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(HANSARD)

Monday, May 5, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, May 5, 2003

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

● (1110)

[*English*]

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

The House resumed from April 30 consideration of the motion that Bill C-9, an act to amend the Canadian Environmental Assessment Act, be read the third time and passed.

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, in this brief intervention I will put forward some of the major improvements that were made to Bill C-9 on environmental assessment. I will also outline some of the major shortcomings. If time permits I will make brief comments on interventions made by my colleagues during the debate so far.

The improvements are the following. It would be desirable to bring to the attention of the House that the bill, as amended in committee, would now remove the blanket exemptions for crown corporations. Crown corporations would now have three years within which to develop their own regulations on environmental impact assessment or to come automatically under the act. Considering there are 43 crown corporations, whose projects would, as of now, be subject to environmental assessment, this is a significant step.

The next area is public participation. Here the amendments made by the committee will provide for greater public participation in the environmental assessment process. For example, along with a newly established government wide Internet site of project information, it would include a notice at the start of each assessment, and the committee has ensured the retention of the current system of project files that provide convenient public assess to all documents associated with environmental assessment. The committee also made changes to ensure public consultations with respect to the scope of a project when it is on the comprehensive study list.

Once the bill is proclaimed no action can be taken by a responsible authority until 15 days after the notice of the beginning of an environmental assessment has been posted on the Internet. The decisions on whether to require a follow up program for a proposed project would have to be posted and decisions on the scope of the project would have to be included from now on.

The last area has to do with the seven year review. The committee passed an amendment that would ensure a comprehensive review of the act by a House or Senate committee within seven years of royal assent. A review by the committee should ensure a thorough overhaul of the act and would avoid the narrow scope that was somehow put to the committee under the Bill C-9 review.

The committee has also written a report to be tabled soon which offers recommendations beyond the scope of Bill C-9 for the consideration of those who would carry out the seven year review when the time comes.

I will now say a a few words on Red Hill Creek. The committee has, hopefully, closed a potential loophole created by the federal court decision in the Red Hill Creek expressway case that would have been used in the future by project proponents to avoid the requirements of the Environmental Assessment Act.

To most committee members, the Red Hill case demonstrated an area in which the current act has failed. It was important therefore to use the Red Hill Creek example to make changes to Bill C-9 so as to avoid similar occurrences in future.

By way of background, Environment Canada determined that the construction of the Red Hill Creek expressway would result in the loss of migratory bird habitat through the removal of some 40,000 trees and that the significance of the impact of this loss of migratory birds was unknown.

In addition, the Ministers of Fisheries and Oceans and the Environment have received many letters expressing concern about the expressway project.

Based on the potential for significant adverse environmental effects and public concerns, the Minister of Fisheries and Oceans, in accordance with section 25 of the act, asked the Minister of the Environment in May 1999 to refer the project to a review panel immediately.

However, without awaiting the outcome of the screening, the Minister of the Environment agreed. Shortly thereafter the original municipality of Hamilton-Wentworth applied to the federal court for a judicial review of a number of issues, most important, the federal government decision that the Canadian Environmental Assessment Act, as well as the Fisheries Act, applied to the project.

The federal court decided that the act did not apply to that project because the project was "grandfathered under section 74 of the act", and second, because it would be a retroactive application of the act to a project in respect of which "irrevocable decisions" were made by the City of Hamilton prior to the enactment of the act.

One might ask how a major project involving the removal of 40,000 trees and causing the destruction of migratory bird habitat could not be subject to the Canadian Environmental Assessment Act. Instead of appealing the federal court's decision to the Supreme Court, the federal government decided to make amendments to Bill C-9 so that a situation like Red Hill Creek could never happen again. It is the sincere hope of our committee that the amendment to section 2 of the act would have that effect.

Briefly I will say a few words about the major shortcomings of Bill C-9 for future reference of course. There is the issue of panel review which is often considered the core strength of the act, yet, out of 30,000 screenings, only one has been referred to a panel on the basis that significant adverse environmental effects were identified.

The testimony of Mr. Normand de la Chevrotière highlighting the problems at the Bruce nuclear facility still rings in my ears, namely that the world's largest nuclear waste storage facility was approved without a panel review. That was a very stunning statement which really surprised us. Because it was outside of the scope of the bill, the committee was unable, through amendments, to address the lack of panel reviews which the minister has referred to as the core strength of the act and quite rightly so.

The other shortcoming has to do with self-assessment. Because of the narrow scope of the bill, the committee was unable to address the issue of self-assessment by the federal government of its own project. Of the 5,500 or more federal environmental assessments per year, the vast majority are being done by departments responsible for the project and not by the agency responsible for the act.

Witnesses told us that an effective regime could not exist where federal departments conducted assessments of their own projects. We tended to agree with them. Because of the narrow scope of Bill C-9, the committee was unable to deal with the issue.

The third shortcoming is the enforcement. There is no provision in the legislation requiring either enforcement or compliance. Even though there were a number of proposed amendments to the issue, the motions introduced at report stage would remove any power to the agency to make enforceable decisions and impose penalties for non-compliance with the act.

The fact that the Commissioner of the Environment and Sustainable Development criticized federal departments for failing to implement the environmental assessment of policies and programs, as required by a 1990 and a follow-up in 1999 cabinet directive, highlights the necessity of introducing a compliance mechanism into the act.

● (1115)

The next issue has to do with national parks. The member for Fundy—Royal proposed, through an amendment in committee, that if there were a possibility a project might cause a significant adverse environmental effect on a park, a park reserve or on wildlife that frequent such areas, it should be reviewed by a panel review. The amendment was not carried.

The final issue is the Department of Fisheries and Oceans trigger, as it is referred to. The Department of Fisheries and Oceans does not trigger an environmental assessment of a project until after it has: first, received complete information on possible measures to prevent or mitigate the effects on fish habitat; and second, it has concluded that prevention and mitigation will not work.

The witnesses before the committee pointed out that the departmental practice has been inefficient, as it makes no sense to assess mitigation options internally in order to determine that mitigation will not work, and then undertake an environmental assessment process to review and study those same mitigation options. The bill does not address this triggering program under the Fisheries Act.

In connection with the debate so far, I read with keen interest the intervention made by my colleague, the member for Rosemont—Petite-Patrie, in which he expounded the view that Quebec wanted all projects in its territory to be subjected to its own environmental assessment process. This statement and this kind of policy as proposed flies in the face of our Constitution.

The Constitution sets out very clearly that there is federal jurisdiction across the country in every province when it comes to matters that impinge upon water particularly, namely the Fisheries Act, the Navigation Act and other acts, and therefore Quebec cannot be exempt from the application of federal laws under the Constitution of Canada as if it were an island by itself.

Therefore the argument put forward by the member claiming an exclusive provincial jurisdiction does not hold water.

I also found it quite intriguing to hear the intervention by my distinguished colleague from Windsor—St. Clair. I read his remarks very carefully. I agree with many of his points, particularly with regard to the three criteria that the NDP has applied to test the legislation. They are printed in *Hansard* on page 5655.

While one has to agree with the second criteria to some extent, I would argue to the contrary, namely that these amendments have not weakened but have strengthened the legislation for the reasons I just gave a few moments ago: by introducing the element of the seven year review and by bringing the crown corporation under the act and so forth.

It seems to me that if I were to apply the three criteria, I would say that two out of three would be positive. I am referring now to the third criterion which refers to the necessity of strengthening the ability for people, community members, NGOs and sectoral interests to deal with the process, namely the general concept of transparency.

I would say that the amendments related to the registry and the time limitations given, that actually the act has been strengthened and has been given transparency.

● (1120)

We must keep in mind that in committee it was possible, by way of very close cooperation, to make some 70 more amendments.

Moving on to the member for Fundy—Royal's intervention, he makes a very important point about the necessity for a panel review of projects of a certain magnitude. He also refers to the testimony given by Monsieur de la Chevrotière in connection with the Bruce Peninsula nuclear waste products issue. I agree with the member for Fundy—Royal that this kind of review should have taken place and that the act therefore requires an amendment to permit such a review to be carried out in future. It would improve the accountability of the government and it would improve the confidence on the part of the public in the environmental impact assessment, and it would be desirable for those reasons alone.

The question that the member for Fundy—Royal raised at the end of his intervention is also quite important because he asks whether the federal environmental assessment is making a significant contribution to sustainable development and a healthy environment. I suppose that is the key question that we need to address. The bill is a measure of limited scope and impact, as indicated earlier. Definitely what is needed here is to have a piece of legislation that will improve and strengthen the sustainable development goals of the Government of Canada, because it is through the properly conducted, efficient, open and successful environmental impact assessment process that we can reinforce the implementation of sustainable development in this country.

Of course the case that comes to mind again is the construction of that expressway in Hamilton, which was approved because of a loophole in the act. Thank God that has been closed. In the meantime, though, 40,000 trees have been cut and considerable damage has been done to the survival of migratory birds.

In conclusion, might I say that it was for all of us a very worthwhile experience to have this bill sent to committee. We have done as much as could be done, politically speaking, to improve it.

May I take this opportunity to recognize the fine work that was carried out as vice-chair of the committee by the member for York North, whose dedication and commitment made it possible to give the bill a considerable boost. She is no longer the vice-chair of our committee and we regret it very much. Had it not been for her work, we would not be able today to list the positive features of this bill and I am glad to do that in recognition of a colleague who has done so well in the promotion of sustainable development.

● (1125)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I am pleased to have this opportunity to put a question to the hon. member for Davenport, because I know he has been interested in the environment for many years.

I would like to describe a situation in my riding of Hochelaga—Maisonneuve, in the eastern part of Montreal, near the Olympic stadium, and more precisely between the St. Lawrence River and the Olympic stadium, two well known landmarks.

In this riding, a Canadian Pacific track runs through a residential district. Like those who were members for this riding before me, I have been trying for several years to find a way with CP to make the right-of-way less objectionable for the surrounding area. If a railway track has to run through a residential district, what can we do to provide a better quality of life to those living there?

My colleague, the hon. member for Argenteuil—Papineau—Mirabel, and Bloc Quebecois transportation critic, suggested I read the new Bill C-26, which I did. During the last recess, he even came to my riding to meet with a group of my constituents. I set up an anti-noise committee to liaise with CP.

I was extremely surprised that the Canadian Environmental Assessment Act does not apply to the company. It can make as much noise as it pleases. It does not have to respect any noise reduction standard. It can operate day and night and make noise coupling cars.

I would like my colleague to comment on such situations in our communities and the negative impact for our citizens. Would it not have been desirable, in this legislative review, to give more teeth to the Canadian Environmental Assessment Act while respecting the different jurisdictions? CP is clearly under federal jurisdiction.

● (1130)

Hon. Charles Caccia: Mr. Speaker, I understand the frustration of the member for Hochelaga—Maisonneuve. We have good news for him because the committee has made a change to the act by including crown corporations.

It is an improvement. In three years, all crown corporations, including Canadian Pacific, will have to prepare their environmental impact assessments or be subjected to the law, as approved by Parliament now. However, in the next three years, we will have to continue to put pressure on Canadian Pacific because the legislation will come into force only in three years, but progress is being made.

[*English*]

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I wanted to thank the member for raising the issue of the Red Hill CreekVvalley in his remarks. That is a valley very close to my riding at the eastern end of Hamilton. Never could I imagine a case where so much environmental destruction is going to be undertaken for so little valid reason.

This is a valley that is a major flyway for migratory birds. It is one of the few major wild channels of forest that leads from the lake up above the escarpment. It is going to be destroyed for no other reason than to encourage residential development on the mountain, which will then create a traffic bottleneck at the Skyway Bridge going toward Burlington. This is a project that has been driven by business interests. It has not been driven by a decent respect for the heritage of Canadians to preserve wildlife areas close to urban settings because life is so much more than just streets and parking lots and shopping malls. It is also about places of wilderness refuge that we can take advantage of as urban Canadians.

I have a question for the member. He is familiar with the situation with his work on the committee and he appreciates that the act has failed us in preventing this project from going ahead. Is there any hope whatsoever that he can see for those of us who are very desperately concerned about the destruction of this habitat and is there anything left for us to do?

Hon. Charles Caccia: Mr. Speaker, the member for Ancaster—Dundas—Flamborough—Aldershot is to be congratulated for his continuous interest in this particular issue related to the construction of that expressway. In answer to his question, if I understood it correctly, we think that by way of the amendment approved in committee the loophole that permitted this project to go ahead has been closed. We hope that is the case. Only time will prove that.

I must say that we were profoundly shocked to hear and read of the grounds that were used by the judge in arriving at her conclusion. We thought it was a pretty weak judgment per se. However, probably it can be said that the legislators were not careful enough in drafting the law in the first place, so we have taken the measures which we thought were necessary and we hope that loophole has been closed forever.

● (1135)

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I would simply like to clarify something. I am very happy, of course, concerning crown corporations and government agencies; and I heard someone talk about CIDA.

However, am I mistaken in thinking that Via Rail will be considered as a crown corporation in Bill C-26 that is now before the House, but not Canadian Pacific? I hope I am mistaken, but I do not believe Canadian Pacific will be subjected to the Canadian Environmental Assessment Act.

Hon. Charles Caccia: Mr. Speaker, I would like to thank the member for Hochelaga—Maisonneuve for bringing the issue forward. I think that Canadian Pacific is included in the crown corporations that are mentioned in the bill that was amended in committee.

If there is an exception, it should be eliminated. I do not know the exact wording of Bill C-26. I would appreciate it if the member for Hochelaga—Maisonneuve could give us more specific information to help us establish if there is really a problem as he just said.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I thank that the chair of the Standing Committee on the Environment and Sustainable Development. I will have to check on all that. I will certainly be nice to see that Canadian Pacific will have to comply with the provisions of Bill C-26. This bill would give more power to the Transportation Agency to offer a mediation service in the case of complaints from citizens. If, on top of that, Bill C-9 subjects Canadian Pacific to the provisions of the Canadian Environmental Assessment Act and to the related review mechanism, it is excellent news. This, however, does not make the bill any more acceptable.

I thank the office of the Bloc Quebecois House leader for giving me a very good advance notice that I would be speaking to this bill. I would like to remind the House that for Quebec, environmental assessment is a very important matter. Why? It is of course because Quebec adopted its own legislation back in the early 1990s. I will come back to thislater.

It is perfectly legitimate for the Bloc Quebecois and the various successive governments of Quebec to ensure that Bill C-9 and the previous legislation do not tread upon Quebec's jurisdiction, as so often happens with this government, unfortunately.

Canada has had its Environmental Assessment Act since 1995, while Quebec has had one since 1992. Of course, this act stipulates that when various kinds of projects are not covered by an exception, it is possible to carry out studies either screening reports or comprehensive studies regarding the impact of any work and construction, on the environment. That is what an environmental assessment law does.

What was unusual until just recently was that, before the parliamentary committee began examining the bill, the mechanisms for impact, evaluation and analysis under the Canadian Environment Assessment Act only came into play if the federal government itself were involved. Therefore, members can see that there was a problem. It was the federal government that ordered the inquiry and also received the results of the inquiry. Thus, the federal government was both judge and defendant.

If there is one thing we can be proud of as parliamentarians, it is our societies' continuing awareness of environmental assessment. We are not ready to accept development at any price.

Let us take the example of Hochelaga—Maisonneuve. As members know, Hochelaga—Maisonneuve is an old working-class neighbourhood, which was first industrialized in the late 19th century, and was known for its labour-intensive industries. That was an era when our fellow citizens wanted to live where they worked. They worked and lived in their neighbourhood. They were not worried by the modern issues of urban planning. Until 20 or 30 years ago, there was mixed use, with heavy industry and residential neighbourhoods together.

Today, of course, that would not be acceptable. No one would want to live next door to a business that employs 300 or 400 people and pollutes heavily.

Then there was this awareness that not only land-use has to be planned carefully, but also that one cannot have economic development regardless of the cost. People want to have guarantees when new businesses are created or old ones expanded. If they are subsidized, and even when they are not, people are not ready to put up with just any kind of behaviour from corporations even if they create jobs.

● (1140)

On the contrary, there is a new environmental awareness that makes it possible to introduce a piece of legislation such as the one before us today.

However, there is a real problem as far as the Bloc Quebecois is concerned. We want environmental assessment mechanisms. We believe this is the responsibility of the government. We believe reports must be as binding as possible and that there must be corrective action. We are just as committed to the polluter pay principle as we were a few years back. We know what a vigilant environmental conscience the member for Rosemont—Petite-Patrie has been for the Bloc Quebecois, and I can tell you that the values he has been promoting are shared broadly by the Bloc Quebecois' members.

As the Bloc Quebecois leader knows, Bill C-9 is aimed at amending section 2 of the Act, and it will allow—at least this is what it sets out to do—better cooperation between the provincial governments and the federal government when an environmental assessment is needed.

As the member for Davenport said, the bill provides—and this is good news—that Crown corporations will be subject to the investigation mechanisms linked to an environmental assessment. Even the Canadian International Development Agency, will be subject to the process.

Where things start to fall apart—and the Bloc Quebecois will show extreme vigilance here—is when the government proposes creating a federal environmental assessment coordinator for projects involving several federal authorities. Where things start to fall apart is when there is increasingly less respect for the demands made by every Quebec government, including the Robert Bourassa government which, if I may say, did not have much backbone or fire. Each Quebec government has demanded that Quebec's environmental assessment legislation be respected.

I am not saying that this legislation does not need to be reviewed and updated. Nonetheless, one of the demands of each successive government in the national assembly has been for Quebec's environmental assessment legislation to be respected.

I would remind the hon. members—and those who are familiar with Quebec know this—that when environmental assessment legislation is mentioned, one thing and one thing alone comes to mind and that is the BAPE. People know the BAPE and they know its strength.

For example, in east Montreal for many years now there has been talk of modernizing Notre-Dame street. I do not know if any hon. members have driven on Notre-Dame. This street is an extremely important thoroughfare for Montreal and all of Quebec, because if it is important to Montreal, it is important elsewhere. One of the factors influencing where businesses and individuals decide to settle, is, of course, traffic flow.

Notre-Dame is the old King's Highway that General de Gaulle took when he came to Montreal. General Charles-Émile de Gaulle, clearly, is a very positive reference in Quebec history. So, Notre-Dame street must be modernized.

It is in our interest to have a fast thoroughfare because people end up sitting in traffic on Notre-Dame. What does it mean when traffic on the major thoroughfares does not flow well? It means that people use smaller neighbourhood streets, such as Saint-Clément, Théodore, William-David and Viau. But people cut through our residential neighbourhoods, rather than taking a direct route from east to west.

● (1145)

Thus, concerning the previous Quebec government—it is too early to express an opinion on the current government's intentions—we knew that it was very important to modernize Notre-Dame Street. Public consultations were held under the auspices of the BAPE. Our fellow citizens expressed their views on the type of projects that they wanted. They were against a highway and in favour of a urban boulevard. They wanted certain parameters to be met to ensure that the residential component of the neighbourhood of Hochelaga—Maisonneuve and, more generally, of the east end of Montreal, would be protected.

All this to say that, in Quebec, the environmental assessment act is working extremely well, that we know it, and that it is the Bureau des audiences publiques sur l'environnement that leads consultations.

Let me talk about the major characteristics of the Quebec environmental assessment act. The Bloc Quebecois cannot accept certain things on its territory. I am not talking about the CP, for example. We agree that it is under federal jurisdiction. When a railway runs through several provinces, we are dealing with interprovincial, not intraprovincial, trade. We understand that it is the role of the federal government to proceed with an environmental impact analysis. But on its own territory, domestically, when there are no interprovincinal issues, Robert Bourassa, René Lévesque, Daniel Johnson, Jacques Parizeau, all the premiers, and of course Lucien Bouchard as well as Mr. Landry, said—and I am convinced that this will be the Charest government's position—that all projects on the Quebec government's territory must be subject to one single environmental assessment, that is the one resulting from the act passed by the national assembly a few years ago.

Why is this act better? Why does this act deserve to be more complied with? First, because it is more transparent. From the beginning to the end, it associates the Bureau des audiences publiques sur l'environnement with our fellow citizens, who can be heard and who can file submissions. A tabled report is made public. A whole influence process is possible with the BAPE.

Second, it is independent. It is not a matter of self-assessment. The Government of Quebec is not acting as judge and jury. I indicated earlier how surprised I was, a few years ago, when I got interested in this legislation, to see that there is no investigation unless the federal government requests one. The federal government not only commissions the investigation; it also receives the findings. There is no doubt that, in terms of practices and approaches, the process is such that the federal government is both judge and jury.

In Quebec, the legislation passed by the National Assembly is more inclusive. It does not exclude outright and therefore provides more adequate protection, because of its broader scope. This is the most appropriate term to describe it. The federal legislation has a narrower scope, as it applies only to work contracted by the federal government.

The legislation in Quebec is more complex, which makes it more uniform and predictable. This is not insignificant. The problem with the Canadian Environmental Assessment Act is that there is no single centre of authority. All federal departments are affected. There is no timetable. This means that whenever an investigation is ordered, we cannot tell when it will end; we do not know under whose authority it is conducted; and we do not know who is in charge of conducting it. Under the legislation passed by the National Assembly, all this is much clearer.

As hon. members can see, the legislation in Quebec is better in many regards. Our colleague from Rosemont—Petite-Patrie has put forward an amendment. I will conclude by saying that the Bloc Quebecois will unfortunately have to oppose this bill, because it interferes in an area in which Quebec has already legislated and where its legislation should take precedence.

● (1150)

Understandably, the impact is clearer for Quebec because the law clearly names the authority centres. There is thus a potential for duplication of power that we cannot accept. The bill gives the federal minister discretionary powers. These were not in the old act, but clause 22 of the bill allows the federal government and the Minister of the Environment to amend section 46, thus giving them discretionary powers. This is unacceptable to the Bloc Quebecois which is why we are again going to defend the interests of Quebec and ensure that Quebec retains its full power.

Once again, there is nothing partisan about this. It is hard for us to be partisan. We always try to rise above partisan considerations and focus on higher interests. The government of Robert Bourassa had made representations to the former minister of the environment, so obviously it is not just a sovereignty issue.

Moreover, this leads me to speak to the motion passed by the national assembly. I believe I even have it with me, and I would be remiss if I did not share it with members. Was Robert Bourassa the member for Saint-Laurent at that time?

An hon. member: Yes.

Mr. Réal Ménard: Yes, because he had been defeated by then, as memebrs may recall. The premier was not elected in the general election. He had been the MNA for Saint-Laurent since 1985.

The National Assembly adopted a motion which I shall read in order to show just how much we are above partisan politics and concerned with higher interests:

> That the National Assembly strongly disapproves of the federal government bill—

Again, this was at the time of the federal Environmental Assessment Act.

> —an act to establish a federal environmental assessment process, because it is contrary to the higher interests of Quebec, and opposes its passage by the federal Parliament.

That was on March 18, 1992. The motion was passed unanimously in the national assembly. This is not without interest because, as hon. members are aware, the national assembly is what our elders called the salon de la race, the one and only parliament controlled wholly by francophones. Of course, when the national assembly speaks with one voice, we like to think it is because the consensus in Quebec is very strong.

The Bloc Quebecois will be approaching this issue in the same way. This will not prevent us from recognizing the progress that has been made. Once again, it is obviously a good thing that the law will make crown corporations subject to, and governed by, the Canadian Environmental Assessment Act.

Again, I would like to close by saying that in Hochelaga—Maisonneuve, there is a rail line right by Moreau Street bridge. This is understandable, since Hochelaga—Maisonneuve was one of the first neighbourhoods to be developed by industry. There are plants there that were built in the 19th century. The Lallemand plant and the Lantic sugar refinery come to mind.

Hochelaga—Maisonneuve was a separate town from Montreal, and a very prosperous one. One of the reasons that 19th century businesses chose to settle there was the fact that the port of Montreal was located there and it was well situated for transportation. Of course, maritime shipping was extremely important to economic development in the 19th century. Today, people talk about intermodal transportation, so we know all about it. It is about just in time delivery for business, and obviously, railways are important.

● (1155)

Unfortunately, if I were asked which company is the worst corporate citizen in Hochelaga—Maisonneuve, I would have to answer CP. Remember, there are seven trains that go by in the night. When junctions are located in the middle of residential neighbourhoods, one can imagine how difficult it is for people who live on Moreau, Préfontaine, Wurtele and a small strip called Thomas Vallin.

However, we will use the existing mechanisms for environmental assessment.

The Acting Speaker (Mr. Bélair): I do not believe that the member is in her place.

The hon. member for Terrebonne—Blainville.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, thank you for advising me that I was not in my place. It is probably, no doubt, a lack of experience. This is the first time this has happened to me.

I would like to ask my hon. colleague for Hochelaga—Maisonneuve a question. He told us that the bill mentions that the commissioner would be somewhat like an ombudsman and be the liaison between the federal government and the general public, if I understand correctly. I would like him to tell us more about this.

Second, the hon. member talked about the federal government interfering in Quebec's prerogatives. With respect to the social union, could he tell us what vision the federal government, in its actions toward the provinces, is showing?

Mr. Réal Ménard: Mr. Speaker, I thank the hon. member for her question. I will not speak immediately on the social union, but I recognize its relevance. I have some ideas along those lines, but it she will permit, I will not talk about that right away.

When I was talking about an ombudsman, I was referring to Bill C-26, with which the member for Argenteuil—Papineau—Mirabel is very familiar. He did me the honour of coming to Hochelaga—Maisonneuve during the Easter break to meet the people who live on Moreau, Préfontaine and Wurtele streets. Part of that neighbourhood is in the riding of Laurier—Sainte-Marie, as well.

Bill C-26 will make it possible for the Canadian Transportation Agency to accept complaints from citizens who live in extremely worrisome situations with respect to noise that interferes with their quality of life.

The Canadian Transportation Agency will create a mediation process. This may not be enough. We would have liked to see something stronger, something more coercive. But since there was nothing before, I do not need to tell the House that the member for Argenteuil—Papineau—Mirabel and myself, along with our constituents, were pleased to get this news, although that will not prevent us from suggesting amendments to Bill C-26, in order to go farther.

The member for Terrebonne—Blainville is correct in reminding us that Bill C-9 would create the position of Federal Environmental Assessment Coordinator. This worries us, just as the amendment in clause 22 worries us, because it would give somewhat discretionary power to the Minister of the Environment.

I would like to read clause 22 of the bill to you, so there is no misunderstanding. No one will be able to accuse me of not quoting my sources properly.

> Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out in a province... the Minister may refer the project to a mediator or a review panel in accordance with section 29—
>
> —which will become section 46—
>
> —for an assessment of the environmental effects of the project—

Therefore, in this clause, the federal government says that even in a province such as Quebec, for example, where there has been environmental assessment legislation for years, it could—exercising its own discretion—choose to duplicate that which already exists. That is the reason successive governments in the National Assembly —I mentioned Robert Bourassa's government earlier—have been opposed to this legislation.

As to the very sophisticated question of my very dear colleague from Terrebonne—Blainville on the social union, I sensed the influence of the hon. member for Trois-Rivières, who presented a motion on this very subject. Members are aware that the former Quebec premier, Lucien Bouchard, the founding president of our great political party, rejected the social union proposal because it set a very wide framework in which nothing would prevent the federal government from intruding into economic development, relations with natives and, of course, health, and seizing control of all there areas. That is precisely what is going on.

Again, I thank the hon. member for her question. The throne speech, coupled with the social union issue, opens the door to the government federal's poking its nose into just about everything.

I will give just one example, family law. Do members know that my colleague from Charlesbourg—Jacques-Cartier has to fight tooth and nail in committee because, on the issue of divorce, they want to intrude in family law and gut the jurisdiction of the Quebec courts? I could go on and on giving examples that show that the social union agreement has set all the conditions for the federal government to intefere in all areas of jurisdiction.

In the case of the Assisted Human Reproduction Act, where medical procedures happen in private clinics or health institutions, the federal government has found a way to intrude. How? Through the Criminal Code.

Once again, my colleague was quite right to make the link. That is why the social union agreement is totally unacceptable to the Bloc Quebecois. The hon. member for Trois-Rivières will fight to the end, and let me tell you that we will not just roll over.

● (1200)

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I want to congratulate the member for Hochelaga—Maisonneuve on his speech, which identified the possible links between the environment and our everyday lives. He talked about Notre-Dame street and about CP, which is ultimately an economic stakeholder with a poor environmental record, and about very concrete daily concerns. That is ultimately why the provinces have jurisdiction over the environment, because they are closer to what people want.

I would like to ask the hon. member a question along the same lines as what the hon. member for Rosemont—Petite-Patrie was saying about this bill. He said that there was another fundamental problem. The Canadian Environmental Assessment Act has a philosophy of self-assessment since the federal authorities assess their own projects, unlike in Quebec where the Bureau d'audiences publiques sur l'environnement is responsible for environmental assessments. Frequently, under the federal legislation, departments are responsible for doing their own assessments.

Is this not, according to the member for Hochelaga—Maisonneuve, a serious flaw that, ultimately, will ensure that environmental assessments are done but without creating an appearance of justice or transparency as Quebec's environmental legislation does? I want to know what my hon. colleague for Hochelaga—Maisonneuve thinks about this.

● (1205)

Mr. Réal Ménard: Mr. Speaker, it is always a pleasure to have an exchange with my colleague from Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques.

Yes indeed, and that is what I was saying in my speech. Those who know the Environmental Assessment Act also know about the role of the BAPE, an agency independent from the government, independent from the parties concerned when there are public consultations.

I was extremely disappointed when I started getting involved in what was happening to my fellow citizens living in the axis of Moreau, Wurtele and Préfontaine streets, and I found out there was no mechanism to bring CP to order with regard to the railroad going through this residential area. That is not a minor issue.

As you may well imagine, when CP decides not to abide by a rule, it has its own lawyers. When CP decides to be a bad corporate citizen, people have no recourse. It would take an independent authority to keep that corporation in line.

Under the Canadian Environmental Assessment Act, contrary to the Quebec one, it is the federal government that triggers the inquiry and receives the report. It is judge and defendant, and obviously that takes away from the efficiency of a very much needed act, providing jurisdictions are respected. In Quebec, every level of government asked that the Quebec act take precedence.

