Legislators do not talk if they have nothing to say. These defences were included in section 429 because they are not implicitly covered in the common law. Now, there is jurisprudence to this effect and we ask, explicitly, that it be included in part V.1, in order to permit the animal industry—those who do things correctly, those who respect the standards, let us be clear—to retain the same means of defence they had in the past and should have in the future.

Unfortunately the Bloc Quebecois was really torn about opposing Bill C-15B concerning cruelty to animals. This is a principle we have been defending since our party started and even before. I would say that, probably, each member of the Bloc Quebecois supports this principle. Now, a title, an extreme is being used to cruelly change all the work that can be done properly by hunters who respect nature and animals or by a research facility that increasingly follows standards.

If this is not the case, the necessary funds should be invested to hire inspectors to check. Money should be invested to do this. If this also applies under Quebec's animal protection legislation, money should be transferred—of course, it is a question of fiscal imbalance—so that we get what is needed and so that the Minister of Justice can enforce the legislation.

What is happening is that this is being replaced by a bad legal principle, and there is an attempt to show that the Bloc Quebecois can be opposed to the cruelty against animals legislation, which is included in the Criminal Code. Frankly, this is called being seriously off track. It is essential to respect those in the industry who are correctly handling animals.

The Criminal Code, as amended, with the bill, naturally, but also with the amendments proposed by the Bloc Quebecois, would have teeth and result in legislation with harsher sanctions for those committing acts of cruelty toward animals, while protecting those working in the animal-related industry.

● (1750)

The possibility that this defence will no longer be available remains. Can we afford to take that risk? If the government does not understand this and tells us that its intention is not to harm the animal husbandry industry, why does it not explicitly set out these means of defence which, it claims, are implicitly protected?

The means of defence in section 429 have not been transferred to the new part. It will no longer be the same means of defence that will apply. It is as simple as that.

I have met at my office with the presidents of several associations. When I explained my position, and that of the Bloc Quebecois, to them, they had no problem understanding it. They agreed that there was a problem and that they were going very far, saying, "We will go along with it, of course. They are going farther than we asked. We will take advantage of it. A judge cannot act *ultra vires*, but if legislation leading to 21 judgments is enacted, we will use it". I can understand them; I would do the same.

Our job, however, as representatives of the people in our ridings, be it in Quebec or anywhere in Canada, is to scrutinize legislation before it is implemented, and that is what we are doing. In my opinion, it is unfortunate that, instead of amending legislation to improve it, there is a tendency to associate amendments to parties, and if an amendment is put forward by a certain party, it is rejected.

I would go so far as to say that, at the clause by clause stage, when witnesses were heard, government members of the Standing Committee on Justice and Human Rights—I would like them to read what they said—supported this approach. Unfortunately, members know how it is. That day, many Liberals were in attendance, and they voted down our amendments designed to prevent cruelty against animals and protect the entire animal husbandry industry. I find that incredible.

Today, what the Senate is asking us to do is to divide a bill into two, instead of considering the importance of this bill.

I must speak to the section of Bill C-10 that addresses firearms. Once again, the government made use of Quebec and even the SQ to establish a firearms registry. Individually, we believe in it, but we are forced to say whether it is good or not because of the administration of this government. It is not that the registry is no good, it is their administration.

The Minister of Justice tells us that any registration program will cost $1 billion. Really now, we are anxious to see the figures. We are told we have them. Once again, with this bill, as with the section dealing with animal cruelty, we are torn.

Why are we obliged to vote against this bill? Because with this bill—and I must explain this quickly—the chief firearms officers are losing all of their powers. Everything pertaining to licence issuing in Quebec is being changed.

Probably, the federal government with its desire to appropriate all powers to itself, will then want to privatize the entire system. Then they will be saying, "Look at what we have done. We have brought all this over to the central government. It will cost less and we will then contract it out".

This is a way of concealing the fact that it has used the people of Quebec and their skills in setting up this registry. The one in Quebec is working very well. Today they want to appropriate all of the powers and return them to the commissioner, instead of leaving them with the chief firearms officer and the SQ. I trust the funding agreements with Quebec will be forthcoming as soon as possible.

● (1755)

[*English*]

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I have to admit this is the first time I have heard that Quebec has a registry or would support a registry within the province.

One of the points that a good number of us from out west in rural Canada submitted was that if individual provinces or even municipalities felt they needed a bylaw in place to keep track of the firearms, they could go that route but it should not be something imposed on the entire nation.

I am curious as to how the registry operates in Quebec and whether or not there is a cost in place for the registry.

