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Monday, October 27, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, October 27, 2003

The House met at 11 a.m.

Prayers

● (1105)

[*English*]

BUSINESS OF THE HOUSE

The Speaker: It is my duty pursuant to Standing Order 81(14) to inform the House that the motion to be considered tomorrow during consideration of the business of supply is as follows:

> That, in the opinion of this House, the government should protect our children from further sexual exploitation by immediately eliminating from child pornography laws all defences for possession of child pornography which allow for the exploitation of children.

[*Translation*]

The motion standing in the name of the hon. member for Wild Rose will be votable. Copies of the motion are available at the table.

[*English*]

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

PRIVATE MEMBERS' BUSINESS

[*Translation*]

ENCROACHMENT UPON QUEBEC JURISDICTIONS

The House resumed from September 23 consideration of the motion.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I would first like to make something clear. During the first hour of debate I believe I spoke for one minute; therefore I have nine minutes remaining.

Last time, I began my speech with the fact that a flagrant injustice had occurred at the time the Canadian federation was created, that is, when Upper and Lower Canada were united. Since I have only nine minutes left, I will have to skip over some of the history. It might well take me nine hours to denounce all the injustices and make my point that Canadian centralization has always existed and still exists.

There was the whole Meech Lake accord period. Quebeckers asked for five minimal conditions and the rest of Canada said no, because, in fact, there were provisions in the Meech Lake accord for the recognition of Quebec and greater autonomy for Quebeckers. English Canada said no to that.

It was the same thing for the Charlottetown accord, which watered things down even further. I think the Charlottetown accord was the ultimate demonstration that the parties had irreconcilable differences, for a number of reasons. As I recall, English Canada rejected the Charlottetown accord because it gave too many powers to Quebec. Quebeckers rejected it because it did not give them enough powers.

Then came the 1995 referendum. Everyone knows the result of that referendum; 49.5% of the population said yes, including 60% of francophones. English Canada could interpret this two ways. It could mean that there was a great need for change in Quebec and that adjustments would have to be made to please Quebec and ensure that the great Canadian family was reunited. It could also mean that it would be necessary to centralize even more and tighten things up. Unfortunately, they went for the second interpretation.

There were further examples after that. The clarity bill is one example of centralization denying one of the founding peoples the right to decide its own future, unless certain conditions are met. As far as I know, at that time the 40 some Bloc Quebecois members rose as a bloc and voted against the bill put forward by the former justice minister, the current industry minister. He was the one who had referred the question to the Supreme Court, setting the conditions.

Then came a whole series of agreements. I will start by quoting a very famous and well known constitutional expert, André Binette. Here is what he had to say about the constitutional agreement and the social union agreement:

> The 1981 constitutional agreement and the social agreement are the major and minor aspects of the same proposition: Canada cannot continue to co-exist with the identity of Quebec.

It is very clear.

> Canada is less and less capable of defining itself in view of Quebec's aspirations and will to achieve autonomy. Although the social union agreement was created in less dramatic circumstances than the 1981 constitutional blockbuster, its effects are more concrete and more damaging to Quebec's aspirations.

The social union agreement contains a number of elements including the recognition of the legitimacy of the federal spending power. That was in the Meech Lake accord as a matter of fact. One of the conditions being that if a province wanted to withdraw from a program it could do so with full compensation. The social union agreement is making real what Canada has wanted all along. It can spend in any areas of jurisdiction, including those of Quebec.

I would like to quote another constitutional expert, André Tremblay. He said:

> For the first time in the history of intergovernmental relations—

I will say as an aside that this past weekend the Quebec premier, talking about the council of the federation, reaffirmed that he will never sign the social union agreement. This is not a sovereignist government saying that, but Jean Charest.the Liberal Premier of Quebec .

Mr. Tremblay went on to say:

> —the provinces, with the exception of Quebec, have confirmed and recognized the legitimacy of the power to spend and have given Ottawa carte blanche to intervene in all exclusively provincial spheres of jurisdiction.

● (1110)

He added:

> The February 4 agreement provides leverage and the instruments for centralization and diminishes Quebec's distinctiveness. The federal government is recognized as the superior government and the provinces become its branches.

We are not the only ones to state that centralization is increasing.

In the agreement, the provinces are also considered equal. Not only does this deny Quebec's distinct character, but Quebec and Prince Edward Island are said to have the same powers in the Canadian Confederation.

That is the exact opposite of what we have been trying to say for 200 years. When the government formed here in Ottawa for the first time, it recognized that there are two peoples. It also recognized that they should be equal through equal representation in the House. From the moment Upper Canada starting becoming populated, Quebec's powers started diminishing, if only through representation in the House. This trend continues today.

Last week, we passed a bill on electoral boundaries in Canada. We have just increased the number of members in the House of Commons. Yet, Quebec will still have 75 members, no more. For a long time now, the importance of Quebeckers as a founding people has no longer been recognized. There is a shift toward increasing centralization.

It is somewhat easy to understand why the government would do this. When the Prime Minister goes abroad to sign agreements with respect to international treaties, he does not want to have to think about whether this will encroach on provincial jurisdiction and cause him problems.

In their wisdom, the government and the Prime Minister are saying that it might be better to make the provinces small local administrations and take charge of all the debates and jurisdictions, since they are the ones with the money.

It is true that there is money. The main way all this is going to be funded is through the fiscal imbalance. There is nothing complicated about it. Quebec ought to be allocated an additional $50 million a week, or $2.5 billion a year, but because of this imbalance it is not getting it. It is often pointed out that important services such as health and education are a provincial jurisdiction and the provinces are the ones who have to provide the money for them.

There are scarcely any jurisdictions that belong to Ottawa any more, but they are generating a stupendous surplus. It is very obvious that there is a fiscal imbalance. How does the federal government react to this imbalance? It interferes in health. In this year's budget speech, the Minister of Finance told us he had money to spare, and that if the figure was over $5 billion, he would probably come up with the $2 billion he had committed to give us.

Last week, the Minister of Finance announced a surplus of $7 billion. Two days later, he announced that, with all the expenditures, it would be more like $3 billion. He probably wants to avoid having to send $2 billion to the provinces, who really need it for health services.

Only a few decades ago, the federal government was contributing 50 cents for every dollar invested in health care, and now it contributes only 14 cents, so we can understand where the government is headed. It is interfering in the jurisdictions of Quebec and the provinces. It is telling people that it is the one with the money, that it wants to centralize everything, that it is going to pass legislation, going to interfere, that it will be the central government and the provinces will turn into local administrations. That is what the government wants.

I wish to congratulate my colleague from Trois-Rivières for bringing this motion before us. Let us be realistic; it is unlikely that the present Prime Minister will be voting in favour of my colleague's motion. However, my colleague can rest assured that the members of the Bloc Quebecois have a very good understanding of the dynamics involved and will be supporting it. I trust that other members of this House with an open mind as far as Quebec is concerned will be able to support it as well.

My congratulations to him again.

● (1115)

[*English*]

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, I am pleased to have a chance to participate in today's debate. Before I begin my remarks, I would like to read the motion before us into the record. It states:

> That the House acknowledge that Quebec constitutes a nation, and accordingly, as it is not a signatory to the social union framework agreement of 1999, the said nation of Quebec has the right to opt out of any federal initiative encroaching upon Quebec jurisdictions, with full financial compensation.

I acknowledge and support both points of the motion. What I mean by that is this: that clearly when we speak to the point of the province of Quebec, the majority of population that resides in that province is in fact a people. They are in fact a nation. That is beyond doubt within the framework of the Progressive Conservative Party of Canada and throughout our history in terms of how we have acknowledged the majority of the population in the nation of Quebec itself that resides in the province.

We do believe that provinces have the right to opt out of programs with full compensation. It is a principle that we followed when we were in government, on numerous occasions. Having said that, let me say that the province of Quebec has the right to opt out of a program.

I would say to the hon. member that of course he would want all provinces to have that capacity to opt out with full compensation if those provinces had the capacity to deliver a program in a better way as well.

● (1120)

[*Translation*]

It is my pleasure to take part in this debate. I wish to congratulate the BQ member for Trois-Rivières for putting before the House the issue of federal-provincial relations.

[*English*]

Let me say from the outset there are many definitions of the word "nation", but that said and putting that aside, it is important to clarify that the Progressive Conservative Party of Canada has long recognized Quebec for what it is: a nation, a people, with the majority of population that resides in that province.

In fact, in 1991, when many of the Bloc members, some of them even in this chamber today, were still members of the Progressive Conservative Party, motions were passed to recognize the right to self-determination, which meant that Quebec constituted a nation, a unique and in fact a distinct society. Quebec is a nation. It has been an historical fact since the Quebec Act of 1774.

[*Translation*]

Therefore, Meech was a natural extension of this historical legislation that is now more than two centuries old. This characteristic of the nation of Quebec must be recognized and celebrated, and we must have a flexible federalism.

Unlike some of our friends from the Bloc Quebecois, we in the Progressive Conservative Party believe that the values and aspirations of the people of Quebec can be served within this larger country, Canada.

[*English*]

I remember the phrase that we see quite often about Quebec: "Je me souviens".

[*Translation*]

However, as you know, the full sentence reads, "Je me souviens que je suis né sous le lys, mais je croîs sous la rose".

[*English*]

We can remember the historical origins of a people of a nation but we can grow within a larger country. That is the principle that has been embraced for well over two centuries.

[*Translation*]

Let us be clear, then. A majority of Quebeckers identify first and foremost with Quebec. This is their country and, for them, even young people, this country remains the most distinctive feature of their existence, the central focus of any social interaction.

[*English*]

That nation is seen by young people, by young and old alike in the province of Quebec, as their springboard of their existence and their interaction with the rest of the world itself.

Theologian Gregory Baum has written that because Quebeckers are forced to stick together to ensure the maintenance of their culture in North America and assert their collective existence, they have developed a sense of community that, here more than anywhere else, favours the deployment of innovative social community models.

Quebec nationalism, far from being the type of primal ethnic tribalism that it has been accused of, is in fact a hive of social innovation. Let us take as an example its young offenders program, which consistently produces better outcomes and results. Quebec is often at the forefront of social policy development, particularly on policies related to women and children's issues and on environmental protection. There are many lessons we can learn from each other.

Having said that, let me say that we have to be more flexible in that regard. Although predominantly justice issues are exclusively in the domain of the federal government, if the Quebec system or another province's system provides better results, better returns on the objectives of that particular program, we need to have a flexible federalism which would recognize that. Testament to that is the young offenders aspect itself.

[*Translation*]

I would also like to raise the various circumstances under which we are able to build our institutions together. Health care, for instance, in Quebec, was an idea borrowed from Saskatchewan and implemented right across Canada.

[*English*]

We can borrow from each other innovative ideas and be innovators and incubators of sound public policy on social issues which we have borrowed from the Saskatchewan health care and from the Province of Quebec with respect to its system for young offenders.

Now we come to the motion before us today.

It is clear that the social union agreement in 1999 lacked acknowledgement of what the Progressive Conservative Party of Canada has always recognized: the right to opt out, to seek alternatives.

[*Translation*]

The social union agreement was an opportunity for the federal government to grab powers and a few more jurisdictions by increasing centralization.

● (1125)

[*English*]

The crux of the agreement and the problem with the agreement is that no province will be authorized to opt out with financial compensation if it turns down a federal program and wants to establish its own. The concept of opting out or seeking an alternative is not a thing within this federation.

[*Translation*]

In the 1960s, Quebec opted out of 22 federal programs, and had seven tax points transferred. This is one way of looking at the country and conducting business in a living and evolving federation.

We need to look at how Canada works in terms of its components and its partners. In my party, the Progressive Conservative Party, we believe in a balanced relationship between partners in the federation and in a flexible Constitution.

[*English*]

With the provincial premiers meeting to change the dynamic of federal-provincial relations, the issue is very apropos. In an election year, with the new leader of the Liberal Party, the matter of relations between the partners of the federation, I believe, is categorically critical.

[*Translation*]

We need a federal government that makes federalism work well, is respectful of and sensitive to all the regions and provinces of this country.

The nation of Quebec is a vibrant nation, and it will not disappear. It has been building for several centuries, and particularly since the 1960s.

[*English*]

Since the quiet revolution of Jean Lesage in 1960, the Quebec state has been evolving in a very progressive way and it has been doing that in the context of a grander country, that of Canada.

We will support the two principles of the motion itself, that the Province of Quebec and the people in that province do form a nation. The majority of the population are people whose values and aspirations need to be recognized for what they are as a nation. Doing so would recognize the historical fact that it is two centuries old, since the Quebec Act of 1774.

Having said that, together, in a grander country, we can build a better nation where the aspirations and values of all the residents in Canada can be obtained.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I certainly think a great deal more needs to be said on the motion and I want to add a few words to it.

While the other member was speaking, he referred many times to Quebec as a nation. I think it will be very helpful for Canadians of both languages across the country to appreciate that in English and French there is a very significant distinction in the definition of nation.

I was just looking at the definition in the 2003 edition of *Le Petit Larousse* comparing it to the pocket *Oxford Dictionary*, which is also on the table in the House. In every respect the definition in English and French is almost exactly the same. Nation, both in English and French, is defined as a community of people, people who share the common heritage, linguistic unity and that sort of thing.

However there is one major difference between the English definition of nation and the French definition of nation. In the English definition it states very clearly that nation implies a state, political boundaries. In the French definition there is no reference to state whatsoever.

I think it is extremely important for Canadians across the land, particularly English speaking Canadians, to appreciate that when our French speaking colleagues talk about nation, which has, shall we say, almost an incendiary effect upon we Canadians who are strong federalists, we must understand that they are not speaking in terms of a separate political entity. That is most important.

I go back to the days of the Meech Lake and Charlottetown accords, long before I became a member of Parliament. I was extremely distressed during those debates on the use of the word nation and its implication in English that this did represent separate political communities.

I think we can acknowledge that when my Bloc colleagues talk about nation, they are really talking about the cultural, linguistic, historical people, so to speak, and not in fact about separating the French speaking nation from the rest of Canada. Indeed, the French speaking nation in Canada goes beyond the borders of Quebec and encompasses the francophones in New Brunswick, Ontario and elsewhere.

With that point being clarified, let me say one further thing. I cannot support the motion even though I appreciate where it is coming historically with my colleagues from the Bloc opposite. The reason that I cannot support the motion is the idea, and it is a long held idea, that if any group that defines itself as a nation in the country has jurisdiction over one particular aspect of life, like education or whatever, and the federal government wishes to introduce a program in that area, then that nation, province or whatever community we are talking about should have the ability to reject that program and be compensated.

I have no problem with rejecting a federally instigated program. What I have a problem with is the concept that one should automatically get compensation. I cannot agree with that. I extend the idea or the concept of nation beyond those who speak French to the first nations, for example.

Across the country, we have, although I do not know how many altogether, but it must be at least 30 or 40 aboriginal groups that are identified by a different language. Forget about the fact that they are aboriginal. The reality is that we have more different nations of aboriginals in this country than there are nations in Europe. If we were to apply what is being proposed in the motion before the House, that a nation should be able to reject a federal program and receive compensation to put up its own program, then we would have to apply that rule to all the first nations in the country.

● (1130)

This is where the equality thing comes in. I have great confidence that the portion of the French speaking nation in Canada, which constitutes Quebec, does have the expertise and ability to administer and run a program very competently. Indeed, we have seen time and again where a Quebec program has been run better than a similar program with a similar aim in other parts of the country.

However the unfortunate thing is that under the current constitution, and maybe it requires a constitutional change, the motion that is before the House would have to be applied to the first nations and the reality is that many of these first nation communities are very small and do not have the management skills, and the tradition of democracy for that matter, that would enable them to reject a federal program and receive compensation.

I appreciate where my colleagues in the Bloc are coming from on the motion and I have a lot of sympathy for it. I certainly think it is extremely important for the country to maintain the French language traditions. It is more than language. I have always thought of our francophone heritage as the heart and soul of the country. Our English speaking heritage tends to be the pragmatist and the mind of the country, but the heart of the country is, I believe, in those who look to the past to old Quebec.

I am an historian and I read French as well as English. I am very conscious and sensitive to the historical contribution to the character of Canada that has been a part of the traditions that are expressed by my Bloc colleagues opposite. In the end, however, as long as we believe in the Constitution and in the interest of equality of all nations within Canada, I cannot support the motion.

● (1135)

M. Scott Reid (Lanark—Carleton, Alliance canadienne): Mr. Speaker, I am going to read the wording of the motion twice, once at the beginning of my presentation and once toward the end. Let me start by reading it in French.

[*Translation*]

> Que la Chambre reconnaisse que le Québec forme une nation, et qu'en conséquence, n'étant pas signataire de l'entente cadre sur l'union sociale de 1999, ladite nation québécoise dispose d'un droit de retrait avec pleine compensation financière pour toute initiative fédérale faisant intrusion dans les juridictions québécoises.

[*English*]

That wording, it seems to me, mixes two concepts that are, in my opinion, completely unrelated. The first one is the idea that Quebec constitutes a nation. The second one is the idea that Quebec or any province should be able to opt out of federal programs with full compensation.

The question it raises in my mind is why the first section of the motion could not have been left out so that it would read something like the following but in substantive terms be the same thing.

[*Translation*]

It is being asked that the Quebec nation be given:

> —the right to opt out of any federal initiative encroaching upon Quebec jurisdictions, with full financial compensation.