[*English*]

Mr. Alan Tonks (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I listened intently as various members raised the implications of Bill C-9. I particularly want to thank the member for Davenport for his wise adjudication of the whole process of Bill C-9. In addition to the points that were made last week, there are some points that I am pleased to address.

Those points primarily fall into three categories: the bill as it relates to crown corporations; the bill as it relates to the immensely implicating concerns with respect to nuclear storage, and the Bruce nuclear dry storage issue was mentioned; and the issues with respect to federal-provincial harmonization. I would like to address those three issues this morning as well as additional points that have been made during the course of debate.

With respect to crown corporations, the bill provides that after three years crown corporations would come under the provisions of Bill C-9, the Canadian Environmental Assessment Act. Some members have asked why.

There are crown corporations that have and immense impact on particular parts of our constituencies. For example, the Farm Credit Corporation receives literally thousands of applications for farm credit. If the strictest letter of Bill C-9 were addressed to the Farm Credit Corporation, it would result in the applications for credit being held back. All members would agree that is not the intent of Bill C-9. The Farm Credit Corporation addresses Bill C-9 in a special way in its intent, but in a very different way in terms of implementation.

It is important to look at different corporations such as the Export Development Corporation, which is exempt from the requirements, because it has a separate process for environmental review of projects that it funds. Those processes have been separately established through the Export Development Act. To bring congruency to that act, which is not companion legislation at all because it is its own separate legislation, would require some time.

Another example of that is the Canada Pension Plan Investment Board which is also exempt because it is not a federal authority as it has a unique federal-provincial nature.

My colleague from Davenport raised the matter of CP Rail. I have been able to extract the information with respect to those points. CP Rail is not a crown corporation, but any permit or licence that it needs to construct a project would trigger the act through the Canadian Transportation Agency. This is another conduit for that particular crown corporations to work through. It will take a little time to bring these two different jurisdictions into congruency. For those who are interested in the rail sector, VIA Rail is a crown corporation and the new provisions of Bill C-9 would also apply to it.

With respect to the Bruce used fuel dry storage facility, I would not want it to be perceived as being simply a quick and dirty, and nasty process in regard to the dismissal of the concerns that were raised with respect to nuclear storage because that was not the case. The matter that was being adjudicated upon was for the onsite storage of existing nuclear fuel. It was not to bring in nuclear fuel from other operations.

● (1210)

In addition, the project was required to continue its operations. That was something that had to be considered at the time. The project underwent a thorough review as a comprehensive study from 1997 to 1999 and the comprehensive study included a 60 day public comment period. It was concluded that the project would not likely result in significant adverse environmental effects. This conclusion, as has been pointed out, was upheld by both the Federal Court and the Federal Court of Appeal, which concluded also that the federal authority could not delegate away its responsibility and accountability with respect to that issue.

I would suggest that the cycle has come full circle in that Bill C-9 closes the accountability gap, if it ever existed in the first place. We also know that there has been separate legislation under the Nuclear Safety Act which, at this particular time through the Nuclear Safety Commission, is engaged in looking at this whole question of onsite nuclear storage.

There has been considerable concern and interest raised with respect to federal-provincial relations. As I have indicated before, when I was speaking on this issue, the matter of jurisdictional cooperation is dealt with up front with respect to Bill C-9 because it is absolutely clear that there must be a high level of provincial-federal cooperation in order to address and get around the kind of duplication and obfuscation that occurs when we have two important desires which should come together, and that is to protect the environment in a sustainable manner.

In 1998, all provinces and territories, with the exception of Quebec, signed the Canada-wide accord on environmental harmonization. It is hoped that the kinds of issue that have been addressed within the context and spirit of that particular companion document will find us perhaps discovering a new day in provincial-federal relations where the nature of duplication and conflict can be resolved. I would beg that the new government in the province of Quebec would review Bill C-9 against the opportunity to develop new mechanisms so that it too would sign the harmonization accord.

The legislation mentions the creation of a new position: federal-environment assessment coordinator. The coordinator would have powers to set timelines and would be accountable for ensuring that federal authorities fulfill their obligations under the act in a timely manner, since justice delayed is justice denied in terms of holding back unnecessarily the information that is provided through the public registry, and the scoping and recommendations that are entrenched in Bill C-9.

Aboriginal peoples have a unique role to play in environmental assessments and Bill C-9 would ensure that special provisions would apply with respect to the value and use of traditional knowledge that is very much part of aboriginal background. The legislation would enable band councils to undertake assessments on reserve lands.

Martha Kostuch, from The Friends of the Oldman River, appeared before the standing committee and welcomed new requirements that established an Internet based registry of project information. However, she cautioned that electronic information alone is not sufficient because there are still people who require paper information. Those provisions have been included. Under circumstances that are specific to a proponent's application for environment assessment, all information will be provided in a manner that is best utilized by the public.

● (1215)

There are other positive changes. As hon. members know, the environment is a dynamic area of public policy. In terms of its dynamics it is extremely sensitive to advances in science and technology. It is in that manner of update of information, in particular as it is available to special interest groups which have a huge opportunity and a wisdom and an information base to be part of the environmental process, that they will have even additional opportunities to do so.

As members of Parliament we must be certain that the positive evolution of environmental assessment set in motion by the minister's review of the Act and Parliament's consideration of Bill C-9 will continue. The answer to the question of whether the act will fulfil its obligations probably lies in the fact that not only is there a companion piece with respect to beyond Bill C-9 but that the quality assurance program requires that there is an ongoing response and monitoring under the quality assurance program that will keep the agency vigilant. It will make recommendations as policy issues arise that require change. It is not just at the end of the seven years that the review will to take place, it will be an ongoing review.

New requirements that make follow-up programs mandatory for larger and more complex projects are a second way that Bill C-9 will promote continuous improvement. Under the Canadian Environmental Assessment Act follow-up programs examine whether the predictions made by an environmental assessment are accurate and whether the mitigation measures intended to prevent environmental harm are actually working. By making these programs mandatory for projects assessed by a comprehensive study, mediation or a review panel, we are guaranteed a constant flow of follow-up information.

In support of these legislative changes the minister has committed the agency to act as a central electronic repository of follow-up information allowing others to use the results of past assessments to improve their ability to predict effects and design mitigation measures.

I am confident that Bill C-9 will significantly strengthen the Canadian Environmental Assessment Act. I am also certain that the positive momentum created by the bill will continue. As as a matter of fact, the provisions beyond Bill C-9 start to relate environmental assessment to sustainable development in order that the process facilitates a meaningful change, not only in attitudes toward sustainable development and the stewardship of our environment but invite new positive ways that it can be done as well.

We look forward to a continuation of that spirit as we gain experience from Bill C-9. In this way we will have an environmental assessment process that retains the confidence of Canadians, a process that supports on a project by project basis our environmental priorities, including action on climate, endangered species, clean water and clean air. In other words, we will take those steps that will provide for a legacy for future generations that is in keeping with the sense of responsibility that we feel at this present time.

● (1220)

[*Translation*]

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, I would like to ask the member across the way what he thinks of the fact that a CP line goes through a residential area in Hochelaga—Maisonneuve.

What is his opinion of the criteria allowing trains to go through this area in Hochelaga—Maisonneuve? How about the quality of life of people there since trains go through the area several times during the night? What kind of quality of life can the new law provide? If I understood correctly what was said earlier, CP is not included in this act. What could be done to ensure that people in Hochelaga—Maisonneuve have a better quality of life?

[*English*]

Mr. Alan Tonks: Mr. Speaker, I thank the hon. member for the question. As I indicated, if there were a project that was initiated from CP or any of the other rail entities, that project would be dealt with within the confines of the Canada Transportation Act.

It would seem to me that the spirit of Bill C-9 with respect to the information that would be provided to those who are within the immediate right of way, those who are implicated directly or indirectly, whether it be through noise or with respect to an unseemly interruption of what could be characterized as reasonable life and lifestyle, is that they would have all the information available to them. I do not know whether the Canada Transportation Act provides for that but it would seem to me the same spirit with respect to public information and access should be provided.

I would like to point out that it is the application though, through the Canadian Transportation Agency, that would trigger the Canadian Environmental Assessment Act and the same provisions would provide with respect to the public's right to have input. The ultimate decision would be made through the Canada Transportation Act and agency.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I am very pleased to take part today, at third reading stage, in the debate on Bill C-9, an act to amend the Canadian Environmental Assessment Act.

It might be good to remind the House that Bill C-9 amends the existing Canadian Environmental Assessment Act. This basic legislation came into effect in January 1995 and is the process through which the federal government decides whether or not to approve projects that could have an environmental impact. It is important to note that we are therefore talking mainly about the federal government's power in the environmental area.

But we will see that, in this area as in many others, the federal government is unable to curb its insatiable desire for power to its own jurisdictions and this is the main reason the Bloc Quebecois is opposed to the bill.

In relation to a physical work, a project corresponds to any proposed construction, operation, modification, decommissioning or abandonment in relation to that physical work. These are all the concepts found in the act in relation to a project. Regulations will clarify the type of projects that are covered or not by an environmental assessment. Paragraph 5 of the basic legislation states that some projects are not subject to an environmental assessment and other exclusions, beside national and other emergencies, restrict the scope of the act. This is the context in which we have to work today.

Exclusions are logical and they are subject to other rules. However, some exclusions are much more ambiguous and cover a number of areas: agriculture, electric and nuclear energy, pipelines, forests, transport, and so on. A good number of these are areas of provincial or shared jurisdiction.

I would like to draw the attention of the House to a comment about this made by the member for Rosemont—Petite-Patrie, the Bloc Quebecois environment critic. He has carefully reviewed this bill as well as other issues related to the environment. The member for Rosemont—Petite-Patrie, who is a leader when it comes to environmental matters, mentioned that there was a fundamental problem, beyond the issue of jurisdiction, in that the Canadian Environmental Assessment Act takes a self-assessment approach: federal authorities are the ones who assess their own projects.

So, while there are sectors that were excluded, as we mentioned earlier, there are also sectors where departments carry out their own assessments of projects they want to promote. Once again, as the member for Rosemont—Petite-Patrie said, unlike in Quebec, where there is the BAPE, under Canadian legislation, departments are often responsible for conducting their own assessments. This means they are both judge and defendant. It is as though we were telling industrial developers or the oil industry to do their own environmental assessments. What would that lead to? It would lead to biased results. So, what we need is a truly independent process, like that of Quebec's BAPE.

The Bureau d'audiences publiques sur l'environnement du Québec has been in existence for several years now. Quebec set up an assessment process that dates back to 1972, when the first environmental assessment legislation was passed in Quebec. Back then, it truly was one of the best pieces of legislation of its type. Of course, environmental issues have evolved over the years, but the fact that the review is there, that this legislation was passed, has allowed for the development of a truly independent environmental assessment process that has, over the long haul, turned out to be a very good decision.

Under the process, there are clear standards by which preliminary studies are carried out on legislation in Quebec. If the environmental impact of a project meets the standards, then a certificate of authorization is issued. This gives developers a very high degree of certainty.

When the BAPE gives its authorization for a project, a certificate is issued, which consists of a guarantee for those involved in the project that, in the end, projects will be accepted, and can be carried out. Therefore, the BAPE assessment catches anything that the standards may have missed. The public is guaranteed access to this type of hearing.

There are other aspects of Bill C-9 that have caught our attention.

● (1225)

One of the features of this act is that only federal authorities are subject to environmental assessment. Whenever such an entity is the promoter of whole projects or parts of projects, it must conduct an environmental assessment. Help for a project may take the form of funding, a loan guarantee, or financial assistance.

However, financial assistance in the form of tax relief is not addressed, and neither are projects carried out outside Canada. In that respect, the organization Development and Peace recommended that Export Development Canada projects be assessed, because we cannot do abroad what we would not dare do at home.

This opens a very important chapter about all that lies ahead in international negotiations, where we have moved from agreements like NAFTA, to liberalize trade, to agreements that include social and environmental provisions. It is important that any legislation we pass now reflects this thrust, so that eventually we may have environmental assessments that allow us to determine the true value of projects.

First, Bill C-9 sets out new objectives: to promote cooperation and coordinated action between federal and provincial governments with respect to environmental assessment processes for projects, to promote communication and cooperation between responsible authorities and aboriginal peoples with respect to environmental assessment.

It creates the position of environmental assessment coordinator. There is the rub. Let us consider paragraph 46(1), which states, "Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out in a province and the minister is of the opinion that the project may cause significant adverse environmental effects in another province, the minister may refer the project to a mediator or a review panel in accordance with section 29 for an assessment of the environmental effects of the project in that other province".

This is the clause that obliges the Bloc Quebecois to oppose this bill. We cannot be opposed to proper environmental assessments. In this connection, Quebec has proven its desire to pass legislation that is effective and gives satisfactory results. The bill we have before us at the present time, however, allows the federal government to intervene in areas that are not under the general application set out in clause 5 but affect all other matters which, in the judgment of the minister, may be considered pertinent if the act is to be implemented in a province.

Thus there could be a duplicate assessment of a project to be carried out in Quebec, because it would have an environmental impact on Nova Scotia, Ontario or some other province. Certainly, we all agree that a good environmental process is necessary, but sustainable economic development assumes the presence of environmental rules that do not act as hindrances to development but instead make possible projects that fit in with sustainable development. We are entitled to doubt that this federal approach will be a satisfactory one.

To us, the Canadian Environmental Assessment Act is an encroachment on Quebec's basic areas of jurisdiction. To begin with, right from the time it was introduced, it has been interpreted as a federal attempt to reintroduce discretionary leeway into its environmental assessment process. This is clearly demonstrated by the clause I was just reading.

In clause 8, the creation of a federal environmental assessment coordinator clearly demonstrates the federal desire to meddle in the Quebec process. It wants to created a coordinating position because of its intention to interfere in an area of Quebec jurisdiction. Otherwise it would not need such a position. If it stuck to its own area of jurisdiction, the federal level would not have any need of this position, one which by its very definition assumes the coordination of projects that affect several provinces or which, thanks to clause 22, can intervene in an area of jurisdiction that is already covered by Quebec, that is by the Bureau d'audiences publiques sur l'environnement.

We know that the provincial governments—Quebec and Alberta were the leaders in the environmental area—have spoken out against the Canadian Environmental Assessment Act and called for major changes, which would have made it possible for the provincial processes to replace federal assessments.

The federal government rejected those concessions at the time. The bill also appears to introduce discrimination between promoters of social projects and the federal authorities, and other authorities. For example, a project partly financed by the federal government will be subject to the Canadian environmental assessment act. But if the federal government is not involved, a second system comes into play. So there is a double standard. We should have examined this more closely in order to find more acceptable solutions.

● (1230)

In 1992—and this is already 11 years ago—, when Robert Bourassa was Premier of Quebec, the National Assembly unanimously passed a motion condemning the approach tkaen by the federal government, which was acting unilaterally without taking into account Quebec's representations.

This motion read as follows:

> That the National Assembly strongly disapproves of the federal government bill, an act to establish a federal environmental assessment process, because it is contrary to the higher interests of Quebec, and that the National Assembly opposes its passage by the federal Parliament.

From the outset, a motion was unanimously passed and approved by this federalist Liberal government in Quebec that said, "The federal government has no business in this." That is justifiable. It is a position that is shared by all political parties in Quebec.

Quebec wants all projects within its territory, whether the federal government is participating in them or not, to undergo its own environmental assessment process with the Bureau d'audiences publiques sur l'environnement. The Quebec process allows, in our opinion, more transparency in terms of public participation. We have attended BAPE hearings in the past. The debates are often very heated, but they allow people to express their opinions and their points of view quite clearly. In any case, this tribunal has always had a reputation for doing a good job.

Quebec has an independent assessment process that contrasts with the federal government's philosophy of self-assessment. Under Quebec's system, departments are not asked to assess their own projects. Obviously, this ensures greater transparency. This also means it is not necessary to ensure that the process complies with a sufficiently rational logic.

Quebec's process also excludes fewer projects early on and therefore provides greater protection for the environment. It contains no exclusions or exceptions, as does the federal legislation. It is also less complex than what the federal government is proposing. It is more homogenous and therefore more predictable, since it is comes under one single entity instead of different government departments.

The Quebec process has a clear time frame, unlike the federal government's legislation, which never gives very specific deadlines.

There are, therefore, two different environmental assessment models. In fact, the federal government is very late in addressing this; it is trying to play catch-up. It has developed a particular model which often creates conflicts of interest and which is, ultimately and very surprisingly, based on the Quebec system; it is going to intervene when the Quebec system is already in place. So, this can lead to significant duplication. In that case, it is not necessarily just the environmentalists who will react, but also the project developers. In fact, the latter, in good faith, submit a project for approval, undergo the BAPE assessment process and, suddenly, due to the federal legislation, have to submit their project to a second review. Then they have to see if it is approved or not.

It is important to remember that the purpose of assessing environmental projects is not to block the projects indefinitely, but to ensure that development projects respect the principles of sustainable development, as Quebec has done for many years now.

Of course, Quebec also opposes the duplication of procedures the federal government has introduced. This is a waste of resources that could be used more effectively for the benefit of the environment.

For all these reasons, we felt that it was important to try to get this bill revised and corrected. We are now at the third reading stage and we are trying to have the bill referred once again to the committee or to have the government itself reconsider the bill so that, in its final version, the bill will respect the jurisdiction of provinces, particularly that of Quebec, in environmental matters. Occasionally, the federal government has done so for other projects in order to respect provincial jurisdiction, and it also ensured that what worked in other cases could be incorporated in the legislation, in order to have a better act.

● (1235)

We see nothing of the kind in this bill and this is the why the Bloc Quebecois is opposing it. As we know, we have to find ways to apply the same rationale to development projects and their environmental assessment to have sustainable development.

In that sense, in the case of hydro projects, we can say that the past in an indication of what the future holds in store, as the member for Rosemont—Petite-Patrie said. He also said:

> Look at what this government has done with the environmental assessment process in the Toulnustouc project on the North Shore. It is important to remember that the interference of the federal government in the hydroelectric generating station on the Toulnustouc River in 2001 caused delays of several months on this key project for the region.

Therefore we are not talking about theoretical objections, objections that did not turn out to be well founded. In the case of this bill, we are talking about real situations. It would have been possible to take advanatage of the amendments being made to the act to correct the situation and avoid, in future, this kind of conflict of interest, which has significant economic effects on revenues and also on job creation.

People on the North Shore undoubtedly want the project to go ahead as soon as possible. BAPE hearings were held and, consequently, it did not necessarily seem relevant to add a second environmental study.

The hon. member said later:

> After reviewing the environmental assessment of the project, after public consultations in Baie-Comeau and Betsiamites, after 13 hearings involving some 650 people with 31 briefs having been presented, the BAPE gave the project its approval in June 2001. This hydroelectric power plant was going to generate employment for 800 people per year.
>
> The federal government decided to enforce the federal process, skeptical of the BAPE's environmental assessment under Quebec's system, thereby delaying a sustainable development project for Canada, and also violating the principles of sustainable development, under which the economy, the environment and society are equally important. I think that the proposal of the current Liberal government, to have environmental reviews delegated to Quebec, is completely warranted.

Why not, instead, have legislation that would provide that, if a province had an adequate mechanism, that is what would apply, but duplication would be avoided at all costs?

The hon. member for Rosemont—Petite-Patrie concluded by saying that he was:

> —convinced that when the newly elected government in the National Assembly sees this bill and when it studies and evaluates these major amendments, it will be consistent with Robert Bourassa's position in 1992 and support the drive to patriate and have one single environmental review process for all projects. In the end, I am convinced that the new government will remain faithful to Quebec's past claims and to the best interests of Quebec, as all of the Governments of Quebec have done for decades.

In conclusion, I think the best lesson to be drawn from today's debate is that, as the member from Hochelaga—Maisonneuve said this morning, the environment is not just about theoretical issues. It has an impact on people's daily lives and that should be one measure of whether projects are compatible with sustainable development. But we must never use environmental legislation to obstruct development projects; all voices must be heard.

At present, the federal government, by allowing us to vote on Bill C-9, is not working for the cause of the environment. Therefore, the Bloc Quebecois will vote against the bill.

● (1240)

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, please allow me to stand beside the member, sop that I will not be speaking behind his back. In politics, you know, that is frowned upon.

This is a bill, as our colleague said, that raises many problems for us, not as much on the principle, as my colleague eloquently reminded us. In Quebec, there have been environmental impact studies for a very long time and no one wishes, once again, to a situation where, for the sake of economic development, environmental interests are sacrificed and people can do just as they please.

As I said, I have been representing the riding of Hochelaga—Maisonneuve since 1993. This used to be an industrial city. Hochelaga—Maisonneuve was a city that was annexed to Montreal in 1914. When it was a city, because of the port of Montreal, because of an industrial development policy, many labour intensive businesses settled there, and their presence can still be felt in Hochelaga—Maisonneuve.

There are two questions that I would like my colleague to comment on. Earlier, the motion that was adopted by the National Assembly in 1992, more than 10 years ago, was read to us. Is it not extremely disappointing, on the public policy level, to see that some people have fought long and hard, and is my colleague not discouraged to see that, more than a decade after an appeal was made unanimously by the members of the National Assembly concerning jurisdictions, they must still go on fighting?

Does he have the feeling that, if the Bloc Quebecois were not in this House, no one in the Liberal Party would express the concerns that he has been raising in the last few minutes?

● (1245)

Mr. Paul Crête: Mr. Speaker, this file is indeed a very concrete example of the defence of Quebec's interests. Today, I did not see any Liberal member from Quebec rise in this House to say that Quebec's jurisdiction must be respected. I did not see any of them remind the House that in 1992, the government of Robert Bourassa, who was a federalist Liberal premier, had adopted a position saying that the federal government had no business getting into that area.

We already occupy our area of jurisdiction. We are doing it satisfactorily, we are showing the way, and this must continue. When the member asks me if we are not getting tired of this whole business, I can tell him that I do not believe we will ever get tired as long as Quebec's rights and positions are not being respected, especially when we are at the vanguard. It was true before in the area of the environment and it is still true.

It is also true in the area of social policies in terms of, for instance, the $5 a day daycare program, which is recognized across Canada as an extraordinary initiative. The Minister of Human Resources Development said of that program that it was not necessary to ask Quebec for any further assessment or reports since it is a success. I believe this same attitude should apply when it comes to the environment, but this is not reflected in this bill.

Instead, it leaves a certain discretion to the federal Minister of the Environment who, in the end, could use it not to allow for the development of better sustainable development projects, but to hamper concrete sustainable development projects. Earlier, I gave the example of a hydro dam. The same question could be raised with respect to any other kind of development, especially in the area of transportation.

For instance, we are being told that when a project has the slightest impact on an another province, the process will be duplicated. So this might involve the whole border area.

Here is a concrete example. If in my own constituency of Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, a new industry could be the subject of an environmental impact assessment concerning pollution, for example, I would consider it ill-advised of the federal government to insist, in compliance with this clause, on a second impact assessment study after the Province of Quebec has done its own. When Quebec does the study, it will clearly take into account the global environmental impact of the project. The assessment will not stop—nor could it—at the Quebec border.

Therefore, all conditions of development projects must be taken into account, but an effort must be made to avoid duplication. If there is one thing that federalists and sovereignists in Quebec have in common, it is their opposition to the sort of duplication that is being imposed by the federal government and that the present Liberal leadership contenders want to impose on us, in education for example. I think the fight will go on as long as the federal government does not abandon this approach.

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, I am pleased to speak today, at this stage in the study of Bill C-9, An Act to amend the Canadian Environmental Assessment Act, known as the CEAA.

Both the House and the committee worked very hard and have shown a great deal of goodwill in order to amend this bill to bring it into line with Quebec's longstanding environmental conditions and claims.

Let us recall the major elements of this bill. First, there are two new objectives: to promote cooperation and coordinated action between federal and provincial governments with respect to environmental assessment processes for projects; and to promote communication and cooperation between responsible authorities and aboriginal peoples with respect to environmental assessment. It would also subject the Canadian International Development Agency, CIDA, to the process and establish a federal environmental assessment coordinator for projects that involve several federal authorities or provinces. It also authorizes the use, as an assessment criterion, of local knowledge, aboriginal knowledge and traditions. The bill broadens the minister's discretionary power to get involved in projects in Quebec. It extends the participant funding program to comprehensive studies.

Allow me to talk about the issues for the Bloc Quebecois. Bill C-9, as it now stands, is not a bad bill. It is a considerable improvement on the Canadian Environmental Assessment Act, particularly by extending its application to CIDA and certain crown agencies.

Participant funding and the consultation of aboriginals are other very interesting features of this bill.

However, the problem lies with the very principle of the bill. The Canadian Environmental Assessment Act interferes in Quebec's fundamental jurisdictions.

When it was introduced in 1992, the legislation was interpreted as an attempt by the federal government to reintroduce some discretionary leeway in its environmental assessment process.

Clause 22 of the bill clearly broadens the federal government's authority to interfere in one of Quebec's areas of jurisdiction. The minister reserves discretionary power for himself by adding:

> Where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project that is to be carried out in a province and the Minister is of the opinion that the project may cause significant adverse environmental effects in another province, the Minister may refer the project to a mediator or a review panel in accordance with section 29 for an assessment of the environmental effects of the project in that other province.

Clause 8 provides for the creation of the position of federal environmental assessment coordinator. This shows clearly that the federal government wants to insinuate itself into Quebec's process. it is because the federal government intends to act in Quebec's area of jurisdiction that it has to create the position of coordinator. If the federal government stuck to its own area of jurisdiction, coordination would not be required.

Initially, some provincial governments, including Quebec and Alberta, were the leaders. They criticized the Canadian legislation and demanded major changes that would have made possible for provincial processes to be used in place of federal assessments, but there were few federal concessions.

The bill appears to introduce discrimination between the promoters of projects associated with federal authorities and those that are not. For example, a partially federal-funded project would be covered by the law, but as soon as the federal level is not involved, another system clicks in.

Let us turn now to Quebec's opposition. In 1992, under Mr. Bourassa's government, the National Assembly passed a unanimous resolution denouncing the federal government which was acting unilaterally without taking into account Quebec's representations. The motion read:

> That the National Assembly stronly disapproves of the federal government bill, ... an Act to establish a federal environmental assessment process, ...because it is contrary to the higher interest of Quebec, and the National Assembly opposes its passage by the federal Parliament.

Quebec is also against duplication of the process by the federal government. This federal process can take place in addition to the environmental evaluation from the BAPE. It is a waste of resources which could be used more efficiently for environment.

One has to remember this historical event. It is important to remember what our position was at that time, in Quebec, in an effort to understand what we went through with the current legislation, which is now to be amended.

● (1250)

Bill C-78 became Bill C-13, the Canadian Environmental Assessment Act. I have here documents from 1992 where the Government of Quebec was saying, with regard to the Canadian Environmental Assessment Act, and I quote:

> There is indeed a risk that the latter will constantly be duplicated, disputed or subordinated to the application of the federal process. Yet, the Quebec procedure has been well established for ten years already; it is well known by the general public and the promoters from Quebec; and it has proven itself.

Let me repeat this quote:

> There is indeed a risk that the latter will constantly be duplicated, disputed or subordinated to the application of the federal process. Yet, the Quebec procedure has been well established for ten years already; it is well known by the general public and the promoters from Quebec; and it has proven itself.

The Government of Quebec added that the areas where the federal authority can get involved are somewhat limitless. Therefore, in the view of the Government of Quebec of the time, the scope of this Canadian Environmental Assessment Act was limitless, given all of the provisions the bill contained to force obligatory reviews of projects by the federal authority.

That was our view, in Quebec, of Bill C-13, which became the Canadian Environmental Assessment Act, which we are amending today. At the time, Quebec was also worried that this environmental assessment process would create duplication. It did say that if Bill C-13 was passed as written—and I want to stress this because it is the basic legislation that we are amending here today—it would mean subjecting to federal assessment many environmental projects with an environmental impact, which have already gone through the environmental assessment and review process in Quebec. This situation would therefore create a serious duplication problem in Quebec.

The scope of our Bureau des audiences publiques sur l'environnement, or BAPE, is expanded to include various issues, and not only specific projects from proponents, something that is not possible in the federal process, which was enacted a few years ago and which we are amending today.

Therefore, the significance of the Quebec process must be recognized. As I said, Quebec did not sign the Accord on Environmental Harmonization because it was afraid at the time that there would be some bills that are not really intended to improve cooperation. As people often say, with an accord or a bill like that, you do not need to be married. Under these circumstances, we do not want to be partners. True partnership involves cooperation.

We do not see how the Government of Quebec could find a way to get application of these elements of the federal environmental assessment process delegated to it, although the process it has had in place in recent years is acknowledged as the most effective in the world. Not only do we say so, others do as well. Why undo what is being done well? If Quebec were not proactive as far as environmental assessment is concerned, I might just about be able to understand the Canadian government's desire to develop a federal process, because of the Quebec government's lack of stringency as far as environmental assessment is concerned. But why do they want to duplicate it when the Quebec process is recognized as working?

This is evidence of an increasingly centralist government in Ottawa, despite its preaching of cooperation and harmonization. People cannot say one thing out of one side of their mouths, and its opposite out of the other. They cannot say that cooperation and collaboration are necessary and then turn up with bills that could not be more centralist.

Political consistency is the one and only thing that will restore public confidence in the political system. Inconsistency and an approach of this type is what leads to Quebeckers and Canadians to lose interest in politics and politicians. To my mind, consistency is vital.

So why not give full rein to a Quebec process that allows a comprehensive study? That is what I cannot understand. Since the Quebec process allows comprehensive study, why, if the federal government wants to achieve good environmental assessment, not let this process be used to its full extent,since it does provide comprehensive study? But no, they want to consolidate a bill.

There is another fundamental problem. The Canadian Environmental Assessment Act adopts a process of self-assessment, in that the federal authorities assess their own projects, unlike the situation in Quebec where we have our own Bureau des audiences publiques sur l'environnement to do environmental assessment. Often, under the Canadian legislation, departments do their own assessments.