[*Translation*]

Mr. Robert Lanctôt: Mr. Speaker, that is what happens when we run out of time. There is no Quebec firearms registry. The firearms registry is federal, but, in Quebec, it operates under the chief firearms officer. Quebec was involved in the implementation of the registry. It issues all the required licences, as do all the provinces that have agreed to do so.

The problem is as follows: money needs to be transferred to the provinces and funding agreements have to be reached. Why are we talking about money today after setting up a federal registry?

A registry does not operate on its own. Firearms have to be registered, licences have to be issued and a chief firearms officer has to be appointed. The Quebec police also needs to go over all the records and the problems related to the criminal use of firearms.

These are the administrative issues for which Quebec needs to negotiate some kind of agreement. Elsewhere in Canada, if the provinces do not want to bother with it, the federal government has to take over. Since several provinces have decided not to get involved, the federal government has to do the work.

But Quebec has assumed its responsibilities. The federal government once more has made use of this popularity. Just think: more than 80% of people in Quebec are in favour of the firearms registry. The Bloc Quebecois is in favour of the firearms registry, but not in favour of the administration provided by the Liberal government.

Although the registry was supposed to cost $2 million, today we are up to $778 million. Where will we be in a year and a half?

I am having trouble hearing the minister, but I want to say one thing, Mr. Speaker, but the minister must listen. The cost to establish the registry is now up to $778 million, and one third of the people are not even registered. That means it has cost that much to be able to register two thirds of the firearms, with people registering voluntarily. There is a problem. How is it possible for it to cost so much when people are registering voluntarily?

The government has asked for supplementary funds for this purpose. We had to vote in favour because we want the registry to exist, but we do not want to give it carte blanche or blank cheques to continue with the current disaster and political and financial fiasco. The government is asking for $60 million and $78 million to manage a registry that never should have cost this kind of money. That is what we must keep in mind.

A registry will not cost a billion dollars every time if the people who administer it do what they should. I just want to warn the House. Do not forget that, despite the amounts of money being requested, one third of firearms owners are not yet registered. In other words, these are clearly the people who will not register voluntarily, because they have not yet done so. Steps will have to be taken to get the system working. We will have to be alert and watch what is happening. A firearms registry, in principle, is not a bad thing but the way it is being managed certainly is.

● (1800)

[*English*]

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I listened carefully to what my Bloc colleague had to say.

I agree with him that the firearms registry has been very badly managed. There is really nothing in these amendments that will substantially improve that. The government has admitted that as well. In fact, if there was something that was really going to improve the registry and save money, why has it taken the government two years to bring this forward again? If it is so important, why are we waiting so long?

The question I would like to ask my colleague is, and it will take me a bit of time to explain this, is he in favour of a registry that is not cost effective? He was saying that the federal government should be transferring more money to Quebec for this. Quebeckers want a gun registry. The question I have for the member is, should a cost benefit analysis of the registry not be done before we go any further with this? How do we know that these amendments are going to do all that they should do in improving this? The registry is not gun control and the member assumed that it was. What the Auditor General said is, and this is a key point of the report, that Parliament is being kept in the dark.

In order for democracy to work, two things are needed. What is needed is an opposition that can hold the government accountable and a media that is going to inform the people of the country what is going on.

We cannot get the information. We have not seen the cost benefit analysis. The previous finance minister kept that cost benefit analysis a secret. The people of Canada do not know what is going on. In fact, members of Parliament cannot figure out what is going on with the firearms registry. If the government was proud of it, it would have come forward with the information.

I have had to put in over 300 access to information requests in order to try to piece the puzzle together. The Auditor General verified that what I had pieced together was in fact true. It is costing $1 billion. Canadians also need to know what is going on.

The question I have for the member is, should a cost benefit analysis not be done to see if the money we are spending on this is improving public safety and reducing crime? Is he in favour of a registry that is not cost effective?

[*Translation*]

Mr. Robert Lanctôt: Mr. Speaker, there are clearly two separate things: the need for this type of a registry and how it is administered and set up.

Our problem is not with the registry as such, but with how it is being set up and the costs involved. Clearly, to respond to my colleague from the Canadian Alliance, we are not about to stop asking for information, whether from the Department of Justice, for issues related to the past, and maybe, in future, to the Solicitor General. Because now, we do not know exactly when this transfer is going to happen. It was supposed to have been done already, and now we do not know if it is going to happen.