[*English*]

I will read this one in English:

> —that Quebec and every other province has the right to opt out of any federal initiative encroaching upon provincial jurisdictions, with full compensation.

If that had been written in the motion, I and I think all the members of my party would support it because there is plenty of room in Canada's Constitution and in our tradition to accommodate this sort of thing.

We see a growing tide of support across the country, in all provinces, for a respectful reading of the 1867 Constitution and its clear division of powers and for the interpretation which was given to the Constitution in the 1930s by what was then our Supreme Court, the Judicial Committee of the Privy Council in London, which said that the Canadian Constitution, unlike that of Australia or the United States, had clear watertight compartments between the jurisdictions of different levels of government. This means that within their own level, their own areas of sovereignty, or support or jurisdiction, each province should be treated and regarded as a completely sovereign entity, a completely sovereign country or nation, if we choose to use that term, in the Anglo-Saxon meaning of that term, that could be done.

A tradition exists, going back to 1867 through these cases, which was at least partly incorporated in the 1982 Constitution in its amending formula. I would like to read from that to make my point. Subsections 38(2) and 38(3) read as follows:

> An amendment...that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by the majority of members of each of the Senate, the House of Commons and legislative assemblies, required under subsection (1)—

This means of seven provinces representing 50% of the population. It goes on:

> An amendment [of this nature] shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless the legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

Therefore, the taking away of powers from provinces by amendment is clearly prohibited and a kind of formula, non-financial formula, allowing for that protection is built into the Constitution of the country since 1982. That is a very positive thing.

There is room for further movement in this direction. Let me cite from the policy of my own party, the Canadian Alliance, in this regard. It is the policy that I had a hand in writing. It states:

> We believe that the Government of Canada must respect the vision and intent of the original Confederation agreements regarding the division of power and responsibility inherent in Canadian federalism as enshrined in our Constitution. We are committed to ending any misuse of the federal spending power that undermines that intent. We will seek provincial consent for financing any new program in a field of provincial jurisdiction, and provide full compensation for provinces choosing not to participate.

In other words, with the substance of the Bloc Quebecois motion, my party is already in full 100% agreement.

Finally, I turn to a set of proposals that the predecessor to my party, the Reform Party, put out in the period just following the referendum in Quebec in 1995. This was a document proposing a series of changes to the Confederation agreement that would deal with some of the legitimate aspirations that had been expressed by Quebeckers, both those who voted yes and those who voted no, but who fully participated in the process of expressing their discontent with the status quo. This document, which I helped to research, was a document the current Leader of the Opposition actually wrote and was signed off on by Preston Manning, then the Leader of the Reform Party of Canada.

Under the heading "Spending Power", we made the following statement:

> Legislation under Parliament's power to unilaterally amend the Constitution should be introduced, to forbid any new federal encroachments on provincial jurisdiction by means of the federal government's so-called "spending power" (under which the federal government simply establishes a new federal spending program in an area of provincial jurisdiction).

As members of the House can see, there is room to go a fair bit down the path proposed by the Bloc Quebecois and perhaps even to go further than it has proposed. However, very significantly, these are areas that we are saying should be available to all provinces of Canada. It should be part of our Confederation arrangement. It should be part of a concept of equality of the provinces

● (1140)

This allows me to address something which I have never understood about the position taken by the Bloc Quebecois and the Parti Quebecois. For some reason they are very focused on protecting Quebec's sovereignty, jurisdiction and powers, whether within the Confederate arrangement that exists currently or whether seeking to have independence, without any regard for the other provinces and the fact that they also have sovereign powers dictated under our Constitution.

I am unable to understand why they would think, as a matter of principle, that it is necessary to have this kind of disrespect for the other partners to Confederation, all which have the same aspirations as Quebec. Some of them, including my own province of Ontario, were the original supporters of the idea of provincial rights and respect for provincial sovereignty, when frankly the government of Quebec, in the early decades of Confederation, seemed much less interested in this.

I also cannot see why anyone would think, from the point of view of strategy, that it would be helpful to promote one province, to establish some kind of special status for that province, and thereby guarantee that we would see increasing centralization in the rest of the country. I think we would find that the centralizing impulse, which exists in all federations, would be greatly strengthened if the arrangement that the Bloc Quebecois is always hinting at and which it proposes effectively in this proposal were actually adopted.

Finally, I also must talk a little about the idea that Quebec constitutes a nation, as is worded here. Here I will read again the motion that was proposed by my Bloc Quebecois friend, but now I will read it in English as opposed to French to make the point about the distinctions between the French and English texts. The motion is:

> That the House acknowledge that Quebec constitutes a nation, and accordingly, as it is not a signatory to the social union framework agreement of 1999, the said nation of Quebec has the right to opt out of any federal initiative encroaching upon Quebec jurisdictions, with full financial compensation.

The thing to observe here is "a nation". If they were to say "que les Quebecois forment une nation", or "les Quebecois forme un peuple", if they were to say something that refers to people somehow being linked together by a mystical bond, to be connected by something that is deep within their nature, their psyche, the way that their synapses fire in their brains that makes them have something in common that the rest of world does not have in common, I could see some validity to that. However they are not talking that. It is very distinct. They are saying that Quebec forms a nation. That is, there is a conflation between whatever nation might exist, whatever people might exist and a state. The attempt here is to create a nation state.

First, that is exclusionary of the francophones who live outside of Quebec; in New Brunswick, Ontario and elsewhere. It is also exclusionary of the anglophones who live within Quebec who do not regard themselves as being part a Quebec nation, but who do regard themselves as being good Quebeckers, as being people who are good citizens of that society and who seek to act that way. That includes my own ancestors. Quebec was my first home too, and I always find it very difficult to accept that we should be excluded in this kind of way by this kind of wording.

● (1145)

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, first, please allow me to read the motion by my colleague, the member for Trois-Rivières. I think it is essential that I do so, after the statements I heard from the Conservative Party of Canada, the union of the Progressive-Conservative Party and of the Canadian Alliance.

Here is what the motion says:

> That the House acknowledge that Quebec constitutes a nation, and accordingly, as it is not a signatory to the social union framework agreement of 1999, the said nation of Quebec has the right to opt out of any federal initiative encroaching upon Quebec jurisdictions, with full financial compensation.

The member from the Canadian Alliance says that the motion mixes two concepts. It speaks about a nation but makes claims and asks for full financial compensation in areas coming under the Quebec jurisdiction. One thing bothers me. It is clear that all Canadian provinces, including Quebec, could ask for financial compensation in areas under their jurisdiction.

However, we know quite well what happened with the social union. That is why the concept of nation is essential in this motion. Quebec is a nation, there is no doubt about that. It is different from the rest of Canada. As we are the sons and daughters of only one father and one mother, we can only be the sons and daughters of one nation.

The very fact that the people of Quebec constitue a nation that has its own ways of doing things gives us the right to full compensation, especially in our own jurisdictions. We are not begging for charity. We are asking for full compensation for the money Quebeckers have already paid to Ottawa, who is using it in roundabout ways to circumvent the limits of federal responsibilities.

For the sake of all those who may be listening to the House of Commons channel at this time, and that must be at least 20 million people, a quick reference to history may be in order. It is important to confirm once again the concept of a Quebec nation, and make it clear that it exists.

In 1867, Quebec and three other provinces agreed to be bound by the British North America Act. In many respects, this constitution was a pact between two founding peoples. The words nation or people are not used. We are not mixing concepts. One has to choose between the English and French definitions. When we speak about peoples and nations, it is a matter that is both rational and emotional. This is something Quebeckers feel and know. Of course, all Quebeckers are not sovereignists, because I would have been gone from here a long time ago. But all of them are now nationalists, and they are aware that it is important to have greater autonomy for Quebec, because we have a centralist and even egoistic federal government. This is at a virtual level. It is hard to understand that such a thing would still exist.

That being said, I will now come back to my main point. Ever since the Canadian Constitution came into force on July 1, 1867, the interpretation of its wording, especially with regard to the distribution of power and the role of each government, has been a bone of contention. So you can imagine what has been going on since 1867. I suppose, I presume, I am certain and I am convinced that already then, over a century ago, the federal government was getting ready to minimize and diminish Quebec. Subsequent events do attest to that.

So, historically it can be said that we have had about 100 years of discussions, squabbles and differences of opinion. As time went by, Quebeckers asked for and demanded more and more autonomy. Of course, Quebec governments did not always meet their obligations in that respect. That is why people in Quebec, people moved by the emotional and rational arguments I referred to earlier, said, "We are going to create a political party".

As a result, in 1968, sovereignist forces got together and created a new political party, the Parti Quebecois.

● (1150)

It took a lot to show how strong and vigorous the Quebec nation was. Nevertheless, less than 10 years later, the Parti Quebecois came to power in Quebec, proclaiming loudly that it was a sovereignist party. Of course, the terminology has evolved from independence to sovereignty and association, among others.

The facts cannot be denied though: we are talking about a nation able to govern itself and shackled by the federal government, a nation that has no other choice, within the limitations of its abilities and power, than to ask that, as a minimum, the pact between the two founding peoples as well as the one regarding Quebec's areas of jurisdiction be respected.

As we know, things evolved up to the first referendum in 1980. We will always remember what happened then. The debate was quite heated until a certain Pierre Elliott Trudeau—who is now co-owner of an airport in Montreal—told Quebeckers that their no would be a yes to change.

We know full well that the changes that have occurred since then have not benefited Quebec, but have been detrimental to the Quebec people. As far as the actual vote is concerned—we all remember it—40.4% of voters said yes and 59.6% said no. That did not necessarily mean that Quebeckers did not feel very much a nation. Some people will always be more timid than others.

We saw how things evolved and the final result. Even though, at that time, the Parti Quebecois put the independence issue to the people, it was re-elected one year later.

The famous Meech Lake accord process also got underway. We all know how that initiative and the "beau risque" with Brian Mulroney ended: it was a flop. But let us stick to real definitions, because we would like to know how the Liberals, the Alliance and the Progressive Conservative members define a nation.

The issue was simple: recognize Quebec as a distinct society; recognize its right of veto over constitutional amendments; provide guarantees regarding the appointment of judges from Quebec, the right to full compensation and the right to opt out with full compensation, and immigration.

Of course, you will have noticed that I left out one important element, namely 1982, the year the Constitution was patriated. There was also a consensus in the National Assembly on that issue. The National Assembly was against patriation. We remembered that in 1867, there were two founding nations with very well defined jurisdictions, and we knew that if we went along with the plan of Pierre Elliott Trudeau the Quebec nation would be no more.

If Quebec were not a real nation, it would long ago have become a province like the others. Although the federal government and the Liberal Party have been taking shots at us for several decades, we are still standing. What is more, since 1993 we have been standing here, in the House of Commons, to represent the people of Quebec who will, in the next referendum, affirm their independence. As a matter of fact, in 1995, Quebec won its referendum. It did indeed. However, the victory was simply stolen away by all kinds of stratagems used by the government of the time. When something is stolen from you, it is legitimate to recover it as quickly as possible, with the least negative impact on the people of Quebec.

In the meantime, the Liberal federal government should respect what has always existed: the right to full compensation and the right to opt out with full compensation.

● (1155)

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, I am pleased to rise this morning to speak on the motion presented by my colleague from Trois-Rivières who I cannot name but whose first name is composed of at least half of mine.

This morning's debate opposes two visions of two different countries, two different visions of the way we should be governed and of the way a people is entitled to govern itself.

Looking at what has happened recently, we can find a lot of examples of attempts by the federal government to interfere in areas of provincial jurisdiction. We see that a process developed many years ago has a very definite objective. The objective is to ensure that there is only one government in the whole country and that the provincial governments become, in a sense, branches of the central government.

What we see is a determination to centralize at all cost, without taking the aspirations of all Canadians, Quebeckers and others, into account.

Of course, the aspirations of the citizens of Quebec are different from those of citizens in the other provinces in that, what we want, particularly the majority of francophones, is to have our own country. We want to ensure that Quebec can develop with its own administrative approach, its own methods and its own taxes. We want to ensure that this country will become a country in our own image where it will be possible to offer the services we wish to provide to our fellow citizens.

At present, as I said, what we see is the federal government's desire for wall-to-wall centralization. This desire for centralization is steady and continuing. Why does this government want to centralize all the powers that the provinces, including Quebec, now hold—at all costs? In fact, what is the motive or reason behind this desire for centralization?

When we examine that question seriously, we realize that there really is no reason, because a country can also be governed through decentralization, leaving the provinces to manage that which belongs to them under the Constitution of 1867 and that of 1982, even though we as Quebeckers, do not recognize that document?

In the end, it is an unhealthy desire on the part of the federal government, especially the Liberal Party that has been in power since 1993. It is an unhealthy desire to centralize everything in Ottawa, ensuring that we have a wall-to-wall country, that is, with very nearly all the same programs from coast to coast, without taking any differences into account, without taking the Quebec difference into account, and without taking into account the fact that Quebeckers want a very different kind of government, as we know.

One could list many sectors in which the federal government has intervened in recent years. My colleague cited a good number of them in a letter he recently had published in *Le Devoir*. Some examples are the Millennium Scholarship Foundation, the Young Offenders Act, or policies covering the voluntary sector. Others are health and education. There are more examples involving every area under provincial jurisdiction.

Now, there is an announcement that the federal government intends to invest directly in municipalities, that is, in an area that does not belong to it. That is clearly defined in the Constitution of 1867. It is an area of exclusively provincial jurisdiction, where the federal government has no reason to intrude.

Why is the federal government acting this way? As I was saying, it wants to govern the country the same way from coast to coast, where everybody is equal and where no differences can exist.

I would like to quote a minister who is here in the House and who is very well known for some of the infamous comments he has made. He said one day that for Quebeckers to be brought back into the fold, they had to get hurt. That comment was made and repeated publicly by someone who is here in this House.

● (1200)

What we do realize is that the federal government applies exactly the same method for all the provinces across Canada. With the fiscal imbalance, the goal is to starve the provinces, particularly in the areas of health care and education, which are under their jurisdiction. By starving them, it makes them unable to provide the level of services that they could and should provide. Then the federal government barges in and says, "Yes, we will help you, but under certain conditions".

That is exactly what is happening with the social union agreement. The provinces, not having the funds they need to provide services, are turning to the federal government for help.

This is absolutely unnecessary. If the fiscal imbalance were eliminated, the provinces would collect the taxes they need to provide services in health care and education and would therefore be able to provide these services without any help from the federal government. It is absolutely unnecessary for the federal government to get involved in areas under provincial jurisdiction. The provinces are perfectly able to provide these services, and perhaps even better than the federal government, as long as they have enough money to do so.

I would also like to add that the federal government tries to intervene in provincial jurisdiction, but for the most part, when it comes to its own affairs, things are a mess. I am the critic for fisheries and oceans, which is entirely a federal responsibility.

Look at what has happened since 1949, when Newfoundland entered Confederation. It started off with an abundant resource and ended up with a moratorium, specifically on cod and ground fish. Yet other countries such as Iceland and Norway have managed to protect this resource through strict management. Note that this is a major industry for Iceland. Those countries have found a way to protect their resource so that their population can continue to earn a living from this industry. In Canada, this is a federal responsibility and the management of it has been a disaster.

As a province, as Quebeckers, are we to trust the federal government to manage our health care system? Never. When we look at what has happened in federal jurisdictions and what the federal government has managed, it is clear that their success rate is extremely low.

There is currently another big case in my region: the infamous Bennett Environmental incinerator in Belledune. The federal government has the power to intervene, but it does nothing, despite the fact that close to 30,000 people have signed a petition calling on it to take action and the fact that there is a coalition. These people are asking the federal government to intervene in this case because protecting this resource is part of its responsibility.

The federal government is dragging its heels and so far has refused to intervene. We hope the federal government will take its responsibilities pursuant to existing legislation.

I could go on at length. Take air transport for example, which is the epitome of federal responsibility. What has happened in our regions is a catastrophe because we practically have no service any more, yet it is the federal government's responsibility to ensure that the public receives efficient services.

I personally, and all my colleagues from the Bloc Quebecois, recognize Quebec as a nation and Quebeckers as a people. We hope to achieve full and complete sovereignty in order to have services that bring us together and that are a true reflection of our needs.

● (1205)

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I will begin, if I may, by reading my motion:

> That the House acknowledge that Quebec constitutes a nation, and accordingly, as it is not a signatory to the social union framework agreement of 1999, the said nation of Quebec has the right to opt out of any federal initiative encroaching upon Quebec jurisdictions, with full financial compensation.

Sometimes things happen serendipitously. This first hour of resumed debate this Monday morning coincides with the first hour following the 10th anniversary of the election of the Bloc Quebecois with an impressive 54 seats, on October 25, 1993. There is some symbolism at work here. First, the timing of the debate, and second that it addressed the constitutional debate and the place or the future of Quebec within the federation. These dovetail very well with the history-making—so very history-making—mission of the Bloc Quebecois. This motion is presented in conformity and harmony with that mission.

This is a history-making motion because it addresses fundamental issues, the very basic questions we of the Bloc Quebecois should address, do in fact address, which keep us at a distance from the day to day upheavals going on. It takes us back to the source. It is a call for reflection, a call to Canadians as well as Quebeckers to reflect on what the future of Quebec is within this federation, whether we should remain part of it.