● (1255)

So they are both judge and defendant. It is as if the oil industry or an industrial developer were told, “You will conduct your own environmental assessment”. What would happen? It would result in biases. What we really need is not a self-assessment process, but a truly independent process as afforded by Quebec's Bureau d'audiences publiques sur l'environnement.

We have some serious criticisms of several clauses of Bill C-9. First, clause 22 clearly gives the federal government greater authority to interfere in one of Quebec's jurisdictions. By adding “of the opinion”, the bill gives the minister discretionary power. So, the minister has the discretion to intervene.

Second, in clause 8, the whole part about the federal environmental assessment coordinator clearly shows that the federal government wants to interfere in Quebec's process. The federal government has to create this position because it intends to operate in one of Quebec's jurisdictions. If it stayed in its own jurisdiction, it would not need to do this.

Quebec is not opposed to a federal environmental assessment process, just as it did not oppose the federal species at risk legislation. Why was it not opposed to such legislation? Because, since 1990, Quebec has its own such legislation. It took the federal government 13 years to decide to adopt federal species at risk legislation and, 13 years later, we are being told that the federal legislation might eliminate Quebec's process and legislation.

The process in Quebec is more at arm's length, as compared to that approach. It excludes fewer projects, thus ensuring more comprehensive protection of the environment. It is less complex than the federal process. It is also more uniform, hence more predictable, since it comes under just one entity instead of various federal departments. Finally, it provides clearly set time limits, contrary to the federal process, which never gives any precise time limit.

I am not convinced that our fellow citizens are happy with the federal process, under which only 1% of projects are subject to a comprehensive study. I would be curious to ask the question to Canadians and I would be happy to do a public opinion poll to ask those who used the federal process if they are happy with the fact that only 1% of projects were subject to a comprehensive study, which means that 99% underwent a screening. I would ask them: are you happy with that? Do you believe that the process is transparent? Do you think that the self-assessment philosophy of the federal government is right? I am convinced that the results would be different.

It seems obvious to me that the federal government is trying to force a process on Quebec, which already has an effective process. This is my opinion, but it is also the opinion of others.

I also wish to say that in committee we strived to have the special status given to the Cree people in Quebec and recognized under article 22 of the Baie-James Convention, which provides for a distinct environmental assessment regime and process, recognized under the Canadian Environmental Assessment Act, as it is under the environmental quality legislation in Quebec. This was one of the major demands of the Grand Council of the Crees, namely thate this special status be given and that article 22 of the convention be recognized.

Their proposal on energy sates:

> In order to guarantee Quebecers the hydro supply they will need in the near future, we intend to speed up hydro project development by quickly reaching an agreement with federal authorities in order to harmonize, and even delegate to Quebec the environment assessment process.

The Government of Quebec wishes to reduce waiting tperiods, among other things, for hydro projects. Hydro is the main economic generator in Quebec.

The past is an indication of what the future holds in store. Look at what this government has done with the environmental assessment project in the Toulnustouc project on the North Shore. It is important to remember that the interference of the federal government in the hydro-electric generating station on the Toulnustouc River in 2001 caused delays of several months on this key project for the region.

● (1300)

After reviewing the environmental assessment of the project, after public consultations in Baie-Comeau and Betsiamites, after 13 hearings involving some 650 people with 31 briefs having been presented, the BAPE gave the project its approval in June 2001. This hydroelectric power plant was going to generate employment for 800 people per year.

The federal government decided to enforce the federal process, skeptical of the BAPE's environmental assessment under Quebec's system, thereby delaying a sustainable development project for Canada, and also violating the principles of sustainable development.

The environment and society are equally important. I think that the proposal of the current Liberal government, to have environmental reviews delegated to Quebec, is completely warranted.

I find this reassuring and I have the following observation. We have often been blamed here in the House for not understanding anything. The Government of Quebec was often blamed for not understanding the situation and for not wanting to cooperate or harmonize environmental measures, because it was a PQ government, sovereignist and separatist—as the members opposite call us. Now, we can see that there was not just the issue of the fiscal imbalance that the Government of Quebec could not agree on. The current Liberal government in Quebec does not agree on this issue either.

I am truly convinced that when the newly elected government in the National Assembly sees this bill and studies and evaluates these major amendments, it will be consistent with Robert Bourassa's position in 1992 and support the drive to patriate these powers and have one single environmental review process for all projects.

In the end, I am convinced that the new government will remain faithful to Quebec's past demands and to the best interests of Quebec, as all of the governments in Quebec have done for decades.

● (1305)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: Therefore, the division stands deferred until tomorrow, May 6, after oral question period, at 3 o'clock approximately.

* * *

[*English*]

NATIONAL DEFENCE ACT

Hon. John McCallum (Minister of National Defence, Lib.) moved that Bill C-35, An Act to amend the National Defence Act (remuneration of military judges), be read the second time and referred to a committee.

He said: Mr. Speaker, it is my pleasure to speak in favour of the amendments to the National Defence Act that are being submitted to the House today.

The most substantial amendment will provide clear authority in the National Defence Act for retroactive pay raises for military judges. In doing so, it will allow for the continuing financial security of military judges.

[*Translation*]

I certainly do not have to remind members of this House of how important it is for the remuneration of military judges to be legislated and free of any influence on the part of the executive branch of government.

Only an independent, unbiased and efficient mechanism can depoliticize the process of establishing the remuneration of military judges. That is why the Military Judges Compensation Committee was created in 1999.

[*English*]

Every four years the military judges compensation committee conducts inquiries into the pay of military judges and makes recommendations to the Minister of National Defence as to what the appropriate levels of pay should be. The next review is scheduled to begin on September 1, 2003. The committee's report and recommendations on the adequacy of military judges' pay are expected by the end of May 2004.

Needless to say, failure to implement the recommendations that are accepted by the government could jeopardize the overall effectiveness of the entire compensation committee process. The amendment before us today will therefore allow the Treasury Board, upon recommendation by the Minister of National Defence, to implement compensation committee recommendations that may be made retroactive to the beginning of the review period, in other words, September 1, 2003.

As for retroactive pay increases, they are nothing new. Such adjustments are routinely implemented for civilian judges, employees of the public service and other members of the Canadian Forces. The proposed amendment to the National Defence Act will merely ensure that there is clear authority in the act for making pay amendments for military judges retroactive.

[*Translation*]

Several additional amendments to the National Defence Act not related to the military judges' remuneration were also proposed. These technical amendments deal with DNA testing in forensic science and with other issues meant to improve the effectiveness of the legislation. Their purpose, essentially, is to ensure consistency between the English and the French versions of the act.

● (1310)

[*English*]

In summary, the proposed amendments to the National Defence Act that are being submitted today will help ensure the financial security of military judges and the proper functioning of the military justice system. For these reasons, I hope the House will support the proposed amendments.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, it is good to speak to the bill today. Of all the issues facing the military and the Department of National Defence, this is probably not the top priority of most Canadians. There are many things that need to be addressed.

The bill was introduced in the House last Thursday, May 1. The House leader indicated on Friday that the government would be bringing it back today. The way in which the bill has been brought forward and the way in which it has been handled is quite unusual.

As I said, a lot of issues need to be addressed when it comes to the Department of National Defence and I am not sure Canadians would have picked this as their top priority.

Last week the official opposition, the Canadian Alliance, brought forward a paper dealing with the many concerns Canadians have with our military today. A number of the recommendations in it would have had far more importance for the government to have brought forward in legislation, one being some changes to the way DND is run, but instead it brought this forward.

Over a number of years successive Liberal and Progressive Conservative governments have undermined Canada's military heritage. What has happened in the last number of years to our military is nothing short of criminal. Because of the cuts that have taken place, the hardworking men and women in the armed forces are having to get by with less and less. In recent times our forces have been unable to respond to situations because of a lack of equipment and a lack of many things but certainly not courage and dedication. It has been the lack of support by the Liberal government that has put our people into situations they should not be put into.

When our military has had such a proud history it has been unfortunate to see it deteriorate over the past number of years strictly due to the lack of support by the governments of the day.

We need an effective, multi-purpose military capable of meeting situations that arise. As we know, the world has changed since that fateful day on September 11. We are now in a war on terrorism. We have the war to change the regime in Iraq, which we did not actively support. We did not support the movement against a government that was brutalizing its own people. We did not have what it would have taken to contribute in a realistic fashion. Even if we had said that we would support it, although it would have been in a limited way, at least the offer would have been made, but it was not.

We reject entirely the idea of soft world power. The situation over the last two years indicates that type of approach will not work.

The world is realigning, which is happening right now as we speak, the situation with the United Nations, with NATO and even Norad, and the relationship Canada has with the United States, those organizations will change.

As all these things happen and the war on terrorism continues, we as Canadians should be preparing our military in a vigorous fashion to meet those challenges of the coming years. We are not seeing that being done.

The bill that was introduced last week, to which the minister spoke a few minutes ago, in no way addresses any of the issues that Canadians have top of mind when it comes to protecting our sovereignty as a nation. We need to do that but we have not done that properly over the past number of years. A number of things need to be done.

The members of the official opposition, the members for Lakeland, Calgary West, Edmonton North, Calgary Northeast and our leader, the member for Calgary Southwest, worked hard to put together some recommendations they and our party felt met the needs that Canadians felt our military needed at the present time.

● (1315)

I believe all or any of the recommendations put forward by our party more poignantly addressed the problems that exist within our military and addressed some of the things the minister should have brought forward. Instead he chose to bring forward a bill dealing with retroactive pay for military judges, important as that might be. We are not disputing that fact. However it is an issue of priority. What do we see as a priority for our government to be working on in issues facing the military?

Going through some of the recommendations that we made, we think Canada should support maintaining Norad as a viable defence organization to counter threats to North America, including those emanating from rogue states possibly equipped with ballistic missiles and weapons of mass destruction. Norad should be given the command responsibility for the envisaged system for defending against ballistic missiles. That speaks for itself and where our party believes we should go as far as the protection of the North American continent and some of the issues that are coming forward in terms of missile defence systems.

We now get into spending and parliamentary oversight. Increases in the defence budget should be accelerated to provide an additional $1.2 billion per year over and above the increases in the 2003 federal budget, bringing the immediate increase to $2 billion per year. This money should be added to the DND budget base and directed at the most urgent operational equipment priorities.

As recommended by the House of Commons and Senate defence committees, over the long term the Canadian defence budget should be progressively increased to bring it into line with the NATO average as a percentage of GDP devoted to defence.

Further on, government, closely supervised by Parliament, should initiate a comprehensive reform of the budgetary management process within DND which would aim to do the following: allow the department greater flexibility to purchase or lease equipment "off the shelf" to meet urgent operations requirements; give the Minister of National Defence and departmental managers more authority over procurement decisions in order to simplify urgent equipment acquisitions.

As we see the replacement programs for the Sea King helicopters drag on and on year after year, certainly it would make sense to streamline some of these issues.

The next aims would be to de-politicize the procurement process and remove unnecessary bureaucratic impediments to speedy and effective procurement, and to give DND access to funds raised by the sale of departmental assets or infrastructure.

Further on, an independent commission of military experts should be established to review: the activities of all agencies, divisions and sections within DND; and the operational necessity of all national defence bases and facilities. The commission's recommendations would be submitted to government for a final decision. These are common sense types of things.

Parliament must be permitted to debate and ratify overseas deployment of Canadian troops to combat missions, something for which we have asked time and time again in the House and have been turned down by the government.

As part of a comprehensive reform of Parliament, the House of Commons standing committee must be empowered to review the following: the annual spending estimates of DND in a comprehensive fashion with the power to increase and decrease funding for specific programs within the boundaries of the overall defence spending envelope determined by the government; all major crown projects valued at more than $100 million proposed by DND, as recommended by the House of Commons defence committee procurement study of June 2000; the appointment of the chief of defence staff should have a legislative mandate to appear before the defence committee on a regular basis.

The Standing Committee on National Defence and Veterans Affairs must be provided with the resources and staff to carry out these activities effectively. Members of Parliament assigned to the defence committee and all other House committees should serve on that committee for the life of Parliament.

Recommendation No. 8: A Canadian national intelligence agency to coordinate existing intelligence from all sources should be established to provide the prime minister, senior ministers and officials with national intelligence information and assessments. A committee of senior government and official opposition MPs, sworn to secrecy as needed, should be established to scrutinize and oversee the activities of the national intelligence agency, utilizing confidential and in camera sessions as required. The head of the national intelligence agency should be confirmed by Parliament and should appear before the committee as required.

● (1320)

We have heard a lot about defence capability requirements in the last little while. The expansion of Canada's special operations capability should be a priority in the war on terrorism. Measures should be put in place to ensure that the prime minister is directly engaged in command and control decisions concerning the activities of the JTF2.

The Canadian army should restore the airborne regiment and establish it as a core of an elite, air transportable rapid reaction force that could deploy anywhere in Canada or overseas on short notice. Such a formation should have enhanced helicopter assets, including attack and heavy lift helicopters.

The Canadian army should be capable of deploying and sustaining a combat effective brigade group in medium to high intensity operations overseas. This is something that did not happen during the Afghan war. The army should employ a realistic procurement plan that replaces obsolescent equipment as soon as practical. Where necessary and feasible, some equipment acquisition could proceed by buying or leasing effective equipment "off the shelf" from allies. That option should be available to the armed forces but not everything should have its own build specifications. We should be able to buy "off the shelf" equipment.

Consideration should be given to modernizing all of Canada's existing CF-18s and Aurora aircraft in order to meet domestic and international commitments. Flying hours, particularly for the Aurora aircraft, should be increased to ensure adequate protection of Canadian sovereignty.

DND should examine options for enhancing its ability to monitor Canadian territory and protect against unauthorized incursions. Satellite surveillance, over the horizon radar, unmanned surveillance aircraft and radar warning aircraft should all be considered for this purpose.

Canada should upgrade its participation in the multinational F-35 joint strike fighter project to that of a full partner as soon as possible in order to ensure timely replacement of the existing CF-18 fleet.

The air force should maintain adequate stocks of modern precision guided munitions, air to air and anti-ship missiles, to be able to respond to possible overseas deployment requirements, and do it quickly.

Canada should immediately initiate a project to replace its older C-130 transport aircraft. Such a project must include the acquisition of at least some heavy lift transport aircraft to meet both domestic and international requirements.

I had the pleasure to fly up to Alert and Thule, Greenland a year or two ago on a C-130. The crew were exceptional. They were flying an aircraft that had 40,000 hours on it. It had been rewinged and re-engined. Thank goodness for the engineer on that plane because if a light bulb had not been working he would not have let the plane fly. He became a pretty good friend of mine because I had put all my faith in him. Just think that a crew has to do that on a weekly basis on one of those ancient aircraft Their lives are at risk as they fly, as are certainly the people who they are delivering the goods to and the replacement people who are going in. It is an incredibly important function that our air force has and it is doing it with outdated and antiquated equipment.

Consideration should be given to converting all five A310 airbus aircraft to the strategic tanker role in order to facilitate the deployment of Canada's CF-18s, both within the country and abroad.

In order to meet all naval commitments and ease the strain on ships' crews, naval personnel levels, as well as funding for training operations, should be increased so as to maintain all 16 existing warships at full readiness.

The Canadian navy should examine options for acquiring under ice capable submarines to help protect Canadian sovereignty in the Arctic. The used submarines that we bought from Great Britain have turned out to be less than desirable. Millions and millions of dollars will have to be spent on them to make them worthy. It is completely unacceptable and is turning into a real farce as we progress. Day after day they find more things wrong with the equipment. The Arctic is ours and we need to patrol it. If under ice patrols are the way to do that, we should have that capability.

● (1325)

The Canadian submarine fleet should be expanded to allow for the deployment of at least three submarines on each coast. At the present time we are unable to do that.

The government should immediately initiate a program to acquire four new operational support ships to allow two to operate from each coast. This would ensure adequate underway support for operations in national waters and overseas.

A project should be immediately initiated to replace, on a one for one basis, the navy's four existing Iroquois class destroyers with a new class of destroyers capable of exercising command and control, as well as air defence functions.

A program to replace our existing Sea King helicopters, on a one for one basis, must be initiated immediately. This is long overdue.

The government should initiate a littoral, ship to shore, warfare project with a view to acquiring: at least one dedicated helicopter-light carrier for the Canadian Navy; sufficient amphibious shipping to transport as well land troops in trying conditions which, if judged feasible, would coincide with the acquisition of new operational support ships discussed in recommendation 22; and heavier naval guns and land attack missiles for the navy, which would most logistically occur as part of the acquisition of a new destroyer to replace the Iroquois class discussed in recommendation 23 and through the projected modernization of the Halifax class frigates.

The strength of the regular force should be progressively increased to at least 80,000 personnel to implement the force capability goals proposed.

The strength of the reserves should be gradually increased to about 60,000 personnel, of which about 45,000 would be army reserves or militia. The militia would be given primary responsibility for most internal defence tasks but would, to the greatest extent possible, be trained to regular force standards and properly equipped. Measures should be taken to protect the jobs of reserve members when serving on either a voluntary or compulsory basis on active duty.

Recommendation 27 of the paper deals with esprit de corps and morale. The size of the officer corps in the Canadian Forces should be reviewed for efficiency and appropriateness on a regular basis.

The personnel evaluation report system of promotion must be simplified, evaluating candidates on merit, valour and operational effectiveness considerations alone.

The rank structure of the Canadian Forces should be reviewed. Enlisted ranks above the rank of private ordinary seaman should be designated as leadership positions, promotion to which would be based on merit, valour and leadership considerations alone.

Recruitment and promotion of the Canadian Forces should be based on merit and operational effectiveness considerations. All persons recruited to serve in any capacity in combat or combat support units should be expected to meet and constantly maintain the highest possible training standards. Parliament should use all necessary means to ensure that Canadian Forces is not affected by potential judicial or quasi-judicial rulings which compromise this position.

The civilian and military components of national defence headquarters should be separated with the chief of defence staff responsible for military and operational matters in the Canadian Forces.

The distinct identities of the Canadian army, the Royal Canadian Air Force and the Royal Canadian Navy should be restored, but functional integration under a single command structure headed by the chief of the defence staff retained. This will require the passage of appropriate legislation.

Finally, an office of inspector general should be created to uncover waste, duplication and abuse of power within DND and the Canadian Forces. The office of military ombudsman would be part of this branch and would be responsible for investigating complaints made by military personnel.

I believe the issues I just mentioned are far more important to Canadians than the issues addressed in Bill C-35.

● (1330)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I am pleased to rise today to speak on Bill C-35. Like my hon. friend from the Canadian Alliance, I am rather surprised that, with so many serious issues at stake in National Defence, we are discussing a bill dealing with the remuneration of military judges.

This affects exactly three judges. I feel that the time of the House of Commons is often limited, and that we should have been spending much more time on doing something other than taking the time to try to explain and justify pay raises for three military judges.

For months now, we in the Bloc Quebecois have been asking for a new National Defence policy. Under this new policy, changing judicial salaries would certainly take much less time than it does now.

And that, perhaps, is the failing of the current government. In fact, they are so taken with the 1994 National Defence policy that they do not want to update it, so they just give us the legislation piece by piece. For example, at some time they will try to amend another part of the National Defence Act, and it is a big act; it has many sections.

Instead of working on the basic problems and saying, "Where do we go from here?", the government is going about it piecemeal, saying, "Since we do not want to deal with the central issue, what we are going to do is simply to say we are introducing bills that amend one or two or three little sections of the National Defence Act".

As I was saying, in a report by the national defence committee, the Bloc suggested that, before injecting new money, before saying that we will proceed with the purchase of such-and-such equipment or will be increasing the size of Canada's armed forces, we must review the National Defence policy that dates from 1994. The policy was not created just yesterday. Most of the actions now being taken are based on this policy.

God knows that we are living in a different world today than in 1994. The attack on the twin towers in New York completely changed all dynamics. I remember having made a speech a few days after that event, in a take-note debate, and I said that it had just changed the face of military doctrine.

For tens and thousands of years, soldiers have met on the battlefield, face to face, each with their own uniform and equipment. The day after the attack on the twin towers, the world was facing an invisible adversary that eluded capture; we did not even know where this adversary was. This requires a new vision of military doctrine and, of necessity, a new vision of national defence policy.

Clearly, national defence policy is intimately connected to foreign affairs policy. Today, each nation adopts a national defence policy in keeping with its foreign affairs policy. National defence policy is a major instrument for foreign affairs policy; these policies are intimately linked.

What have we learned recently? We have learned that the Minister of Foreign Affairs is currently reviewing his policy, which is also outdated, and that National Defence is lagging way behind. This leads to inconsistencies and problems as we are seeing here today.

This bill affects three individuals responsible for military justice. What is being done? My hon. colleague was talking earlier about submarines. Some $800 million has just been spent buying old submarines from the British army. When questioned, the general in charge of the navy admitted that these submarines are incapable of going under the polar ice cap, to ensure our sovereignty in the great Canadian north. This would cost up to $400 million per submarine. So we settle for spending $800 million, but if an additional $400 million per submarine is invested, the bill will inflate to $1.6 billion. Taxpayers have not been consulted. This is one example.

There are also plans to modernize the F-18. At the same time, Canada is participating in the new American joint strike fighter, to the tune of $250 million to $500 million.

● (1335)

We are participating in this program, and are now at the third of five stages. This may give us the opportunity, when the F-18s are at the end of their active life, to purchase these new fighter jets at a reduced cost, given that we have taken part in the program.

This will also provide revenues for Canada. Countries that were not involved in the Joint Strike Fighter program will purchase the jets and pay a fee to the American government, which will in turn give us a share because we took part in it.

Who in Canada is advocating for this right now? Who decides that this is how it is going to happen? We do not even have a national defence policy to turn to. It is senior officials and senior military staff who decide. They say, "We will take part in this because one day we may need it".

If taxpayers had their say, I am not convinced they would want us to commit to the purchase of a stealth fighter at a cost of $30 million apiece. They may prefer investing in reconnaissance aircraft, which could monitor the whole Canadian coastline and ensure that Canadian sovereignty is respected. Could it be that this is what Canadian taxpayers want?

It is the same thing with the troops. Right now there is no national defence policy. The army is called on to carry out all of the different roles: combat, stabilization missions and peace missions. Everything is offloaded onto the army, in terms of the different mandates it can fulfill.

This means that if the government decides—obviously—the army can carry out attacks, as the PPCLI did in Afghanistan. They can also be asked to deploy on stabilization missions, as is the case right now in Bosnia. At other times, they are asked to do peace missions.

So, the question today is what kind of mission should Canada's army specialize in? There is hardly anyone who is asking this question. Polls shed some light on this. People in Quebec are big pacifists. I think that Quebeckers would be ready to accept the army taking part in peace missions. However, they would probably say no to aggressive missions.

Would it be possible for example for Canada to announce that it would settle for stabilization missions, now that the aggressive mission is over? In addition to these, there could be peacekeeping missions. That is our tradition. Moreover, the great Lester B. Pearson won the Nobel Peace Prize with peacekeeping missions of this type and Canadians and Quebeckers might be in favour of such an approach.

What is happening at the present time? A bit of all these things. Troops are being trained to be all-purpose. That is obviously the government's decision, to continue to favour all types of interventions by the Canadian Army. Yet it might cost us less in future, and be more in keeping with our tradition, if we were to say that from now on we no longer wish to engage in any more aggressive missions.

Then there is the whole issue around foreign affairs: must we take part in coalitions outside the UN umbrella? This is very important. I know the Canadians may go to Afghanistan, in a stabilization effort. There is talk of a mission involving 1,500 to 2,000 troops. But they say this will be under NATO command. There is nothing about this in the 1994 national defence policy.

Usually our operations come under the UN. We decided not to take part in the war in Vietnam because it was not under the auspices of the UN. We decided not to take part in Iraq, although we had some soldiers in the American and British combat units.

None of this is complicated; it is because we lack a national defence policy. What we have is obsolete, nearly 10 years old. The government does more or less anything it wants.

My colleague has also referred to the Sea Kings. Once again, the 1994 defence policy is obsolete. We have ships, destroyers carrying helicopters, but these helicopters have outlived their usefulness. Imagine, for every one hour of Sea King flight, 30 hours of maintenance are required. The cost is outrageous.

The national defence policy, which is virtually non-existent, dating back 10 years, has nothing to say on this. What did this mean for the government? In 1993 this government simply cancelled the contract for the EH-101 helicopters, which had been awarded under the previous government.

TIme went on and year after year the comment was made, "It makes no sense to keep 40-year-old Sea Kings. New helicopters must be purchased".

● (1340)

Having promised to cancel the EH-101 contract if he got elected, the Prime Minister could not, two years after cancelling the contract and paying nearly a billion dollars in penalties for cancelling it, come out and say Canada would be purchasing the EH-101 after all.

What happened is that the contract was divided into two contracts: one for what is called the platform, that is, all the integrated weapons systems and so on, and another one for the infrastructure. After a five or six year wait, when they were told that the contract was being divided into two, people started to say it made no sense. It is like buying a Chrysler body and putting a Ford system in it. They said it would cost too much money.

A few months ago, in December, the government dropped a bombshell. It was now going ahead with a proposal that included everything. A single consortium would build both the platform and the infrastructure, that is, the body and the integrated system inside. It took the government nearly 10 years to decide to start over, precisely because the issue was far too political.

Do we need helicopters? Yes, there may be a need for rescue helicopters. Canada just purchased Cormorants for instance. But do we also need Sea Kings? What type of mission do we want to assign to the Canadian navy when it sets out with its Sea Kings or the new aircraft with which it will equipped?

Once again, taxpayers did not have a say. The Standing Committee on National Defence and Veterans Affairs did not have a say in the matter. Everything goes to cabinet, and to the governor in council, as we can read in bills, and that is were decisions are made.

Last year, missions required that money be taken out of the capital envelope. If bases needed repairs and so on, they would have to wait because the money had to go to the mission in Afghanistan. There is a lot of improvisation in all this. The governor in council, on recommendation of the Minister of Defence, is the one making things happen and ensuring that what we call squandering takes place.

Of course, $1 billion more went to national defence, but where will this $1 billion be spent? People are certainly saying to us, "We have so many needs at National Defence". With such a vague mission, where anything can be done, I understand that it is difficult to see where this money will go. It may go anywhere. It is a bottomless pit.

Some people are even saying that we should incresase the National Defence budget, which is now at $12 billion, to $24 billion. They say that we should add $2 billion in new recurring money each year for the next 10 years. Of course, people can say what they want. There is no point of reference.

We also talked about the size of reserve forces. Must we have a team, that is land, sea and air forces with 50,000 or 60,000 professional military people? There must be a debate on this. There are armies where these numbers are lower because they decide they will take on many more reservists. This is also a possibility. These are decisions that may be made, but we are not given the opportunity to make them. It is once again the governor in council that is going to make these decisions and decide that we will invest less money and use more reservists.

God knows that reservists are important in an army. I was among them when I went to Bosnia with the Royal 22nd Regiment. This certainly has an impact. They are not professionals. These are people who work and, at some point, ask their employer to release them so that they can train and be sent on missions, such as in Bosnia, to work within a stabilization force. So there must be a fundamental debate on the size of reserve forces.

There is also the whole issue of how people will be treated on the medical side. There is a problem in this respect in the Canadian military. It is having trouble recruiting physicians. There is talk of a possible mission in Iraq by DART, a disaster assistance response team that gets involved when something terrible happens in a country. Last time, they were deployed in Columbia, I believe, after a hurricane. These people are highly specialized.

Again, we realize that on the medical side, we may not always have enough personnel. We need to have a debate on this kind of intervention, which is perfectly appropriate within the context of peacekeeping missions, whenever a country dealing with a natural disaster needs international help. We can have this kind of debate, but again we are not allowed to do so.

● (1345)

Then there is the whole issue of post-traumatic syndrome affecting people back from very difficult missions, such as the one in Bosnia-Herzegovina. We do not know how to deal with it. Recently, we saw the PPCLI parading around ridiculing people suffering from that syndrome. However, even generals have fallen prey to it; General Dallaire is a case in point. Today, he is an advocate for people with post-traumatic syndrome, because he lived through what a lot of soldiers are experiencing, namely witnessing terrible massacres and other such things on a daily basis. When these people come back, they are confused and lost. We tend to say that it is all in their heads, and it is not that serious.

There is even a place in Valcartier to treat people with post-traumatic syndrome. However, this is not taken seriously enough yet. Those affected are reluctant to go there, because it is on the base. Suppose I am an officer and I am suffering from the syndrome. I am having trouble dealing with reality, because I have been traumatized by what I saw. Now, I leave my barracks or my home on the base to go to the post-traumatic treatment centre in front of everybody. People seeing me will say, "Ha, he has a problem".

Even the National Defence ombudsman said that it might be appropriate to locate these services outside of bases. This issue can be provided for in a national defence policy. Unfortunately, it is not being discussed adequately.

There are new developments and you will probably see that today, in the missile defence shield policy that the Americans want to reactivate. Canada should take position on this issue.

Once again, who decides? It is certainly not the members of the opposition, neither my colleagues in the governing party, nor the backbenchers. It is either the governor in council or the cabinet that makes such decisions. Thus, large amounts of money will probably be spent, for a coalition or for a group of countries to participate in the development of a missile defence shield that might reignite the nuclear arms race and cost the Canadian taxpayers a great deal. We are not only talking about the price of this shield as such, because it will also create the need for other types of weapons to respect the missile defence shield contract.

Therefore, we are faced with major problems. On the one hand, the whole issue is so fuzzy and, on the other, members of the House of Commons have so little say that the government can get away with just about anything.

I will conclude on that, because I know that my time is up and that we have almost reached the period set aside for members' statements. However, in closing I want to briefly comment about the bill that is before us and which applies to three military judges, namely Colonel Kim Carter, Lieutenant-Colonel Mario Dutil and Commander Jim Price

We are talking about and dedicating a significant amount of time to these three individuals. In the past few months, they have seen their salary go from $106,000 to $136,000. Now, we will create mechanisms to ensure that it is not necessary to come back to this House to increase judges' salaries.