I would respond to my colleague from the Canadian Alliance that obviously the Bloc Quebecois will be vigilant in trying to ascertain the costs and the benefits that are to be had, and to see whether it is necessary. I am certain that a tool such as a firearms registry is important. That is clearly the case if you ask police officers, be they in Quebec or elsewhere, and probably even in the west. The problem is that the member is saying this money could be spent elsewhere. That is not what is important. We must put the money needed into a tool as important as this to protect people. It is often women, children and the disadvantaged who are affected by criminals who use guns.

The more tools like this firearms registry—provided it is well managed, of course—are available, the better. Poor management should not be a reason to reject a principle. I want the Canadian Alliance to understand that, while support is expressed for this registry—and will no doubt continue to be expressed—there is a need for costs, including past costs, to be determined. We know that several million dollars were spent on ads. I said so last time. Once again, the money went to a firm called Groupaction. We have to check where the money went.

To set up a computerized registration system is one thing, but efforts must be made to ensure that it does not turn into a fiasco. What firms are involved? Why did it take so long? Why are one third of the people still not registered? I ask the government this: How is it that, after several years and investments of more than $778 million, now close to $1 billion, there are still people who are not on the firearms registry? The government has a serious administration problem.

● (1805)

[*English*]

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, I rise today to debate Bill C-10A. I am not sure if, in the over two years I have been the member of Parliament for Crowfoot, I have debated any other bills to the extent that the gun registry has come back into the House.

We have talked about agriculture, terrorism and security but the gun registry keeps coming back into the House because the government has failed. It comes back into the House—

[*Translation*]

The Deputy Speaker: Order please. It is difficult to hear the speech. If discussions must take place, I would ask that they be take place elsewhere.

[*English*]

Resuming debate, the hon. member for Crowfoot.

Mr. Kevin Sorenson: Thank you, Mr. Speaker. The advantage that a member for Crowfoot has when we have a Liberal cabinet minister heckling with Bloc members is that I do not know if they are heckling me or if they are talking about something else, so as long as they keep speaking like that, I will just keep going.

What I was saying is the legislation keeps coming back into the House because it is flawed. That is the only reason that it comes back. The legislation gets shipped off to the Senate and it gets shipped back to the House because it is flawed. We are standing here today again debating a piece of legislation that has been drawn up in a knee-jerk response and does not, in any type of satisfactory way, bear forward any legislation that will supplement or help public safety in the country. We are here today debating Bill C-10A.

On a number of occasions I have been prepared to debate this legislation, which resulted because the Senate split Bill C-15B. It has created two separate pieces of legislation: Bill C-10A which is an act to amend the Criminal Code in respect to firearms; and Bill C-10B, an act to amend the Criminal Code in regard to cruelty to animals. Both legislations, the cruelty to animal legislation and the gun registry, are attacks on my constituency and on agriculture. I have heard from my constituents time and time again that there are resources that could be spent adequately and that could be directed adequately toward resourcing agriculture and making a difference. However this holds back the ability of farmers and ranchers to go about their business.

Every time my colleagues and I were prepared to speak on Bill C-10A, the controversial bill was yanked from the House agenda in a desperate attempt by the government to avoid further embarrassment over the firearms registry's horrific cost overruns.

I was not here in 1995. I have looked back in *Hansard* and I have looked at some of the speeches that were given in those times. I have heard where the minister would stand and say that the registry would cost $80 million. Other times someone would come forward and say that it would cost $119 million but it would generate $117 million, for a net cost of only $2 million. Then as time went on, when we could get answers out of the government, we would hear how it was costing $200 million or $300 million.

The huge cost overruns in this bill alone should force the government to yank it off the legislative agenda and scrap it, or at least call a time out.

Just last week the government House leader again withdrew the bill, as complications arose regarding the transfer of the registry from the Minister of Justice to the Solicitor General. The latest rationale for pulling Bill C-10A included references to the Minister of Justice and other wording that the government thought it would have to change before the Solicitor General legally could take responsibility for the Canadian Firearms Centre and other aspects of the program.

Apparently the government devised a new plan on the weekend, because surprise of all surprises, without much warning, again today the bill has been pushed back on to the legislative calender and now we are debating it again. However one outstanding question remains. How will the responsibility and the accountability for the firearms registry be transferred to the Solicitor General? How will pages and pages of enabling legislation be changed to transfer legally the responsibility of the firearms registry from the Minister of Justice over to the Solicitor General?

If transferring it to the Solicitor General is such a good idea, why was it not contemplated when Bill C-68 was drafted and first debated? Why the about-face? Why was it that one minister of justice after another stood and talked about public safety, how the gun registry would reduce crime in Canada and how it was a good thing? However no where in the plan was there the transfer from the Department of Justice to the Solicitor General. Why not?