I would like to draw hon. members' attention to the underlying meaning of the vote to be held on Wednesday, October 29. If the members of this House, whether from Canada or Quebec, vote in favour of this motion, we need to be aware that the motion means that this House would be recognizing a true special status for Quebec, that this House would be recognizing special and specific powers, special responsibilities, special sources of funding.

If this House voted in favour of this motion, it would be acknowledging the existence of the Quebec nation and consequently its the right to opt out, and also the fact that it was not a signatory of two landmark documents in the evolution of Canada, in 1982 and 1999.

Members should be aware of what is going on here, unless this is only a hoax, a huge travesty not worth the paper on which the *Hansard* of the House of Commons is published.

Therefore, members from the rest of Canada should think twice before voting yes. Let us not forget what happened in 1992, during the referendum on the Charlottetown accord. Politicians supported the agreement, but on the morning of the referendum, there was a spontaneous and unorganized public uproar and Canadians decided to vote no, because Quebec would have gained too much from the agreement. At the same time, Quebecers had also decided to turn down the proposed agreement, because it did not grant Quebec enough new powers.

That is the famous dead end in Canadian federalism, the two solitudes as described in 1963 in the Laurendeau-Dunton report. In my mind, the situation in Quebec has only gotten worse since then.

If this motion is defeated, it means that Quebec is not recognized as a nation. It would be seen as a province like any other, a region, a cultural component, an ethnic and cultural community within the Canadian mosaic, just another component, as the heritage minister would have it.

Defeating the motion would be saying no to one of the two founding nations of Canada, to special status, to a real distinct society, to specific powers for Quebec, to national recognition for Quebec, to international recognition for Quebec, which has established ties with Africa and Latin America thanks to its Latin and French roots.

It would be saying no to a nation that ranks second in the Francophonie, sixth in the two Americas and fifteenth as a world economic power.

● (1210)

As Pierre Bourgault so eloquently put it “We do not want to be a province like any other, we want to be a country like any other”.

The Speaker: It being 12:09 p.m., the time provided for the debate has expired.

The question is on Motion N. 394. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, October 29, 2003, at the end of government orders.

GOVERNMENT ORDERS

[*English*]

ASSISTED HUMAN REPRODUCTION ACT

The House resumed from October 6 consideration of the motion that Bill C-13, an act respecting assisted human reproduction, be read the third time and passed; and of the motion that the question be now put.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, I am happy to have an opportunity to speak on a bill that matters, in a medical sense. Bill C-13 is a complex bill. It is about assisted human reproduction. The bill has actually been in the House in various iterations ever since I have been here.

I had an opportunity to deal with infertile couples in my life prior to coming to Parliament. I would like to briefly talk about what drives couples who want a natural child. This is a significant issue to these people and they will do virtually almost anything they can to have a child.

The causes of infertility are quite diverse. They range from the husband being infertile, possibly caused by a low sperm count from infection or injury to, more commonly, a wife's infertility. The wife's infertility may be caused by hormonal reasons and a reduction in the number of ova she might produce, infection, the ovary not working, tumours, and often times unknown factors in relation to infertility.

Science has mushroomed in this area. When I graduated, this was not a huge issue, even on the horizon, but we now have a host of mechanisms to help infertile couples. These range from drugs to enhance egg production, laparoscopic surgery which extracts eggs, to mechanisms which concentrate sperm.

We can now join the eggs and the sperm outside the body. These are commonly known as test tube babies. We can implant them in the mother's womb, or in fact implant them in another womb.

We have sperm donors. We have egg donors. We have instances where there are more eggs being extracted than are necessary for the couple to use. We also have the opportunity to freeze these little embryos, keep them for a fairly long period of time and reuse them.

Most of these issues are not controversial. They are widely accepted by Canadians under the broad heading of assisted human reproduction. Of course, this is a vote that involves issues of ethics. I personally support Bill C-13 as it relates to these activities and therapies.

There are, however, some controversial items in Bill C-13 that do have more ethical and significant moral components to them.

One of them is cloning. Cloning is encapsulated by this bill. Cloning is a complex issue in itself. I would have liked to have seen the bill split to actually look at assisted human reproduction in one bill and the more controversial issues to be looked at and studied in another bill. We in fact put that forward as a proposition, but it was not accepted. That would have been my preference.

Cloning involves taking the nucleus from a cell, replacing that nucleus with another nucleus, and having an identical organism formed from the new cell.

There are two types of cloning. There is cloning for reproduction, which would be someone trying to clone me, heaven forbid, in order to make an exact copy. That copy would be identical in appearance and genetic makeup. The other type of cloning is therapeutic cloning. It is not so simple, but to make it simple, it would be to have spare parts or spare individuals in case of the death or demise of an individual.

This bill would ban both types of cloning: therapeutic and reproductive. I believe that these types of cloning should be banned. However, at the present time, there is a debate going on in the UN on this very issue. There, Canada's position is not the same as the position in this bill. That troubles me because the Canadian position, which is to ban all types of cloning, should carry right through to the international experience.

● (1215)

I have been told that the reason this is being done is that at the UN there is very little chance of passing a total ban on cloning, and I do not buy that. I do not believe for one second that this is a legitimate or valid reason.

The second and even more controversial issue underneath the big umbrella of the bill is stem cell research. Basic cells in the body are stem cells and are capable of becoming any cell. We call it differentiation. They can become any cell. The stem cell, then, could become a nerve cell. It could become a brain cell. It could become a hair cell. It could become skin or bone. These cells, the basic cells of the process of an organism, are the building blocks, so to speak, of our bodies.

Stem cells can be sought and used from two broad sources. They can be used from the adult source or from the embryonic source. The adult source of stem cells is bone marrow and umbilical cord blood, and research on these stem cells has tremendous benefit, in my view, for therapy of some complex illnesses.

The other source is from the embryo. Let us remember that I mentioned in my comments prior to this that extra embryos can be taken from infertile couples and used in the fertility process. Extra embryos can be frozen and then used for research if in fact they are not used by the infertile couple.

A stem cell from an embryo is quite different from the stem cell of an adult. The embryo does involve some significant ethical and moral issues. There are those who debate that the embryo, even when it is outside the uterus, is the fundamental of human life. There are those who say that it is not implanted in the uterus and it is not human life at all. Then there is a third category of people who say that for the embryo, until it is a fetus and born, that is the only time we then have human life.

From my perspective, and this is a perspective of looking at this from the moral, ethical and medical viewpoints, the complexity of fetal or embryonic stem cell research is such that if we had a preference, and we actually do have a preference, we are better to look at the adult stem cells. To that end, my party, the Canadian Alliance, has asked for a moratorium on stem cell research from the embryonic source for three years, which is the initial three years that this bill would then review. To my mind, that would remove the controversy that surrounds the stem cell research.

What promise does adult stem cell research show us? The promise is really quite significant. There are some advantages in that if I had diabetes and my stem cells could produce the cells from my body which produce insulin, there would be no immune reaction. It would be taking my stem cells from my bone marrow and using them for therapy for my system. Immune rejection is a significant problem with the research in these areas. There would also be no embryonic destruction involved, which would remove the ethical and moral decision and debate there.

Are there examples of success? Just this year in June at the University of Minnesota bone marrow cells from adults have been transformed into every single other cell type. This has enormous potential.

My preference, then, and I speak on this bill not just from the party perspective but from my own preference, with a medical background, is to split the bill in half, one the human reproduction half and one the cloning/stem cell half. My preference would be a moratorium on embryonic stem cells for three years, which is actually my party's position as well.

Another preference is that children born of assisted human reproduction would have a right to know their parents and have a right to know the place where the cells came from.

I would also like to see some limitation of the eggs extracted from couples going through assisted human reproduction.

I also will say that there is strong support from me for research on adult stem cells and the exciting therapies that are potentially there.

● (1220)

The bill has been full of controversy. As I have said, it and its predecessors have been around for virtually 10 years. That controversy and the way this is now being brought to the House, with a side deal to allow for an agency to have gender parity, seem to me to minimize the importance and ethical component of the bill.

I am grateful for the opportunity to speak on this important bill.

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, I feel honoured to follow the hon. doctor from Macleod because he certainly has provided a technological background. I must apologize in that I do not have that background, but I have studied the bill and I have talked to many people in my riding who are concerned, on both sides of the issue, the ethical side and of course the pure science side and the importance of the bill to infertile couples.

These feelings in the local area are very hard felt. Those couples who for whatever reason find themselves in an infertile situation are looking at the science, which has been progressing over the last number of years, and they believe that this is a great opportunity for them to have children. Certainly I understand the importance of children. I have three of them myself and certainly something I think everybody desires at one time in their lives is to be able to raise children. Child rearing is very much the foundation of our country and nation. I certainly understand the concern these people have.

Also, it is unfortunate that in a lot of ways science is passing the legislative process. It has taken us as a legislature a long time to sit down and actually try to deal with this issue.

As we will recall, the history of this file is such that the government almost basically delegated it to the health care community until a lot of members of Parliament became very concerned. They thought that this should actually be formulated in a bill prior to delegating that authority. This is a common theme of this legislation. As we go through it, we see that time and time again there is a delegated authority, delegated to regulations. It is clear to me that there has not been a lot of thought, at this stage at least, put into what those regulations are going to look like.

Worse than this, I suppose, is that it would appear that legislators are not going to be involved in that process. In other words, we are going to delegate this authority to bureaucrats and others to work out, which may or may not be in the best interest of my constituents, the people I represent. I feel somewhat offended by the legislation in that sense.

I also know that there are those who suggest that it is such a technological issue and so complex that it possibly would be very difficult for members of Parliament who do not have a science background to comprehend, but the reality is that all of these things impact people. It is our duty as legislators to try to represent our constituents in the best way possible.

I have some problems with this. I think that sometimes we try to take shortcuts with the legislative process. I certainly understand the concern of people who are infertile or otherwise want to use reproductive technologies and think it has taken too long already, but the object of the exercise is to try to get this thing right.

I do believe that we should go back to the drawing board to some extent on the delegated authority and see if we cannot find ways to work this out, if not at this point in the stage of the legislative process, then at least to provide that those regulations come back before a committee of the House and members of Parliament will have the ability to comment and to maybe indeed even change or object to the regulations as formulated. I think that is a natural and healthy process in a democracy, where people can put a constant check on the regulated authorities in the best interests of people generally.

I have another concern. One of the driving forces to bring the legislation into passage is an industry that seemed to be starting up, that of paid servicing. This, of course, most of us have big problems with, because we cannot understand why people would actually be prepared to rent their bodies. However, I also have talked to people who have told me that it is none of our business, so there are two ends to that. But I think if we take the orientation to science generally, it is incumbent on us to ensure that there is not some kind of profit maximization motive here that would drive people to do these things.

● (1225)

Essentially the bill is attempting to do this, but the bill would permit surrogates to be reimbursed for lost employment income if they have a doctor's certificate, so in fact we have not really ended the concept of paid surrogacy. We can visualize someone opting to leave their employment to do this and possibly earn more money, or whatever the case may be. That would be legal and legitimate under this legislation. Once again, I think that these are areas we should be concerned about and should review a little more before this legislation passes.

What I do want to reiterate is that in regard to this technology, like so many types of legislation in this area, the real world is passing us by in some real and fundamental ways. I read an interesting column about the evolution of spam mail in this morning's *Globe*. I think there is a correlation between that and this issue, and that is that technology is way ahead of us. The people who are concerned, our constituents, are those who are receiving e-mails they did not ask for. There does not seem to be a regulated authority to control that. Because there are not a lot of controls, we also have a tendency to demean the electronic commerce and its potential.

Here too we are going down a road where technology is surpassing the legislative process. Clearly here we are trying to find a general process within our country that would allow us to use new technologies to the benefit of individuals, but at the same time we realize that really we are playing with the human genome here and there are some significant ethical concerns about cloning.

Having said that, let me say that the bill has some strengths, such as, for instance, stem cell research. Certainly I have talked to a number of disease organizations that see this as having tremendous potential to end or certainly curtail significantly diseases that affect the human species. On that strength alone, I think we should keep on moving down the road with the legislation, but I am concerned about the delegated authority.

I think we could possibly have a better system if we brought the legislation and regulations back to the House, to the committees, so that members will not simply be in a position where they have passed this legislation, it has gone out into the real world and we will have no way to really measure it other than possibly complaining and having another bill in a few years to try to correct some things. It would be beneficial for the House and for the importance of members of Parliament if we were to have an oversight and a review process in place prior to implementation of the legislation.

Other than that, I basically support the general thrust of the legislation. I think it has taken us too long to come to this place. I certainly respect the concerns many people have about using reproductive technologies, about the importance of that in their lives, and about getting on with a significant research agenda.

● (1230)

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I rise in this House today, at third reading stage of the bill on assisted human reproductive technologies, to draw the attention of the hon. members of this House to a common occurrence in this Parliament.

We saw it this morning, during private members' business, when we debated a motion about intrusion in Quebec's jurisdictions, which was put forward by the hon. member for Trois-Rivières. This is a case in point.

The assisted human reproduction bill was introduced a long time ago, and has been before this House for a very long time. It dates back to even before the April 14, 2003 election in Quebec. At the time, Quebec was opposed. Federalist members in this place may think that there was opposition because there was sovereignist government in Quebec City, but it is not so.

The new Government of Quebec, a federalist government led by Mr. Charest, and the health minister, Mr. Couillard, have spoken out against this bill. They did not address the substance, but wondered whether this was not a systematic encroachment on an area of provincial responsibility.

Therefore, the Bloc Quebecois cannot support such a motion. The current federalist Government of Quebec will not support such a bill either, and does not want it passed.

I remind the hon. members that Bill C-13 on assisted reproduction will make human cloning a criminal offence. That is not a problem, since the Criminal Code falls under federal jurisdiction. We therefore support this notion. The same is true of the ban on paid surrogacy.

The Bloc Quebecois, the Government of Quebec and all parties in the National Assembly of Quebec all agree, however, when it comes to the establishment of a Canadian agency to monitor the practices used by fertility clinics across the country. That is what the Quebec health minister, Mr. Couillard, is opposed to.

It is important for people to realize that the government is putting legislation through in an area over which it has, for a large part, no jurisdiction. In this respect, the Bloc Quebecois proposed that the bill be split, to ensure that federal jurisdiction was clearly defined, and that we would be voting on the matters of federal jurisdiction. As for the part that is more specifically a provincial jurisdiction, we should leave it to the provinces to look after it.

It was reported in *Le Devoir* that:

> The position taken by the Charest government makes it even more unlikely that this very controversial bill will be passed in the House of Commons over the next few days.

Quebec understands what is going on here. When the Government of Quebec speaks out against the fact that the federal government is encroaching upon its jurisdiction, it is totally normal for Quebeckers to be united in seeking justice.

We often see this type of behaviour on the part of the federal government. We saw it with young offenders and with the millennium scholarships. Bills that interfere in Quebec's jurisdictions are being rammed through the House, which makes it obvious that this government does not believe in co-operative federalism.

Today, we know that the Government of Quebec, a federalist government headed by Jean Charest, is against this bill. It wants everything that comes under provincial jurisdiction to be removed from the bill. So why would the federal government not take the time to re-examine its bill and remove from it all aspects that are not under its jurisdiction, so as to respect the consensus that exists in Quebec?

We also know that members of the Alliance and a number of pro-life Liberal members are opposed to this bill. More specifically, they are opposed to the use of human embryos for stem cell research. This is not the thrust of the debate in which I am taking part this morning. Indeed, it is an area that needs to be regulated, but it must always be done with respect for provincial jurisdictions.

In fact, the Quebec health minister, Mr. Couillard, said that if the bill were defeated or died on the order paper, he firmly intended to deal with this issue. He said that this issue could not be left dangling, that a firmer regulatory framework was needed and that they would clarify the situation with their federal counterparts and then decide whether or not there was a need to legislate.

However, the federal government must first accept to take a step backwards and wait before passing this bill so there is no interference in provincial jurisdictions.

We know full well that Quebec has no jurisdiction in criminal matters, but it could have jurisdiction over the organization and management of fertility clinics. Mr. Couillard, the minister, said so himself, and I quote:

● (1235)

> We will set up the appropriate legislative framework in our own jurisdiction, but I shall wait to see how the federal plan evolves before going any further.

Thus, we are in a system, the federal system, where each of the two governments claims jurisdiction over the same sector, from time to time. Here it is clear: the aspect relating to the Criminal Code is a federal responsibility, while the aspect relating to management of fertility clinics and all aspects related to health are under provincial jurisdiction.

Moreover, different approaches have become established in various provinces for some years. In Quebec, we hope to continue to be progressive in this field, to show leadership and adopt attitudes that reflect the will of Quebeckers. That is what is lacking today.

Often, there are situations that are difficult to assess; there must be legislation to manage the issues of cloning and surrogate motherhood. It is important to make laws in this domain, because if no one does, problems will be left unresolved and behaviours will become habits. Nevertheless, the federal responsibility is not to take a position in areas under provincial jurisdiction, but rather to pass a bill that deals with its own jurisdiction, as soon as possible.

If the federal government had taken this kind of attitude when the bill was first debated in the House—I think that was over a year ago—we would already have settled the issue. In fact, we could have split the bill and adopted it based on the elements that are federal government responsibilities. On that part of the bill, the Bloc Quebecois would probably have supported the federal government. As for the other part of the bill, which is not within federal jurisdiction, the Bloc cannot support the government.