So, some worthwhile initiatives were taken. Before I go on, I would like to stress that justice is important in a society. Everybody knows there are three branches of power. Some even say that there is a fourth power given the strength and influence of the media nowadays. I almost agree with this idea of a fourth power. However, officially, there are three: the executive, the famous governor in council or cabinet, which decides, on a day to day basis, how society will be administered; then there are members of Parliament like us who make up the legislative branch. The executive proposes legislation; we discuss, analyze and study bills, we propose amendments and we bring the bills to their conclusion. Then there is the judiciary. Everyone knows that this branch provides another point of view on legislation. We often say that there are grey areas in a legislation. When that is the case, some people take advantage of these grey areas and the judges have to decide whether a new approach is appropriate or not. However, we must remember that, generally speaking, there are grey areas in the legislative power.

For example, there are aspects of our society which the House has not studied yet and which will be left to the construction of the Supreme Court or the Federal Court.

● (1350)

Often, they even recommend that the legislators be asked to look at things again, to determine whether or not there is a grey zone. They say it is up to us, meaning the legislators, and not up to the courts, to decide what we want.

The immense power that the government has over the people is also very unfortunate. We could spend a couple of minutes on this subject. When someone is told by a department, “If your are not happy with that, sue us”, that means we have a problem. I think we get that kind of answer a little too easily nowadays.

There are two buildings full of crown attorneys who are prepared to keep us in court for years. Who can do that now? It is something we have to think about. Judicial power is very important, but then again, some things need to be corrected and it is often the legislators' responsibility to do it.

As far as the military judges' remuneration is concerned, a review committee was created in 1999. The Bloc thinks it is a good idea, because it shelters the whole judicial process from political influence. For instance, it would not be appropriate for the Minister of National Defence to establish the remuneration of military judges.

So, what we are doing today is legislating their approval within a framework determined by this famous review committee. Obviously, the government must say yes or no. As to establishing a review committee to act as a buffer between the government and the military judges, we fully agree. I think that this protects them from interference by the political authority.

The importance of the judiciary's independence is well known. Obviously, judges must be reserved. I did not know this. When I was first elected, I thought the judges of the Superior Court of Quebec were avoiding me when I entered a restaurant. I later learned that their duty to be reserved meant that they could not even eat at the same restaurant as a member or a minister. This is understandable.

The judiciary's independence is important, and the proposed approach deserves consideration. An independent committee will consider the issue of remuneration and even establish retroactivity. No later than September 2003, the committee will consider the remuneration of judges for the next few years, and its will then make its recommendations.

What the bill contains, even if the title mentions the remuneration of judges—it should read of the three judges—is other specifics. Among them, there is the whole issue of body samples and the issue of DNA. There are also other provisions that are relatively minor.

In short, the Bloc Quebecois supports this bill. We simply deplore the fact that a great deal of time has been spent discussing the salary of three military judges when there are much more important things to be done, such as discussing national defence policy.

Canadian and Quebec taxpayers should be consulted and asked what they want for an army and what kinds of missions this army ought to undertake. Afterwards, in accordance with their recommendations and once we have a clear national defence policy, we will be able to say that the money will be spent accordingly. We will do it this way.

In conclusion, we support Bill C-35.

● (1355)

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, very quickly because I had no idea that my colleagues from the Bloc and the Alliance were going to go on at such great length about matters having nothing to do with Bill C-35 and I would certainly urge the Chair in the future to perhaps pay more attention to the rules of relevance that are buried somewhere in the standing orders. I do not have time to critique the entire Canadian Alliance white paper on defence that was read into the record on something having to do with military judges, or many of the other things that were said, but I want to complain first of all about the process.

This bill was introduced on Thursday last week and here we are debating it on Monday. I do not think this is appropriate. Parties have not even had time to caucus. It is not that this is a particularly controversial bill, but it has happened a couple of times now where things have been introduced at the end of a week and we have debated them on the following Monday or Tuesday. I do not think that is appropriate. There is certainly no sense of urgency with respect to this particular bill. I do not understand why the government wants to operate in this particular way.

At the level of appearances, it would appear that this is a housekeeping bill. It embodies a principle having to do with remuneration of military judges. It goes some way toward encouraging judicial independence. These are all things of which we are in favour, so I did not rise to speak against the bill. Certainly we want to see it get to committee and probably have a very quick look at it.

The process is the thing I really want to complain about here. I certainly could have used this particular time to make a speech about why we are opposed to the national missile defence system and about various other things that are happening on the other side having to do with defence. We are getting mixed messages from the Liberal front bench not just about nuclear missile defence but about a whole number of other things.

Perhaps the reason this bill was brought forward so quickly is that this is the only thing on which the Liberals can agree when it comes to something having to do with defence. This is the one thing on which they could agree so they thought they would put this down so that they could actually get up and create some kind of facade of unity when it comes to these kinds of issues.

I wish, for instance, we could see this kind of expeditiousness and efficiency when it comes to replacing the Sea Kings. What the Liberals can do in three days when it comes to remunerating judges they cannot do in 10 years when it comes to replacing helicopters. What is more important?

STATEMENTS BY MEMBERS

[*English*]

NATIONAL ELIZABETH FRY WEEK

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, I am pleased to rise in recognition of the Canadian Association of Elizabeth Fry Societies as it celebrates National Elizabeth Fry Week.

Elizabeth Fry Societies work to enhance public awareness and education around the circumstances of women involved in the criminal justice system. They seek to break down the negative stereotypes that exist about women who are often victimized and criminalized.

The majority of these women are mothers. Most of them are the sole supporter of their family at the time of their incarceration. When mothers are sentenced to prison, they and their children are also sentenced to separation. Many women find this to be the most severe punishment.

I commend all of the Elizabeth Fry Societies for their most important work toward the development of and support for community based alternatives to women rather than costly incarceration.

* * *

MOTHERS AGAINST DRUNK DRIVING

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, 18 months ago Mothers Against Drunk Driving released a 19 point checklist of federal legislative measures that would make

Canada's impaired driving laws more effective. To date, the Liberal government has only adopted one of the recommendations, the one that provides for the use of an ignition interlock system to prevent convicted drunk drivers from starting their vehicle if they are intoxicated.

MADD has recommended eight measures to enhance police enforcement powers. It has recommended four measures to clarify and redefine impaired driving offences, four measures to address administrative issues and two measures to rationalize sentences.

British Columbia's Helen Hoeflicker, who lost a child to an impaired driver, will join MADD Canada's national president, Louise Knox, and other MADD representatives from across Canada on Parliament Hill this week. I urge all members to make some time to meet with them and to learn about the importance of taking action on the 18 recommendations not yet implemented.

* * *

● (1400)

THE ENVIRONMENT

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, I would like to express my support for the continued funding of the Niagara Peninsula Conservation Authority Niagara River remedial action plan through Environment Canada's Great Lakes sustainability fund.

Through the use of the Niagara River remedial action plan, the Niagara Peninsula Conservation Authority has undertaken many projects to improve water quality in urban and agricultural areas and to protect and restore natural habitat.

Some projects include: habitat rehabilitation and assessment; testing potentially contaminated sediment locations for assessment and remediation; identification and classification of physical barriers to fish migration; education and encouragement of voluntary removal of such barriers; classification and identification of areas of need for stream buffers; and pollution control.

Projects like these would not be possible without funding from the Great Lakes sustainability fund, a fund dedicated to providing support for initiatives that seek to improve water, sediment and habitat quality.

I urge the government to continue funding this worthwhile project to ensure future and continued success in water quality improvement efforts in the Great Lakes region.

* * *

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, Environment Canada has just published the national pollutant release inventory. It is the only national, legislated, publicly accessible inventory published for Canadians.

The inventory requires companies to report yearly on releases and transfers of pollutants. According to the inventory, the top five polluting industries in Canada are: petroleum and natural gas; chemical products; utility industries, such as power generating industries; paper products; and metal products.

The largest polluter is the petroleum and natural gas sector. It increased its pollution in 2000 from 140,000 tonnes in 1999 to 170,000 tonnes. Also, lead pollution is up from 1,534 tonnes in 1998 to 3,727 tonnes in 2000, an increase of 143%. These statistics are alarming. They point to a rise in industrial pollution.

I urge the government to take action by enforcing the Canadian—

The Speaker: The hon. member for Peterborough.

* * *

LITERACY

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have spoken on literacy before. Normally, I stress the importance of reading in everyday life for children, immigrants and others. This is a society in which one almost has to read in order to survive, let alone live a productive life.

We need to improve literacy levels in all parts of our society. However, studies show very low and often declining literacy skills in the elderly, especially those over 80 years. This is a group which is growing. These findings are a cause for concern as illiteracy affects seniors' ability to understand instructions for prescribed medications and other health care needs. It also affects their quality of life.

It is my hope that the National Literacy Secretariat, which does such fine work on these matters, develops a strategy to deal with the growing problem of seniors' literacy.

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LACROSSE

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I was among the over 11,000 fans at the Blue Cross Arena in Rochester, New York for the National Lacrosse League Championship game between the Rochester Knighthawks and the Toronto Rock on Saturday night.

I am pleased to report to the House that for the fourth time in five years the Toronto Rock has won the National Lacrosse League Championship. The Rock held the Knighthawks scoreless for nearly 23 minutes in the second half and fought off a late rally to win the Champion's Cup.

Bob Watson was named the championship game MVP, racking up 40 saves, including many key saves down the stretch. With six different players scoring the Rocks' eight goals, their victory was a true team effort.

On behalf of the Canadian Alliance and the Parliament of Canada, congratulations to Colin Doyle, Blaine Manning, Jim Veltman, Kevin Finneran, Steve Toll, Aaron Wilson, Pat Coyle, Todd Richard, Darryl Gibson, Sandy Chapman, Glenn Clark, Tom Montour, Bob Watson, Patrick Merrill, Chris Driscoll, Anthony Cosmo, Carter Livingstone, Dan Ladouceur, Kim Squire, Ian Rubel, Pat Jones, Wayne Burke, Jon Low and Scott Stapleford, as well as coach and general manager Les Bartley and all of the Toronto Rock organization on their championship season.

NATIONAL FOREST WEEK

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, the week of May 4 to 10 we are celebrating National Forest Week. It is a time to reflect on the vital role forests play in our daily lives as well as their significant benefits.

Canada as a forest nation depends on our forests for needs that range from economic to environmental to cultural.

The Canadian Forestry Association has chosen this year's National Forest Week theme, “Canada's Forests, Source of Life”, to echo that of the World Forestry Congress that later this year for the first time will be held in Canada from September 21 to 28 in Quebec City.

We must remember that humanity and forests are interdependent. For forests to remain the source of life, we must find a balance between our needs as humans and the ability of the forest to fulfill its ecological role.

This week, Mr. Speaker, please take the time to think about the ways that we as Canadians can protect our forest wealth and health so we can ensure that the full range of forest values is safeguarded for future generations.

I encourage all members to join me in celebrating National Forest Week.

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● (1405)

[*Translation*]

CANADIAN HERITAGE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Liberal leadership campaign is having a very disturbing effect on the government's activities: the Ministers of Finance and Canadian Heritage are passing the buck back and forth over the Canadian television fund.

The Minister of Finance says he will not be putting any new money into the fund, while the Minister of Canadian Heritage said last week that an announcement was imminent. But nothing has been announced yet, and this hesitation two-step is sending contradictory signals to the industry.

The chair of the board of directors of the APFTQ, Jacquelin Bouchard, said on Friday, “Thousands of jobs are at stake. The urgency of the situation puts a large part of next season's television programming in jeopardy”.

I urge the Prime Minister to put an end to this dilemma and announce to the House that the $25 million cut from the last budget will now be reinvested in the Canadian television fund.

[*English*]

EMERGENCY PREPAREDNESS

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, this is Emergency Preparedness Week in Canada. Under the theme "Prepare Now! Learn How!" the Government of Canada is working with the provincial and territorial governments, private sector and non-governmental organizations to raise public awareness of the need for emergency preparedness.

This week will showcase the progress we have made in enhancing the safety and security of our nation. All levels of government are working toward their emergency response effectiveness and capabilities. They are working in a more coordinated manner to react to and recover from emergency situations.

I encourage everyone to take the time during Emergency Preparedness Week to learn what they can do to prepare ourselves for any emergency.

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CANADA-U.S. RELATIONS

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, today is a significant moment in Canadian political history for what is not happening.

Today the President of the United States was scheduled to visit us in Ottawa to cement our most vital foreign relationship. He was to meet with the Prime Minister, opposition leaders and address the House to build on the largest trading relationship in world history, one that amounts to $1.8 billion of daily trade and which is responsible for nearly 40% of Canadian jobs and income.

The Prime Minister fooled no one with his pathetic suggestion that the summit was cancelled because the president was stuck in Washington due to the war in Iraq.

Instead of visiting Ottawa, President Bush is coming off a weekend summit at his private ranch with the Australian prime minister and is flying to Arkansas for a speech.

No, the president is not in Ottawa today for only one reason. It is because the government has brought Canada-U.S. relations to their lowest level in decades. By siding with France and Russia rather than the U.S. and Britain in the war to liberate Iraq, by inciting hate speech directed at our American friends and by plain neglect, the Prime Minister has given himself a shameful legacy which will not soon be forgotten.

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[*Translation*]

NICOLAS MACROZONARIS

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, it is with great pleasure that I rise today to salute Nicolas Macrozonaris of Laval, Quebec, who won the men's 100-metres on Saturday night, at the Mexican Grand Prix track meet held in the Mexico City Olympic Stadium.

With a time of 10.03 seconds in his first Grand Prix meet of the season, this victory is the biggest so far in his career, his personal best and second fastest time this year. Nicolas finished ahead of the record holder in this event, Tim Montgomery of the United States.

Nicolas Macrozonaris is trained by Daniel St-Hilaire, who worked for many years with Bruny Surin. Nicolas was first noticed by the track world during the 2000 Olympic trials, when he ran the 100 metres in 10.19 seconds.

With this significant victory come numerous invitations to prestigious meets on the international track calendar. Nicolas has become an athlete to watch in coming months, and we hope to see him race against the best in the world at the 2004 Olympic Games in Athens.

I know that all Canadians join with me in congratulating Nicolas on his remarkable performance and in wishing him many more in the coming months.

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[*English*]

SUSAN WESTMORELAND

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, as Mother's Day approaches, I and my colleague from Windsor—St. Clair would like to identify the selfless act of one mother to save the life of her unborn son. Susan Westmoreland, who served as a reporter in Windsor for what is now the New WI, lost her life to breast cancer last Monday.

Susan was diagnosed with cancer three months into her pregnancy and immediately began low level chemotherapy to prevent any harm coming to her unborn child. As the disease spread to her liver, she delayed her treatments even further and she gave birth to her son Myles.

On the job Susan always served with the highest degree of professionalism and, no matter the circumstances, always seemed to have a smile on her face. The sacrifice and bravery displayed by this mother will not be forgotten.

Susan is survived by her son Myles and her husband John Magidsohn. I would like them and all her friends and loved ones to know that she will be greatly missed.

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● (1410)

[*Translation*]

OFFICIAL LANGUAGES

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, last Friday, the Minister of Citizenship and Immigration was shirking his responsibilities with regard to the language instruction for new Canadians program, in congratulating the Minister of Intergovernmental Affairs on his official languages action plan and leaving out Quebec.

However, I told him that, out of a $94 million budget, $93.5 million was allocated to English language courses and only $333,000 to French language training for newcomers.

This disproportionate budget allocation for English and French language courses is another shocking example of the inconsistency of this government, particularly when it comes to the official languages.

This government has proven, once again, that its official languages policy is just about propaganda, policy statements and image.

I would remind the Minister of Citizenship and Immigration that there are words, propaganda and policy statements, but there are also facts.

* * *

[*English*]

MEMBER FOR OSHAWA

Hon. Art Eggleton (York Centre, Lib.): Mr. Speaker, I rise today with the unfortunate duty of informing the House that the hon. member for Oshawa has been hospitalized in the United Kingdom as a result of an apparent heart attack. He is in stable condition and resting comfortably. He is in good spirits, with his wife Beverley at his side.

As a testament to my colleague's commitment to the people of Oshawa, he continues to be in frequent contact with his constituency office and to serve the people of his riding.

I ask all hon. members to join me in sending our best wishes to the member and his wife. We look forward to his full recovery and quick return to Parliament.

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LEADERSHIP DEBATES

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, this past weekend saw two leadership debates for the candidates seeking to lead both of Canada's national parties.

The Liberal debate was described as a "lacklustre Liberal lovefest". The three candidates debated for less than an hour and agreed on virtually every issue. As the Deputy Prime Minister and the Minister of Canadian Heritage have complained, their debate did not even allow them to challenge the member for Canada Steamship Lines.

In contrast, the PC leadership debate featured six candidates who debated each other vigorously for two full hours on the future of their party and the future of Canada. The real PC debate was a far more democratic process than the token Liberal event designed to protect the image of the heir apparent and stifle dissent. It is yet another example of a government adrift.

Even within the confines of their internal party race, major issues are ignored and old ideas are repackaged and spun as new. The Liberal Party is so bitterly divided that not even the member for LaSalle—Émard will be able to put humpty dumpty back together again.

POLAND

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise today to pay tribute to Polish Canadians and in particular to the Polish community in my riding of Parkdale—High Park who marked the 212th anniversary of the Polish constitution on Saturday, May 3. The constitution was passed on May 3, 1791. It is the oldest constitution in Europe and the second oldest in the world.

The Polish constitution is an important contribution to the development of parliamentary traditions. In fact, it not only contributes to the proud heritage of all Canadians of Polish descent but it also confirms the basic values and freedoms of our own society.

On the occasion of Poland's national day, I wish to express the hope that the excellent relations that exist between Poland and Canada will further strengthen and grow for the benefit of our two nations.

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SASKATCHEWAN CURLING

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, curling championships are not new to Saskatchewan. We have for years been recognized across Canada as a great curling province.

Today I ask the House to help me recognize a young lady from Maryfield, Saskatchewan. Maryfield is not a large centre but it is huge in hospitality and particularly in paying tribute to one of their own.

Last Saturday night I was pleased to join my constituents in paying tribute to Janelle Lemon, who is one of the members of the world's junior curling champions. Indeed, Janelle is a true champion and a delightful young lady.

I ask the House to join with me in recognizing the tremendous pride that Maryfield, Saskatchewan has in this memorable achievement of Janelle Lemon, a member of the world's junior curling championship team.

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● (1415)

CYSTIC FIBROSIS MONTH

Mr. Tony Tirabassi (Niagara Centre, Lib.): Mr. Speaker, I wish to inform all Canadians that May is Cystic Fibrosis Month.

Cystic fibrosis is a fatal, inherited disease that affects the lungs and the digestive system. Virtually everyone with cystic fibrosis will die from lung disease. One in every 2,500 children born in Canada has this disease and today over 3,300 Canadians have cystic fibrosis. There is no known cure.

In May, the Canadian Cystic Fibrosis Foundation and its partners generate awareness and support for the cystic fibrosis cause. Volunteers from 52 chapters will hold events across the country. On May 3, community based fundraising events were held by the Kinsmen and Kinette Clubs to launch the National Kin-Cystic Fibrosis Day. May 25 marks the Zellers Family Walk for Cystic Fibrosis.

I wish to extend congratulations to the Canadian Cystic Fibrosis Foundation and best wishes for a successful Cystic Fibrosis Month.

ORAL QUESTION PERIOD

[*English*]

CANADA-U.S. RELATIONS

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, today is the day that many Canadians were expecting to have a visit and a speech here in the House from the President of the United States. The president was apparently unable to attend, although he has been able to host Australian Prime Minister John Howard.

My question to the Prime Minister is simple. Has the visit from President Bush been rescheduled, and if so, what is the date of this event?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it was agreed that the president wanted to visit Canada. He said he wanted to postpone it to the fall. We are in discussion about some dates. I was disappointed that he did not come, but he said that he will be coming.

I have said in the past that every president who has managed to come to Canada in his first mandate has managed to be re-elected, so he has an incentive to come.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I think behind that joke was the answer that the president has in fact not rescheduled the visit.

It has been almost a month, April 9, since I asked the Prime Minister here in the House if he was prepared to pick up the phone and call the president about reconstruction in Iraq. He said at the time he was not prepared to do that. He was waiting for the president to call him. So my question now is, has the president called the Prime Minister and if he has, could the Prime Minister let us in on those in-depth discussions?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are working very well at this moment with the government of the United States. Last week we made a decision, in agreement with them, to help with using planes and personnel for the reconstruction and the humanitarian help for the reconstruction of Iraq. It was agreed some months ago that we were to send quite a good number of troops into Afghanistan for the war against terrorism. So there is no need for a special meeting, because we will have an occasion to meet at the end of the month.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I think the answer there was that he has not spoken to the president, and I will tell the Prime Minister there is always time for the Prime Minister of Canada to do that.

[*Translation*]

The President's cancelled visit is one more example of how bad relations harm Canada's negotiating power on important issues such as softwood lumber in Quebec and B.C., the tariffs on wheat and steel, border hold-ups and so on.

Can the Prime Minister explain to us how the deplorable state of his relationship with the United State can be good for Canadians?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if the member were to go and check the list of the problems we inherited when we took over the government in 1993, he would see that it was far longer then. There were problems with the fisheries, vessels defying the government of the day by entering northern waters. I could go on. The softwood lumber problem was even around at that time.

When you have trade relations as significant as those between Canada and the United States, that is in the order of $1.2 billion daily, it is normal for there to be some problems. Generally we manage to settle them. This is why the Canadian economy is working very well.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the problem for Canada and the U.S. is the Liberals' insults.

[*English*]

Here is what the heritage minister said about continental missile defence on the weekend: “To support this Star Wars scenario runs counter to everything the Liberal party has ever stood for”. It looks like not everyone in cabinet agrees on just exactly who speaks for the Liberal government on this issue today.

● (1420)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the policies of the government are always initiated by the Prime Minister. At this time there is a debate. That was discussed many months before among members of Parliament and ministers and so on.

There has been an evolution in this file over the last six months. For example, there was extremely strong opposition by the Russians, which has diminished since that time, the same with the Chinese. We are looking at the files.

Of course my ministers do not agree all the time among themselves. I would be disappointed if they were to agree all the time, but at the end of the day the decision is made and they respect that decision.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, I guess that is why they are disagreeing so profoundly in public. It does not follow. The Canadian Alliance has pushed for cooperation on national continental missile defence for three years. In fact, the trouble for Liberals is that when they flip-flop on issues like this it affects Canadians' safety. Once again, is this not just a cynical attempt by Liberals, after insulting our allies, to kiss and make up?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Canadian position has been very clear for a year. We had to have a resolution of the Security Council in order to participate in the war. I said that to the President of the United States a year ago. He knew that I was serious. He knew that I would probably deliver on what I said and that is exactly what I have done with the great support of the Canadian people.

[*Translation*]

FISHERIES

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in the past 30 years, the federal government has demonstrated its inability to ensure the renewal of the resource in the fisheries. Due to insufficient planning, in less than ten days, Ottawa has just announced the imposition of a moratorium on the cod fishery and the lowering of crab quotas. These measures are provoking anger among fishers, and unfortunately, violence.

Will the Prime Minister admit that these last resort measures, which no one likes, were necessary because the federal government mismanaged the resource, despite the fact that it is the responsibility of the federal government?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, for as long as I have been a member of Parliament—which is a few years now—every year the Minister of Fisheries and Oceans must re-evaluate quotas because there are natural fluctuations in catch and reproduction.

Experts advise the minister. Every year, the quotas change. Some years, they are raised; other years, they are lowered. As a rule, when quotas are raised, there are not many problems. However, unfortunately, when quotas are lowered, it is trickier. We know that this will be the case. However, the most important thing is to ensure that we keep the resource in good shape for the years to come.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, instead of sticking its nose in where it does not belong, the federal government should be looking after its own areas of responsibility, like managing the fish stocks.

How can the Prime Minister, who boasts about living in the best country in the world, explain that a small country like Iceland has successfully managed to renew its resource since the beginning of the 1980s, when Canada has failed? It has dropped steadily over a long period of time.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if the member were better informed, he would know that climate change has considerably affected fish stocks all over the world.

While the Grand Banks off Newfoundland constituted the richest cod fishing grounds for hundreds of years, in recent years, the numbers have dropped considerably. There are factors such as temperature, too many seals and other similar problems that we are managing to the best of our ability. However, in other sectors of the fishery, things are much better.

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the sad incidents opposing fishers and the federal government in New Brunswick should be eye-openers for the Minister of Fisheries and Oceans and make him realize that regions like the Gaspé and the Lower North Shore are going through equally difficult times.

To avoid many problems on the Lower North Shore, why does the Minister of Fisheries and Oceans not quickly grant these communities the seal quota they are demanding, which would allow the immediate opening of a processing plant?

● (1425)

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member knows full well that the seal quota was raised to 975,000 over three years. Last year, the management methods were upgraded. We ensured that for the first or second time in 25 years, our 275,000 seal quota was reached and even exceeded.

We are being asked to assign quotas individually for each business in that region. That is unusual. However, as I indicated in this House last week, because we are dealing with a disadvantaged community, that I am prepared to look into the matter.

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, why does the government continue to refuse to help fishers in eastern Quebec with special measures under the EI program such as the POWA for older workers and the extension of benefits for workers who are unable to work as much because of the lower quotas?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, with regard to the employment insurance system, we are glad the system is in place and it is working well for the majority of Canadians for whom it was designed.

I would remind him that the Government of Canada transfers significant funds to provincial jurisdictions for local labour market development initiatives, including the hon. member's own area.

With specific regard to older workers, we have specific projects in place with the provinces that direct their attention specifically to the circumstances facing older workers.

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ABORIGINAL AFFAIRS

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Right Hon. Prime Minister.

Given that the member for LaSalle—Émard has said that if he became the prime minister he would not proclaim the first nations governance act, and given that a majority of the Liberal caucus are supporting the member for LaSalle—Émard for the leadership, why would the Prime Minister not just permit a free vote on Bill C-7 now so that we can kill this thing instead of pushing through a piece of legislation that will be dead on arrival anyway?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the problem concerning the management of native reserves and native affairs is an extremely important problem that has been debated for a long time. The renewal of the Indian Act is something that has been discussed. I was discussing it when I was Minister of Indian and Northern Affairs. The problem is that a lot of people do not want to change things, like the NDP. Those members are always for the status quo while we in the Liberal Party want to find new ways to manage the problems of the nation, including the native problem.

FOREIGN AFFAIRS

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, it would seem that it is not only the NDP that does not want to support the first nations governance act, it is possibly the next prime minister of Canada and a majority of the Prime Minister's own caucus.

However, I want to ask him about another issue that is proving interesting on that side of the House: the ballistic missile defence system. I asked the Prime Minister last week and he gave one of those answers that there might be a discussion but that there has not even been an agreement to have a discussion.

It appears now that there is a real discussion and a real debate within the Liberal Party. When can we have one in the country? When will the Prime Minister or the Minister of National Defence come into the House and say what the Americans have asked us for and give us the complete account of what is going on so we can have a real debate in this country and not just—

The Speaker: The Right Hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I understand that there is no debate on anything in the NDP because it is still living in the thirties and we are living in a new century.

It is normal that we have a debate on this issue. I explained a minute ago that the situation is changing. A year ago the Russians and the Chinese were very strongly opposed. Now there is some change because the system is changing, and we are looking at different alternatives. In my party there is a debate—

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

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FISHERIES

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

We have seen violence in the fishery in New Brunswick because of political interference. We have seen large protests in Newfoundland and Labrador. The premier of Newfoundland and Labrador has said that the minister and the government are directly interfering in the process by trying to bribe communities by telling them that federal funding would be cut off unless they support the minister's plan.

How can the minister justify this blatant political interference?

● (1430)

Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, the allegations are categorically not true and my deepest sympathies for the person who said them.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, my question is also for the Minister of Fisheries and Oceans. The minister is allowing the Full Bay scallop fleet from his riding to drag in area 29 outside his riding. In the past DFO has excluded the Full Bay fleet from fishing in area 29.

Other than fishing for votes, how can the minister explain breaking the precedent and changing the rules for fishermen in his own riding?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the member would know that this area was open to the Full Bay fleet prior to my election. After scientific work was done in that area, it showed that there was sustainable stock. It has been shared with inshore fishers from that region. It is very profitable. It is positive news for the coastal communities to have a new and emerging fishery that we can manage within stocks and maintain for the future.

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AGRICULTURE

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, when the Canadian Wheat Board minister is not jailing farmers he is failing farmers.

On Friday the U.S. imposed a 10% levy on all Canadian grain imports. The minister says that Canadian farmers will not be immediately impacted and "that the practical impact at the moment is very small. It is largely in the category of a hypothetical problem".

A 10% loss of income and a potential one half billion dollar loss of markets is not a hypothetical problem to prairie producers, especially after last year. When will the government move to fix this looming disaster for Canadian farmers?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, we are very disappointed that further duties will be applied to Canadian wheat entering the United States. We are monitoring anti-dumping investigations very closely to ensure that Canada's international trade rights are being fully respected.

Marketing systems are policy decisions that are made domestically and will continue to be made in Canada. I find it particularly hypocritical that the United States subsidizes wheat at $108 per tonne, whereas we only subsidize it at $31 per tonne. That is the reality.

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, farmers are continually disappointed by the government. After years of denying western farmers marketing choice, and defending the system that is at the heart of the U.S. trade challenge, the Canadian Wheat Board minister changed his tune Friday when he said in the House:

> ...the government defends the rights of farmers to make their own marketing decisions...

There is a simple solution to this latest trade challenge. Will the minister and the government end the U.S. trade challenge by opening up the Canadian Wheat Board, allow westerners the right to make their own marketing decisions, and give western Canadian producers a chance to compete in a market that both wants and needs our grain?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, as I say and as my colleague has said time and again, these decisions are decisions that are made in Canada by Canadians, but what western farmers would appreciate at this moment is that the opposition join us in recognizing that the OECD study acknowledged that the Americans subsidize wheat at $108 per tonne and we subsidize it at only $31 per tonne. The opposition should join us in supporting Canadian farmers who are being punitively attacked by the quotas at this moment.