● (1810)

The government is flying by the seat of its pants. This is a knee-jerk response. The minister has gone from wanting control of the gun registry to not wanting control of it. Some have suggested it is because the current Minister of Justice has hopes for some day running for the leadership of the Liberal Party and realizes that this legislation is a career breaker. The cost overruns, the inefficiencies, the fact that Bill C-10A will never accomplish what those members believe it will accomplish could be a career breaker. That is why it was never contemplated.

The government and the Minister of Justice are trying to save face. Back in the west we call this passing the buck. The minister believes this issue is a hot potato and he wants to shuffle it off his desk and onto the desk of the Solicitor General. He thinks this will divert attention away from the horrific cost of the registry. The government thinks the whole problem may disappear. Talk about a joke. This is not a joke. This is a sad story that is costing responsible firearm owners their freedom of ownership, and is an invasion of their right to privacy.

Until questions are clearly answered, the legislation should be yanked again. It should be pulled off the agenda again. The government should come to the House with some comprehensive plan that will answer the questions that not only the opposition party brings to the House but also the questions that the Canadian public is starting to ask. Why the cost overruns? Why is the registry being moved from the Department of Justice to the Solicitor General's department? Why is the government flying by the seat of its pants?

There are a number of other concerns that I want to address regarding Bill C-10A.

According to media reports, the Solicitor General has admitted that the savings, which his government was planning, to keep the costs of the firearms program at $113 million over the next year will not occur until Bill C-10A becomes law. In other words, if the bill is delayed again, the government will be unable to take advantage of the savings or the $113 million of administration over the next number of years. The government is trying to paint the opposition into a corner. If we attempt to delay this poor piece of legislation, the government will throw it back at us and say that the resulting cost overrun was because the opposition had the audacity to stand up in this place and debate it. Delay after delay will cost Canadians a lot of money. This registry is costing Canadians because it is a poor piece of legislation.

Similarly, the government has blamed those provinces that have opted out of administering the law for the cost overruns when the cost of the firearm registry rests squarely on the government's shoulders. It failed to accurately calculate the exact cost of the registry before Bill C-68 was ever passed and proclaimed. It failed to understand the magnitude of what it would cost.

Last week I stood in the House debating budget 2003. At that time I outlined quite clearly the financial difficulties many municipalities in my riding were encountering in paying for police services. It appears that not only are the municipalities faced with escalating costs for community policing but they are burdened by the cost of enforcing the firearms registration and regulations, costs for which they were promised they would not be solely responsible.

Last week I learned that the Camrose Police Commission, which is in my riding of Crowfoot, threw its support behind the demands of the Alberta Association of Chiefs of Police for more federal assistance with the cost of enforcing the law.

● (1815)

On February 12 the Alberta chiefs of police wrote to the Minister of Justice outlining their concerns about the lack of funding for policing. I will quote from the *Camrose Booster* dated March 25. It states, “We note that in all the discussions, briefings and planning for the implementation, much time was spent on the issues relating to the administrative aspects of this legislation”.

He was talking about the gun law. The letter goes on to say, “Forms and computer data banks seem to have dominated everyone's attention. Not much, if anything, has so far been said about the actual practicalities of enforcement of the act. More to the point, we note with concerns that the federal government has not yet expressed any view with respect to the source of funding for police activities arising out of the enforcement of this act”.

The letter was written by the President of the Alberta Association of Chiefs of Police, Marshall Chalmers, who also happens to be the chief of police with the Camrose Police Service.

Chief Chalmers has also stated, “We have to convey to you with the greatest possible force and clarity that the municipal governments quite simply cannot assume this additional burden”.

What is the Chief of Police saying? He is saying that it is the law, yes, and that they will have to uphold the law, but that they cannot afford to do it. It would be a huge burden on every municipality and every city to enforce the law that the government is sending down the pike.

Chief Chalmers stated unequivocally that without federal support, police services in the Province of Alberta will have no choice but to set an order of policing priorities that do not include the enforcement of the Firearms Act.

Interviewed by local newspapers on March 20, the Camrose chief of police said, "the initial promise in relation to the act was that the federal government would pay for the entire cost of enforcement and there would be no downloading of costs onto the municipalities. But now it is very apparent that the federal government is expecting municipalities to absorb some of the costs".

Although, and in fairness to the Alberta chiefs of police I must recognize this fact, the chiefs do accept the act as a valid piece of legislation, they feel the issue of enforcement must be addressed, and I agree.

Not only must the question of who pays the cost of enforcement, which clearly cannot fall on financially burdened municipalities, be answered, but so must all the other outstanding questions regarding the cost of the registry.