The government led by Jean Charest, the Parti Quebecois, as official opposition, the Action démocratique du Québec, intervenors from the field, who are familiar with actual practice in Quebec, and the general public—although they may not all agree on the approach to be taken—all believe that the Government of Quebec has the responsibility, that it should shoulder that responsibility and that the federal government should stick to its own areas of jurisdiction.

We know that unacceptable practices such as creating human clones do exist now. There are also the fertility clinics' activities, for which Quebec is responsible. Bill C-13 contains a number of flaws that should be corrected. I still have hopes as far as opposition to this bill is concerned. The government has to correctly evaluate the situation. The government is responsible for passing legislation in areas under federal jurisdiction in order to deal with this problem.

If the government does not modify its current approach, the bill could very well be defeated by the House for a number of reasons. Many Alliance members are opposed in principle. The Bloc members, as well as all the federal Liberal members, should oppose this bill. The Quebec government, which represents all Quebeckers, has said through the health minister that it did not wand the federal government to adopt this kind of legislation and that it should take all the parts under provincial jurisdiction out of it.

We would like to think that the federal Liberals understand what the Quebec government is asking. It is no longer a sovereignist government asking. It is a federalist government, which has said that it was reaching out to the federal government in order to establish co-operative federalism. However, we see that the federal government across the way has not responded. It still wants to ram the bill through, despite the Quebec government's opposition.

I think that many federal Liberal members from Quebec who have already sat in Quebec's National Assembly should oppose the bill or make representations to their government to ensure that the part of the bill that concerns provincial jurisdiction is taken out of the bill in order to avoid confusion and to ensure that there is no intrusion into what is not under federal jurisdiction.

For all these reasons, the Bloc Quebecois intends to vote against the bill.

● (1240)

[*English*]

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, I am pleased to speak to Bill C-13, the government's ill-conceived blanket legislation regarding reproductive technologies and human embryo research, two very distinct and very important issues rolled into one piece of legislation.

With regard to reproductive technologies, there are some positive elements to the legislation, including the fact that it addresses bans on reproductive or therapeutic cloning, chimera animal-human hybrids, sex selections, germ line altercation and the buying and selling of embryos.

Cloning is of particular concern to constituents in my riding. I have received numerous letters, postcards and petitions from residents asking Parliament to pass legislation that would stave off the potential threat of cloning research in Canada. They feel it is an affront to human dignity, rights and morality.

Research on embryonic human stem cells requires the destruction, the death, of the embryo. So far no disease has been cured or alleviated as a result of this research or the use of embryonic stem cells, despite early hopes that such therapies might be helpful for patients suffering neurological diseases such as Parkinson's and Alzheimer's.

In contrast, use of adult stem cells is a far more acceptable option to many people, and research suggests using adult stem cells may even be a favourable option.

Dr. Helen Hodges, a British researcher, has said that adult stem cells may be safer and more flexible than fetal cells. According to Hodges, some of the work she has done indicates adult stem cells travel to the area needing repair, whereas embryonic stem cells remain where they are injected.

Hodges also notes that because adult patients can donate their own stem cells for treatment, the cells are not treated as foreign objects by the body's immune system and rejected.

Other published research suggests adult stem cells are able to develop into a greater variety of different tissues than embryonic stem cells and are favourable because they are more readily available.

Earlier this year, writer Wesley J. Smith highlighted the story that appeared in the *New York Times* of a teenager whose heart had been pierced with a three-inch nail, causing him to have a serious heart attack. The teen was selected to take part in a clinical trial using adult stem cells to repair damaged hearts. A special protocol was developed and after extracting stem cells from the young man's blood they were injected into the coronary artery that supplies blood to the heart. A few days later the teen's doctor noted an incredible improvement in his heart function.

While not yet common, cases such as that one are far from isolated and are giving researchers hope for the potential of adult stem cell treatments.

As Smith noted in his article:

> Money spent on embryonic-stem-cell research and human cloning is money that cannot be spent on [investigating] adult stem cells.
>
> A new era appears to be dawning in which our own cells will be the sources of very potent medicine. Rather than having to choose between morality and the wonders of regenerative medicine, it increasingly looks like we can have both.

On behalf of my constituents, I have to voice the concerns my party and I have about the use of embryonic research, particularly when a viable alternative such as the use of adult stem cells looks so promising.

Bill C-13 would allow for the creation of embryos, especially for reproductive research. If put into law, this would legitimize the view that human life can be created solely for the benefit of others.

Embryonic stem cell research inevitably results in the death of an embryo, early human life. It is a scientific fact that an embryo is early life. The complete DNA of an adult human is present at the embryo stage. For many Canadians, this violates the ethical commitment to respect human dignity, integrity and life.

Embryonic research also constitutes an objectification of human life, where life becomes a tool that can be manipulated and destroyed for other, even ethical, ends.

● (1245)

Adult stem cells are a safe, proven alternative to embryonic stem cells. Sources of adult stem cells include the umbilical cord, blood, skin tissue and bone tissue. In fact just this weekend the headlines in our local paper, the *StarPhoenix*, indicated that the umbilical cord has saved the life of one of our young children.

Adult stem cells are easily accessible. They are not subject to immune rejection and they pose minimal ethical concerns.

Embryonic stem cell transplants are subject to immune rejection because they are foreign tissues, while adult stem cells used for transplants are typically taken from one's own body.

Adult stem cells are being used today in the treatment of Parkinson's, leukemia, MS and other conditions. Embryonic stem cells have not been used in the successful treatment of a single person. Research, resources and efforts should be focused on this more promising and proven alternative.

The bill specifies that the consent of the donor to a human embryo is required in order to use a human embryo for experiment. The bill leaves it to regulations to define donor, note the singularity of the term donor, but it is vital to remember that there are two donors to every human embryo: a woman and a man. Both donors, parents, should be required to give written consent for the use of a human embryo, not just one.

I have only just touched on some of the complex elements of the bill. The issues I have highlighted are the ones that are of the most concern to my constituents, and I am pleased to bring those concerns to the House.

Residents and organizations in my riding have expressed, categorically, opposition to the embryonic stem cell research. I have heard from my own constituents and from across the province, but specifically from towns, villages and the city of Saskatoon in my riding.

Residents and constituents from the towns of Allan, Bladworth, Bradwell, Burr, Colonsay, Elbow, Hanley, my own community of Kenaston, Lanigan, Loreburn, Outlook, Strongfield, Viscount and Watrous, including Young, all want to send a clear message. They do not want the killing of embryonic humans for the purposes of stem cell research. They believe this is immoral, unethical and unacceptable.

I ask that when it comes time to vote on this bill that my colleagues in the House will keep in mind the concerns of constituents from my riding and from across the country.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I am rising today to speak to third reading of Bill C-13, the Assisted Human Reproduction Act. At the outset, I want to indicate that the Bloc Quebecois intends to vote against the bill. Our Liberal friends opposite are experts at confusing the public and twisting the policies put forward by other parties and the way their opponents vote.

First, for the record and for those who are watching us, I want to make one thing clear. The Bloc Quebecois does support a ban on cloning. However, we will oppose the bill in its present form, unless the government agrees to split it.

My hon. colleague from Hochelaga—Maisonneuve moved in committee to split the bill. The provisions concerning paid surrogacy and cloning would have been dealt in one bill. We would then have been able to support a ban on cloning and paid surrogacy and to forget about creating a new Canada-wide agency to control the operations of infertility clinics throughout Canada.

This is why we intend to oppose the bill if it is not amended. However, people should not try to interpret our opposition as meaning that we agree with human cloning. I wanted to put things in perspective from the outset.

As I was saying earlier, the bill would create a pan-Canadian agency to control fertility practices across the country. We consider that all this is strictly within the provincial governments' jurisdiction. This is another example of the type of federalism that is advocated and preached by the Liberal Party of Canada. This really is riding roughshod over provincial jurisdictions.

The members of the Bloc are sovereignists. There is no ambiguity there. We want to tell this government that the way it is acting only serves to confirm and reinforce the reasons for which Quebec should get out of the Canadian federation. Quite simply, the federal government is not content to stick to its own areas of jurisdictions, as they were set out in the Constitution Act, 1867, when Canada was born. The Bloc Quebecois members consider that this pact does not work any more. This is why we believe that the best way to get rid of this constitutional agreement is for Quebec to achieve sovereignty. We will then be able to take all of our responsibilities and to do as we see fit, as everything will then truly be under Quebec's jurisdiction.

This government is once again riding roughshod over provincial jurisdictions. This is why we cannot support this bill.

● (1250)

I believe that today's discussions on this bill are a clear illustration of what my colleague, the hon. member for Trois-Rivières, has presented in his motion, which will be voted on later this week, during private members' business.

That motion deplores this government's flagrant intrusion into areas that are under the jurisdiction of Quebec, which is the reason we say, and I repeat, that sovereignty is the way to put an end to this.

I believe the very eloquent speech of my colleague from Trois-Rivières, and those of the other colleagues who have spoken on behalf of the Bloc Quebecois, clearly illustrate what is going on. Bill C-13 provides us with evidence of just how justified the motion introduced by my colleague for Trois-Rivières is.

As reinforcement of the Bloc Quebecois position, on Tuesday October 7, Quebec health minister Philippe Couillard confirmed his opposition to the controversial Bill C-13, because he felt—and still does—that it is clear interference into Quebec's jurisdiction.

I do not know if people will agree with me. Perhaps the Quebec health minister is re-examining his political career. This reputed neurosurgeon may be rethinking his federalist allegiance, since he is a member of the Liberal Party of Quebec, a federalist party, and the party that has formed the Government of Quebec legitimately elected by the majority of the population since April 13, 2003. So, we must acknowledge that the Liberal Party of Quebec constitutes the Government of Quebec. Yet, its Minister of Health has made clear his opposition to Bill C-13, because he considers it an encroachment on areas that fall under the jurisdiction of Quebec. As it happens, he objects to precisely the same provision that we in the Bloc Quebecois find problematic: the creation of this Canada-wide super-agency, which would administer, regulate and control practices in all fertility clinics across Canada.

For all these reasons, we in the Bloc Quebecois must pursue our efforts and representations. Perhaps the members of the Liberal majority will eventually see the light. Perhaps they could reconsider and just withdraw Bill C-13 or not go ahead with it.

Now that the member for LaSalle—Émard is firmly in the saddle, even though he has yet to be chosen at a convention, and that he is clearly in control of the legislative agenda, there are rumours of an adjournment on November 7. All one has to do is look at how long we are taking to debate in this place matters that could be resolved much faster.

The government is drawing things out. It does not have an agenda. It is keeping members busy at committee with various tasks that are not necessarily useful, while we would like to know what direction this government wants to take and what the position of the member for LaSalle—Émard, the phantom leader of the Liberal Party is. Witness the fact that he is never in the House, he is never here to answer questions. The member for Saint-Maurice, the current Prime Minister, is answering the questions while the other one is pulling the strings, with his informal cabinet meetings, and his informal pizza lunches. In reality, he is the one pulling all the strings.

We saw it last week, with respect to the high-speed train in the Quebec City-Windsor corridor. The henchmen, the Pontius Pilates of the member for LaSalle—Émard, used that issue to literally trash and question this government's commitment to invest $700 million in a high-speed train project.

● (1255)

And this is happening constantly. I think the government should show its true colours and withdraw Bill C-13. At any rate, we will be voting against it.

[*English*]

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, during the last session I had the opportunity to address the House on what was then Bill C-56. Now I have the opportunity to continue to address this important piece of legislation which is now Bill C-13.

The number of the legislation has changed, but the concerns have not changed. Given that the legislation, when enacted, will govern human biological technology development for perhaps the next 50 years, the government's lack of care, caution and ethical integrity is both astounding and frightening. We know that the legislation goes right to the heart of the issue of what it means to be a human being and the relation of a human being to the state.

It is arguably the most important piece of legislation the House will ever deal with. Members of the official opposition have been mindful of this fact and I would like to acknowledge their hard work, especially on the health committee, in this regard.

The notion of what it means to be a human being sounds quite lofty and academic, but let us accept the fact that the bill is about children, about how people can be assisted in conceiving and having healthy children and about ensuring ethical technology around this important endeavour.

I last spoke about the issue of using adult stem cell research instead of the ethical minefield of embryonic stem cell research. The official opposition supports the bill's ban on cloning. We also support the ban on commercial surrogacy. However, this time I would like to keep my address to just two other important issues, first, the issue of the agency created by the bill and second, the identity of the rights of children born of such technologies. Indeed, the creation and responsibilities of the agency take up half the text of the bill itself and the identity rights of children created through these technologies is given precious little consideration.

The official opposition supports the creation of an agency to oversee any technology related to the assisting of people having healthy children. However there are problems with the relationship of the agency, parliamentarians and the public at large, just to name a few.

There are no provisions in the bill for regular reports by the agency to Parliament, but the agency itself will not be independent. Just like a government department, it will write its own performance evaluation. We know that many of the regular governmental department performance reports are rarely worth very much.

Another problem is that a minister of the crown can at any time give an order to affect any of the agency's powers. This is despite the fact that regulations must be laid before Parliament and can be referred to committee. This is not accountability; it is another expansion of ministerial power and the diminishment of accountability to Parliament.

Another problem is that the configuration of the agency falls under orders in council. That is a problem. We have all the usual concerns regarding this type of governance. Experience has taught us that the government does not have a stellar reputation in this regard.

What will be the ethical framework of the board of directors and the president of the agency? We know their mandate is to foster the application of ethical principles in relation to assisted human reproduction. I have no doubt that they will be scientifically and legally well informed individuals, but how much confidence will the public have if the appointments for such issues as life and death are made by orders in council? My guess is that ethicists will be add-ons to the list of what we call experts and stakeholders. The ethicists' role is crucial, but the government would be hard pressed to recognize an ethicist even if it fell over one. It is a telling sign of the times that we even have ethicists on call to help us with these complex issues.

It is lamentable that we cry "Canadian values", and then fail miserably sorting out good and evil, necessary and unnecessary, and conflict of interest. What was once understood and recognized as being right and true has deteriorated into a collision of group rights versus individual autonomy. Ethics are based on longstanding tried and true principles, not on day to day polls on human values. It is no less true in the legislation.

● (1300)

We also demanded that any recommendations by the House of Commons Standing Committee on Health should be considered seriously by the health minister. We know that the government likes to put most issues of process and accountability out of the reach of parliamentarians and the public through the creation of a myriad of bureaucratic regulations. However, the official opposition demanded that any regulations affecting the health of unborn children be referred to the health committee.

Regulations are only as good as they are achieved by consensus. That consensus includes the Canadian people through their elected representatives. Such consensus cannot be achieved in the dark by ministerial fiat.

These demands from the official opposition in no way undermine the research and science on this issue. The official opposition always supports the goal of health and well-being for Canadians.

As for the rights of the children conceived by the assistance of sex technologies, the goal is still healthy children, remembering that we have come a long way in the medical advancements for physical well-being of children. However, it has always been my contention that the bill does not deal with that other part of our lives that is so important to us. That is our identity.

Life is more than just physical well-being. It is important that the environment for children is both safe and loving and that the parents of children born through these technologies receive the best care in part because of the great effort taken to have them created. However, there is something more. It is our human connectedness to the past.

Many adoptive parents in Canada go a long way to ensure that their children know their heritage if it is different from the non-biological parents. Why do they do that? Because they realize the importance of culture and history as well as the biological roots.

We have whole sections of our society stratified according to their birth and heritage in order for certain rights and privileges. Whole government departments are dedicated to a section of our society because we recognize the importance of history.

Genetic and biological parental identity apparently is important to the government for particular groups of people, such as the aboriginal community, but for anyone with the assistance of this technology, the identity of the biological parents is not allowed to be considered as important. This bizarre and inconsistent policy, I believe, amounts to the commodification not of the child but instead the donors of sperm and ovum.

Sperm and ovum are called reproductive material in the bill. Yes, this material is the constituent entity of the continuation of human life, but we know and celebrate that human life is also the intricate web of relationships, cultures and histories.

We cannot nor do we want to escape the physical reality that there is a mother and a father to every human being who walks this earth. Children conceived by these technologies should have the opportunity to know who their mother and father are.

This is why we on this side of the House do not agree with the anonymity of human reproductive material. Anonymity degrades and commodifies such natural material. In fact, the United Nations recognizes the right for all children to know their biological identity and yes, that means the identity of the mother and the father, whether through birth or what they call "other status". If the traditional adoptive processes of this nation are starting to recognize the importance of identity, why does this legislation not?

Donating sperm and ovum is not the same as handing over a child. The psychological impact of the two cannot be compared. Donations of human reproductive materials can result in hundreds of children with similar genetic heritage.

I am sure that members from all parties would agree with the United Nations on this particular issue of the right to identity for all human beings. Anonymity should not be an option. The fear is that the supply of donors will decrease dramatically.

Yes, we will no longer get university medical students or will we get donors of sperm compliments of the U.S. prison system. Instead we will get more mature adults who understand the plight of those wishing for a healthy child. The motivation is on completely different grounds. Sweden and New Zealand have both moved to a known donor system. We know that it can be done.

● (1305)

This biological material is not like a pint of blood or a kidney or a heart that means life to a patient. We are all somebody's child and so should those be who are conceived through this technology.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I am pleased to join in the debate on Bill C-13 dealing with reproductive technology on which many people have waxed eloquently in this chamber on many occasions. I feel it is only appropriate that I add my voice to this very controversial and contentious yet extremely important debate.