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[*Translation*]

EMPLOYMENT INSURANCE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development. The surplus in the employment insurance fund is $44 billion, a huge sum, and the EI system, as it has been butchered by the federal government, does not really meet the needs of fishers from the North Shore, the Gaspé, the Magdalen Islands, and all of eastern Canada.

Instead of giving us her cold speech on the mechanics of the system, should not the minister have agreed to adjust the system with special provisions for people working in the fishery, who have been seriously affected?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I would reiterate again that the employment insurance program and system is there and is working well. In addition to that, on this side of the House, we appreciate that it is work that Canadians want, and that is why my department along with partners in ACOA and other federal government departments are working community by community to help those communities to diversify the opportunities to work. I am sure the hon. member would agree that what Canadians really want is work, not employment insurance benefits.

● (1435)

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, what I agree with—and the minister ought to agree with us—is that special conditions have been created by reducing the quotas. People are suffering, both those who are no longer working in the fish plants and those who are more directly involved in fishing.

The temporary measures the government took to satisfy these communities just before the last election will expire in October. I ask the minister if , at least, these measures could be extended, even though they are insufficient and the situation will be much worse by October.

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I am very glad that the hon. member has pointed out the flexibility that the government has shown. In fact, we had transitional measures put in place for those communities that were suffering and wanting to deal with changes in employment levels.

I am quite happy to convey to the House the successes we are having in those communities in diversifying the work opportunities that are there. I fully expect that those partnerships will continue.

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FISHERIES

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, a month ago a New Brunswick crab fisherman advised the minister that adding permanent licences when crab stocks were in decline threatened the fishery and would cause havoc in the industry. The minister chose to ignore fisherman. Now, vessels and a fish plant have been burned in retaliation; hardly a vote of confidence in the minister.

What will the Minister of Fisheries and Oceans do to re-establish his credibility and the credibility of his department?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, for nearly a year now I have been consulting with the fishing industry, indicating to the permanent fleet that it was in the best interests of all to give temporary fishermen a permanent basis to address the perennial requests for additional quotas that we receive every spring. Every fishery in the gulf that was in difficulty would want a larger share of the gulf crab industry.

We wanted to stabilize that. We announced a permanent share at the lower end of the scale at 23%. We provided 12.5% of the allocation to the fishery and invited the traditional industry to negotiate the co-management agreement whereby we could increase their allocations by 2,000 to 4,000 tonnes.

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, the minister talks about stabilizing access and certainly that is important. However at a time when crab stocks in area 12 and in the Gulf of St. Lawrence are in decline, the minister, in addition to increasing the number of permanent licences in area 12, transferred fishermen from area 18 in Nova Scotia into area 12.

Why, when stocks were in decline, did he transfer fishermen from another area into area 12? Why now? Was he trying to provoke confrontation?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the member gives the false impression that the stocks are in poor condition. The stocks are in very good condition. They are in their normal cycles. They go up and down. We have the possibility of increasing the yield with a good co-management agreement.

There was a heavy concentration of white, soft shell crab in area 18. It was in the best interest of everybody concerned that the harvest be done in areas where the crab was in better condition, and let the white shell crab grow. We did not increase the effort on the total population. We kept it stable.

[*Translation*]

MICROBREWERIES

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, with regard to the microbreweries, the Competition Bureau has stopped its investigation although it says that if the major breweries were to continue their practices, this could hinder free competition.

Although the Competition Bureau has identified practices that would have a negative impact on microbreweries, such as monopolizing shelf space, how can the Minister of Industry explain the Competition Bureau's decision to stop its investigation?

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, we are currently analyzing this matter and an answer will be forthcoming in the next few weeks.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, in light of what has happened with oil and gas prices and what is happening with the breweries, will the minister not agree that it is time to review the Competition Bureau's mandate, its evaluation criteria, its processes, even its composition? Perhaps it is time to make some changes.

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, on numerous occasions, the Standing Committee on Industry, Sciences and Technology has an opportunity to consider how the Competition Bureau operates.

Recently, the Standing Committee on Industry, Sciences and Technology considered in part this problem in connection with Bill C-249, which deals strictly with certain aspects of the Competition Bureau.

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● (1440)

[*English*]

TAXATION

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, in 1990 the Mulroney Conservatives introduced a goods and services tax. The Liberals promised to scrap the GST, but the most hated tax in Canadian history is still with us.

The GST is regressive because it weighs heaviest on Canadian families with modest incomes.

At the very least, will the Minister of Finance lessen the tax burden on hard pressed Canadian families by reducing the GST?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the hon. member will know that we are still in the third year of a five year tax reduction plan, which is reducing the total tax burden by about $100 billion.

Even by the amount of spending that the Alliance Party seems to now be advocating, that is a lot of money. Canadians welcome the tax relief they have been getting.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, what the minister has failed to tell the House is that the $100 billion tax cut largely has been eaten up by tax increases that his own department has introduced in the last two years.

During the first full year, the GST took in $15 billion. Ten years later, GST revenue had climbed to $25 billion. For the last fiscal year that just ended March 31, it is expected to generate over $30 billion.

Why will the Minister of Finance not give Canadians a break by reducing the GST?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, I will try to explain this slowly. The economy has done extremely well in the last few years, so much so that we have had the best economic performance of the G-7. When the economy grows, surprisingly, government revenues grow.

A $100 billion tax reduction is a real tax reduction. The government is getting more revenues because more Canadians are working and the economy is doing so much better.

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NATIONAL DEFENCE

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, my question is for the Minister of National Defence. Could the minister tell the House if there have been any recent developments in regard to Canada's decision to deploy 1,800 troops to Afghanistan in August of this year.

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I thank the hon. member for his question, and the timing happens to be quite good. Later today I will be meeting my German counterpart. We are very pleased to be partnering with Germany in this important mission.

I am also pleased to announce to the House that, while the final decision is NATO's, Canada is pleased to be in command of the mission for the second six month period of the year.

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CANADIAN WHEAT BOARD

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the Minister for International Trade. As the minister knows, the American government has once again attacked the Canadian Wheat Board by slapping a duty of some 12% and 10% on Canadian durum and spring wheat. The Americans have also been dumping wheat on the world market at an average of 29% less than the cost of production, hurting Canadian farmers and hurting third world producers.

In light of that, I want to know what specific action the minister is taking to stand up for our farmers, to stand up for orderly marketing and to stand up for the Canadian Wheat Board, which is so important to Canadian farmers.

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, it has been clear for some years that the American administration has been harassing Canadian wheat producers. We will continue to defend them in this Doha development round. Even though it was not part of the negotiating mandate, the Americans are pursuing the Canadian Wheat Board, and we will continue to stand up for it because we believe it is doing a great job on behalf of Canadian farmers.

The Alliance should remember that the Canadian Wheat Board elects two-thirds of its board members. We are going to stand by our Canadian farmers.

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HEALTH

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, the Environmental Defence Canada group just released a report proving that Canadians are eating food with high levels of lead, cadmium and other heavy metals. This report, based on Health Canada's own data, was only made public through an access to information request. It highlights the absence of an online food contamination data registry and that the standards for toxic residue levels in food in Canada are below acceptable levels.

My question is for the Minister of Health. Will she commit to creating enforceable toxic food residue standards for all heavy metals that will protect the health of all Canadians?

● (1445)

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, we certainly agree that continuing vigilance is required in this area. Obviously we are aware of the study entitled, "Metallic Lunch: An Analysis of Heavy Metals in the Canadian Diet" by Environmental Defence Canada. Much of the basis for the report comes from work done by Health Canada's total diet studies. Based on Health Canada's analysis of data generated in that study, we have concluded that the levels of heavy metals in foods in Canada do not represent a health risk to Canadians. Obviously we will continue to monitor this area very closely.

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NATIONAL DEFENCE

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, when asked about missile defence on June 13, 2001 the then minister of defence told the House that, "Until answers are clear, the government will not make a decision. We want to know exactly what the Americans want to do".

Today, the Prime Minister said that Canada was changing its position because China and Russia had changed theirs. Now there is Canadian leadership.

What new information does the Prime Minister have about the effect of the missile defence system on Canada? Will he present that information to Parliament before cabinet authorizes any formal discussions with the U.S.?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if everybody seems to be changing their views, it is because the system is changing. At the time the star wars program was initiated under President Reagan. It is not the same any more. It is much more limited. We are looking at what position Canada should take within Norad and other organizations because they are our neighbours. Defence sometimes, especially in the air, in the past has been in common.

We have not made any decisions. We are looking at whether we have to make a decision and getting information about the changes that have come about since two years ago.

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ABORIGINAL AFFAIRS

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, in other words, it is usual that the Prime Minister does not have the foggiest idea what he is doing.

I have another question. The first nations governance act has been under consideration by cabinet for at least 15 months. It proposes a major change to first nations policy in Canada, so it would have been the subject of extensive discussions in cabinet.

I know the Minister of Indian Affairs and Northern Development cannot disclose the content of cabinet discussions but can he tell the House whether he was surprised by the opposition to this government initiative expressed by the member for LaSalle—Émard?

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I think it is fair to say in the House everyone believes that the importance of changing an old archaic act called the Indian Act, which is 127 years old, is one of the most important pieces of business in the House of Commons.

Besides that, this legislation is in committee before a second reading, which is the only piece of legislation before a committee before second reading, with one obvious interest by the minister and the government; that is to ensure we have the best piece of legislation we possibly can have to improve the lives of first nations people.

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JUSTICE

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, only a month after the Youth Criminal Justice Act replaced the Young Offenders Act there was a major problem. The Quebec courts have struck down parts of the act and the minister has decided not to appeal but, surprise, to consult. What has the government been doing for the last 10 years?

Why did the minister choose to let the Quebec court of appeal water down his legislation without so much as a whimper?

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, this is not a watering down of the legislation. What is happening is there are some procedural differences in terms of presumption that have been raised by the Quebec court of appeal that we will be examining. Clearly, it does not change the policy objectives of our legislation.

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, let us be clear on this. This minister and his predecessors promised Canadians that they would crack down on violent youth crime. Now he has allowed the courts to strike down the very laws designed to do just that. This ruling will be cited by defence lawyers across Canada.

Why did he betray Canadians by failing to appeal this decision?

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I think I have to go through it slowly. The fact is the law is in effect right across the nation. The only question that was raised on the reference at the Quebec court of appeal was a question relating to a presumption. The presumption has been, in its opinion, contrary to section 7 of the Charter. However there are other ways to achieve the same goal and we will do so.

* * *

● (1450)

[*Translation*]

FIRST NATIONS

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, on the weekend, the member for LaSalle—Émard and Liberal leadership candidate declared that he would vote for the bill on aboriginal governance in order to avoid the present Prime Minister's calling an early election, but went on to say that he would not implement it once he was elected.

Given the hullabaloo over his bill, not only in his own caucus but also among the aboriginal people themselves, could the Prime Minister not come to his senses and do the only thing possible under the circumstances: withdraw his bill?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the minister has just given a very good explanation. The bill is with the House of Commons committee prior to second reading, which gives maximum flexibility to all members of the five parties in the House of Commons to make the necessary suggestions. There is a very broad consensus in Canada that changes must be made to an act that is 127 years old.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, there is no consensus; instead, there is widespread opposition to this bill, from the first nations in particular. The amendments to the bill proposed in committee were all rejected by the Liberal majority, although they would have improved it.

What kind of government do we have here? On the one hand, we have the Prime Minister stubbornly pushing a bill no one wants, and on the other, we have an aspiring Prime Minister who has already announced that he will not implement the bill he will have voted for. Will the Prime Minister put an end to this farce and withdraw this bill immediately?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the committee members have a mandate to examine proposals. What the hon. member has just said is that there is a real debate going on, with some changes accepted and others rejected. Knowing the hon. member, I am not surprised that we may be forced to reject some of his suggestions, because they are not very practical.

[*English*]

EMPLOYMENT INSURANCE

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, in this year's estimates the government is forecasting a $2.4 billion EI rip-off. There must be a lot of planning that goes into a heist that big. It even has someone to drive the getaway car.

How does the minister justify his planned $2.4 billion shakedown of Canada's working people?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the hon. member will know that we have consistently, every year since 1993, reduced the EI premiums and the UI premiums. Year after year they have been reduced, as other taxes have been reduced as well. By next year, the rate will be set in a transparent fashion intended to set a rate approximating the cost of the program.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, that is not the point. The fact is that he is charging people a lot more than they are getting out of the system.

Let us see if we can help the minister do the right thing. Every year the government spends billions of dollars on corporate welfare but the Liberals cannot find the money to quit overtaxing through EI premiums.

Where are the government's priorities? If it can fund corporate welfare, why can it not reduce premiums for workers?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, when we started the premium rate was $3.07 scheduled to go to $3.30. Instead, as we speak it is $2.10 scheduled to go to $1.98 next year.

I do not know what the hon. member is complaining about. What we have seen is a steady and continuous reduction in EI premium rates. We have benefited employers and employees while we have done so. At the same time we have reduced overall taxes and charges by $100 billion.

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TOURISM INDUSTRY

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, the peak tourist season is quickly approaching and this important sector of the economy is undoubtedly impacted by the tension surrounding SARS.

Could the Parliamentary Secretary to the Minister of Industry please tell the House what the Government of Canada is doing to help this important sector of the economy?

[*Translation*]

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, today, the Minister of Industry is participating in the Canada Media Marketplace fair in New York City to promote tourism and emphasize that the whole world is welcome in Toronto and Canada.

The Government of Canada is continuing to work in conjunction with the Canadian Tourism Commission, through CTC offices in the U.S. and overseas.

We have earmarked $10 million for a campaign to promote Toronto, Ontario and all of Canada as desirable destinations. We have earmarked $1.45 million to support the Canadian Tourism Human Resource Council and, through the Canada Development Bank, to defer capital payments for four months without penalty and provide small businesses with additional working capital—

● (1455)

The Speaker: The hon. member for Souris—Moose Mountain.

* * *

[*English*]

TAXATION

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, when amateur athletes are chosen by government to train for special athletic events these selected athletes are provided with living accommodation without being taxed for their accommodation.

Why has the government taxed the living accommodations of unpaid amateur athletes who are in training under the auspices of the Saskatchewan Junior A Hockey League?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, Canada Customs and Revenue Agency administers the Income Tax Act equally so that all Canadians properly pay their fair share and no one pays more than their fair share.

We have initiated an outreach program with the Canadian Hockey Association regarding the employment status of hockey players and their eligibility for access to Canada's social safety net.

I want to assure the member opposite that all Canadians are treated equally under the Income Tax Act, the Canada pension plan and the Employment Insurance Act.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I hope Saskatchewan is listening because at the present time the Anavet Cup, sponsored by the Royal Bank, is now underway in Charlottetown. Junior hockey teams from every region in Canada are there but the only team in this competition to have been fined, both the players and the team, is the Humboldt Broncos from the Saskatchewan Hockey League.

Why is there this blatant discrimination against only Saskatchewan, the only province, and only against Saskatchewan teams?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the member opposite is trying to create an impression that is absolutely not true. No one has been discriminated against. All hockey teams are expected to obey the law. When there is a problem they are subject to fines.

However, in this particular case, we are doing a public education outreach via the Canadian Hockey Association. It is the Canadian Hockey Association that is helping us to ensure that all teams know what their obligations are, that all teams live up to those obligations and that those young players have access to the social programs—

The Speaker: The hon. member for Saint-Jean.

[*Translation*]

NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, if the missile defence shield proposed by the U.S. administration were to be deployed in its present form, one thing that would happen is that debris from intercepted missiles would land in Canada, and we would have no other choice but to let that happen.

Could the Minister of National Defence tell us, once and for all, where he intends to stand on this issue and clearly state his position?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the Prime Minister clearly indicated in the House today, we are currently examining this project. We will go ahead only if it is in the best interests of Canada. I can assure the hon. member opposite that Canadians do not want to see either debris or missiles falling on them. We must therefore seek a solution that is appropriate for the North American continent, and that is what we in this government will be doing.

* * *

[*English*]

FOREST INDUSTRY

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, residents in north central British Columbia continue to experience the economic devastation of the mountain pine beetle and the softwood lumber dispute.

After years of effort by Canadian Alliance MPs to educate Liberals about the economic damage caused by these two disasters, B.C. has seen precious little in the way of any action from Ottawa. However, within days of a recent drop in tourism caused by the SARS scare, Toronto attracted the entire Liberal cabinet with open cheque books.

Why does the government care so little about B.C.'s forests and the families who depend upon them for their livelihoods?

Ms. Nancy Karetak-Lindell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, Natural Resources Canada has an established research expertise on the mountain pine beetle and has been key in providing forest management options to land managers on beetle control. The department is delivering a $40 million initiative over the next five years.

● (1500)

[*Translation*]

TOURIST INDUSTRY

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the tourist industry has been very hard hit by the slowdown in international travel, due to the war in Iraq and the SARS crisis. Travel agencies are having problems dealing with the administrative slowness of Human Resources Development Canada so as to be entitled to the employment insurance's work sharing program, which they had, however, been entitled to after September 11, 2001, and they are personally appealing to the Prime Minister on this.

Can the Prime Minister explain why he refuses to respond to the appeals of these agencies, in their attempts to avoid massive layoffs and even closures?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, first and foremost I would like to apprise the hon. member of the fact that the employment insurance program is there, is serving and will serve fully 88% of those Canadians in paid employment who might have need of the benefits.

In addition, I had the pleasure today of meeting with industry leaders in the Scarborough—Agincourt area talking particularly about the employment insurance system and the work sharing opportunity that exists for them to help retain their employees while the employment insurance system pays for some of their income requirements. This program is there and it is available. I would encourage those in the tourism industry to contact our offices to see if it would apply in their circumstance.

* * *

INFRASTRUCTURE

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, on September 25, 2002, the Prime Minister announced funds for dealing with the Windsor border infrastructure issue. We told him at that time the issue had to be above reproach and had to have confidence for the citizens there. Instead, he set up a committee that was supposed to report in 60 days. We are now 222 days into the process. Last week more turmoil erupted when we had government leaks.

I would like to know if the Prime Minister will give us a commitment that municipalities that have to live with these decisions are going to have input before those decisions are made. Will you commit to that, Mr. Prime Minister? Yes or no.

The Speaker: I am sure the hon. member for Windsor West intended to address his question to the Speaker as required by the rules, but the hon. Minister of Transport has the floor, please.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I would inform the hon. member that the City of Windsor and the surrounding municipalities have had a lot of impact on the discussions that we have had with the Province of Ontario. Certainly nothing will be done that does not seem to receive favour with the local residents.

However we must move on. This has become an urgent priority. The Windsor gateway is being choked with traffic and the initiative announced by the Prime Minister and Premier Eves is one that the country needs and we will go forward.

* * *

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of hon. members to the presence in the gallery of His Excellency Luis Ernesto Derbez Bautista, Secretary of Foreign Relations of the United Mexican States.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*Translation*]

EXPORT DEVELOPMENT CANADA

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the annual report on Canada's account 2001-02 of Export Development Canada.

* * *

● (1505)

[*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 three petitions.

* * *

COMMITTEES OF THE HOUSE

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance) Mr. Speaker, I move that the fifth report of the Standing Committee on Foreign Affairs and International Trade presented on Tuesday, April 8, be concurred in.

The issue that gives rise to this motion is one of significant importance. It involves a request from Taiwan to be recognized as having observer status at the World Health Organization.

I appreciate the efforts that have gone into pursuing this very important item by a number of members of Parliament, some within the Canadian Alliance Party, some within the NDP and by somebody who preceded me on the foreign affairs committee, the member for Burnaby—Douglas.

The member for Burnaby—Douglas has been vigorous on this file for the right reasons and the right principles. I give him special credit for spending some time trying to get this particular motion through the committee, highlighting it and making Canadians aware of its importance. I thank him for that.

I thank members of the governing party, the Liberal members of Parliament who, when this came to committee, voted to support the motion. We believe the motion has importance on its own merit. It is simply the right thing to do and I acknowledge the Liberal members who voted for this when I presented it in committee and we were able to carry it there.

I also acknowledge the members of the Bloc Québécois and members of the NDP, the former leader of the NDP, and members of the Progressive Conservative Party who also supported this. It is somewhat unique having that amount of opposition party support and also support from Liberal members.

Taiwan has requested observer status only at the World Health Organization. It is not requesting membership. It is not requesting any status beyond observer status. It is one of the few jurisdictions in the world which has not been accorded that status. As a matter of fact a jurisdiction does not have to be a nation recognized by the United Nations to have observer status at the WHO. That is why the Vatican has observer status. That is why the Palestinian Authority has observer status. Even tiny jurisdictions like the Cook Islands have observer status at the WHO.

Taiwan is a democratic jurisdiction. It is in many ways a recent jewel of democracy, only recently having joined the list of democratic nations. It has been an economic jewel certainly, not just in its own Pacific Rim area but globally. Now it is a democratic jewel in terms of believing and supporting things such as the freedom to vote, freedom of speech, freedom of religion and of course freedom of enterprise.

Taiwan is also known for its high degree of medical advancement and medical technology. Taiwan has been instrumental in many key areas of development in its own particular area and around the world.

Taiwan is asking for this support and it is asking that nations agree to that support. The WHO meeting is coming up this month and that is why there cannot be any delay on this. Taiwan is asking for support from other nations like Canada, a nation which proudly says it believes in democracy. We support democracy and our foreign policy should tend toward being a government which supports, above and beyond others, democratic jurisdictions. We should not hesitate in making sure we are speaking up and doing what we can do for the good of those nations. Taiwan is an island of 23 million people.

● (1510)

I understand, and I think people within the House and across the country understand, the political ramifications of a one China policy. We are not speaking to that issue today. Other jurisdictions, such as the United States congress and the European Union are on record supporting Taiwan's request for observer status at the WHO. They are on record and they are jurisdictions that recognize the one China policy. We are not challenging or contradicting that.

We are asking members of Parliament today, regardless of political stripe, to simply look at this issue on its own merit and not to be intimidated by any other jurisdiction or any other country which may try to read more into the motion than is there. We are simply saying on its own merits that Taiwan deserves to have observer status at the World Health Organization.

It is very clear that article 3 of the WHO constitution stipulates that membership in the organization shall be open to all states, that is membership should be open to all states. We are not even talking about membership. We are talking about observer status to a country, an island of 23 million people. On January 1, 2002 Taiwan became a member of the World Trade Organization. It is observer status only that we are asking for at the World Health Organization.

We have seen a recent development without which the merits of this request would still be valid. The outbreak of the SARS virus and the so-called epidemic brings sharply into focus the need for Taiwan to have observer status at the World Health Organization. I ask my fellow colleagues, how could we in good faith deny this especially at this time? As I have already said, this issue could fully stand on its own merits before the SARS outbreak but now it becomes incredibly more compelling.

Again, I am emphasizing that it is not nation status that is being requested. There are other entities, as I have already said: the Vatican, the Holy See; the Palestinian Authority; the Order of Malta; the International Committee of the Red Cross; and the International Federation of Red Cross and Red Crescent Societies. A number of small jurisdictions not recognized at the United Nations as nations in and of themselves have been accorded this status.

We do not want to see a lack of WHO participation for Taiwan. We do not want to see the development of what some are already calling a possible health apartheid. We do not want to see Taiwan excluded when there is no valid reason for it to be excluded other than political intimidation and some worried about what could be the fallout if another jurisdiction—and let us be honest, we are talking about mainland China at this point—reacted and somehow retaliated because a nation, an island of 23 million people, is asking for observer status, simply to be recognized. On principle, it would be unfounded for another group or nation to try to block this for political reasons.

There is no question that this issue goes beyond the political stripe of those of us who are debating and voting on this. I appeal to members. Let us be honest about this. The possibility that this vote might not carry is a real one and it will be based on political concerns. I respect that. That is what this House is all about, politics.

● (1515)

I am asking members to follow the example of members of their own party who serve on the foreign affairs committee who voted to support this particular motion. They set aside, for a brief few moments in time, political differences and stood on principle for what is right. For a group of 23 million people who have health needs, as any jurisdiction does, who are facing some extreme situations especially related to SARS, it is the only right thing to do. It is a matter of principle that this would be recognized.

Taiwan has donated to the international community over $120 million U.S. in medical supplies and humanitarian relief to 78 countries spanning five continents. That was just from 1995 to 2002. Taiwan has stepped up to the plate for others. It has been there for other nations. It is there for other nations. Through its efforts and goodwill and its ability to constructively share its resources, Taiwan has been there for others. To be excluded now from the position of observer status would create a loophole in the health network and the organization would be somewhat less than it could be and it would be failing in its obligations.

We know that China has been in opposition to Taiwan's WHO bid and has said that Taiwan's participation in the organization violates China's sovereignty. It does not. It merely promotes the health concerns and the health needs of its own people.

In 1998 China prevented WHO experts from helping Taiwan combat a deadly form of enterovirus. The following year when a massive earthquake struck central Taiwan, over 2,400 people were killed and more than 10,000 were injured. China again flexed its diplomatic muscles to obstruct the shipment of emergency medical equipment and rescue assistance offered by the Red Cross and the Russian federation at that time unless they agreed to work through China itself.

I understand and appreciate and we want to continue to further good relations with all people on this planet, including the people of mainland China. We acknowledge there are differences of systems. We also acknowledge and promote the freedom of speech. We can contest those differences without intimidation.

This is the 21st century, a new century and there are new realities dawning upon all of us. One of those realities when it comes to diplomacy, which we already are seeing having moved into the 21st century is a reluctance to be satisfied with diplomatic niceties between diplomatic representatives, between nations. There is an urgency among people around the world to have their diplomatic representatives speak openly and frankly, with respect recognizing those differences, but to be open and frank about these things and not to be intimidating one another but to simply put forward the principles based upon the merits of the arguments themselves. That is what we are doing today. It is what I am asking all members of the House to concur in today.

The WHO meetings in which Taiwan wants to be involved are coming up this month and will require support. Canada has a history of speaking clearly and forthrightly for democracy, for freedom of speech, for the freedoms of all individuals, for the natural rights of individuals. It is the natural right of people in Taiwan to have available to them all of the health connections, information and support that can possibly be made available to them. It is the right of the people of mainland China to have that and we support that regardless of political differences. It is the natural right of citizens of Taiwan to be a part of the global health community at least at this very minimal level.

I appeal to members especially of the governing party, to give this issue serious consideration in the time we are debating it today.

● (1520)

Especially in a time of emergency with the SARS epidemic upon us, we are thankful that in Canada we have had a collaboration of people who have worked to properly contain this situation. We know it is still serious and there is still work to be done, but I am asking that members here would go beyond today and relieve their minister of a tenuous situation in which he finds himself and in fact in which the government finds itself. If the government has a certain policy position related to the one China policy, then allow this to be one of those moments where Canadians could watch and look at MPs debating and voting on something on its principles, on its merits, not according to what or how one party has been told by its whips to vote. The Canadian Alliance is bringing forward this policy and this policy request. We are doing so not whipping our members to vote a certain way. We have asked among ourselves that our colleagues consider this on its merits and vote accordingly.

That is what I am asking the federal Liberal members of Parliament to do today: that this would be voted for in the affirmative today, the concurrence. All we are asking is that we concur with the motion the foreign affairs committee has already passed, supported by Liberal MPs, and not to run the risk, and it would be more than a risk, it would be the reality of having Canadians, should this motion fail in the House today, ask those individual MPs who voted against it why on earth they would have voted against 23 million people having a representation of observer status only, along with the Palestinian authority, which already has that observer status at the World Health Organization.

Let Canadians not be dismayed or discouraged at the thought of the political process grinding down to the point where we would back off from supporting a democratic jurisdiction. Frankly, even if this were not a democratic jurisdiction, their request would be right on its own merits and on its own principle.

The people of Taiwan today will be wondering about Canada's support. Their friends and family who are Canadians of Taiwanese descent will also be watching today and tomorrow to see and listen to the arguments being presented, to listen to who supported them and why the support was there or not there.

To me, it is a fairly clear and straightforward issue. I know and understand the political struggles that members of the government would be having on this, as I have said, but once again I encourage each one to see this as something that parliamentarians in Canada have decided to do, to join those in the EU who have also voted in support of this, and we will be asking for that support. Let not Canada stand almost isolated with certain other nations not supporting Taiwan when the countries of Europe or representatives of the European parliament and of our friends south of the border will have voted to support this somewhat meagre request, not for membership, but for simple observer status at the World Health Organization. It is a good and right thing to do on its own merits. I would appeal to the good sense and good judgment of my colleagues, especially those in the Liberal Party, to join the members of the Liberal Party who have already done so.

I again want to thank the member for Burnaby—Douglas who has also worked to allow this to come forward and members of the Canadian Alliance and other members who supported this. Let us send a positive signal to the people of Taiwan today that we stand with them on this simple request. I thank members for their consideration.

● (1525)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I too would like to note that we strongly support this concurrence motion. Indeed, the NDP member for Burnaby—Douglas has worked very hard on this issue in bringing it forward to Parliament. In fact, many of us have consistently written letters to our own government imploring it to allow Taiwan to have observer status at the WHO.

The one China policy aside, we need to have a one planet policy. We need to have a policy whereby the international community can come together, where people can monitor what is happening with this terrible virus and disease called SARS.

I think that the request from Taiwan to participate and to have observer status at the WHO is something that is of critical importance to the people of Taiwan and in fact the whole global community. In Vancouver on Saturday, the Greater Vancouver Canada-Taiwanese Association held a friendship luncheon and on Saturday night there was a dinner with members of the Canadian Taiwanese business community and this was the topic of conversation.

I think it is very important that the foreign affairs committee has come forward with this motion again recommending to our government that we show some leadership on this issue and that we recognize the fundamental importance of having Taiwan participate as an observer at the WHO.

I cannot think of any other example that demonstrates so well the need to put aside partisan politics and the need for parliamentarians in Taiwan, in Canada, in Europe, in the U.S. and around the globe to work together on this issue. Surely it should be seen as a sign of good faith, as a sign of commitment to global health issues.