Today a Bloc member stood in the House and said that the more tools we had to fight crime the better. They support this registry because they believe it is a tool and the more tools they have to fight crime the better.

I would put forward the argument that the gun registry is preventing us from coming forward with the needed tools to fight crime. The cost of the registry is making other resources and other tools prohibitive because they have signed on, they have been harnessed up to a piece of legislation that is burdening the whole law enforcement and the whole security side of the government down.

The other day the member from Burnaby, a New Democrat, said, with respect to the gun registry, that if it saved the life of only one Canadian it would be worth it all.

● (1820)

How can we make an argument against something like that, other than to say that if we were to spend $1 billion to save the life of that one individual, how many other lives would be lost by not being able to put forward adequate policing?

In another speech, the minister from Ontario, Mr. Runciman, said that in national terms $85 million would put another 1,000 custom agents on the border and $500 million would put an extra 5,900 police officers on the street. The federal alternative is to use the money to register every shotgun and bolt action .22. No great brilliance is required to figure out which would have the greater impact on crime.

Give us the $1 billion and we will put some into health care and we will put more police officers back on the street. In 1993-95 the government jerked 2,000 RCMP officers off the payroll. Let us put some of those officers back on the beat, back on the street, and see how many lives we can save. Let us see how effective we are at fighting organized crime. Let us see how effective we could be at fighting the war against child pornography.

We have a gun registry with $1 billion that will drag down every other viable program, project or resource and make it unaffordable. This is about priorities. That is why we stood in the House and asked for a cost benefit analysis. When we talk about the registry and the good things that may happen, that is okay but at what cost? We have the commissioner of the RCMP say that ongoing investigations are being put on the back burner in reference to terrorism coming to the fore. We are talking about ongoing investigations that have an impact on families. How do we tell someone who has been robbed or assaulted that there are other priorities that need to be investigated. This is all about resources.

The chiefs of police accept that the act is a valid piece of legislation, but they feel that so many other issues must be addressed. I agree with them wholeheartedly. Let us talk about funding and other resources. Let us talk about fighting pornography.

We have stood in the House so many times debating this legislation and we will not tire of it because it is poor legislation. It is legislation that is ineffective. We will not stop standing in the House speaking out against the firearms registry because we believe it is an invasion of our rights. It will not meet the goals that it sets out to meet. It is not a public security issue; it is a dollar issue. This is a raising revenue issue; this is a tax issue. This is an issue that a government that believes in big government will want to continue to move forward. Well, we will keep fighting it.

● (1825)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, I appreciated the comments made by the member for Crowfoot. Invariably, when the gun registry is mentioned in my riding, my constituents come up with terms like incompetence, arrogance, and even dishonesty. This is how they think of their national government because of this firearms registration system. It is getting worse; it is not getting better.

Benjamin Franklin once said that insanity was doing the same thing over and over and expecting different results. The government does that all the time. It keeps on doing the same thing hoping to get better results but it keeps getting failed results.

When we make changes in public policy in our system, we do it by legislation. It is my understanding that this failed firearms registry is being moved from the portfolio of the Minister of Justice to the Solicitor General's portfolio. I do not believe there is anything in these amendments or legislation that authorizes this change. Does the member for Crowfoot know of any legislative authority for this shift that is being made by the government?

Mr. Kevin Sorenson: Mr. Speaker, when we go through section 2 of the Firearms Act, it defines the federal minister as being the Minister of Justice. The Firearms Act is riddled with references that talk about the authority of the federal minister or of the Minister of Justice. That is the implication here.

Bills C-10A deals with regulations, orders in council, safety courses, forms and even the appointment of a new commissioner of firearms. The House of Commons voted time after time on the ministerial aspect of the bill, and it refers to the Minister of Justice.

In my speech I talked about the hot potato and passing the buck. That is what the minister has done. He has recognized: Why should he have all the "you know what"? He would prefer to pass it on to another cabinet minister and let him carry it for a while.

The Minister of Justice probably believes that the Solicitor General has no intention of ever running for a leadership campaign and will let him handle it. But the clear intent of the government was that the firearms program would be administered by the justice department.

I heard one of the Conservative members today say in a speech that the current Solicitor General was at one time opposed to the gun registry. He was the president of the National Farmers Union. I would like him to return to his farmer friends and tell them he is now the one in charge of the firearms registry. He will find out how loved he is in the agricultural sector because that is suicide.

The Deputy Speaker: 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 6:30 p.m.)

CONTENTS

Monday, April 7, 2003

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