It seems to me, when I take a look at the bill, that members of the government have not truly figured out where babies come from. Perhaps they still believe in the stork. They seem to differentiate between the way that we deal with embryos and life before birth and life after birth. I think that is totally wrong on the Liberals' part. I can understand their whole motivation because it seems to be the way that they do things.

Let us start with adults. Before adults, they were children. Before children, they were babies. Before they were babies, they were babies waiting to be born. Before they were fetuses, they were eggs and sperm. It is a fairly simple process of a continuum leading, hopefully once we reach old age, to death and the life hereafter, however we believe in that. The point is there is a continuum from inception all the way through gestation to birth and life.

We all know it has been the government's policy to leave a vacuum and to wait for the courts to fill that vacuum before it acts. Then the Liberals will say that society has moved in a certain direction and they just have to legitimize it through legislation. We have seen that on the same sex marriage issue that is currently being debated in the country.

We could go back a number of years to when the abortion agenda was fought at great length. The debate was heated. Finally the government of the day under Mr. Brian Mulroney said it did not know what to do as it could not come to a consensus, so it left a vacuum and the courts filled it. Today abortion is something that is just a normal occurrence. It happens hundreds of times across Canada each and every day.

Here we are again. The government wants to leave a vacuum in the legislation so that researchers can be allowed to use embryos as if they were just specimens cut from a piece of flesh and do their research and testing as if there were no consequences whatsoever. There are many Canadians who believe that human embryos are life in transition, life in the evolution to being a full born baby. As the previous speaker pointed out, we would never hand over our babies for research. We would never allow our babies to be slaughtered for research, although it did happen once before in history and many people died in order to put a stop to that.

Again here there is the notion that embryos, life in the womb, life before birth, are now going to be used by researchers just as another commodity. That debases all life and if it debases all life, it debases us, those who were elected to lead and make decisions on behalf of all Canadians. If we allow life to be debased, where does it stop? What do we stand on? Where do we stand? Do we believe in the right of every Canadian to freedom or only those who have been born?

● (1310)

The government has refused time after time to provide legislative protection for life before birth. It has always struck me as unexplainable that the day before a baby is born it can be aborted, and that is the end of that, yet if somebody kills it the day after it is born it is murder and subject to life in prison; 25 years and no parole. It is two days apart: the day before birth and the day after birth. What was different? Nothing was different in my opinion.

The government tends to leave human embryos before birth totally without legal protection of any kind whatsoever. The more the government allows this vacuum to remain, the more science starts to use these embryos for research and the more it becomes an everyday occurrence the more we just say "Well it is already here so let it happen".

What does this place stand for if it is not as the voice of the nation, speaking out not only for those who are alive today but those who are being born today.

It reminds me of something, more on abortion than on embryos. I listened to *Cross Country Checkup* a few years ago when there was a debate on abortion. I believe it was Rex Murphy who had a panel of young people. One young gentleman said on the radio that life had been tough for him. He had a single mother and he grew up with nothing to speak of, no affluence or prosperity. They struggled along but he said that he was really glad that his mother had decided not to abort him. Even though life had been tough, he said that he would rather have that than no life at all.

Now that abortion has become commonplace, if we do not stop this now, embryos for research will become commonplace.

Do they feel pain? I do not know. I am not in the medical science business. However if they do feel pain and we start taking knives to them and doing whatever else we do to them, I cannot imagine the horrors we would be inflicting upon these embryos. We leave it to science and to the scientists who are performing these research tests to tell us whether they believe that an embryo can feel pain. When it is still at the very early cell state, perhaps not, but I am sure later on the pain actually becomes something that they can feel. I would imagine that it is not something that switches on, on a particular day. I would think it is something that evolves over time during the gestation period, and the concept of pain becomes something that an embryo can deal with.

Where does this human research stop and where does it start? What is allowable and what is not?

Going way back to the dawn of history, I think we realized that life begins before birth and therefore I think it is more in line that we bring in protection for life before birth, rather than allow it to be on the researchers' tables so that they can examine these cells underneath the microscope.

We do not know what is going to happen. We should always err on the side of caution. We should always err on the side of Canadians born and unborn, potentially born. To allow this type of process to become a normal process would be debasing to our society.

● (1315)

Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I listened with a great deal of interest to the speeches given not only today but over the months and years that we have been looking at the various aspects of Bill C-13.

I know Health Canada and various other groups have spent a great deal of time putting the bill together, and we as parliamentarians have listened with interest to the points of view of many different groups not only here in the House but also across the country.

I would like to mention three or four main concerns that many people have with the legislation, cloning being one. I am not sure who in our society wants to be cloned. I do not think society would benefit a great deal if I or the hon. member for Prince Albert were cloned. However, within the biological concepts that civilization is now discussing, there is the possibility that humans can be cloned.

We have been hearing about the great need in terms of reproductive technology. We know that many families have difficulty having children. As a result, our best medical people and many of our clinics are working toward the concept that couples who have trouble conceiving will be able to have children as a result of research and work that might be done as a result of Bill C-13.

One of the main concerns the people in my riding have is the matter of embryos. It appears that Bill C-13 does not really define what stage of life an embryo is. We know that an embryo begins at conception but in terms of the definition that we might want to use with the bill, when does an embryo change from one that may be used for scientific purposes to one that has the value of life and is allowed to develop into a human being?

The right to life groups are especially concerned that the embryo, really being the beginning of life, should not be part of any research that is being done. They believe that an embryo is the beginning of human life and should be allowed to continue to develop into a child.

More important, when we talk about producing embryos in terms of the legislation, we have to be concerned about what will become of the ones that are not used. When semen is matched up with an egg, the embryo results and if more than one is produced in terms of a couple wanting to have children, what becomes of the others? Can they be frozen and kept for later on in terms of creating a new life with a surrogate mother?

In terms of the whole concept, I hope we will debate the bill in the House and develop the best possible legislation that we can offer to the Senate. The Senate will then review the legislation at length. Hopefully, through sober thought in the other house, which is part of government, it will make changes that will be brought back to this House so we will eventually produce an act that will enable our country to have a good system of reproductive technology.

● (1320)

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, it is a pleasure to speak to Bill C-13 at this particular stage. I have had the chance to address it on a couple of previous occasions.

We in the opposition feel that regulation is needed in this field. We have heard that from a number of members debating this topic today. As many of my colleagues have said, there is concern about this because it deals with the creation and death of human life and requires some measure of public oversight on that regulation.

It should be noted that we do support a number of aspects of Bill C-13. We fully support bans on reproductive or therapeutic cloning, chimeras, animal-human hybrids, sex selection, germ line alteration and the buying and selling of embryos. We also support a regulatory body to monitor and regulate fertility clinics, though we want changes to the agency proposed in the bill.

As many of my colleagues have talked about the aspects of the preamble, I will focus specifically on some of the concerns we have with the bill in its current form. We support the recognition that the health and well-being of children born through assisted human reproduction should be given priority. In fact, the health committee came up with a ranking of whose interests should have priority in the decision making around the idea of assisted human reproduction and related research.

The three priorities were the following: first, children born through an AHR system; second, adults participating in AHR procedures; and third, researchers and physicians who conduct assisted human reproductive research.

While the preamble of the bill recognizes the priority of AHR offspring, and this is a good thing, other sections of the bill fail to meet the standard. Children born through donor insemination, from donor eggs, are not given the right to know the identity of their biological parents. I will address the issue of donor identity in a moment.

The bill's preamble does not provide an acknowledgement of human dignity or respect for human life. This is obviously a big issue for many people in Canada. The bill is intimately connected with the creation of human life and yet there is no overarching recognition of the principle of respect for human life. This is a grave deficiency that many people have identified.

The committee's minority report recommended that the final legislation clearly recognize human embryo as human life and that the statutory declaration include the phrase "respect for human life". We believe the preamble and the mandate of the proposed agency should be amended to include reference to this principle of respect for human life. That would help to calm many people's fears because many people do feel that science and technology, reproductive technologies and the continuing on of research in many of these facets for improving Canadian's lives and the conditions of other people around the world is something that is very important. Clearly there needs to be some recognition of the importance of human life so people's fears that this will not be abused in the future can be calmed.

In the area of the regulatory agency, the bill would create the assisted human reproduction agency of Canada to issue licences for controlled activities, collect health reporting information, advise the minister and designate inspectors for the enforcement of the act. The board of directors would be appointed by a governor in council with a membership that would reflect a range of backgrounds and disciplines relevant to the agency's objectives. The bill in this area was amended at committee placing board members under conflict of interest provisions. That is something that is of importance.

At report stage the health minister succeeded, however, in undoing part of that amendment. Licensees remain ineligible to serve as board members but the minister removed the section requiring that board members have no pecuniary or proprietary interests in any business operating in the reproductive technologies field. That is an important change because we have seen over and over again many conflicts of interest, or alleged conflicts of interest, in this government. We would hate to see that happen in an independent body that is obviously overseeing the regulation pertaining to reproductive technologies.

● (1325)

Clause 25 would allow the minister to give any policy direction she likes to the agency and the agency must follow it without any questions. If the agency were an independent agency, answerable strictly to Parliament, such political direction would be more difficult. The entire clause should be eliminated in our opinion.

The Canadian Alliance proposed amendments specifying that the agency board members be chosen for their wisdom and judgment. This was a health committee recommendation in the report "Building Families". We want to avoid an agency captured by interests and clearly, that would be a good thing. Members must be able to work together to pursue the greater good, not merely represent certain constituencies.

The Liberals rejected their own recommendation when our amendment came up during the review of Bill C-13 at committee. At report stage the health minister succeeded in deleting one of the clauses requiring board members of the assisted human reproduction agency to come under conflict of interest rules. On this point, I believe the health committee had it right. Board members should not have commercial interests in the field of assisted human reproduction or related research.

We can draw on examples here. Imagine an employee or an investor in a biotech company with a financial interest in embryonic stem cell research making decisions for Canadians on the regulations of such research, including the definition of the word necessary, as specified in clause 40. Imagine the director of a fertility clinic making regulations on limits on sperm and egg donations or number of embryos produced for IVF treatments. Such conflicts of interest need to be prevented in this legislation. This change obviously could rise in some of those unfortunate conflicts.

The health minister said that subclause 26(8) would prevent almost anyone from serving on the board, but this was clearly not the intent of the health committee in its spirit.

To move on to the issue of donor anonymity, I know it is something that many of my colleagues have addressed in the House. Although the agency would hold information on donor identity, children conceived through donor insemination or donor eggs would have no right to know the identify of their parents without their written consent to reveal it. Donor offspring would have access to medical information of their biological parents. Some of the concern with this is that donor offspring and many of their parents want to end the secrecy that shrouds donor anonymity and denies children knowledge of an important chapter of their lives.

The Liberals claim to want to put the interests of children first, but in this case think the desires of some parents should trump the needs and interests of children.

In its review of draft legislation the health committee recommended an end to donor anonymity. Even in the minority report, the CA position was that where the privacy rights of donors of human reproductive materials conflicted with the rights of children to know their genetic and social heritage, the rights of the children should prevail.

However, when the issue came up during the review of Bill C-13, the Liberals defeated an Alliance amendment to end anonymity in a close vote. I believe it was six to five on the committee.

The government attaches a higher weight to the privacy rights of donors than to the access to information rights of donor offspring. This is where the Liberals get it backwards. An identified donor is a responsible donor and if all donors had to be willing to identify, then people would donate for the right reasons. Today, one of the main motivations for anonymity is the money factor, which is unfortunate.

There are just a couple of last concerns I would like to address before concluding. One of the issues is with clause 71, which allows the grandfathering of controlled activities until a date fixed by the regulations. This clause would allow scientists to engage in a controlled activity before the act takes effect thereby avoid licensing requirements and prosecution provisions. This could result in a stampede toward controlled activities before the bill takes effect. An example would be embryonic research.

The other issue I would like to address is the chimera issue. This bill prohibits animal to human chimera. That means human embryos implanted with animal cells. However, it does not prohibit human to animal chimera, animal embryos implanted with human cells. The definition of chimera should have been amended to include both human and animal embryos in which cells of other species have been implanted. I believe Motion No. 5 to this effect was unfortunately defeated, at committee.

A Liberal motion passed at report stage would allow the reimbursement for loss of work related income for surrogates when a doctor certified that continuing to work would pose a health risk to the carrier of the fetus. We oppose the motion because it permits the commodification of human life, rent a womb, payment for children, and the health committee also wanted no such payment for surrogacy. This was another issue of concern for many people.

● (1330)

I conclude by saying that I hope the Prime Minister will allow a free vote on this issue. It is obviously a matter of conscience for many members and we hope that element of bringing in a free vote in this place will be respected.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, I am pleased to rise to speak on this matter, because it is an extremely important issue in the current context. If we had more time, we could give the complete background of this issue.

Since we first came here in 1993, the Bloc Quebecois has many times very simply asked the government to pass a legislation regarding assisted human reproduction. We have asked the government to legislate within its jurisdiction, that isunder the Criminal Code, in order to allow provinces who wish to do so to deal with the administrative aspect of this issue once the federal government has decided to pass legislation in the area of assisted human reproduction.

Last spring, the Minister of Health finally decided to introduce Bill C-13. At one point, we asked her to split this bill, to settle the issue of the criminal aspect and to submit the issue of regulation to more extensive debate because there was no unanimous agreement on it, far from it.

So far, the minister has refused to split the bill in two. While we agree with some of the measures contained in this bill, the Bloc Quebecois members will be forced to vote against it. They will oppose the bill for numerous reasons.

Last spring, when we had a PQ government in Quebec, Mr. Legault was health and social services minister. He had clearly indicated his position. He said that in the present context of extremely rapid evolution in reproductive technologies and practices, the Quebec government agreed that there was a need to ban unacceptable practices such as human cloning. He wanted the government to act in this area.

The government went still further by saying that, unfortunately, it did not accept Bill C-13 because, once again, the federal government had not seen fit to stop where its jurisdiction left off. It was getting involved in areas under provincial jurisdiction. For ten years now we have been repeating this, and for ten years now the government has been turning a deaf ear. It acts as if it did not realize it was going beyond its limits. Then, it acts all surprised and describes the Bloc Quebecois as being opposed to everything. The Bloc is not against everything, but it is for defending the interests of Quebec. It is for defending the jurisdictions of Quebec and against the federal government's sticking its nose into our business. We have said this often enough, but the government does not want to understand.

For a variety of reasons, then, other colleagues will be rising this afternoon to speak out according to their conscience. Some others have already voiced their opinions and some of them will also be voting against the bill. I trust it will have the time to die on the order paper. This is an unacceptable bill as far as provincial jurisdictions are concerned. It represents a fundamental lack of respect for provincial areas of jurisdiction.

When we had a PQ government, perhaps the government across the way did not find it surprising that there was opposition to this bill. It told itself that this was not surprising, that sovereignists were totally against this bill because it was a federal bill.

Now, since April 14, we have a government in Quebec that has more of a federalist leaning, one that is a member of the same Liberal family as the one here. Yet this past October 8—not that long ago—the Quebec health and social services minister totally rejected Bill C-13. To have done the same as the Bloc Quebecois, and to reject this bill, he too must be a nasty separatist.

● (1335)

Our new branch office in Quebec City, which stands up for Quebec's rights, has also decided to stand up against Bill C-13. We made a commitment to the people of Quebec that we would come to Ottawa to defend the consensus in Quebec. What a wonderful consensus. This is what the health minister himself says, and I quote:

> We have sent a clear signal to the federal government that we are very concerned about certain aspects of the bill, which we see as a clear encroachment on provincial jurisdictions.

What I think is interesting in what the minister is saying, is that he is using a word that the Prime Minister and the Minister of Intergovernmental Affairs like to use a lot, the word clear. He said that he sent a clear signal to the government that it was clearly encroaching on provincial jurisdictions.

The federal government must wake up and realize that, as far as we are concerned, it will not get very far with this bill. Even the Quebec minister himself would like the bill to die on the order paper, and would prefer that the bill not go forward, because it is far from ready and because, in terms of regulation, we already have a great deal of it in Quebec. We have a number of bills on this topic.

What did Minister Legault say last spring? He said that in Quebec, thought about assisted human reproduction and the development of related techniques began 15 years ago. He said that legislative and administrative measures, both for research and service delivery, had been implemented.

The provisions in Bill C-13 would change the process for designating institutions that deliver certain services exclusively. Under Bill C-13—should it be passed—the way Quebec's Civil Code views assisted human reproduction would be called into question and at least ten of Quebec's laws and regulations on this subject would be ultra vires.

We also have a different concept of access to information and the confidentiality of assisted human reproduction cases. The bill outlines qualifications required for professionals who practice assisted human reproduction and it sets out the authority to manage the storage of human reproductive material in the institutions. In some cases, the bill completely disregards the direction the Government of Quebec has taken in areas that are exclusively under its jurisdiction.

It is important for the federal government to understand that it must legislate criminal matters, because that is its responsibility. The issue of assisted human reproduction cannot continue to be left in a vacuum. The government has to change its mind entirely and get rid of clauses in the bill that encroach on provincial jurisdiction. It absolutely must do this and demonstrate good will.

The government has to realize that no matter what party is governing in Quebec, the moment the federal government interferes in Quebec's jurisdiction, Quebec's ministers and MNAs will stand up and speak out against the federal government for disregarding the Constitution that it signed. Even though we did not sign it, we are asking the government to abide by it.