I too would appeal to government members to support the motion and the report from the foreign affairs committee and to say that we can speak with one voice here. We can speak with a voice of reason. We can speak with a voice of global health and we can speak with a voice of protecting people in making sure that Taiwan and all nations are involved in the WHO.

I think it is a very reasonable request and I sincerely hope that members on the government side will listen to what all of us on this side of the House and indeed many Liberal members are saying and support this initiative from the foreign affairs committee.

Mr. Stockwell Day: Mr. Speaker, I appreciate the comments from the member for Vancouver East and can only echo what she has already said. This was, by the way, a topic of considerable discussion at the event on Saturday that she mentioned and that is indicative of how this is a focus in that particular community right across Canada, a topic of significant focus, one in which people who are Canadian citizens or who are waiting for their citizenship and are of Taiwanese descent are looking to us. They are looking to us with hope and with optimism. They are looking for that example. Even as, they have said, Canada has been an example in the formation of their own democracy in Taiwan back in the 1990s, they are asking us to continue to set that example.

I appreciate the comments from the member for Vancouver East and her reflections on the input from the member for Burnaby—Douglas. We continue the appeal to our counterparts across the way.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, I compliment my colleague for this motion, which at its heart trumps human lives over international politics. That is what this is about: human lives. This motion is important, whether someone lives in Taiwan or China, because whether it is SARS or a much larger problem such as the pandemic of AIDS, the diseases spreading across borders today are an offshoot of globalization.

As our international community becomes more global and barriers fall, it is important for us to have an integrated health care response that will muster up an international response to international health care concerns. We have seen this with SARS. We have seen what is happening right now in Taiwan. We have seen what is happening in China. SARS is only one of a litany of problems that we have to deal with today and which we will have to deal with in the future.

The fact that Taiwan is simply asking for observer status shows that it has no interest whatsoever in thumbing its nose at China, in trying to give China a bad name or trying to disrespect it in some fashion. In the motion that my colleague has put forth, the people of Taiwan want to be a participant, not only for the people of Taiwan but also for the people of China. This motion will help the health of the people of China, it will help the people of Taiwan and it will help the international community.

What response has my colleague had so far from the government on this very fine motion?

Mr. Stockwell Day: Mr. Speaker, I appreciate the comments from my colleague, who also adds his own considerable medical knowledge and experience to this debate. When it comes to medical issues, we as lay people can speak to this with clarity and with forthrightness based on its merits, but it certainly adds to the weight of the argument when we have medical doctors bringing their perspective to the debate. I do appreciate that.

● (1530)

Mr. Alan Tonks (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, first I would like to make an observation. There is absolutely no question that the relationship between Taiwan and Canada has had an historical significance over the last three or four decades. What the Taiwanese have contributed to Canada is outstanding.

However, it is somewhat more than a diplomatic nicety that we have a relationship with the People's Republic of China. My first question to the member is, does the member not find it encouraging that as recently as last week the People's Republic of China granted the WHO the opportunity to go into Taiwan and observe with respect to the implications vis-à-vis SARS? On the basis of that, does the member not think that in view of the diplomatic relationship Canada has with the People's Republic of China his motion would be more credible, if we will, if it were to be worded in such a fashion that it would request the foreign affairs ministry to use all of its capabilities in diplomatic terms to enjoin the People's Republic of China to grant observer status to Taiwan?

Mr. Stockwell Day: Mr. Speaker, I appreciate the comments of the Parliamentary Secretary to the Minister of the Environment. In fact, I have requested the foreign affairs minister to do just that. I have requested him to use the persuasive capabilities he more than adequately has to help advance this. Because I do not want to get into any of the acrimonious partisanship that often accompanies such a debate, I will simply say that I have asked the minister to do that. For reasons he has, and which are different from mine, he feels certain limitations in his ability to do that. He feels he has done pretty well what he can, and he may do more in the future, but I have addressed that to him. Because of the limits of what he is able to do, it has compelled me and others to continue with this motion today.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, it is very interesting that it is only in Canada we would see Liberal members twist themselves into such a pretzel and be concerned about such a motion.

I have been to Taiwan. I have looked at its medical health care system and it has advances in science that I think Canada should be looking at. Certainly in looking at its response to SARS, perhaps Canada could learn a lot from Taiwan in that regard. We need to have Taiwan as a full player as an observer at the WHO and it should not be hampered by other political considerations. I would not want to see Canada again be offside from the community of nations because the Liberal government is without principle and cannot find its way out of the forest.

● (1535)

Mr. Stockwell Day: Mr. Speaker, obviously my colleague comments about many of the issues that we contest with the government. On this particular one I am withholding judgment, as it were, because so far we have had some fair questions on this, in particular the question from the Parliamentary Secretary to the Minister of the Environment.

Although I would agree with my colleague that on many of the issues previous to this one on which we have engaged the federal Liberals, we have really gotten into the thick of it, and quite rightly, challenging what the principles were, so far what I have heard from Liberal MPs on the committee are arguments based on principle and merit, which support this particular request. Until I have heard differently, and I hope I do not hear differently today, we will continue to advance this motion as it is moving right now.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to speak on this debate. I move:

That the debate be now adjourned.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Call in the members.

● (1615)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 152)

YEAS

Members

Adams	Allard
Anderson (Victoria)	Assadourian
Augustine	Bagnell
Beaumier	Bellemare
Bennett	Bevilacqua
Binet	Blondin-Andrew
Bonin	Bonwick
Boudria	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Caplan
Carroll	Castonguay
Catterall	Charbonneau
Coderre	Collenette
Comuzzi	Cuzner
DeVillers	Dion
Dromisky	Drouin
Eggleton	Gallaway
Godfrey	Graham
Harvard	Harvey
Hubbard	Jackson
Jennings	Jordan
Karetak-Lindell	Knutson
Leung	Lincoln
Longfield	MacAulay
Macklin	Mahoney
Maloney	Manley
Marleau	McCallum
McCormick	McGuire
McLellan	Mitchell
Murphy	Nault
Neville	O'Reilly
Patry	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Reed (Halton)	Regan
Robillard	Saada
Scott	Sgro
Shepherd	Speller
Stewart	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Ur

Whelan Wilfert– — 86

NAYS

Members

Abbott Ablonczy
Anderson (Cypress Hills—Grasslands) Bailey
Barnes (Gander—Grand Falls) Bourgeois
Cadman Casson
Clark Comartin
Cummins Davies
Day Desrochers
Forseth Gagnon (Québec)
Gaudet Goldring
Gouk Harper
Hill (Macleod) Hill (Prince George—Peace River)
Hinton Jaffer
Johnston Keddy (South Shore)
Kenney (Calgary Southeast) Lill
Loubier Marceau
Martin (Esquimalt—Juan de Fuca) Martin (Winnipeg Centre)
Ménard Meredith
Merrifield Moore
Nystrom Penson
Picard (Drummond) Proctor
Sauvageau Schmidt
Skelton Solberg
Thompson (Wild Rose) Vellacott
Wasylycia-Leis White (North Vancouver)– — 48

PAIRED

Nil

The Acting Speaker (Mr. Bélair): I declare the motion carried.

* * *

PETITIONS

CHILD PORNOGRAPHY

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I would like to present two petitions today that have over 130 signatures combined.

The petitioners call upon Parliament to protect our children by taking steps to outlaw all materials promoting or glorifying pedophilia or sado-masochistic activities involving children.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I have three petitions today that I would like to present. They are all on the same issue and all from the City of Airdrie and surrounding area.

The petitioners call upon the government to do something about child pornography: to fix it, get it stamped out, get rid of it. That is the message these petitioners are sending, along with hundreds of thousands of others. I do not know what is taking so long. It should have been done years ago.

* * *

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. 171 and 183.

[*Text*]

Question No. 171—**Mr. Bill Casey**:

> With respect to Bill C-25, An Act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts, which received its first reading on February 6, 2003: (*a*) have steps been taken to anticipate the cost of implementing the transition of the title "Public Service of Canada" to "Federal Public Administration"; (*b*) if yes, what steps have been taken and what is the amount of the anticipated cost of changing this title; (*c*) how many legislative acts will this title transition affect; (*d*) is this change of title to be retroactive to all relevant legislation; and (*e*) if yes, what is the anticipated cost of making this change retroactive to all relevant legislation and departmental material?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): The answer is as follows:

(a) There is no appreciable cost to implementing the changes of the term "Public Service of Canada" to "Federal Public Administration" in the present legislation. The changes will be inputted by Department of Justice staff in an electronic directory of bills and statutes held by that department which is part of usual operations when legislative changes are approved.

(b) N/A.

(c) The change in nomenclature affects approximately 115 statutes.

(d) The changes will take effect upon the proclamation of the relevant portions of the Public Service Modernization Act. The changes will not have a retroactive effect.

(e) N/A.

Question No. 183—**Mr. Charlie Penson**:

> Has any government department or agency conducted an analysis of the economic consequences of the failure of Canadian banks being permitted to consolidate/merge?

Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): While the Department of Finance has not undertaken analysis into the specific question raised, we do conduct regular ongoing monitoring of the performance of Canada's banks. The department also keeps abreast of the economic literature examining consolidation issues in the financial services sector. In 2000 the department participated in an initiative involving the G-10 group of countries looking at many aspects of consolidation. The final report entitled "Consolidation in the Financial Sector" is available at www.bis.org. Building on that analysis, officials from the Department of Finance, the Federal Reserve Board in Washington, and the Bank of Italy released a paper in the Finance and Economics Discussion Series of the Federal Reserve Board of Washington entitled "Consolidation and Efficiency in the Financial Sector: A Review of the International Evidence". The paper can be found at http://www.federalreserve.gov/pubs/feds/2002/200247/200247pap.pdf.

[*English*]

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

The Acting Speaker (Mr. Bélair): Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

NATIONAL DEFENCE ACT

The House resumed consideration of the motion that Bill C-35, an act to amend the National Defence Act (remuneration of military judges), be read the second time and referred to a committee.

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, it is indeed an honour and a privilege to rise today on an issue of such importance to the men and women of our armed forces.

The legislation we debate here today has as its pith and substance the modernization of military justice. It is an attempt to better harmonize the rules of legal procedure that guide the administration of justice for the Canadian armed forces with the laws of Canada in their civilian application.

Perhaps the House will permit me this opportunity to pay tribute to the men and women of the office of the Judge Advocate General, the guardians of justice in uniform. The JAG officers are a vital component of our armed forces and an important part of our military community. They are soldiers on the front lines of the law and in a field of practice that is often as hazardous as any endured by the infantry, the artillery and the armoured corps.

The men and women of the JAG office frequently are deployed to the most dangerous places on the globe, tasked with the mission of ensuring that justice is done. Bill C-35, hopefully, would help the JAG and military judges in all their important work.

The legislation has two distinct components, both of equal importance. On the one hand, the legislation seeks to better regulate the rate of pay for military judges. On the other hand, it clarifies the procedural and evidentiary rules regarding the taking of bodily samples. While these might seem to be areas of limited administrative importance, they are in fact issues of great constitutional importance.

Speaking to the first area of the legislation, that of regulating the rate of pay for military judges, the Supreme Court of Canada has indicated repeatedly that the remuneration of judges is a key component in preserving judicial independence.

The guiding principles of our Constitution require that we establish impartial courts for the proper administration of justice. This historic requirement has been given new life under the Charter of Rights and Freedoms. Indeed, it is section 11(d) of the charter that guarantees that any person charged with any offence has the right to be presumed innocent until proven guilty according to the law in a fair and public hearing by an independent and impartial tribunal.

In light of this important constitutional principle, the courts have indicated repeatedly that to be truly independent of the executive and legislative branches of government, the judiciary should not appear to be dependent on them for proper pay and remuneration. To be certain, there must not even be the appearance that their decisions could be affected by changes to their rate of pay.

Given this explicit and important link between the remuneration of judges and the constitutional right to an independent judiciary, we in the House have a very serious and clear obligation to monitor any legislation that would seek to affect the rate of pay of judges. Given that this protection has been extended to all citizens, let it be especially so for the most courageous citizens in our country, the men and women of the Canadian armed forces.

That Bill C-35 seeks to ensure that changes to the Treasury Board guidelines have retroactive effect is therefore an important amendment. That the pay of judges, in this case military judges, is a matter of a formula and not the product of negotiations between branches of government is of clear and undeniable importance.

The bulk of the legislation, however, relates to an area of equal importance, and that is the proper legal authority for a peace officer to take samples of bodily substances

I know that I do not need to convince my colleagues here today of the importance of forensic science in the administration of justice in the 21st century. The vast potential of science has been an invaluable partner in the area of criminal investigation for more than a century but it is the constant advancements in the area of DNA analysis that has been the biggest boon to criminal investigation since the discovery of the fingerprint.

As in all areas, the evolution of science must walk side by side with the continued stability of our rights and freedoms. Given the tremendous weight given to DNA evidence in criminal procedures, it is vital that there is administrative fairness in both its collection and analysis.

Both sections 7 and 8 of the charter offer protections relevant to this discussion.

● (1620)

Clause 7 protects life, liberty and the security of the person. It ensures that any intrusion into the right of the person with respect to their body, a fact that includes bodily samples, is minimal and only in accordance with a proper legal authority.

Clause 8 protects against unreasonable search and seizure requiring that only a properly executed and lawful warrant can compel an accused to submit to a search or have his or her property seized.

Bill C-35 seeks to give greater clarity to the issue surrounding the taking of body samples. I believe that given the greater constitutional importance attached to it, we have an increased burden to put the bill under a legislative microscope. I have great confidence that the Standing Committee on National Defence and Veterans Affairs will do so clause by clause, analyzing all the legislation.

I have spoken at length this afternoon about the important considerations that have been outlined by the courts of the country with respect to the proper application of the Charter. I know I do so at a time when some in our country, indeed many in the chamber, are concerned about the role of the judiciary in the development of the law. The debate is one of great importance and significance to all of Canada.

I believe that both sides and all parties in the House will agree that we have a special duty as lawmakers to ensure that the legislation we pass is not only lawful but also good law. We have here an important obligation to not only improve laws but to improve lives.

When we debate an amendment to existing legislation, we have a duty to ensure that we consider whether the lives of those affected will be improved as a result of our action. To that end, I hope we would all agree that our duty extends to ensure that we consider the potential legal ramifications of our actions in relation to decisions we have seen passed by the courts of this country.

I am the first to recognize that the administration of military justice is different than that of the administration of civilian justice. Those differences speak to the unparalleled importance of our military and its function in the world. They are a reflection of the commitment of our men and women in uniform who have made Canada.

If it can be said that they have a sworn duty to protect us, surely then we must say to them that we have a sworn duty to protect them.

Although the bill in the consideration of the House speaks to military justice, not military funding, it would be remiss of me today in my duties if I did not mention and declare a continuing need for better funding of our military.

Between the 1993-94 fiscal year and the 1998-99 fiscal year our military budget fell 22%, from $12 billion to $9.4 billion. In the same period the operational tempo of our armed forces, this is to say that the ratio of time spent on deployed missions, rose from 6% to 23%, an increase of almost 400%.

The funding gap has hurt our military. Members of the military are required to use equipment that is 30 to 40 years old. They are restricted in the amount of training they can received. They are limited in their potential, not by their courage, not by their compassion or not by the commitment of the personnel, but by the scarce resources at their disposal. We have let them down. The government has let them down.

We speak today about improving military justice but we should be talking about doing our military justice by ensuring that the members of the military have the tools and equipment necessary to do their jobs.

Some of the Liberals on the government benches, perhaps most noticeably those either currently or formerly part of the cabinet, have recently begun to call for better treatment of our military. The former finance minister has even called for an increase in military funding, notwithstanding that he was the one with the hand on the knife when the government made vicious cuts to the DND budget. Better treatment of our military should be a firm commitment, not a campaign promise.

In closing, if I had my way, we would spend a portion of each day debating how we can improve the conditions of our military and its personnel.

While Bill C-35 addresses important issues, it does not address all the important issues facing the Canadian armed forces. We have much work to do here before we rise and I hope that the rumours about leaving early are false, especially at a time when we are prepared to send so many of our men and women to serve in a dangerous and unstable part of the world. That of course is the height of hypocrisy.

● (1625)

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, it is a pleasure to speak to this important issue, particularly because the west coast Pacific command is situated in my riding of Esquimalt—Juan de Fuca.

Over the last 30-odd years we have seen a continual lack of support for our military. Bill C-35 bespeaks to a reform process that has to take place. The fact that the government put forth a bill to amend the National Defence Act, remuneration of military judges, which deals with that and another couple of minor issues, demonstrates the complete lack of support the government has for our military.

Why would the government spend its resources and its time and the public sector's time bringing a bill like this forward when we have massive problems in our military? We do not have the troops to do the job. The military does not have the equipment nor the support. We have a disconnected foreign policy and a defence policy. Having a congruent defence and foreign policy, having enough troops to do the job both domestically and internationally and giving them the support and tools to do the job are issues that the House should be debating. The fact that the government put forth this bill bespeaks to its complete neglect of our military over the 10 years it has been in power.

This is important on a broad range of issues because our ability to engage internationally, to fight for what we need as Canadians and to be the best that we can be economically is intimately entwined with our ability to engage with our partners in this globalized era. Our ability to engage with NATO and the United States and to do what we are supposed to do under the United Nations are all exceedingly important for the health, welfare and economic stability of Canada.

Time after time and time and after umpteen studies we have heard that Canada has been living off the coattails of our partners, be it the U.S. or our other partners in NATO. The Canadian public does not necessarily know this because our government has given it the flawed methodology that we are a great peacekeeping country and that we are contributing to our international commitments.

The reality is we are 19th in the world in peacekeeping if we look at the 22 most developed countries. We used to be number one. Back in the era of Prime Minister Pearson, our troops could be put in the theatre. They could be moved in short order to where they were required by the teams of which we were a part. We can no longer do that. We saw that in Afghanistan. We cannot even maintain 800 troops in the theatre for a period of six months. That is below our requirements.

The government has admitted that not only can we not meet our international requirements, but more sadly, we cannot meet our domestic requirements. If we had a domestic catastrophe, if we had a large terrorist attack, if we had an act of God as we have had in the past with floods and the ice storm, could we engage enough troops to meet those domestic problems? The answer is a tragic no.

Professor Andrew Cohen of the School of Journalism at Carleton University has just written a very eloquent book on what has happened to our relationship with the U.S. and the international community. He puts at the heart of this one major issue. He says that our underfunding and lack of response to our military needs has greatly undermined our ability to be a player at the international table. Our government continues to tell Canadians that we are a great middle power, that we have strong moral authority. At one time that was true, but since 1969 we have seen a gradual and inexorable decline in our ability to influence and a decline in our ability to advocate for Canada at the international table.

● (1630)

About two or three years ago, the head of NATO admonished Canada in Toronto for a lack of response. He said at that time that as Canadians we had to support our military here at home and play our role internationally. If we would not pay the piper, then we would be sitting around at the table as a second rate country and we would have to pick up the pieces after all was said and done.

Indeed, the Deputy Prime Minister acknowledged that in previous speeches. He himself has acknowledged the need, as has our current defence minister. Why the lack of response? Documents have been put together by the Canadian Alliance. My colleague has put together a superb document on the deficits and needs in our defence forces, an eloquent specific plan of action, a call to arms, on exactly how we can fix the problems in our defence forces.

An hon. member: But there is no political will.

Mr. Keith Martin: But there is no political will, as my colleague mentions. Despite umpteen numbers of studies, specific solutions are required for our fine men and women who work very hard to do a job but we do not see the political response.

It is really at the level of the Prime Minister's Office where we are not seeing that response. What a tragedy for our country when the Prime Minister's Office does not see that its lack of support for our military is eroding our ability to negotiate from a foreign policy standpoint. We suffer economically, not only in our north-south relations but also our east-west relations. This is not a fait accompli.

The other issue I want to talk about, and the government could have done this through Bill C-35, deals with a very important issue of quality of life of our men and women in uniform and their families. On one hand, the government gives our soldiers a wage. However it does not announce as colourfully to the public that it takes that money away with more in cuts to their PLD, which is their cost of living allowance, and it also raises their private married quarters rents. That, coupled with other cuts, makes our men and women in uniform worse off today than they were last year in terms of economics.

What kind of government sends troops abroad to fight for our country, to lay their lives on the line and then, while they set off abroad in their ships or planes, it guts the economic ability of soldiers to provide for themselves and their families at home? I have received many letters from families living in my constituency who wonder why the government is sending their husbands, fathers, wives and mothers abroad while it is taking money away from them. What kind of disingenuous government would on one hand give money to our soldiers, then take money away with both hands, leaving them all the poorer for it? The public does not understand that. What is more, what does that do to the morale of our armed forces? That cannot continue.

Many of us have said that the government must stop cutting the economics of our men and women in uniform. We should give more to them than they give to us. Our soldiers have given more to us over the years than we have given to them. It is not only a matter of economics; it is a matter of plain respect. We cannot disrespect our soldiers in this way.

Some have wondered why we do not become merely a peacekeeping nation. At the end of the day our military is there, at its most sharpest edge, to wage war. Our military must have the capability of waging war. Everything else falls from that. Peacekeeping and peacemaking is war by another name. We have to give our troops the capabilities to do that.

I ask the government, where do we go from here? First, right now our troop strength is about 56,000. Two decades ago it was 125,000. We were able to put people in the theatre. We need to increase our manpower to at least 80,000 to 85,000.

Second, we need the heavy lift capabilities to move our troops into the theatre. Without that we will see in the future what we have seen in the past, where we have to wait in line for our allies to give us the transportation mechanisms to get our troops in the field. What kind of nonsense is that?

● (1635)

Third, we have some critical issues. Everyone knows about the helicopters, but we also have problems with our CF-18s and indeed some of our ships, along with many of the basic tools and equipment for our army which are completely burnt out not only in combat materials but also in terms of personnel.

Those and a whole list of solutions that have been put forth by learned people in the military must be adhered to for the sake of our military and allies, and our place in the world. Some would argue that we should not have a military that kills people. At the end of the day we must always have that capability because that is what an army is all about.

The other thing we need to do is to consider having a nimble and lethal armed forces that can rapidly move around, like a rapid reaction force. That is what will be required in the future. Most wars now are not wars between countries. They are intra-country wars. They are not inter-country wars that took place early in the last century, like World War I and World War II.

Today we are seeing that most of the conflicts are within a nation state, whether it is Afghanistan, or indeed what we saw in Iraq, Somalia, et cetera. We must have the capabilities that will enable us to put our troops into that theatre to engage and integrate with our allies.

One of the other deficits we have is our ability to communicate with our allies. We are losing that capability rapidly and in fact we are behind the eight ball. Unless we meet those commitments to engage and communicate with our allies then we will not be part of the team. We will not be able to function in the multilateral objectives that we will have in the future.

Our other objective is to be relevant sitting next to the world's hegemony. There are things that the Americans do well military, but there are things that we do well military that they cannot do. Our objective will not only be to meet our domestic requirements, but to determine some niche areas where we can play an important role in having a multipurpose combat capable force which would engage and play roles with our allies in dealing with the many threats that we will see.

The terrorist threat that we have today will not be dealt with at the end of a gun. Part of it has to be that way but by and large terrorist threats that we see today would only be dealt with ultimately through issues that deal with the political and economic emancipation of countries that are ruled by despots and individuals that milk their countries dry at the expense of the people.

We have seen that happen in Saudi Arabia, Iraq, Syria and North Korea. Despots rule these countries and the resources of those countries go into the hands of the people at the top at the expense of the people at the bottom. That creates a toxic syndrome where the people see no hope and are subject to the prey of manipulative individuals who will use religion, for example, as a tool to manipulate the group to do their bidding.

That is how al-Qaeda works. It preys on the disaffected, dispossessed, and hopeless in an effort to sway them to do its violent bidding. It uses that to encourage people to be suicide bombers, to create instability, and to wage war against the west.

However, the war between al-Qaeda and western targets is not primarily a war against the west. It is a war against moderate Islam. Al-Qaeda's objective is not to fight the United States. Al-Qaeda's objective is to remove moderate influences in countries which are primarily Islamic and to move those moderates out of the way, get rid of western influence in those countries, and turn those countries into fundamentalist Islamic states. Osama bin Laden wants to turn Saudi Arabia into a fundamentalist state.

The danger that we are seeing now is that Iraq could swing that way unless there is the active engagement of a multilateral approach to ensure that democracy and the people of Iraq have the choice to decide who their leaders will be. Those choices will not come from outside. The United States and the west will not decide who will lead the people of Iraq. The people of Iraq will choose who will lead them.

● (1640)

Only by doing that and ensuring that the new leadership in Iraq will share the resources of that country with the people of Iraq will we see the political emancipation of the people of Iraq, and that in and of itself will act as a bulwark against fundamentalism.

The biggest challenge right now in the Middle East, though, is not Iraq at all. It is Saudi Arabia. Saudi Arabia is ruled by a kingdom that was created as a result of political machinations that occurred between the origins of the Wahabi sect and the House of Al-Saud. Those two groups came together and developed a blood pact. That pact created a very unstable situation in a country that actually could be very rich. The creation of that pact has ultimately led to a group of 5,000 or so princelings and their hangers-on who are milking the country of the oil resources that it has. Where has the wealth gone? It has gone into the pockets of those 5,000 and their hangers-on. Have the people seen the results of that wealth? No, they have not.

What we see is the creation and the turmoil that is bubbling over from within. The lack of political and economic power by the people of Saudi Arabia will boil over into a cataclysmic event that will see the removal of the house of Al-Saud. What we will see is the potential introduction of a very fundamentalist leadership that could well pose a threat to the west.

Egypt is also another country that is boiling underneath the surface. We do not normally see that because we assume that wonderful Egypt, with its pyramids, is an island of stability in a very unstable area. The reality is not so pretty. Underneath that surface are a large number of people who are disaffected and without hope. Educated people who had hope but who are now without hope. What that creates in Egypt is a people who are ripe for the predations of groups like al-Qaeda that will stimulate them to engage in unstable actions that will affect us.

We have a role that the United States perhaps does not. We can work with other countries and deal with them politically and economically. The political and economic emancipation of countries like Saudi Arabia and Egypt are critical to our own security as a country. As I said before, the threat of terrorism will not go away purely by the use of force. That threat will go underground and it will manifest itself in various ways, not the least of which is what we saw in 9/11.

We have seen something else that is very dangerous. I hope our government will deal with it because it is something that we fear. We fear weapons of mass destruction. But where is the greatest threat of weapons of mass destruction right now that has not been dealt with? Is it in North Korea? Iraq was a potential problem. Syria is a problem because it has weapons of mass destruction. But the biggest threat is actually in the loss of control of fissile materials in the former Soviet Union. That country had some 30,000 nukes. We know from the former Russian general Alexander Lebed that there were small suitcase nukes made. No one knows where they are. We know that there is an uncontrolled axis of evil that has been created due to the fissile materials. The ruthless Russian mafia and terrorist organizations want to get that fissile material.

Some believe that al-Qaeda already has them. The Russian mafia wants to get those fissile materials and sell them for huge profits. To their credit, the Russian police have blocked some of these efforts. More must be done. We must work with the United States, the Russian authorities, and with countries in the former USSR, including the CIS states, to deal with this problem and to actively hunt down, engage, and destroy the Russian mafia that is poisoning not only the former USSR but also countries in eastern European, including Bosnia where the Russian mafia is integrating itself and causing a huge problem.

I hope the government will listen to the constructive solutions that have come from members from all political parties and, for the sake of our military and country, employ them now.

● (1645)

[*Translation*]

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Gander—Grand Falls, Veterans Affairs; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, Gasoline Prices.

[*English*]

● (1650)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on National Defence and Veterans Affairs.

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

* * *

INTERNATIONAL TRANSFER OF OFFENDERS ACT

The House resumed from April 29 consideration of the motion that Bill C-33, an act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences, be read the second time and referred to a committee.

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I am pleased and honoured to speak to second reading and express my support and obviously that of the government for Bill C-33, the international transfer of offenders act. The primary objective of this proposed enactment is to repeal the existing legislation in this area and replace it with a new enhanced and modernized version that is more responsive to international developments.

Before I delve further into the details of the existing legislation and the bill before the House, I would like to elaborate on why I believe members on both sides of the House should take part in this debate. They should not hesitate to take part in this debate. They should familiarize themselves with the spirit and the subject matter of the bill. All Canadians are entitled to receive from their elected representatives the rational, sound and effective governance they deserve and expect, a matter of trust I am certain all members take seriously.

It is much less difficult to concentrate on the hot button issues of the day and contribute short sound bites and quick one liners. However good government involves a great deal more than that. One must be able to deal effectively with critical, pressing concerns that impact on a great number of Canadians, or concerns that have immense global significance, while at the same time ensuring that the numerous federal statutes and regulations are updated and modernized so they continue to meet their objectives. In that spirit, I thank hon. members for the scrutiny that will be given to this important bill.

Bill C-33 before us today is an excellent example of the everyday work of this Parliament. It is of great importance. Although it may not capture the daily headlines, the work of Parliament in this particular initiative is important and deserves the scrutiny of members on both sides of the House. It is one thread among many that form the fabric of laws that make this country a shining example of democracy and good government in which all Canadians can share pride.

In this vein, the right hon. Prime Minister in his response to the Speech from the Throne that opened the second session of the 37th Parliament stated the following:

> This has been a government committed not to the big bang or the big show, but to continuous and enduring improvements, minimizing divisiveness and maximizing results, focused on the problems and priorities of Canadians, focused on the future, focused on the world.

Bill C-33 which is before us today improves and expands upon the principles contained in the original Transfer of Offenders Act, a statute that meets important public safety and humanitarian objectives, which are achieved through cooperation with other nations.

The act arose out of discussions at the United Nations involving many of our international partners, at which we agreed on the importance of providing a mechanism for the international transfer of offenders so that, for example, Canadians who are convicted in a foreign state may, under certain circumstances, serve their sentence in their home country of Canada.

The Transfer of Offenders Act accomplishes this by providing for the implementation of specific treaties which also set out the conditions under which a foreign national sentenced in Canada may be returned to his or her home country to serve his or her sentence. This ensures that foreign offenders who are convicted in Canada do not escape justice, which would be the case if they were merely deported from Canada upon conviction and sentencing.