● (1340)

[*English*]

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, I am pleased to take part in the debate on Bill C-13, the assisted human reproduction act.

The recent history of the government has shown that the government likes to divide Canadians. We are already divided on lines of urban and rural demographics, and by regions. We are even divided on moral lines as witnessed by the proposed legislation regarding same sex marriage and some of the debate that has taken place in this House.

It is unfortunate that we spend so much time debating issues that divide this country.That is a question that this government and future governments need to address.

I believe this House is an instrument that should unite Canadians. If we cannot do the research and come to common sense positions, we should certainly not bring it into this House where it divides the country even more.

The other point I would like to make is that the work of the committees needs to be listened to by governments, not only today but down the road. There is no point in spending hundreds of thousands of dollars of taxpayers' money, listening to witnesses and travelling across the country, only to end up with legislation that does not reflect at all the views of Canadians, the experts of this country.

It is so unfortunate that too often to talk about divisive issues in this House rather than issues that unite this country.

Again, this is one of those social-moral issues that the country wrestles with from time to time. We know that on the science side there are advantages and benefits to research. At the same time there are moral issues that need to be addressed by this country. We cannot just throw them into one pot and hopefully make a decision that makes all Canadians happy because that will not take place.

Maybe the first way to deal with this is to call for a free vote in this House. That way members of Parliament can represent their constituents. There are 301 constituencies in this country. We all come from different regions and locations. The makeups of our ridings are different in nature.

Our constituents have the last say. Certainly, in a represented democracy that is the key. The constituents sent us here and they should have a say in terms of how this country is run and the kind of legislation we should put in place.

Bill C-13 seeks to prohibit or control reproductive technologies such as cloning and establish a new federal agency to regulate and license fertility clinics and biomedical research involving human embryos.

A bill solely addressing reproductive technologies would have easily passed over a year ago. However, since the vast majority of MPs would have voted to ban human cloning—which I am sure would have taken place in this House—it was thought that the bill could piggyback the ethically sensitive issue of destroying human embryos and still get passed. Having underestimated the significant public backlash, the bill became the subject of intense public scrutiny. That is the conflict we have today.

Initially, the concern was the ethics of destroying human embryos to harvest stem cells for research; however, as time passed, many other weaknesses of the bill were discovered.

Despite the fact that Health Canada has already corrected one error in the definition of a human clone, the bill still does not ban all known forms and techniques of human cloning. I can assure the House that the people of Dauphin—Swan River do not support human cloning. The majority of my constituents do not support Bill C-13.

● (1345)

The bill would permit the implanting of human reproductive material into non-human life forms. The biomedical definition of chimera involves the implantation of reproductive material from a human into an animal or from an animal into a human. However, the definition in the bill only refers to the latter.

Experts have estimated that there are less than 10 embryos available in Canada that would meet research quality requirements. The number of surplus embryos is not expected to increase since medical technology has improved. Comparatively, the UK has destroyed 40,000 human embryos without any positive research results.

The conflict of interest provisions are so weak that they would allow biotech and pharmaceutical companies to be represented on the board of the agency that would approve and license research projects.

Significant clauses of the bill have been qualified by phrases such as "as per the regulations". There are 28 areas in which regulations must be developed and these will not be known until at least 18 months after the bill is passed. Effectively, members of Parliament are being asked to vote on a bill without knowing the full intent. Furthermore, MPs will not be permitted to approve regulations.

The Royal Commission on Reproductive Technologies and the health committee both recommended that paid surrogacy be prohibited. The bill would permit surrogates to be reimbursed for lost employment income if they get a doctor's certificate.

The bill would ignore women's health issues by not establishing reasonable limits on the amount of drugs used by them or on a number of ova that could be harvested, or embryos that could be implanted.

The bill would prohibit the purchase or sale of human reproductive material, but Health Canada has not explained how researchers would get embryos from for profit fertility clinics without paying compensation.

The bill would not establish uniform disclosure or informed consent practices to be used by all fertility clinics. Such disclosure would protect the interests of the infertile.

The health committee urged that the bill state what constituted necessary research. Specifically, it recommended that research on human embryos be permitted only if it could be demonstrated that there was no other biological material that could be used to achieve the same research objectives. The bill would reject the recommendation and delegate the decision to the federal agency.

Let me close by saying that the health committee made 36 recommendations on the draft bill. Its report received no response and most of its key recommendations are not reflected in Bill C-13. In other words, why did we waste all that money doing the work that the committee did? The government still refused to listen to the committee. We will certainly oppose the bill.

● (1350)

Mr. Gary Schellenberger (Perth—Middlesex, PC): Mr. Speaker, I rise today to speak to Bill C-13, the reproductive technologies act. I have my reservations about this particular bill primarily because of the cloning aspect that might be perceived here.

Bill C-13 seeks to prohibit or control reproductive technologies such as cloning and establish a new federal agency to regulate and license fertility clinics and biomedical research involving human embryos. A bill solely addressing reproductive technologies would have easily passed over a year ago. However, since the vast majority of MPs would have voted to ban human cloning, it was thought that the bill would piggyback the ethically sensitive issue of destroying human embryos and still get passed.

Having underestimated the significant public backlash, the bill became the subject of intense public scrutiny. Initially, the concern was the ethics of destroying human embryos to harvest stem cells for research, but as time passed, many other weaknesses of the bill were discovered. I know a lot of those weaknesses have been discussed here today and I would wish that people would look into them even more.

Members should consider the following weaknesses. Despite the fact that Health Canada has already corrected one error in the definition of a human clone, the bill still does not ban all known forms and techniques of human cloning. I know, through much of my political career, that definitions are very important. One must look at all the definitions that could be described in this bill.

The bill would permit the implanting of human reproductive material into non-human life forms. The biomedical definition of chimera involves the implantation of reproductive material from a human into an animal or from an animal into a human; however, the definition in the bill only refers to the latter. I have friends who have had pig valves implanted in their hearts. I know that has been a very positive thing in life and in how things carry on, so I do understand that particular part.

Experts have estimated that there are less than 10 embryos available in Canada that would meet research quality requirements. The number of surplus embryos is not expected to increase since medical technology has improved. Comparatively, the U.K. has destroyed 40,000 human embryos without any positive research results.

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The health committee urged that the bill state what constituted necessary research. Specifically, the committee recommended that research on human embryos be permitted only if it could be demonstrated that that was no other biological material that could be used to achieve the same research objectives. The bill rejects the recommendation and delegates the decision to the federal agency.

The health committee made 30 such recommendations on the draft bill. The report received no response and most of the key recommendations are not reflected in Bill C-13.

The health committee heard from about 200 witnesses and received over 400 written submissions. As a result of that work, the committee passed three substantive amendments to the bill. At report stage, all three amendments were reversed, with the effect that the work of the health committee was virtually ignored.

I can relate to that particular situation. I have seen it happen with various other committees. I am a member of a couple of committees that have worked very diligently on various pieces of legislation. Being in the—

The Deputy Speaker: I always hesitate to interrupt members, but as we draw closer to question period and we still have to do members' statements, the hon. member for Perth—Middlesex will have approximately three minutes remaining in his time when we resume the debate on this important matter.

STATEMENTS BY MEMBERS

[*English*]

TECUMSEH

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, to many Canadians, Chief Tecumseh is an heroic ally who played an essential role in saving Upper Canada. Americans view him as an honourable enemy who fought bravely to defend his people. When the Americans invaded Canada, Tecumseh fielded 800 warriors in support of the British. The U.S. invasion was a disaster. In 1813, during the battle of the Thames, Tecumseh was killed while refusing to retreat from the foe.

I know that there has been some recognition for Tecumseh in the battlefield area, but surely it is time for a full scale monument to Tecumseh, a tribute to his extraordinary vision, leadership abilities and loyalty to his land and his people.

In the United States, recently there has been a movement to recognize both sides in the Battle of the Little Bighorn.

In this case, recognition of Tecumseh at the place of his death and of the contribution of the first nations people in the War of 1812 is long overdue.

* * *

SOCIETY FOR TREATMENT OF AUTISM

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, there is nothing more crushing for parents than to receive the diagnosis that their child has autism and there is no cure.

Autism is becoming one of the greatest threats to Canadian children today. In fact, it is now agreed that autism affects at least one in 300 children across Canada, but there is hope for these children. Early intensive treatment is remarkably effective at improving the lives of children with autism. This treatment can take children away from the path of institutionalization and reintegrate them with families and into school. It is a miracle, but it needs our help.

In Calgary, the Society for Treatment of Autism needs desperately to expand. This is a society that is a North American leader in the treatment of autism and it needs the support of all levels of government to end waiting lists and provide treatment and research.

I call on the government and the Minister of Health to join me in supporting this expansion. It is what the children with autism and their families deserve.

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● (1400)

THE ENVIRONMENT

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, the United Nations Economic Commission for Europe Protocol on Persistent Organic Pollutants entered into force on October 23, 2003. The world will be a healthier place, especially in the northern region, once we realize the full impact of this agreement.

Canada was the first to ratify the regional protocol in 1998 and led the way in developing the science that recognized the need for global action on persistent organic pollutants. The agreement aims to reduce or eliminate emissions of 16 of these pollutants, including PCBs, DDT and dioxins and furans. Most of these pollutants have been banned or restricted in Canada for years.

The United Nations Economic Commission for Europe is a regional economic organization that includes Canada, the United States, countries in eastern and western Europe and Russia.

I want to highlight the cooperation among the Government of Canada, aboriginal peoples, environmental non-governmental organizations, provincial and territorial governments and industry groups. This united national effort has made us stronger and more influential in the international community.

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[*Translation*]

ECONOMIC DEVELOPMENT

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, a new federal development initiative needs to be put in place just for the resource regions of Quebec, along the lines of FEDNOR in northern Ontario.

This new agency's mandate would be to improve the economy of the various communities by promoting business start-ups and job creation in the context of the new economy, through programs developed in accordance with directions from promoters and economic organizations such as chambers of commerce, economic development agencies and municipalities.

I have been calling for the creation of such an agency just for the resource regions of Quebec for several years now.

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MADELEINE MEILLEUR

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, on behalf of community of Ottawa—Vanier, I am delighted and proud to congratulate my counterpart in the Ontario legislature, Madeleine Meilleur, on her appointment as Minister of Culture and the Minister Responsible for Francophone Affairs by the new Premier of Ontario, Dalton McGuinty.

Incidentally, I wish to commend Mr. McGuinty for his great election campaign and for the clear mandate he has been given by the population of the province.

For more than a decade, the citizens of our riding have been witnessing the commitment of Ms. Meilleur to her community. A registered nurse and lawyer specializing in labour and employment law, she has been involved in municipal politics for the past ten years, chairing and serving on many committees and councils.

Here in Ottawa—Vanier, we were delighted when Madeleine Meilleur was elected on October 2. We congratulate her on this great personal victory. Today, everyone in the Franco-Ontarian community has good reason to be pleased with her appointment to cabinet, as she will be involved in the implementation of her party's election platform.

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[*English*]

SPORTS

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, once again, Kelowna, British Columbia has produced a world champion. Sarah Charles, a grade 12 student at Okanagan Mission Secondary School, won her title on the trampoline at the world championships in Germany.

Like hockey, baseball and football in Canada, trampoline events have a dedicated following, in European countries especially. Winning such an event is a big achievement.

Regardless of the sport, the same ingredients are required to succeed. Sarah is a role model for young people everywhere in this country. Her win is proof that hard work and determination build confidence and make our goals achievable.

I wish to extend congratulations to Sarah on her gold medal win. She has brought attention to a worthy sport and has made Kelowna and Canada proud of her.

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JAMES GIBSON

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I rise today in the House of Commons to remember the long and rich life of Dr. James A. Gibson, who passed away last week at the age of 91.

Born in Ottawa, Dr. Gibson grew up in Victoria and graduated at the age of 18 with a B.A. in history from the University of British Columbia. Dr. Gibson was a Rhodes scholar and a graduate of Oxford University.

In 1937, he began teaching government and economics at the University of British Columbia. Early in his career, he was private secretary to Prime Minister Mackenzie King. He then would go on to serve as Dean of Arts and Science at Carleton University.

Dr. Gibson will be remembered for the significant contribution he made to education in my community of St. Catharines. He was Brock University's founding president from 1964-74, and today the library at Brock University bears his name.

A recipient of the Order of Canada, Dr. James A. Gibson dedicated 70 years of his life to higher education.

I wish to extend heartfelt condolences to Dr. Gibson's daughters, Julia Matthews and Eleanor Joly, and to his son Peter. He was a fine example of a great Canadian.

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● (1405)

[*Translation*]

HIGHWAY INFRASTRUCTURE

Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, today we are celebrating the 431st day since the Prime Minister of Canada and the Premier of Quebec made their joint announcement in our region that the four-lane highway in the Parc des Laurentides was going ahead and that the two levels of government would share the costs.

But now, after all this time, we learn that the federal-provincial cost-sharing agreement for this project still has not been signed. We are still watching the ping-pong game between the federal member for Chicoutimi—Le Fjord and the Liberal member of the provincial legislature for Jonquière, Françoise Gauthier, as the governments volley the responsibility for these interminable delays back and forth.

Is it possible to show some respect for the people of Lac-Saint-Jean—Saguenay and tell them, once and for all, exactly where they stand in this matter on which the Prime Minister has made a firm commitment?

[*English*]

WILLIAM ORBAN

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is with deep regret that we have lost a great Canadian sport scientist, Mr. William (Bill) Orban, who died last weekend at the age of 81.

Mr. Orban devoted most of his life to studying the athletic capabilities of the human body, from high performance athletes to elderly people with disabilities. In the late 1950s, he devised what is commonly called the 5BX plan, the five basic exercises fitness plan, a revolutionary method which debunked the notion that a person needs sustained, rigorous exercise to become fit.

Also, his Physical Energetics Systems of Equations is the perfect fitness plan. Through a mathematical calculation of an individual's fitness potential and what is needed to reach it, the formula could have a major impact on the world of sport.

Although the loss of Mr. Orban will leave a great void in the sport science community, his prolific heritage will live on and contribute to the evolution of sport in Canada and around the globe.

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MEMBER FOR LASALLE—ÉMARD

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the soon to be leader of the Liberal Party, the member for LaSalle—Émard, has always been a fan of making promises with no intention of backing them up.

In the 1993 red book, which he penned, he made such lofty promises as improving Canada's health care system and scrapping the GST. So what did he do as finance minister over the next 10 years?

First and foremost, he gutted $40 billion from the health care system. He put Canadians on life support while he intentionally took actions to increase waiting periods for critical surgeries and cancer treatment.

The GST? Ten years later, we are still paying 7%. Another broken promise.

So what does that mean today? Will he slay the democratic deficit, as he is now promising? Will he actually be able to find the province of Alberta on a map of Canada? Or will he, like the current Prime Minister, forget that there are Canadians west of Sudbury?

The best judge of a person's character is his past, and this member's past says he has no problem breaking his promises.

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[*Translation*]

MINISTER OF CANADIAN HERITAGE

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, I wish to draw the attention of the House to the important work that the Minister of Canadian Heritage accomplished last week at UNESCO's General Conference.

The minister succeeded in obtaining unanimous approval for the drafting of an international convention on cultural diversity. This important step toward the preservation and promotion of cultural diversity in the world crowns five years of international activity by the minister.

In 1998, the Minister of Canadian Heritage launched the International Network on Cultural Policy, whereby national ministers responsible for culture can explore new ways to promote cultural diversity.

Since then, working with the cultural industries, artists and Canada's provincial governments, the minister has taken a lead role on the international stage to advance the idea of a framework convention on cultural diversity and bring other countries onside.

Now, thanks to the minister's efforts, UNESCO will begin the actual drafting and negotiating process leading to the convention on cultural diversity.

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[*English*]

EQUALIZATION PAYMENTS

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, the current equalization program is supposed to ensure that provincial governments can provide comparable levels of public service at comparable levels of taxation.

In Newfoundland and Labrador, our taxes are among the highest in the nation and our levels of public services are among the lowest in the nation. Obviously, the current equalization program has failed to make the predicted improvements.

One of the reasons for the failure is that new resource revenues accruing to the provinces are clawed back almost dollar for dollar from their equalization payments and without a change in the clawback provisions have not provinces will never make significant economic and social progress.

In this session we have been asked to extend the current equalization program for one more year. What is needed is a much improved equalization program. More of the same old, same old just will not do.

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● (1410)

[*Translation*]

ADISQ GALA

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, last night, Guy A. Lepage drew on his wry humour in hosting at the Théâtre Saint-Denis the 25th ADISQ Gala to honour artists and pay tribute to talent from Quebec.

The big winners of the evening were the young artists from Star Académie, with three Félix awards.

Other winners include Cowboys Fringants, with Félix awards for Best Concert in the singer-songwriter category and Group of the Year. Ariane Moffatt won three Félix awards for her album, *Aquanaute*, the Félix for Album Production, Best Pop Rock Album and Best New Artist.

The highly coveted awards for Best Female and Best Male Performer went to Isabelle Boulay, who won her fifth consecutive Félix award, and Sylvain Cossette respectively. Finally, Natasha Saint-Pier walked away with the international achievement award.

The Bloc Quebecois congratulates all the winners and pays special tribute to all the artists for their strong performance.

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[*English*]

RAMADAN

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I would like to mark the beginning of the month long fast in which Muslims from all over the world will abstain from food and drink from sunrise to sunset. I would like to wish all Muslims in Canada a Ramadan Mubarak.

Ramadan presents an opportunity for Canadians to learn more about each other. It is an opportunity to learn more about Islam and about the Muslim community in Canada.

Canadians are committed to nurturing and cherishing our diversity. We share a vision of a country where diverse backgrounds of all citizens are recognized and appreciated.

I truly hope all Canadians will share in the spirit of this holy month. Let us make Ramadan a month of reaching out and understanding for all Canadians.

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AUTOMOBILE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, last week at the industry committee we studied the auto industry and reminded the government of some important facts.

Vehicle assembly has declined by 15% since 1999. Over 7,000 jobs in the assembly sector have been lost. Two major assembly plants have closed in the past 15 months and a third is scheduled for next summer. This represents a quarter of our assembly capacity within two years.

Every job at a major auto facility supports 7.5 jobs in the total economy of Canada. Since 1990 only one new assembly plant has been built in Canada.

The Canadian Automotive Partnership Council held out the hope that the government would finally listen to industry and take action. However the minister uses it as a political shield. It is time for the minister to take some responsibility and move out from behind the shield.

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ECCELLENZA AWARD

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, today I am pleased to have an opportunity to acknowledge the celebration of the work of a distinguished Winnipeger, Mr. Joe Bova. Mr. Bova was recognized in Winnipeg by his community this past Saturday as a recipient of the Eccellenza Award.

Some 31 years ago, Mr. Bova arrived in Canada, a 15 year old Italian boy with big dreams and a full life ahead of him.

Throughout his life in Winnipeg, he established himself as an exemplary Canadian. As one of Winnipeg's most prominent business and community leaders, Mr. Bova is recognized as a leader whose legacy extends well beyond the borders of Winnipeg, influencing and inspiring the hopes and ambitions of young proteges in Manitoba, Italy and Argentina.

Mr. Bova's commitment and dedication to his community have developed into a strong advocacy for the advancement of many parts of the city. He was the visionary and catalyst for Winnipeg's Little Italy. He was a key partner in the creation of the aboriginal community's ThunderBird House in the inner city. His contributions to the Winnipeg Public Library, the Main Street Task Force and the Winnipeg Housing Rehabilitation Corporation, to name a few, have personified the Winnipeg spirit.

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MERITORIOUS SERVICE MEDAL

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, I rise in the House today to congratulate Captain Michael Jellinek from CFB Esquimalt who has been awarded the Meritorious Service Medal for his efforts in responding to the September 11 terrorist attacks.

Captain Jellinek was stationed at Norad Command in Colorado when the attacks occurred and helped coordinate the national aerospace defence plans in response to the attacks, playing a crucial role in allowing decision makers to understand the situation and make informed judgments.

In contrast to this the government continues to cut, destroy and undermine the personal finances of our military personnel. Just last month, it increased military rents destroying any pay raise that they possibly had coming and tried to cut the separation pay for our soldiers working in the gulf.

The government has to treat our military with respect. I ask it to stop cutting the pay of these members.

ORAL QUESTION PERIOD

● (1415)

[*English*]

TRANSPORT

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the transition disarray in this government just continues to get worse. Last week the transport minister announced almost $700 million in additional money for VIA Rail. No sooner was he done than the new Liberal leader promptly instructed VIA not to dare spend a dime of that money. Therefore, VIA gets the green light and the red light at the same time. We do not have any idea what track the government is on.

Is VIA supposed to spend this money or not?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I addressed this question at the news conference on Friday

and also in the House. The fact of the matter is that we have been working on this initiative for the last 18 months. Cabinet made a decision and that decision had to be communicated to the Canadian public. That decision, I might say, has been very well received by the travelling public who believe in the future of passenger rail.

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GOVERNMENT OF CANADA

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, if he thinks he has answered the question, he had better give the answer to his new leader.

[*Translation*]

This is another example of confusion. The Minister of Justice said that the new Liberal leader is paralyzing the government. The government can no longer function this way. The Bloc Quebecois motion is part of the Constitution; in other words, the new leader of the party in power must take his place as prime minister as soon as he is elected.

Is that not why the government should vote in favour of the Bloc Quebecois motion?

[*English*]

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the Leader of the Opposition should know that we have a government led by a Prime Minister. There will be a leadership convention at which the Liberal Party will change leaders and there will be a new prime minister who will swear in a new government. Until that time, this government has a duty to Canadians to act in their best interests.

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ETHICS

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the minister says I should know. I have to say, like the rest of Canadians, I am really confused by what is going on.

Let me go to the ethics disarray in the government. Last week we had the industry minister's half-hearted apology. He has now gone to the ethics counsellor looking for retroactive permission for his actions.

The minister never reported the infamous fishing trip. His excuse was that he was health minister at the time. However, it turns out he was accompanied on the trip by a health lobbyist, who also happens to be an Irving family member.

Could the minister explain why he has broken every rule from A to Z?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, I was very clear about this last week. It was 18 months ago that I reported to the ethics counsellor, took his advice, told him everything and followed his advice to the letter.

I have acknowledged openly that it was a mistake for me to have gone. I have apologized for it. I have also asked the ethics counsellor to tell me the most sound basis on which to pay for the trip by tendering payment to the Irving family. I have responded to these questions last week and again today.

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, here are the facts. The industry minister was appointed health minister on June 11, 1997. Liberal lobbyist Paul Zed invited the then health minister and his family to New Brunswick for an all expense paid fishing trip. During that period, Paul Zed lobbied the Department of Health on at least 10 occasions, most notably concerning the proposed new labelling for tobacco products.

How can the minister rise in this House and claim that accepting an all expense paid vacation from the very person who was lobbying him is not a conflict of interest?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, the member of the opposition is reaching beyond reason here. We are talking about an occasion on which I spent a weekend with my family, not talking health policy and in no way exposing myself to that kind of lobbying.

What we are talking about here is a situation in which I made full disclosure to the ethics counsellor of all the circumstances of the trip. I took the ethics counsellor's advice and I followed that advice.

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, anybody who believes that believes in the tooth fairy. It is well known that Paul Zed lobbied the health minister successfully on many occasions on a whole host of matters. At the time, the current Minister of Industry served as the minister of health. From Paul Zed's point of view, the then minister of health was a very profitable friend to know.

Realizing he is in conflict from A to Z, will he do the right thing and resign?

● (1420)

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, the member is absolutely wrong. The fact is my family and I spent a weekend as described. I made full disclosure to the ethics counsellor, took the ethic counsellor's advice and followed that advice.

I have openly acknowledged it was a mistake to have gone and I have apologized for it. I now have asked the ethics counsellor for a sound basis on which to tender payment for the hospitality.

That member is reaching far beyond that in a way which is just not reasonable, and I reject the allegation.

* * *

[*Translation*]

HEALTH

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the government is paralyzed by the intrigues of the next Liberal leader. Therefore, Quebec and the provinces want assurances on health, not from the current Prime Minister but from his successor, whose intentions are far from clear.

Instead of attacking the Bloc Quebecois and its motion, could someone in this government ask the Prime Minister to let himself be guided by reasons of state and recognize as everyone does that his government is paralyzed, that his former finance minister is the one throwing sand in the gears, and that this has to stop?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the leader of the Bloc Quebecois is wrong, because it is obvious that we have a pretty full agenda, with many bills. Just last week, I made an announcement concerning VIA Rail. This goes to show that we are taking action on behalf of Canadians.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, as soon as the minister made that announcement, the member for LaSalle—Émard said, "Wait a minute, there is no guarantee that we will do that". On Friday, the Minister of Finance said, "I cannot do it all; I do not have control over everything. The next prime minister will decide". This minister would have us believe that he is preparing his budget.

In a democracy, should not the person making the decisions, even if he is hiding behind the scenes, has a parallel cabinet and is holding parallel caucus meetings, be showing up in this place as soon as possible to answer our questions instead of hiding?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we made an announcement concerning the future of passenger transportation in Canada, and I think that it was well received by Canadians.

I must say, however, that obviously when a new prime minister is elected he will have the right to review all the projects and all the expenditures. He will have the right to do so when he is the prime minister.

At present, we are a government with a Prime Minister, and it is our responsibility to act in the best interests of Canadians.

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RAIL INFRASTRUCTURE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, it is quite incredible that the Minister of Transport cites as an example of good government the announcement of $700 million for railways he made last week. Immediately after that announcement, it was made known to him on behalf of the man behind the curtain, that is the hon. member for LaSalle—Émard, that this was not on, and would need to be revised.

Will the government not bow to logic and admit that our motion is totally justified, and that the transition between the present PM and his successor cannot drag on for another four months?

[*English*]

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, there is an inconsistency in the logic of my friend over there.

Members opposite are making the argument that because there will be a transition to a new government and a new prime minister, somehow the government is paralyzed. The fact is that we are here in the House of Commons with a full legislative agenda. As one minister, I made a very important announcement last week. That is not paralysis. The hon. members cannot have it both ways.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the President of the Liberal caucus, the member for Hamilton West, has been highly critical of the present government for its announcement of the Quebec City-Windsor train. The member in question is considered to be close to the future Liberal leader.

I am asking the government this: can it seriously continue for some time to operate as it is at present when even the president of the Liberal caucus is going against the Prime Minister and the government?

Does the member think this is a normal way of operating?

[*English*]

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, on this side of the House we believe in democratic debate. Members are free to have their own views.

The member for Hamilton West has expressed his views. I respect those views. I know that VIA Rail is very important for the Hamilton area and he knows that too, but he still has certain concerns. They are legitimate concerns and he should not be pilloried for making those concerns public. He should be congratulated for joining the democratic discourse.

* * *

● (1425)

ETHICS

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the Minister of Industry knows his actions were wrong on the Irving Shipbuilding file. He accepted a gift that clearly violated the conflict of interest guidelines. He repeatedly lobbied on behalf of the Irving interests at the cabinet table. He made government appointments that related to the shipbuilding file.

How can the minister possibly suggest that he was just doing his job when he violated the terms of the blackout over and over again?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, I disagree with the facts as recited by the member.

I have set the record very straight. I have said that I respected entirely the advice I got from the ethics counsellor in terms of what I should do and what I should disqualify myself from.

When issues were raised, even if I did not agree with the hon. members, in good faith referred them to the ethics counsellor for his opinion.

I believe I have followed completely the advice he gave me, but because the issue has been raised, in good faith I have sent it on to him to look at and he has been good enough to agree to give me his opinion.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the minister apologized after one of his colleagues did the same, but he still has not explained to the public why he did not step away from the Irving Shipbuilding file. After he was told to stay away, he clearly refused. On five separate occasions he acted in a way that would benefit the Irvings.

When will the Minister of Industry recognize that he can only do one thing and that is to step aside and resign?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, I disagree with the facts as laid out by the member. They are not the facts. That is not what happened.

The ethics counsellor told me to disqualify myself from the file in question, which I did. The Minister of Finance made clear in the House last week the decision in that regard was taken entirely without my involvement, which reflects the advice I got from the ethics counsellor. On every other count I respected his advice.

Because questions have been raised, and it is not that I agree with the points expressed but because I respect the process, I have referred them to the counsellor. The counsellor will let me have his advice when he is ready to do so.

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TRANSPORT

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, my question is for the Minister of Transport.

We support the VIA investment to help meet Kyoto's targets and help unclog our highways. After a decade of doing nothing to meet Kyoto or help train travel, the new Liberal leader is fighting the needed investment, or more accurately his spin doctor is telling a crown corporation to expect a big don't pay a cent event.

My question for the minister is, who sets rail policy in Canada, him, a backbencher, or another person in the shadow government?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the cabinet deliberated on the particular proposal over a number of months. There was exhaustive debate and a consensus was reached and the government did what it should do. It made an announcement.

We are very committed to passenger rail policy in the country. We are very proud of the announcement. However, that does not stop any future government from looking at that policy or any other policy and reviewing it in the context of the financial climate or the priorities at the time.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the minister is going to get railroaded or he is going to fight back and show he is the little engine that could.

The new Liberal leader was completely silent as every penny of the $7 billion surplus went to the debt. How can spending $700 million on rail tie his hands if spending $7 billion on the debt does not? A dollar is gone whether it is invested in our future or it is put against the debt.

Will the minister call the new Liberal leader's bluff and allocate 10% of last year's budget to make his project happen now?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the important point here is that the hon. member for Windsor West has congratulated the government on its announcement.

He knows full well coming from Windsor that this is good news for the people of Windsor. It is good news for London. It is good news for Hamilton. It is good news for Burlington. It is good news for Belleville. It is good news for Kingston. It is good news for Montreal. It is good news for Quebec City. But it is not just the corridor, this announcement covers the expenditures from coast to coast to coast. That is what is important.

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ETHICS

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, it is absolutely scandalous that the Minister of Industry is now saying he has asked the ethics counsellor if there is a basis for repaying his Irving bill.

How can the minister not know that he is responsible for paying his bills? It is not the ethics counsellor who we are judging here, it is the minister who is being judged. What is his answer?

● (1430)

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, it is the one I gave. Eighteen months ago when I asked the ethics counsellor for advice, the issue of payment did not arise. I have asked the ethics counsellor to provide me with advice on the basis of which a payment would be made. It is as simple as that.

The fundamental thing is that the House has to know that I never acted in conflict of interest. That is the fundamental thing here. Having sought and received the advice of the ethics counsellor, I disqualified myself from matters where there were decisions to be made affecting the Irving interests. I believe I can assure the House that I have not acted in conflict of interest.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, that is a well practised routine, but I think the minister himself knows that ministers of the Crown are expected to uphold certain levels of integrity. They must be responsible for their actions.

Canadians know that the ethics counsellor is little more than just a green light for ministerial excuses.

Will the Minister of Industry accept responsibility for his actions, or is it time for the Prime Minister to make that decision for him?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, integrity is honesty and being straightforward, which I have been. Integrity is making full disclosure, which I have done. Integrity is taking the advice of the ethics counsellor. Integrity is disqualifying myself in these circumstances from areas where decisions would be made affecting the Irving interests. Integrity is standing in the House and responding frankly and fully to questions that have been asked.

I think by that standard I have respected the integrity required of a minister of the Crown.

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[*Translation*]

ABORIGINAL PEOPLE

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, there is a serious deterioration in the relationship between the Cree and the federal government because of its refusal to sign an agreement with them, along the lines of the Government of Quebec's "peace of the braves". How can the government justify Chief Ted Moses' description of relations between the Cree and the federal government as being at an all time low because this government is so bogged down by the transition from the present Prime Minister to his successor?

[*English*]

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I think it is fair to say that we are not going to be negotiating with the Cree here in the House of Commons.

I can say that negotiating is ongoing. Our negotiator and the Cree negotiator have been meeting regularly for the last two years. We are making progress. This is a very complicated file. It is not going to happen overnight, but it is one on which I am very optimistic we can get a resolution.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, health care funding, the Quebec City-Windsor high-speed train and relations with aboriginal people are all important decisions that have been put on ice pending review by the incoming prime minister.

Does the uncertainty caused by the transition hanging over our heads, which is going to go on for another four months, not make it clear to the Prime Minister that he needs to revise his departure date and allow his successor to face Parliament as soon as possible?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the Prime Minister has said he will be leaving in weeks or months. The decision is his, and we respect it. In the meantime, the government is here and it is our duty to act in Canadians' best interests. I believe the Canadian government is functioning very well.

[*English*]

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, the incoming leader says that VIA should not spend its new funding windfall. The transport minister's people say he should butt out. Meanwhile the people who are really suffering are the taxpayers whose priorities are health care, justice issues and many other areas other than VIA Rail.

Last Friday the minister claimed that the transport committee unanimously called for revitalization of passenger rail, but that is not true. There were three separate reports challenging this.

Given the opposition to this spending spree, why is the minister rushing ahead with funding announcements when his authority to do so is measured in days?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, as a minister of the Crown, I have the authority to discharge my duties, as do all other ministers and we will do that until such time as a change is made.

In the meantime, we have to focus on the fact that we have a policy here that is going to improve passenger rail across the country. In fact, the hon. member should take note that the western transcontinental fleet that is so important to his province of British Columbia will be totally refurbished by this announcement.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, the latest announcement of a $692.5 million handout for VIA Rail is a lot of taxpayers' money. It is a major commitment that will fall on future administrations and the incoming leader is opposed to this funding. Given this, is VIA authorized to make financial commitments from this announcement?

● (1435)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, in case the hon. member has not listened to the earlier answers, the fact of the matter is that we have announced a policy that has been consistent with the government's approach to passenger rail for a number of years.

It has been well received by Canadians. Some critics, such as the opposition, obviously do not agree. Is the hon. member prepared to tell the people of British Columbia that they should not have good quality passenger rail service? A big chunk of the money announced on Friday will improve the equipment that will be used in his province.

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[*Translation*]

ROYAL CANADIAN MOUNTED POLICE

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, in a soon-to-be-published book spotlighting the role of the RCMP in the struggle against criminal gangs, we learn that the RCMP was prepared to allow murders to be committed rather than jeopardize the work of its informant, Dany Kane.

Can the Solicitor General tell us whether he intends to open an investigation as quickly as possible in order to shed more light on the RCMP's behaviour in this matter?

[*English*]

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, I reject the hon. member's allegations.