● (1655)

Under the Transfer of Offenders Act, Canada has ratified treaties and conventions which allow transfers between us and over 40 countries, including among many others, the United States, Mexico, France and Egypt. The terms and conditions under which offenders are transferred are carefully negotiated such that serious offences are scrutinized without diluting sentencing. Comprehensive and effective legislation is vital in order to encourage other countries to sign treaties with us so that they can be used when the need arises.

The Transfer of Offenders Act, enacted in 1978, serves to achieve several commendable and worthy objectives. First of all, the act serves an important humanitarian role. There is absolutely no question that individuals who are found guilty of crimes in foreign countries should be liable to be punished according to the laws of that particular country. However, situations have arisen, as members in the House know, where a foreign sentence along with foreign standards of justice and commissions of confinement, may impose severe hardship on Canadians when applying even the most rigorous of standards.

This is not to say that foreign nations are intentionally singling out Canadians for harsh sentences or prison conditions. Much of the related hardships may be seen as a result of differences in language and culture which can result in Canadians being exposed to serious psychological stress caused by language isolation, an unfamiliar legal system, differences in lifestyle, health care, religion and diet.

One must consider the potential suffering and hardship that can be imposed on the family members and friends of Canadians imprisoned abroad, who themselves have not done anything wrong. It would be heartless to ignore their plight. As I am sure all members in the House know, the costs associated with travelling to visit their imprisoned loved one and obtaining legal representation for many Canadians who do have family members sentenced and imprisoned in foreign countries are prohibitive. As well, the families and friends of the offender often feel compelled to forward large amounts of money so that the offender can supplement his or her diet or health care and obtain other necessities.

As is the case with the offender, the situation of family and friends may also be exacerbated by unfamiliarity with the foreign legal system and other cultural and language factors. It is true that Canadian consular officials can help to alleviate some of these problems, but there are very real limits to the extent of the assistance that can be provided. The role of the consulate is generally restricted to seeing that the offender's rights under the local law are respected, providing a list of local lawyers and making efforts to facilitate family contact.

Another important objective of the current Transfer of Offenders Act is that of public safety. It contributes to the protection of the public in several significant ways. First of all, it allows Canadian offenders to serve their sentence in Canada, thus providing them with the opportunity to maintain valuable contact with family members. We all intuitively recognize that a good support system can play an important role in the rehabilitation of offenders and their eventual reintegration into society.

● (1700)

The statement of fact that I just made is supported by research which consistently demonstrates that offenders who have the benefit of a strong, supportive relationship with their families are less likely to become recidivists. Furthermore, safety is enhanced in Canada by the provision of rehabilitative and other programs and the gradual and controlled reintegration of returned offenders into society under supervision, elements that are not available to Canadian offenders in many foreign corrections systems.

This remains the case even when the country of detention is one in which the social milieu and conditions appear not to be highly dissimilar to those of Canada. Therefore, the international transfer of offenders contributes to the reduction of recidivism as well as reducing the hardships suffered by Canadians sentenced in other countries and their families.

Of course the government continues to encourage all citizens to observe Canadian laws and those of any country they may find themselves in, but that does not mean we can ignore the plight of our citizens sentenced abroad and their families.

In the many years since the Transfer of Offenders Act came into force, only minor technical amendments have been made to the act. The amendments which are proposed in Bill C-33 before us today meet several vital objectives. The changes address substantive issues that may have been raised over the intervening years and include adding several legally essential treaty obligations in principle, such as the non-aggravation of the sentence by the receiving state.

If a Canadian has been convicted and sentenced in a foreign state to serve out a sentence in prison and that Canadian, under this act, requests to come back to Canada, and the foreign country in which he or she is incarcerated agrees and Canada agrees, when that person comes back to Canada, the sentence cannot be aggravated. It cannot be increased. If for the same crime Canada has a more stringent sentence, the Canadian sentence would not be applied. It would be the foreign state sentence that would be applied.

One of the other substantive issues which is addressed in Bill C-33 is expanding the eligibility criteria to include Canadians who are not currently eligible for transfers, such as young persons on probation, children and mentally disordered persons. Under the existing Transfer of Offenders Act, these three categories of individuals or groups are not eligible to benefit from the transfer of offenders. Under Bill C-33 we would expand the eligibility criteria and they would be included in those groups admissible to take advantage of the transfer.

The provisions under Bill C-33 also clarify provisions in the Transfer of Offenders Act relating to the decision making process by such measures as requiring provincial consent for the transfer of offenders within provincial jurisdiction.

It would also align the sentence calculation provisions with other legislation to ensure the equitable treatment of transferred offenders and to ensure that Canada takes appropriate action when the foreign state grants relief in respect of the offender's foreign sentence.

Bill C-33 also adds provisions to enable the negotiation of administrative arrangements on a case by case or ad hoc basis, to extend the act's humanitarian objectives to offenders held in harsh conditions in foreign states with which Canada does not have a treaty or is negotiating but has not as yet concluded a treaty. It would also allow Canada to negotiate with foreign entities which are not as yet recognized as states to negotiate administrative agreements, not treaties.

● (1705)

For example, there are Canadians who are incarcerated in jurisdictions such Hong Kong, Macao and Taiwan. Those are three places which Canada does not recognize as a state. Therefore those Canadians cannot be repatriated at this time because the current legislation does not authorize arrangements for the transfer of offenders to be negotiated with those jurisdictions.

Under Bill C-33 the Canadian government would be able to negotiate an administrative arrangement with jurisdictions, such as Hong Kong and Taiwan, in order to make arrangements and allow for the transfer of Canadian offenders who are currently in those jurisdictions to come back to Canada, if they so wish, and for individual foreign nationals in Canada who wish to go back to those jurisdictions to return.

I would urge all hon. members to support the passage of Bill C-33. The proposed changes are necessary to ensure that the transfer of offenders regime is responsive to international developments, to allow Canada to meet international expectations and to ensure that it meets its valuable humanitarian and public safety objective.

Let me say once again that this initiative demonstrates the government's commitment to peace, order and good government by expressing Canadians' humanitarian ideals and by improving mechanisms that enhance public protection, which is and will continue to be the paramount consideration for the government.

Early last week I was approached by a member of my caucus, a Liberal MP, but it could have been an MP from any of the other political parties present in the House, who explained to me that one of his constituents had a family member who was presently incarcerated in a foreign state and who wanted to return to Canada.

Under the present Transfer of Offenders Act the family member is not eligible under the stated criteria.The member's constituent has already studied Bill C-33 and was pleased to see that under Bill C-33 his or her family member, I am not sure of the gender of the constituent, would be eligible. That particular constituent is looking forward to the debate in the House, to the legislation being sent to committee, to committee consultation and may in fact request to appear before the committee in order to support Bill C-33. Apparently the individual also has a couple of recommendations or suggestions to make.

However I think that highlights the point that Canadians do support the proposed international transfer of offenders act. I am sure that those Canadians who take a close look at Bill C-33 will be pleased with the proposed amendments that are contained in the bill.

I welcome debate on this from all sides of the House and I look forward to listening to what other members have to say about this.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, let me be upfront and admit that I am still studying the bill. I have not done much indepth study of the bill but I would like to ask the member a few preliminary questions.

I know the hon. member is a lawyer and that she looks at it from the legal perspective. We know the sad story of Mr. Bill Sampson from South Surrey—White Rock who is in Saudi Arabia awaiting a death sentence.

What would be the implications of the bill in a situation where a death sentence was passed in another country? In Canada we do not have that kind of sentence. If the bill were passed what impact would it have on people like Mr. Sampson in Saudi Arabia?

I understand from the member's assertions during her debate that reciprocity of this agreement should be there. As we do not recognize some states, how will this work? She did not make that very clear. If a Canadian were in Taiwan, Hong Kong, Macao or in another jurisdiction what would happen in that situation if the bill were passed? She did not clarify that.

What about the magnitude of the crime? A Canadian citizen visiting or living abroad could commit a small crime or a serious violent crime. It could be, hypothetically, for operating in a terrorist organization. What would be the implication of the proposed act in such a serious situation where the other jurisdiction would not allow the citizen to leave the country and be punished in Canada?

Those are some of the questions on which I would like to learn something from the member and from a different perspective.

● (1710)

Mrs. Marlene Jennings: Mr. Speaker, on the member's first example, of a Canadian being sentenced to death in a foreign state, as it stands now, if Canada has a treaty with that particular foreign state, which was negotiated under the International Transfer of Offenders Act, then it is the offender who must request the application of the transfer of offender. It is completely voluntary.

Obviously many Canadians who are incarcerated abroad have an interest in returning to Canada. The member pointed out that we do not have the death sentence. The member is quite correct. If the foreign state agreed to transfer the Canadian to Canada, the Canadian would not be put to death. Canadians would serve out their sentence under our legislation, and if it was first degree murder they would probably serve a life sentence with no possibility of parole for 25 years. However it is clear that we would not execute because we do not have the death penalty.

The point the member raised is very important. Since we do not have the death penalty, if a foreign national were convicted of an offence which, in our country, requires life imprisonment with no possibility of parole for 25 years, and that individual applied to be transferred to his or her country of origin that does have the death penalty, there would assurances that the death penalty would not be carried out.

As for the other example that was raised by the hon. member, the foreign jurisdictions that are not recognized foreign states, like Taiwan and Hong Kong, the Canadians who are currently or may be in the future sentenced and incarcerated to serve out a sentence in those jurisdictions, if they wish to serve out their sentence in Canada, Canada, under the proposed legislation, would be able to negotiate an administrative arrangement with those jurisdictions that would allow for that kind of transfer.

Under the current International Transfer of Offenders Act, we do not have the legal authority to negotiate anything with Taiwan, Hong Kong or Macao. Therefore, Canadians who find themselves in those jurisdictions that are not recognized as foreign states are basically up a creek unless the government of that particular jurisdiction decides to deport them and send them back to Canada, in which case we have a problem. Since they were not convicted in Canada we could not incarcerate them.

Under an administrative agreement, those individuals would be transferred under the administrative agreement and would serve out their sentence in Canada. They would be subject to our laws in terms of parole, rehabilitation programs, et cetera.

● (1715)

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, I would direct the government member to page 3, subclause 5(1) which clearly states:

> A transfer may not have the effect of increasing a sentence imposed by a foreign entity or of invalidating a guilty verdict rendered, or a sentence imposed....

Let me turn to page 13, subclause 30(1), which states:

> A Canadian offender shall benefit from any compassionate measures—including a cancellation of their conviction or shortening of their sentence—taken by a foreign entity after the transfer.

This a direct contradiction in the bill. I do not see how we will get out of this one. I think that when foreign governments look at subclause 30(1) they will say that they will not participate because the bill is inconsistent.

Mrs. Marlene Jennings: Mr. Speaker, I am pleased the member has pointed out that particular issue. I have to admit that I did not see that but I will take a close look at whether there is an inconsistency between the two subclauses. I am tempted to say that I do not think there is but I will not say that because, as I said, it did not fly in my face. I did not recognize an inconsistency but now that the member has pointed out what he believes to be an inconsistency, I will certainly direct my attention to those particular subclauses and examine them carefully. Once I have had a chance to examine those subclauses I would be more than pleased to discuss my views with the member outside the House, because obviously it will not be during this debate.

Mr. Paul Forseth: Mr. Speaker, I direct the member to page 2, subclause 4(3) where it talks about a young offender who would be subject to the Youth Criminal Justice Act. If they were in custody abroad they could be returned with their conduct that would not have constituted a criminal offence if it had occurred in Canada. However it is not the same for an adult. We have a complete difference between offences for young offenders and adults. In other words, we will bring our kids home regardless but it is a different standard for adults. Again, it is an inconsistency in the bill.

Mrs. Marlene Jennings: Mr. Speaker, the one thing that is clear is that there are jurisdictions, foreign states, which treat their children in a completely different manner than Canada does. If there are differences that are highlighted in the legislation then I think these would be justified.

However I will look at those particular subclauses again and once I have had a chance to re-examine them I would be happy to discuss it with the member.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the purpose of the bill now before the House is to replace the Transfer of Offenders Act, which has been in force for over 20 years. The basic objective of the solicitor general's proposal is still the same as the one pursued by the old act that would be replaced, with the exception that the list of countries with which the Canadian government has entered into agreements would be updated.

Thus, Canadians convicted abroad would still be allowed to come back here to serve their sentences and foreigners convicted in Canada would still be allowed to return to their country to serve their sentences.

The foundation of this bill is to set out how the transfer of offenders to Canadian correctional institutions would be done, while ensuring the compassionate nature of the process. It is important to mention at this point that the Bloc Quebecois supports such a measure.

The bill also deals with with the equivalency of foreign and Canadian sentences. In this regard, it will be interesting to follow the progress of this bill, particularly in light of the justice minister's decision, last week, not to appeal the decision of the Court of Appeal of Quebec concerning the new Youth Criminal Justice Act.

At this time I would like to point out that the Bloc Quebecois agrees in principle with Bill C-33. Nevertheless, this support should not be considered carte blanche for the government. As is customary, we reserve the right to present amendments to the bill in order to improve it.

As an example of a constructive amendment the Bloc might suggest, I give you the delicate issue of human rights and the unhealthy conditions in the prisons of certain countries. From this point of view, it seems obvious that we should repatriate criminals who otherwise would have to serve their sentences in inhumane conditions.

These transfers must be carried out in a spirit of collaboration with the states that are signatories of treaties and administrative agreements. It is essential to establish a quick, simple administrative framework for transferring criminals. The same would be true for foreign nationals serving a sentence in Canada.

Nevertheless, we have serious reservations when it comes to enforcing certain provisions of the Youth Criminal Justice Act. Despite the recent opinion of the Quebec Court of Appeal in this matter, the federal government has decided to go ahead and sentence young people of 14 and 15 as adults. This is a concrete example of our reservations with respect to this bill, and we intend to explore this further when the bill is examined in committee.

Thus, the bill proposes major changes in the current act, particularly with respect to simplifying the administration of justice, rehabilitation and social reintegration for criminals who are serving sentences in Canada or their countries of origin. It also clearly describes the conditions and implementation mechanisms. It is entirely commendable that the bill aims at simplifying administrative procedures and the Bloc Quebecois will support this principle.

It is also important to mention the provisions related to the notion of the consent of the foreign entities under the legislation. In addition to the eligibility criteria outlined in clauses 4 and 5, clause 8 clearly stipulates that the transfer requires the consent of the foreign entity, Canada and of the offender. Similarly, clause 9 states that certain rules will apply in terms of the consent of Quebec and the provinces. Accordingly, Quebec or the other provinces may and must express their consent before any steps are undertaken.

The minister responsible for implementing the act, the Solicitor General, is given a considerable amount of responsibility with respect to assessing the factors to ensure transfers are carried out properly. As such, several elements must be taken into consideration and recent events shed some very relevant light on this matter. One of these elements to be considered is the assessment of the threat to security that the transfer of a criminal to Canada may pose. The reverse seems to be the case when it comes to the—let us call it accelerated—extradition of Holocaust denier Ernst Zündel to Germany. The government's actions must be guided by a multitude of factors, and in the case of foreigners who are found guilty in Canada, the minister must take into consideration the risks involved in their detention and future release when considering and assessing transfers.

● (1720)

In order to avoid the transfer procedure being used to shorten or even cancel sentences, the bill contains specific provisions to ensure the continuity of sentences imposed on offenders. Thus, the rule of law will be respected and will be sufficiently consistent with the criminal law of the countries involved.

The case of young offenders is also dealt with specifically in the wording of the bill. Specific provisions apply in the cases of the transfer of adolescents. In terms of these cases, the comments of certain experts could certainly shed some needed light, particularly given the recent judgment of the Quebec Court of Appeal.

It is our hope that the Solicitor General, as minister responsible, will make the necessary changes to the bill to reflect the requirements of the charter, pursuant to the decision rendered by the Court of Appeal.

As I mentioned in my introduction, it is also important to raise the sensitive issue of human rights and the humanitarian considerations that we must keep in mind. These issues are so important that we find it curious, to say the least, that there is only one clause dedicated to the issue in the bill.

What are the purposes of such transfers? First, social reintegration. With the development of increasingly sophisticated means of communication and transportation, it becomes simpler to implement a new administrative framework for international transfers. Criminals also benefit from our increasingly open borders and the porosity of our various systems, and we therefore congratulate the government on developing modern methods in response to these specific issues.

Rehabilitation is as important an issue as reintegration, and both are at the core of this bill.

Criminals are also transferred for humanitarian considerations. The countries involved will take into consideration communication difficulties related to language, the alienating effect of cultural differences and local customs, as well as the lack of contact with family. We can therefore deduce that repatriation of criminals has a certain interest both for offenders and governments.

The second objective relates to sovereign equality. Another issue relating to the transfer procedure consists in respecting the rights of states. There is a recognized principle that the sovereign equality of states must take precedence. Moreover, article 2 of the United Nations charter stipulates that the organization is based upon the principle of the sovereign equality of all its members. This is, moreover, the reason why the agreement of the countries involved is required by this bill and the transfer also requires the agreement of the offender.

The Council of Europe adopted its Convention on the Transfer of Sentenced Persons in 1983 at Strasbourg, a place where I have lived, you will be glad to know, Mr. Speaker.

Certain parallels might be drawn between the Council of Europe convention and the bill before us here. First, there is the need for collaboration between the states and the necessity to facilitate the social reintegration of offenders.

It is also important to point out that the convention rigorously respects the national law of each member country. Article 13 of the convention states that the sentencing state alone shall have the right to decide on any application for review of the judgment. Thus, the humanitarian aspect is clear in the provisions and the explanatory passages of the convention.

● (1725)

Let us also talk about mental disorders. Several provisions of the current bill are related to procedures concerning the transfer of people declared not criminally responsible on account of mental disorders. We will have to pay particular attention to this part of the bill to ensure that these provisions reflect as best as possible the sensitive nature of the sentences handed out to these particular criminals.

The Bloc Quebecois still has some reservations concerning the bill, particularly about clause 18, which says:

> A Canadian offender is deemed to be serving an adult sentence within the meaning of the Youth Criminal Justice Act if (*a*) the Canadian offender was, at the time the offence was committed, from 14 to 17 years old; and (*b*) their sentence is longer than the maximum youth sentence that could have been imposed under that Act for an equivalent offence.

We believe that it is very likely that 14- or 15-year-old youths would receive far too heavy sentences compared to the ones that they would have received in Canada.

I repeat that the Court of Appeal of Quebec gave its opinion in the case of the Government of Quebec's order regarding the reference concerning Bill C-7 on the youth criminal justice system. During the hearing of this case, Quebec's Attorney General said that the breaches of freedom and psychological welfare that result from criminal charges against a minor are exacerbated by the system that presumes subjecting youth to adult sentencing. This procedure would violate the presumption of innocence, guaranteed under paragraph 11(*d*) of the Canadian Charter of Rights and Freedoms and recognized by the Supreme Court as a fundamental principle that is protected by section 7.

Paragraph 11(*d*) of the Canadian Charter of Rights and Freedoms establishes the rightto be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.

Quebec's Attorney General also argued that:

> The procedures involved would be similar to those used in declaring someone a dangerous offender, in that they cause similar harm.

The attorney went on to say:

● (1730)

> The Youth Criminal Justice Act would therefore violate the freedom and safety of adolescents, which contravenes the principles of fundamental justice in that it does not specifically require that the factors the court must weigh when determining whether an adolescent should be subject to adult sentencing must be proven beyond all reasonable doubt.

This refers to subsection 73(1) of the act.

The Attorney General of Canada argued that:

> The new legislation, which is an exception to the adult criminal system, is in line with an approach that balances the interests of society and those of adolescents in such a way as to make the taking into account of the specific situation of adolescents a major consideration.

In response to the question raised by the Attorney General of Quebec, whether the elements set out are indeed principles of fundamental justice, the five judges of Quebec's Court of Appeal agreed that they were.

On page 63 of this opinion, we read the following:

> The expression "fundamental justice" in the context of section 7 is not limited to rules of procedure, but includes substantial principles. This means that to withstand charter scrutiny, any psychological security violation must be fundamentally warranted not only procedurally but also in relation to the objective, in accordance with the basic tenets of our legal system.

The Quebec Court of Appeal judges added that there is a wide consensus about these elements because of the essential role they play in the Canadian legal system. Their vital importance has been recognized ever since the very first legislation on the subject-matter. Over time, the details were worked out to meet the particular situation and needs of adolescents more and more specifically.

In the decision in R. v. M. (S.H.) (1989), 2 S.C.R., on page 446, Justice L'Heureux-Dubé wrote:

> [This brief legislative history of] the provisions of the Young Offenders Act amply demonstrates that for nearly one hundred years Parliament has committed itself to the separate treatment and rehabilitation of young persons involved in the criminal process. The underlying philosophy has been from the beginning that it is in society's interest to assist young offenders "to strengthen their better instincts". An attempt is made through the legislation to "prevent these juveniles from becoming prospective criminals and to assist them to become law-abiding citizens".

Unfortunately, this government has chosen to ignore this legacy and expertise by doing away with the Young Offenders Act and replacing it with a piece of legislation that is pretty shaky in terms of its wording, as demonstrated by the Court of Appeal of Quebec, and questionable where its rehabilitation objectives are concerned.

As the members are aware, the Bloc Quebecois took a clear stand against this new legislation, which disregards nearly 100 years of history and practice, and opens the door to challenges, and the Court of Appeal of Quebec recently proved us right. We have continued to be vocal opponents of this poorly worded legislation whose sole purpose was to clumsily reassure the public.

In its opinion, the Court of Appeal stated:

> Although the presumption may be set aside and the court may retain greater discretionary powers with respect to the appropriateness of imposing such a sentence rather than an adult sentence, it is no less true that the legislator has clearly indicated in sections 62 and 72 that the usual sentence applicable to designated offences is that imposed on adults guilty of the same offences.
>
> It also sends a clear message to the population as a whole that, in general, adolescents are dangerous criminals if they are 14 years of age or older when they commit certain offences. In other words, applying adult sentences has the effect of stigmatizing the adolescent guilty of a designated offence.

Bloc Quebecois members have spoken many times on Bill C-7, the young offenders legislation, questioning its real purpose. We have questioned the relevance of the purpose of this legislation. It was surprising to find that the government really thought it could deal with juvenile crime by giving the public a false sense of security, when the real issue was to lower the crime rate among young people.

At the time, Bill C-7 had its objectives backwards. The government had completely forgotten whom this bill was for. Should we rehabilitate young offenders or should we give an illusion of protection to society, based on the leveling of the enforcement of the adult legislation?

● (1735)

However, if we consider clause 18 of Bill C-33 that we are discussing, the same questions remain.

The Quebec Court of Appeal has provided several responses that, it must be said, rankle the Liberal government. The Court of Appeal is categorical. The imposition of an adult sentence is not essential to achieving the goal of the Youth Criminal Justice Act.

On page 69 of the opinion, the Court of Appeal judges analysed these provisions and concluded, and I quote:

> —in this respect, clearly, the new legislation presumes that adult sentences be applied as a general rule. From now on, this legislation places upon minors the onus of demonstrating why an adult sentence should not be imposed. Supreme Court case law is however clear: Section 7 of the Canadian Charter of Rights and Freedoms states that, during sentencing the onus is on the Crown to establish beyond all reasonable doubt the aggravating circumstances surrounding the commission of an offence. Paragraph 724(3) *(e)* of the Criminal Code requires the prosecutor to establish, by proof beyond a reasonable doubt, the existence of any aggravating fact or any previous conviction by the offender. Subsection 72(2) of the WCJA, therefore, violates the rights guaranteed under the section 7 of the Canadian Charter in that it places on the young offender the onus of proving the circumstances surrounding the commission of the offence, the lack of a previous record at the time of the exemption, as well as the other factors listed in subsection 71(1). The onus should instead be placed on the prosecutor who wants the court to impose an adult sentence to show the fitness of such claims in terms of the factors set out in subsection 72(1), once a request has been made. The prosecutor should also have to prove the existence of facts justifying the imposition of an adult sentence. Once this has been done, the courts could decide whether to impose such a sentence on a young offender.

The judges added that even the presumption of this imposition, and I quote:

> —is a violation of the right to freedom and the psychological freedom of adolescents, which does not conform to the principles of basic justice.

In conclusion, I will say that the Bloc Quebecois will obviously work very hard in committee to make sure our various concerns are dealt with and also that the recent opinion of the Quebec Court of Appeal on the Young Offenders Act is taken into consideration.

We support the bill in principle but we ask the government to be open. We want criminals to be returned, especially knowing what the conditions are in prisons in some countries. But such transfers must be done in a spirit of close cooperation between the states signatories to treaties and administrative agreements.

● (1740)

I thank you for your attention and I am looking forward to the committee review.

[*English*]

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, in addressing Bill C-33 today I would like to suggest that when we look at the purpose of the bill, on its surface it appears difficult to oppose when one looks at its basic mandate, which is outlined in clause 3:

> ...to contribute to the administration of justice and the rehabilitation of offenders and their reintegration into the community by enabling offenders to serve their sentences in the country of which they are citizens or nationals.

I might suggest that supporting this bill would not be a problem if in fact all it is designed to do is transfer Canadian citizens who are convicted in other countries and perhaps are serving their sentences in deplorable conditions. If that were all this bill is doing, and if it were clear on that, I think it would be easy to support. We all recognize that there are some fundamental principles of justice, such as the right to a fair trial and the right to humane treatment. These are things on which we agree. Of course when we talk about humane treatment we are referring to conditions that meet basic human rights.

It could be argued that in Canada we have treatment that far surpasses on the other side anything that could be even closely deemed as inhumane. As a matter of fact, one of the concerns we hear from Canadian citizens from coast to coast is the phrase club med type facilities, which many of our convicted criminals enjoy in this country. In Canada we do not have to be overly concerned at this stage about humane treatment; it is plentifully humane.

This bill is referring to the possibility that Canadians could be in a situation in another country where they are convicted of a crime but are in genuinely inhumane circumstances. Most Canadians, even though they want to see justice applied and want to see consequences for crime, do not want to see absolutely inhumane situations resulting.

If this were the only purpose of the bill and if that were clear, as I have said, I think support would be clear from this side of the House, but I would like to refer to some sections that raise questions. I for one will be watching the progress of the bill to see if these concerns can be remediated, along with concerns that others of my colleagues are raising and, as we have heard, members from the Bloc and other parties are raising.

Let us look specifically, for instance, at subclause 8(1), which states:

> The consent of the three parties to a transfer—the offender, the foreign entity and Canada—is required.

This is fascinating. It states that there have to be three parties to consent to a convicted criminal being transferred and it names the three parties: the offender, the foreign entity and the Government of Canada. Once again we see that the Liberal government is concerned about the rights of convicted criminals, but there is no mention here about the rights of victims. There is no mention at all about victims who would have suffered at the hands of these criminals who are looking at the possibility of being transferred, and there is no mention about the safety of Canadians when these criminals are possibly transferred here.

That particular area is subclause 8(1). I would like to hear from the proponents of this bill about what they are doing, if anything, to acknowledge the rights of victims and to acknowledge the proper concern Canadians may have for their own security, depending on the severity of the crimes that were committed by those who committed them, the criminals themselves who are coming to Canada.

● (1745)

Let us look further at subclause 10(4), which again talks about the process as to whether to consent to the transfer of a Canadian offender who is defined as a child "within the meaning of the Youth Criminal Justice Act". We know that very recently, in just the last couple of days, we have seen the federal government do a radical shift in terms of our own young offenders here in Canada. The government had staked out a position, then there was a court case in Quebec, and now the government is saying it is going to radically change its position on this area of the determination of whether a young offender, based on the severity of his or her crime, should be moved into adult court.

Again, the prime consideration in this section reflects the consideration of the minister, the consideration of the relevant provincial authority and what would be in the "best interests of the child", and the child could be a 16 year old or 17 year old. But again there is no mention of victims here. Once again this legislation appears, at least at face value, to be deficient in terms of recognizing the rights of victims. Again I will look for the proponents of the bill and the minister to suggest whether that is being reflected in the bill or whether there are going to be some changes that will accommodate our concern.

There is another example of this under clause 38. It states:

> This Act applies in respect of all requests for transfer that are pending on the day that this section comes into force.

● (1750)

In case some of my colleagues across the way missed that I will repeat it. Under clause 38:

> This act applies in respect of all requests for transfer that are pending on the day that this section comes into force.

In other words, this legislation is retroactive. Some of us have some serious concerns about retroactive legislation.

With the present legal environment in which we operate, there is a basic principle in law that citizens have some sense that they are operating under and could be judged under existing law. When retroactive legislation is contemplated, that ground begins to shift and it presents a certain amount of instability in the legal framework under which we all live. In my view there have to be very compelling reasons for that retroactivity.

Previously, the Canadian Alliance has asked for certain legislation to be retroactive and the government has balked at doing it. The government has said it could not be done because it would be retroactive.

I cite the sex offender registry. The Canadian Alliance has made it very clear that with the thousands of sex offenders who are out there right now, the registry being contemplated by the government will only register those who will be convicted from this day forward and says nothing about the potentially dangerous thousands who are out there right now. The government has said it cannot be done because it will be retroactive. Yet the legislation we are talking about today is retroactive.

The Canadian Alliance has also asked for some retroactivity with regard to the DNA data bank legislation. In resisting that, the government once again said it would be retroactive legislation and that it does not support retroactive legislation.

This seems to be a case of the government being selective. Sometimes it likes retroactive legislation and sometimes it does not.

I will be looking for the minister to make an equally compelling case here on the issue of retroactivity. Why would this be retroactive? What are the criteria? There should be some standard legislative norms that could be applied to legislation when one is trying to make the argument for or against retroactivity.

As I have already suggested, retroactivity is somewhat dangerous in terms of what it does to an existing framework. Therefore the criteria should be very clear. It should be predictable and understandable. It should be something which Canadians could look at and get a clear sense of the reasons for that retroactivity.

These are some of the reasons why I have concerns with the bill. Rather than denouncing it outright, because there are some principles in this legislation on which we agree, I hope that the minister and those with whom the minister works, will bring out either changes or things we may have missed in the legislation that would address these very real concerns of Canadians.

Mr. Alan Tonks (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I am pleased to rise in the House in support of the government's Bill C-33, the international transfer of offenders act. The primary objective of the bill is to modernize the Transfer of Offenders Act which was proclaimed in 1978. Everyone would agree that in this global environment the world has certainly changed since then and the time has now come to address the substantive issues which have developed during this period. Many of those developments have been alluded to by members on the opposite side.

The provisions introduced by the bill would ensure that Canada has a modern and comprehensive framework for negotiating the transfer of offenders which reflects international standards and allows for mutual cooperation in criminal justice.

In basic terms, the Transfer of Offenders Act provides for the implementation of treaties with other countries for the international transfer of offenders. These treaties allow Canadians convicted abroad to serve their sentences in Canada, and allows foreign nationals to return to their home countries for the same purpose.

One might well ask, as many members have, why these types of transfer agreements are required at all. After all, some might argue that time served in a foreign jail, far from friends and family and under harsh conditions, might serve as a deterrent to Canadians who might be contemplating crime abroad. Of what benefit is it to allow Canadians who have run afoul of the law in some foreign jurisdiction to return to Canada to serve the remainder of their sentence here?

The answer to this question lies in the humanitarian and public safety objectives of the Transfer of Offenders Act, objectives that will be retained and strengthened under Bill C-33. The links between humanitarian and public safety objectives are as important as they are clear. Canadian correctional policy recognizes that the vast majority of offenders will one day be released back into their respective communities. We have learned that the best way to ensure public safety is to prepare offenders for their ultimate release at the end of their incarceration. At the core of this process is the humane treatment of offenders.

We all recognize that Canadians sentenced abroad are often incarcerated under terribly harsh conditions without access to satisfactory environments that would give them a positive outlook to that period when they would be released back into society. These considerations affect not only Canadians sentenced abroad, but also their families and friends. Returning these offenders to Canada on humanitarian considerations also opens the door to improved opportunities for their rehabilitation and for protecting public safety. I want to reiterate that particular point.

The spirit behind the changes in Bill C-33 are in fact to increase public safety by rehabilitating those who have been incarcerated, and not accelerating their criminal tendencies. By that I mean also providing offenders access to rehabilitation opportunities that might otherwise not be available in a foreign jail. This includes being in close proximity to a supportive family and friendly environment as well as to prospective employers who are able to provide support during and following release. It also includes providing access to programs that have demonstrated to be effective in addressing the underlying causes of criminal behaviour.

Public safety is ensured by the requirement that all offenders transferred to Canada will be subject to supervision in the community following release. This would not be true, for example, if these same offenders were released directly from prison in a foreign jurisdiction. If that were the case, these offenders would simply and most probably be deported to Canada without any controls whatsoever and without the benefits of any rehabilitation programs. Would this be in the interests of Canadian society? I think not.

Let us make no mistake. The provisions of Bill C-33 do not mean that transferred offenders can somehow escape justice. In fact, quite the opposite is true. The treaties and the act ensure that the receiving state continues to enforce the sentence imposed by the sentencing state.

As I noted at the outset, the Transfer of Offenders Act came into effect in 1978, and until now, amendments have primarily been of a technical nature.

● (1755)

Part of providing Canadians with good governance requires that government laws and policies be reviewed and updated, as required, to reflect changing conditions. This holds true for the Transfer of Offenders Act.

Indeed, the government has undertaken extensive consideration and consultation with 91 private sector and government agencies for the purpose of determining what, if any, amendments were required. I am pleased to say that there was strong support for these provisions of the Transfer of Offenders Act.

The results of our consultation also pointed to the need for amendments in three broad categories. The proposals put forward in Bill C-33 fall into one of the following categories: those that would reflect traditional treaty principles; those that would close identified gaps in the Transfer of Offenders Act; and finally, those that would introduce efficiencies to the current practices.

Very briefly I would like to touch on the key points introduced by the reforms.

The purpose of the act and the principles that guide it are clearly stated. This helps to ensure consistency with other components of Canadian law, particularly the Criminal Code and the Corrections and Conditional Release Act. The stated purpose of the new international transfer of offenders act is to contribute to the administration of justice and the rehabilitation of offenders and their reintegration into the community by enabling offenders to serve their sentences in the country of which they are citizens or nationals.

Traditional international treaty obligations and principles considered to be legally essential are included. These include concepts such as the non-aggravation of the sentence by the receiving state, to which I have alluded earlier. It also includes principles that would give the offender access to processes consistent with natural justice and due process. A legally sound act is essential to ensure that the courts do not strike down the transfer process and that transferred offenders are not released into the community without appropriate controls.

Eligibility criteria to allow for the transfer of a broader range of Canadians who are currently not eligible are included in Bill C-33. As has been mentioned, young persons under probation, children and mentally disordered persons will become eligible for transfer under the provisions in this bill. This is fully consistent with the humanitarian objectives of the proposed legislation.

Clarification is included on the decision making provisions where provincial consent is required for the transfer of offenders on probation, provincial parole, provincial temporary absence and for those who, under a conditional sentence, are in an intermittent sentence.

Reforms are included to ensure consistent and equitable sentence calculation provisions for transferred offenders and to ensure the equitable treatment of transferred offenders when a pardon is granted or a conviction or sentence is set aside or modified.

Finally, provisions are added to allow negotiation of transfers on a case by case and ad hoc basis between Canada and states with which Canada has no treaty or jurisdictions, or territories that are not yet recognized as a state, or non-state entities such as Hong Kong or Macao. This last point is particularly significant in light of ongoing world developments.

These are some of the main elements of Bill C-33 that would be introduced.

Most states have recognized the importance of working together to prevent and respond to criminal conduct. Although this objective might seem to conflict with some aspects of the longstanding principle of territoriality, that is to say of not enforcing foreign laws, such cooperation actually protects the sovereignty of states by preventing offenders from escaping justice. In its absence, crime could be encouraged rather than suppressed.

The success of Canada's transfer of offenders scheme hinges on international cooperation. Bill C-33 would provide Canada with the legislative flexibility to cooperate with a broader range of countries and entities in matters of criminal justice.

● (1800)

As I have said before, this is the key to public protection. Enforcement of a foreign sentence in Canada ensures that offenders will be safely and gradually reintegrated into society by correctional authorities.

To sum up, the proposals introduced by Bill C-33 build on a very successful component of Canada's corrections policy, one that embraces fair and effective treatment of all offenders, including those sentenced abroad. The proposed reforms would demonstrate a strong commitment to humanitarian and public safety objectives. Moreover, the proposals demonstrate a continuing receptivity and responsiveness to changing international developments and a willingness to cooperate multilaterally with existing and new partners.

For these reasons, I ask members of the House for their support of Bill C-33.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, in some respects I am going to make an extended comment, especially in view of the government member's glowing recount of the bill.

In general I suppose the bill could be seen as a housekeeping measure because we already have a law that does this. However this particular bill extends some of the terms of the existing law.

In that respect I am supportive of the general spirit of being able to repatriate Canadians who are sentenced abroad. I see there is reciprocation in the bill. It allows other foreign nationals to be reciprocated out of Canada to their jurisdictions. I have been involved in some of those cases as a former officer of the courts of British Columbia.

However I look at the definition of a Canadian offender on page 1. It states "and whose verdict and sentence may no longer be appealed".

I can see in some foreign jurisdictions where the technicalities of law in those foreign countries the sentence or conviction could still be appealed. There may be no sunset clause like there is in Canada. Yet the offender has no financial ability or may not even be able to get counsel because he is seen as a religious pariah or whatever and by definition he is discounted from ever even applying to the law.

On page 2 it says a transfer is not available "unless the Canadian offender's conduct would have constituted a criminal offence". I look at all the Islamic law where there is going to be great difficulty. We are going to have Canadians in jail yet coming to Canada there would be no such law at all.

These are some of the—

The Acting Speaker (Mr. Bélair): The hon. Parliamentary Secretary to the Minister of the Environment.

Mr. Alan Tonks: Mr. Speaker, I certainly would have to bow to the member's considerable experience in this area.

With respect to the first point relating to the definition of a foreign offender and that under the transfer there may be still a process in place under appeal, the member has alluded to the fact, and it should be self-evident, that the inability to have resources to defend under appeal is in fact a denial of natural justice.

I find it difficult to respond other than to say under the transfer and negotiation of the transfer that the appeals to some extent have to be over. It is at that point which I think the intent of the bill is to click in. As has been said before by members who are more knowledgeable about the bill than I, these are the kinds of issues that will have to be clarified during the next process.

With respect to the conflict with Islamic law or law that is of a different nature in other countries and how does one cross over, we often think that the separation of church and state in our own democratic evolution is something that all countries have experienced. We have only globally very quickly been made aware that fundamentalism as it relates to crossovers between judicial systems and government systems is not as clear as it is in our own tradition.

These are the kinds of issues on a humanitarian basis that we are attempting to universalize. The negotiation behind the transfer is to attempt to accommodate those kinds of issues.

● (1805)

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I found the debate and the comments by the hon. member very interesting. I also found the question asked by the hon. member on the other side of the House to be quite interesting.

It is my understanding, from reading of the legislation, that one of the admissibility or eligibility criteria is that all forms of appeals that exist within whichever state the offender is incarcerated in have to be over. There are no further appeals allowed and it is at that point that the offender can apply voluntarily for a transfer.

I would like to ask the member if my reading of the bill is in fact correct, that in one way Bill C-33 actually improves things for the offenders who may be eligible in that it clarifies the issue of consent. It is my understanding that under the bill as it now stands the consent issue is not quite clear but under the new bill the individual who applies can withdraw his or her consent at any point that this—

The Acting Speaker (Mr. Bélair): Order, please. The hon. parliamentary secretary.

Mr. Alan Tonks: Mr. Speaker, my understanding also is that while initially the consent must be given and must be given by the party to which the application is made, that, yes, during the process, the consent can be denied.

I would suggest it is really the application of due process and natural justice in that the person who has been convicted in a foreign country never has lost that right for due process in the eyes of Canada and under the terms and conditions of Bill C-33.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, while the intent or the spirit of the bill may be good, we find there are some contradictions, as pointed out by my colleague, or there are some vague ideas.

The hon. member mentioned reciprocity or repatriation of a Canadian citizen. I am a little concerned about that. I also am a little confused about a Canadian citizen versus a landed immigrant scenario.

Both the Liberal members who spoke on this bill talked about a Canadian citizen, but the Charter of Rights and Freedoms provides protection to Canadian citizens as well as landed immigrants.

I would like to know what happens to the spouse of a Canadian citizen who could be a landed immigrant? An example of that is the case of Professor Bhullar who is on a death sentence in India. What happens in a situation like this where the Charter of Rights and Freedoms applies to both the Canadian citizen as well as the spouse of the Canadian citizen or landed immigrant in that situation?

Could the hon. member clarify this issue for me?

● (1810)

Mr. Alan Tonks: Mr. Speaker, the term repatriation of a Canadian citizen in fact is a contradiction in terms. I do not know how Canadian citizens can be repatriated in the sense that they are always Canadian citizens. The transfer in Bill C-33 suggests that their rights in a sense, under the spirit of the bill, can be brought back to Canada and implemented within such things as the charter, which has been mentioned by the hon. member.

With respect to the charter, and I certainly would bow to others who have more experience in the application and relevance of the charter in such circumstances, and the matter of whether the charter would be applicable to landed immigrants and onto spouses and so on, my understanding is that the charter applies in effect to even those who are not Canadian citizens, who are offshore. We recently had the seizing of Chinese illegals who had argued that the charter in some respects should apply to them, and with some merit. Our charter is much more universal and holistic in terms of its application.

To answer the member, my understanding would be that if the charter applies in such fashion, then it would be my opinion that the broader application of the charter would be applied such that it would in fact protect and address the issues that may be affected, as they relate to spouses and so on.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I think I can constructively add to the discussion on the bill by observing that, among other things, it is also clearly part of the government's anti-terrorism legislative package. That was not dealt with by the parliamentary secretary and I do not think it has been commented on so far in this debate. However the proof of the pudding, shall we say, is in the comparison that one can make between the Transfer of Offenders Act and Bill C-33 and the changes that one sees between the two pieces of legislation.

When I came to look at Bill C-33, my first question was why the government felt it had to reintroduce a completely new bill rather than simply amend the old. Clearly the reason is that the changes to the Transfer of Offenders Act, as expressed in Bill C-33, are very consequential and they have everything to do with September 11 and the changing climate with respect to the situation of terrorism in the world.

I draw the attention of the House to a new clause in Bill C-33, in paragraph 10, which reads:

> In determining whether to consent to the transfer of a Canadian offender, the Minister shall consider the following factors: (a) whether the offender's return to Canada would constitute a threat to the security ofCanada;

That is new. Then a little further on in paragraph 10(2) we have similar wording but broader and in a different context. I will read paragraph 10(2)(a):

> In determining whether to consent to the transfer of a Canadian or foreign offender, the Minister shall consider the following factors: (a) whether, in the Minister's opinion, the offender will, after the transfer, commit aterrorism offence or criminal organization offence within the meaning of section 2 of the Criminal Code;

We can see what is happening here. It is that Canada must realistically consider the prospect that a Canadian, travelling abroad on a Canadian passport may undertake a serious criminal offence, a terrorist offence, and that person may be captured in the country in question. We then have the question of whether that person should be transferred back to Canada or held in the country where that person was captured.

Coincidentally, we have a very pertinent case that occurred only just last week in Israel with the suicide bombing involving two young people who were travelling on British passports. All we have to do, in our imagination, is to change the British passports to Canadian passports and we can see the type of problem that the changes in the bill are trying to address.

There is also the other example with the war in Afghanistan. We had a situation there where captures were made involving a family which had come from Pakistan and settled in Canada. The family members had Canadian passports and were found to be involved in Afghanistan, fighting against the coalition, including Canadians who were attempting to deal with the terrorist regime in Afghanistan.

The problem is twofold. A Canadian was captured abroad, perhaps undertaking a suicide bombing, but was captured. If that person were returned to Canada, he could be deemed to be a security threat because he would be able to take advantage, under the legislation, of the early parole provisions. In other words, that Canadian national could be returned to Canada and released earlier than he would be in the country in which he was captured.

The other problem is that we could have a person who has Canadian citizenship and who might be discovered to be a major player in a terrorist organization abroad. I will extend it a little bit. The person may be a major player in an organization linked to some kind of ethnic conflict. We should not focus only on the Middle East because this could apply almost anywhere.

● (1815)

That person could be brought back to Canada and if he is brought back to Canada, again, there could be a security threat because that person may bring with him all the anger, concern and political problems. He may be in a Canadian jail but it could cause all kinds of difficulties in Canada.

I am thinking, for example, of the situation that occurred recently in Turkey where I think it was a Kurdish leader who was captured and returned to Turkey. One can imagine the situation if that person had Canadian citizenship, and it is quite possible. Dual citizens are all over the world and many of them have Canadian citizenship. There could be this very difficult situation where if that person asked and was returned to Canada, it could cause a major political and ethnic problem, even leading perhaps to violence. That all makes perfect sense and it is what Canada has to do in the context of international terrorism.

Canada is very proud of its open door policy and the way it invites people of all nationalities to come to Canada. We have an extremely, shall we say, forgiving criminal justice system. We have a very civil way in which we deal with one another, regardless of our particular backgrounds. We make no distinction between Canadians who are born here and Canadians who acquire citizenship.

However we have to recognize that can pose a serious problem in a world in which there is a major threat of terrorism. We do not want a situation where foreign nationals deliberately acquire a Canadian citizenship so they can return to their countries of national origin and engage in illegal acts fully in the belief they can eventually, if caught, return to Canada and enjoy the civility of the Canadian prison and Canadian attempts to return people to the community, rather than incarcerate them for a very long time. It is positive in that sense.

I think when this goes to committee, the committee has to look at it very carefully because the bill works in the opposite direction as well. Paragraph 10(2)(a), to which I referred, also makes it possible for the government to transfer a foreign national back to the host country if that foreign national has been convicted of an offence in Canada.

Now that raises some difficulty because we have to be concerned in Canada about people who are captured on Canadian territory. We like to think that the principles of Canadian justice would apply but we have to recognize there are other countries around the world that have much more severe criminal justice regimes. The temptation may be political where the Canadian police forces may capture a foreign national and because that foreign national is captured on perhaps some relatively minor crime in Canada but is suspected of major crimes in another country, that other country might seek to have that person transferred back to the foreign country.

Therefore we have a situation where if the other country suggests that person will return to the other country and commit a terrorist offence, we would have the additional problem that the minister has to have the opportunity to deny the transfer as well. The scenario is simply this. Canada captures someone. That someone is convicted of a fairly minor offence in Canada but the country in which that person has alternative citizenship seeks the return of that person to serve in a jail in that other country.

● (1820)

But what if that person is suspected internationally of being part of a terrorist organization? Suspected only, Mr. Speaker. Again, paragraph 10(2)(a) would permit the minister to deny that transfer if the minister—and it does not spell what criteria the minister would use—thinks that there is a possibility that person may be returned to that other country, and because he is a local hero in terms of the ethnic conflict that might be going on there, not just terrorism, ethnic conflict, might cause a problem, so the minister reserves the right to hold that person in Canada.

We can see how that fits into the anti-terrorism legislation. We have to persuade our allies that we are part of the war on terrorism and that our laws do not have significant loopholes that enable people to be transferred out of Canada and back into another jurisdiction in which they can cause considerable harm, not necessarily in that jurisdiction, but considerable harm in terms of international terrorism.

I would make another observation as well. Something else new is in clauses 31 and 32. This also relates to anti-terrorism, or a stricter regime for making sure that people who are a danger to world peace or peace in other countries do not get back or do get back. What happens here is that the idea of administrative return is introduced, where, if Canada does not have a treaty for the return of offenders with a particular country, a country can approach Canada, which does not have a treaty, and Canada has captured a person of that country's citizenship, we can do a deal that is outside of the treaty to arrange for the return of that person to the country has requested that return.

Again this is something that the committee has to look at very, very carefully, because we have to do our role in the war against terrorism and do our role in terms of maintaining international order and reducing international crime. We must be very careful that we do not pass legislation that would allow the government to be manipulated for reasons of foreign policy rather than reasons of security and justice.

I have to say that I have not had the time to examine this bill in the depth I would like, and quite frankly I do not think I have the skill, but I do call upon the committee that receives the bill to examine those two points very carefully, because Canada tries to strike a balance. I think that we have done extremely well in our anti-terrorism legislation and our new security legislation in that we addressed the problems of the new international threats with minimum damage to civil liberties. But it is this kind of legislation that is a relatively small bill that comes into the House without much fanfare, we just come upon it rather suddenly, and that is the type of legislation in which a flaw could occur that could, if not endanger civil liberties, erode or run contrary to how we see ourselves as Canadians, certainly as a people who are very conscious of the need for and our role in maintaining world security, but a nation also that tries very hard to make sure that we do not inadvertently give powers to the government that properly belong with Parliament or with the courts.

● (1825)

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, I listened very carefully to the member for Ancaster—Dundas—Flamborough—Aldershot. Having been a former provincial parole board officer, I take some study of a bill and look at exactly what it is trying to accomplish and wonder in fact if the conditional release program will be expanded upon, because it is only mentioned briefly in the parliamentary secretary's comments.

I also wanted to know whether the member for Ancaster—Dundas—Flamborough—Aldershot could expand on the available programs that a person repatriated to this country and put into the penal system would be subjected to, or whether he has given any thought to that, or whether in fact he would recommend that particular type of expansion of the programs available to the bill.

Mr. John Bryden: Mr. Speaker, that area is not my particular expertise; I examined the bill primarily for its security provisions. But I will say that one other reason why the bill clearly needed to be a new bill rather than simply amendments to the former bill is that it deals in considerable depth with changes brought about as a result of the passage of the Youth Criminal Justice Act. It would appear that with quite a few of the programs and sentencing and that kind of thing there is an attempt to make this legislation conform to the Youth Criminal Justice Act in the sense of bringing young offenders from foreign countries back to Canada.

The Acting Speaker (Mr. Bélair): Do I have the consent of the House to see the clock as 6:30?

Some hon. member: Agreed.

ADJOURNMENT PROCEEDINGS

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

[*English*]

VETERANS AFFAIRS

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, it is a pleasure to be here tonight to address a very important concern with regard to the benefits belonging to spouses of veterans. Of course I should say the lack of benefits with regard to spouses of veterans.

In the House I raised a question to the minister with regard to the benefits of the Newfoundland Overseas Forestry Unit: that there was a promise made that was not fulfilled. Of course the hon. member who was the minister at the time and who is in the other House now worked very hard to bring dreams forward with regard to veterans in general and their spouses.

As a result of the things that were said, the reason we all agreed that this bill should be passed as quickly as possible was that it would provide much needed benefits to our veterans and the survivors of our veterans. This is all in line with regard to the Newfoundland Foresters who were overseas and the spouses of veterans of that unit and other units.

In speaking to many spouses of veterans, they have made it quite clear that a promise was made and not fulfilled. Now is the time for government to compensate the people of Newfoundland, the Foresters' veterans' spouses, and it is time for the government to act immediately to make sure that the spouses of veterans can continue their lives in a respectful manner.

I have received a fair number of calls from an 85 year old lady who is the spouse of a veteran. She is a widow. She is always calling and wondering when she is going to get the money that was promised to her. We are talking about an 85 year old lady who has done her job for the government and for Canada, for our country. Of course we do not look at what the spouses have done for veterans. All we look at is the fact that veterans played an important part in society when they fought to keep our country free, but of course when the veterans returned, the spouses played an enormous part in making sure that the husbands were healed and nourished and lived some type of normal life.

We know that war at that time was a very hard and cruel thing to be involved with, and it even took a very long time for benefits to go to the veterans. Of course thanks to the hon. member who is in the other place now, they have seen some benefits. Now it is time for the government to move forward with the promise that was made to the spouses of the Newfoundland Foresters unit that they would be compensated for their part in the war. The spouse's part in the war was to take care of her husband who came back and the government's part in the war was to ensure that their lives would continue in a reasonable manner.

Benefits are very low. If someone makes a certain dollar value, that person will not receive anything. As a result, there are a lot of veterans' wives out there right now who are struggling from day to day. I think it is very important for the government to ensure that the promise that was made be kept so that spouses can benefit and live normal lives and that a reasonable dollar value be given to them so they can ensure that they can live a suitable life until they pass on.

● (1830)

[*Translation*]

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, after the second world war, there were limited benefits available but, in time, the troops had access to a wider range of benefits.

The Canadian program of benefits and services for veterans is considered one of the best, if not the best, in the world. This program is proof, not only of the current government's commitment, but of that of successive governments to the heroic men and women who risked their lives to protect our values and our way of life.

After the second world war, our country, in recognition, provided the necessary support and assistance to help several million veterans make the transition to civilian life. Civilian groups such as the Newfoundland overseas forestry unit and the Canadian corps of firefighters in the second world war, which had also served overseas in support of the war effort, had limited access to veterans' benefits.

Now, members of the Newfoundland forestry unit and their spouses have access to the same programs and services as our veterans and their spouses. They must obviously meet the eligibility criteria. This applies to veterans and civilians who have served overseas.

This provides the context for the question put by the hon. member to the Minister of Veterans' Affairs, which is “Will the government deliver on the promise to provide benefits to the spouses of members of the Newfoundland overseas forestry unit?”

Although this question does not deal with specific benefits, I think that the hon. member is referring to survivors' benefits.

Veterans Affairs Canada pays disability benefits to veterans disabled in the course of duty. Upon their death, the surviving spouse may receive for a one-year period, the pension amount paid to the veteran at the time of death. After one year, survivor's benefits are automatically paid.

The department also pays an allowance to veterans and civilians who have served overseas; eligibility is determined according to service record, age, health, income and place of residence. This allowance is subject to an income assessment and serves as an income supplement up to a set amount.

● (1835)

[*English*]

Mr. Rex Barnes: Mr. Speaker, the hon. member basically outlined some of the items that I was hoping to get into but four minutes goes pretty quickly. I will respond in saying that this is the problem: The government is allowing one year for benefits to be paid but these spouses need that money not only for one year but until the time that they move on to the other world. Why has the government allowed for one year only?

What are the spouses going to do? Are they going to sit back and go on welfare? No. We as a country have to make sure that these spouses of war veterans are taken care of until they pass on. Of course, the government, in my view and in the view of a lot of spouses, said that there was a promise made to extend benefits for longer than one year, and they are only being supplied for one year.

I say to the government members that it is time that this is revisited and the benefits should be there not only for one year but until the spouses expire and move on. They deserve more than just one year, because their husbands fought for a free country and they ended up getting a raw deal from governments in the past. It is time for this government to make it right.

[*Translation*]

Mr. Serge Marcil: Mr. Speaker, I would inform the hon. members that surviving spouses of members of the Newfoundland Overseas Forestry Unit will receive the benefits to which they are entitled under the existing legislation.

On February 10, the hon. member indicated that the government had promised that the eligibility criteria would be broadened to provide benefits to the spouses of members of the Newfoundland Overseas Forestry Unit.

I would like to remind the House that under the existing legislation, spouses are entitled to programs and services such as disability pensions, veterans benefits or the Veterans Independence Program.

As hon. members probably know, veterans and their families have access to numerous programs and services. Many Canadians probably do not know that Veterans Affairs Canada provides some $1.38 billion a year in disability benefits to veterans, that is traditional war time veterans or younger former members of the Canadian forces.

GASOLINE PRICES

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I am very pleased to have this opportunity today to speak about gasoline prices.

On February 18, 2003, I asked a question of the Minister of Industry. I called upon him to get the Competition Bureau involved so that there would be a study of the behaviour of all companies involved in the gasoline industry during the first quarter of 2003, when prices began to skyrocket.

At that time, the minister's response to my second question was this:

> Mr. Speaker, I understand that the Standing Committee on Industry will be examining this issue. I am very pleased to know that the committee will be looking into this situation.

I recall that the parliamentary secretary, the hon. member for Beauharnois—Salaberry, had contributed to committee unanimity on an examination of the gasoline price issue. I must also point out that there was unanimity among all MPs on the committee.

Today we held the first hearings on this matter and met with the Competition Commissioner. He said in closing: “I have no evidence of collusion, nor do I have any formal evidence that it exists”.

But he also told me that there is a problem of transparency in this area. There have been some twenty studies over the past ten years on the gasoline sector and, each time, the public is not convinced that the conclusions have indeed been objective and realistic. The latest Conference Board study, in which we know the gas and oil companies were involved, lacked the necessary transparency.

Would the government be prepared to carry out an independent investigation that would be entrusted to some body along the lines of the International Trade Organization, an independent Canadian body equipped to carry out this type of study? Or is the minister, with all the time he has had to reflect on this matter, and with all the reported surpluses, the profits generated by the gas and oil companies over the first quarter of 2003, still not convinced today that he should exercise the authority he has under the law and ask the Competition Board to address this matter and carry out a very open investigation that will not stop with the obvious short-term evidence but will address the entire situation, or preferably instead opt for the independent study the Competition Commissioner expressed a desire for today?

● (1840)

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, I am pleased to be able to deal with the question raised on February 18, 2003, by the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques regarding retail gasoline prices.

Our response on this topic is clear. We believe that a fair, efficient and competitive marketplace provides Canadian consumers with the best prices and encourages companies to innovate and offer new product choices.

As everyone knows, the Competition Bureau is an independent implementation organization responsible for administrating the Competition Act. The act contains criminal provisions that prohibit price fixing and price maintenance as well as civil provisions that deal with mergers and abusive behaviour by those in a dominant position among others.

All these provisions apply to gasoline and other petroleum products. If there are facts that indicate that prices are the result of an agreement between competitors, for example, proof of written communication between competitors, the Competition Bureau will take the appropriate measures. Representatives of the bureau will examine all information or proof that suggests possible anti-competitive behaviour regarding gasoline prices.

We also need to place this issue in the broader context. We must keep in mind that outside factors have had an influence on gasoline prices in Canadian markets: the war in Iraq, a political crisis in Venezuela that affected its oil production, a cold winter in northeastern North America and abnormally low reserves across the continent. All of these factors exerted pressure on the price of crude oil, which, as everyone knows, has an impact on the price of gas in Canada and around the world.

In the past, the Competition Bureau has conducted a number of reviews of domestic markets for petroleum products.

Since 1990, the Competition Bureau has conducted four major investigations into the petroleum products industry and has found no proof suggesting that periodic increases in prices are based on national or regional collusion to limit competition in the provision of oil products. It is important to note that each period of increased prices has been followed by a drop in prices to previous levels.

I can assure the hon. member that where the Competition Bureau finds that companies or individuals have engaged in anti-competitive conduct, it has no hesitation whatsoever to move quickly with appropriate action.

Mr. Paul Crête: Mr. Speaker, we are in favour of competition. We agree that there must be a competitive market, but we want to get to the bottom of this, during the study in committee, to become familiar with the situation well and to answer the question on profit margins at the refining stage. Once again today, we did not get any answer. I hope that the meetings with oil companies will allow us to get some answers.

As for the evidence, it is important that all the people know that it is very difficult to show, which is why it is important for the minister to use his authority to ask for an investigation. Should he not, for the sake of transparency, even though he perceives that there is no collusion, ask the Competition Bureau to carry out this investigation to ensure that the public knows, once for all, whether or not there are behaviours that are unacceptable and that must be corrected and what type of solutions should be implemented?

Mr. Serge Marcil: Mr. Speaker, we have to understand that the Competition Bureau is a quasi-judicial tribunal. Therefore, it has a certain degree of autonomy and may, on its own, initiate investigations. The Bureau does not have to wait for an order from the minister to proceed.

The question is how can the Competition Bureau launch an investigation. It can do so in two ways. It can do so on its own initiative, because of prices, noting that something is not functioning properly and that it will investigate. It can also investigate if someone has tangible evidence. This evidence must be filed with the Competition Bureau and an investigation will certainly follow.

● (1845)

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

(The House adjourned at 6.45 p.m.)

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