The RCMP has always been very consistent in its mandate of protecting, to the best of its ability, the public security of Canadians. Since 9/11 we have enhanced its role in national security areas as well. It is in fact protecting Canadians, providing public security and enhancing the lives of Canadians as a result.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, does the minister realize that if he remains silent and there is no investigation, it will be impossible to find out whether or not the RCMP committed illegal acts that might have led to the death of an innocent child?

[*English*]

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, our sympathies certainly go out as a result of the death of the 11 year old individual in this case, but again I refer to my earlier response. The mandate of the RCMP, in and of itself, is to provide security and safety for Canadians, which is exactly what it is doing.

ETHICS

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the Minister of the Environment is the next minister who has engaged in behaviour that, shall we say, could be seen as very questionable by the Canadian public. Two years ago he stayed in the Liberal retreat on the Restigouche and today he is finally admitting that he was wrong. Why was it okay then to accept the gift and today it is wrong?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, at the time in question, which the hon. member has raised, I believed I was in full compliance with the code and there was no reason at that time for disclosure.

However I now realize that I should have disclosed and I apologize to him and to the House for not disclosing at that time. The reason I felt that it was not necessary to disclose was, first, because the invitation was from a long time friend; and second, it was related to my duties with respect to Atlantic salmon.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, day in and day out, week in and week out, cabinet minister after cabinet minister, corruption allegation after corruption allegation, how many times do Liberal cabinet ministers have to get their hands caught in the cookie jar until they clean up their behaviour and behave in a way that is due to the Canadian taxpayer?

In order to save the ethics counsellor time, would any other cabinet minister please stand up and admit to what he or she has done in accepting gifts that are inappropriate to taxpayers?

The Speaker: I do not think that question is in order. It apparently was not directed to a minister and accordingly we will have to move on to the next question.

The hon. member for Vancouver Centre.

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DISASTER ASSISTANCE

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, this summer Canadians watched with despair as fires devastated the North Thompson and Kelowna regions in B.C. This winter we saw again the tragic toll as B.C. was rocked by floods. This year, B.C. has been hit by one disaster after another.

The Minister of National Defence was there at each crisis. Does he have any good news to bring to the people of B.C.?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I was in Kelowna that night when so many British Columbians lost their homes and I witnessed this tragedy of the forest fires personally.

It has always been my priority to get the federal moneys to the province in question as fast as possible, which is why I was very pleased to be in Vancouver this weekend with the premier to announce a down payment of $100 million as the federal contribution to this forest fire problem. I was very pleased as well when the premier noted that his emergency officials said that it was the fastest delivery on record.

● (1440)

NATIONAL SECURITY

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, in 2001, post-September 11, the Solicitor General said that there was no need for the Canadian Security Intelligence Service to broaden its mandate to include foreign intelligence in its operations. More recently we learned that CSIS has begun to operate abroad.

Why have the House's members not been informed of the expanding role of CSIS and its foreign operations?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, I do not know where the hon. member has been but this information has been readily available for as much as two years. The fact is that CSIS is operating under the mandate of the act passed by a previous Parliament.

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, this is not the first time the House has been kept in the dark. As we will remember, the Auditor General said that Parliament has been kept in the dark many times.

The House has never been apprised of any changes to the mandate of CSIS. I can say this with surety because of the committee work. Why has the Solicitor General kept Parliament in the dark when it comes to the broadened role of CSIS?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, surely in these times the hon. member is not saying that CSIS should not do its job at home and abroad. I certainly believe it should.

The fact is, no, the mandate has not changed. The mandate is in fact the same. The job of CSIS is to protect and enhance the national security of Canadians. It is doing that and will continue to do that under the various authorities granted to it by Parliament.

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THE ENVIRONMENT

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it seems that the environment minister is another big one that did not get away from the Irving fishing lodge scandals.

While he was staying at the lodge, we doubt the minister raised Irving's chronic history of dumping effluent into the water. We also doubt he raised the fact that of the five times Irving has been caught polluting, it has been fined only once.

NAFTA's environment commission is demanding a full inquiry into Irving's polluting ways but our environment minister has strangely always remained silent and has refused to take a stand.

Would the minister put an end to any perceived conflict of interest and agree today to support the NAFTA environment commission's inquiry into the Irving pollution?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, no enforcement decisions come before me as minister. Under the Canadian Environmental Protection Act, enforcement officers are responsible for enforcement actions, not the minister. Departmental policy is that I am only informed after the event, when the information is being publicly released to all members of the House as well as myself.

FINANCIAL INSTITUTIONS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, on the subject of ethics, I wonder if the Minister of Justice thinks it is ethical to charge 500% annual interest on loans, or even legal. That is what money marts and pawn shops charge now that the chartered banks have abandoned their obligations to provide basic services to Canadians. In fact, 14 branches have closed in my riding alone.

If the government cannot or will not bring the banks into line, will it at least begin to enforce the usury provisions of the Criminal Code and put an end to this outrageous exploitation of low income people in the inner city of Winnipeg and other cities in Canada?

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, if the hon. member were to read Bill C-8, I am sure he would recognize that one of the major components of Bill C-8 is in fact consumer protection.

Also, above and beyond that, we have created the Financial Consumer Agency of Canada to address precisely some of those key concerns, as well as generate the type of competitive environment required so that people have choices.

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NATIONAL DEFENCE

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, it is now tragically clear that our Canadian Forces need more protection against a greater level of threat, especially in Afghanistan.

The government has belatedly admitted the need for more armoured utility vehicles, yet the defence minister has also stated that the anticipated new replacement vehicle for the Iltis will provide no armoured protection.

Why is the government continuing with its plan to replace the antiquated, rusted out Iltis with an equally unarmoured vehicle?

● (1445)

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I might point out that the military professionals have reassessed the situation. That is why we are in the process of sending armoured vehicles to reinforce the situation, to give the command a greater flexibility on the ground.

I would also point out that half of the patrols continue to be on foot, which speaks to the need to reach out to the people of Afghanistan, in part, to protect our own people. It is defence 101, that by befriending the local population they are less likely to shoot at us and will give us intelligence information that is very valuable.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, unlike the minister, Canadians are well aware of the necessity to replace our military's over-age, undependable, unarmoured Iltis.

Unfortunately, the level of political interference involved with its replacement has left only one supplier willing to sell its vehicle to the government. Therefore the Minister of National Defence has not had the opportunity to select the best vehicle for our military.

I am asking about the replacements, not about what is going on at the moment in Afghanistan. Given this, will he commit to ensuring that these new utility vehicles have enough armour to adequately protect our troops from mines right now?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, as I just said, additional armoured vehicles are in the process of being airlifted to Afghanistan at this time. We have advanced the position of the new vehicles on the production line and they as well will be delivered to Afghanistan at the earliest possible time.

There has been a healthy discussion in Afghanistan among the soldiers. The consensus is that no one vehicle is ideal but this new vehicle is clearly superior to the Iltis. We will get that vehicle there as quickly as possible, as well as the additional armoured vehicles that are on the way.

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[*Translation*]

INTERGOVERNMENTAL RELATIONS

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, the Minister of Intergovernmental Affairs keeps saying that Canada is one of the most decentralized federations in the world and that Quebec's distinctiveness is fully recognized. Yet, since 1996, Ottawa has implemented at least seven new programs for which an equivalent program already existed in Quebec.

How does the minister explain that Quebec was not entitled to opt out when Ottawa established the Canada child tax benefit, the Canada Foundation for Innovation, the health transition fund, the research centres of excellence program, the Canada prenatal nutrition program, the Canada millennium scholarships, the employability assistance program for people with disabilities—

The Speaker: The hon. Minister of Intergovernmental Affairs.

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, each of these initiatives had been very well received by Quebeckers and negotiated with the Government of Quebec. In each instance, including the millennium scholarships, the Government of Quebec was able to say that its jurisdiction was respected.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, we probably do not read the same news from Quebec.

Will the minister acknowledge that Quebec was not allowed to opt out simply because the purpose of the social union agreement is to make Quebec a province like any other?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I have never seen a province like the others. I do not know what that is. I know that Quebec is a unique province and that Newfoundland is also unique in its own way.

However, that is not the crux of the issue. The crux of the issue is that if the hon. member insists on believing that the social union agreement does not recognize the right to opt out, then he did not read it.

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[*English*]

JUSTICE

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, recently at an international conference on child exploitation, held in Toronto, police chief Julian Fantino said:

> I have been both embarrassed and ashamed by the performance of our criminal justice system that in essence has put the rights of pedophiles ahead of the rights of children.

When will the Minister of Justice put children first and do away with conditional sentencing, which is nothing more than house arrest, for child pornographers?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the member's question on the protection of children in our society is very important.

The member knows full well that Canada has one of the best pieces of legislation in the world and it is one that we are actually improving. He also knows that Bill C-20, a bill ensuring that we offer much better protection to our children here in Canada, is before the justice committee. I invite all parties in the House to support Bill C-20 and ensure the bill is passed as soon as possible.

● (1450)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I know nothing of the sort, nor does Chief Fantino.

I would like members to listen to what else he had to say. He said that regardless of Bill C-20 and political assurances to the contrary:

> —Canada lacks both the vision, the determination and the moral courage to address this issue.

When will the minister find some courage and start leading the fight against child pornography, instead of sitting on the sidelines and never even bringing up the rear? Will the minister commit today to eliminating all defences for child pornography?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I said earlier, we should make sure that we pass Bill C-20 as soon as we can. Bill C-20 is in answer to the Sharpe decision of the Supreme Court, as we know very well.

Over the past few years we have enacted new provisions and new offences within the Criminal Code in order to increase the protection of children. I am talking about the question of Internet luring, which is a brand new offence. We have created, jointly with the Government of Manitoba, a new tool for police forces called Cybertip.ca, which is a very effective tool.

We will keep working together in order to offer young Canadians the best protection possible.

* * *

VETERANS AFFAIRS

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, there was unanimous consent at the veterans affairs committee to extend the VIP benefit to some 23,000 additional war widows. There were rumours that the government agreed and would make an announcement. War widows who were also expecting this announcement have been saddened by this and they are losing faith.

Has the minister forgotten the needs of 23,000 war widows who have contributed as much as those widows who are currently in this program?

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, the government has not forgotten the needs of any veteran in this country. The government has been seized with this issue.

I can assure the member that the department continues to be engaged in this issue and has been engaged in this issue for over a year now. When we made the announcement last May we were not able to proceed for all because of the fiscal reality. However I assure the member that we have not forgotten any veteran for any need he or she may have.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, no member of Parliament on any side of the House could read the number of letters that I have received from these war widows without being touched by their condition and their plight, while at the same time ashamed of the government for its inaction.

How can the government, with a boasted surplus of billions, continue to keep these war widows at the bottom of the priority list?

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, we too continue to be touched because these are very human issues. The government will continue to be sensitive to the needs of veterans.

* * *

[*Translation*]

TELECOMMUNICATIONS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the CRTC held public hearings on the distribution of Bell ExpressVu and StarChoice satellite services. Regional stakeholders have been requesting for a long time that satellite retransmission companies broadcast regional news locally, in the Mauricie and Saguenay in particular. The Standing Committee on Canadian Heritage made a recommendation in this respect.

Could the heritage minister tell us whether she intends to defend the regions by giving a favourable response to the committee's recommendations?

Ms. Carole-Marie Allard (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I am pleased to announce in this House that, with respect to the standing committee's report on the situation of broadcasting, which was tabled last summer, the department will be able to provide my hon. colleague with an answer within a few days.

* * *

[*English*]

EMPLOYMENT INSURANCE

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, the paycheque for every working Canadian has a deduction box on it for EI. People work under the assumption that the money taken off a cheque goes to EI.

If people were working under that assumption they would be wrong because over the last decade the government has taken $45 billion away from working Canadians, which, according to the Auditor General, has not gone to EI at all.

My question is for the Minister of Finance. Would he admit today in the House that the money taken off these cheques was taken under false pretenses?

● (1455)

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, first of all, since we are talking about employment, I want to inform the House that over three million jobs have been created since 1993. I think that is good news for Canadians.

Second, the hon. member knows that the EI fund goes to general revenues to make wise investments in strategic, key socio-economic areas that have made Canada the number one country in economic and employment growth. That is also good news for Canadians.

I hope that one day the hon. member will get up and congratulate Canadians for this great economic renaissance.

* * *

[*Translation*]

VETERANS AFFAIRS

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, more and more veterans' widows are dissatisfied because Bill C-50, as presented by the Minister of Veterans Affairs, has abandoned them.

The minister says that he has not forgotten them. We, however, claim that he has. Ten thousand of these widows will enjoy the benefits of the veterans independence program, while 23,000 of them will be excluded. This is unacceptable.

Did the minister consult with the veterans organizations before he proceeded with a regulatory amendment that deprived 23,000 widows of access to this program?

[*English*]

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, as I have indicated several times in the House, we have been in frequent consultations with the three major veterans organizations, even up until shortly before I made the announcement last May.

They realized the situation. They advised me, and I concurred, that we could proceed with what we had and that we would continue to work for others.

* * *

ROYAL CANADIAN MOUNTED POLICE

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, moving the RCMP's forensic lab out of Saskatchewan costs valuable human resources, time and money.

The Minister of Public Works and Government Services is the only Liberal cabinet minister from Saskatchewan and he is supposed to be our voice at the cabinet table. He argues that a ballistics facility will replace the forensic lab. It does not. It is a trade-off.

Why does the minister not help our province build on existing resources rather than taking them away?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, I want to reject entirely what the member opposite has said. I have said in the House a number of times, and it is on record in *Hansard*, that the Regina lab is not closing.

In fact, we are expanding the personnel there by two full time equivalents. The bottom line is that it will improve the economy of the City of Regina and we will still continue to do the work as a centre of excellence in that lab.

* * *

FOREIGN AFFAIRS

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, last week's so-called leak alleging what Canadian citizen Maher Arar supposedly said to his Syrian captors was grotesquely irresponsible.

The Solicitor General has no choice but to investigate those leaks and demand accountability. Or, did the Solicitor General, and perhaps the foreign affairs minister as well, intend the release of such allegations in a scurrilous attempt to undermine Maher Arar's credibility before he can justly disclose details about his illegal detention, deportation and imprisonment?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, this is indeed a very serious issue. The member for Ottawa West—Nepean also raised it with me last week.

I want to be very consistent on the issue. The fact of the matter is that I, as Solicitor General, should not, nor should others, speak on operational matters related to national security for several reasons.

It is important that we not do that, first, clearly not to jeopardize investigations and second, very importantly, not to impinge on the integrity of individuals.

* * *

ETHICS

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I want to return to a matter that was asked about earlier in question period.

On October 23 the Minister of Industry told the hon. member for St. John's West, regarding the fishing trip:

> —as I have said, at the time this occurred I was minister of health and, for one reason or another, I did not perceive a conflict.

Could the Minister of Industry explain how, when he was health minister going to a fishing lodge owned by the Irving family with an Irving family member who was also a health lobbyist, it did not constitute a conflict of interest? How could he possibly believe that?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, last week I was answering questions that were put on the basis that I had a conflict with the Irving family in shipbuilding because I was there.

Am I to take it today that the member is suggesting I had a conflict because there was someone involved in the health industry? Mr. Speaker, really.

The fact is that I made full disclosure 18 months ago, long before the member started asking me questions. I went on my own to the ethics counsellor. I made full disclosure and took his advice with respect to every step I took since then, and I followed that advice.

Surely by any reasonable standard I was trying to fit in—

The Speaker: Order, please. The hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques.

* * *

● (1500)

[*Translation*]

HIGHWAY INFRASTRUCTURE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, highway 185 claimed another life this past weekend, bringing the toll to over 100 in the past ten years. The federal government raked up a surplus of $7 billion last year, and this year has allocated $26 million to renovation of highway 185, whereas its proper share would be over $300 million.

Will a minister of this government, either the Minister of Industry or the Minister of Transport, tell us that the strategic highway infrastructure program funds will be used to solve the problem of highway 185, thereby preventing further fatalities on this unsafe road?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, as the hon. member is well aware, we are working closely with the Government of Quebec in order to ensure that highway investments respect priorities. Certain investments have already been announced. We are still working with the Government of Quebec on identifying other priorities. We will continue, in partnership with the Government of Quebec, to make investments that reflect Canada's needs with respect to highways.

* * *

PRESENCE IN THE GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of His Excellency João Bosco Mota Amaral, President of the Assembly of the Portuguese Republic.

Some hon. members: Hear, hear.

[*English*]

The Speaker: I would also like to draw the attention of hon. members to the presence in the gallery of the Honourable Doug Bereuter, President of the NATO Parliamentary Assembly.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 20 petitions.

Mr. Speaker, I move:

That the House proceed to orders of the day.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: Call in the members.

● (1540)

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

(Division No. 254)

YEAS

Members

Adams
Allard
Assad
Augustine
Bélanger
Bertrand
Binet
Bonin
Bradshaw
Byrne
Caplan
Castonguay
Cauchon
Comuzzi
Dhaliwal
Dromisky
Duplain
Efford
Frulla
Alcock
Anderson (Victoria)
Assadourian
Bagnell
Bellemare
Bevilacqua
Blondin-Andrew
Boudria
Bryden
Cannis
Carroll
Catterall
Collenette
DeVillers
Dion
Drouin
Easter
Finlay
Fry
Godfrey
Graham
Harvey
Jackson
Jobin
Karetak-Lindell
Kraft Sloan
LeBlanc
Longfield
Macklin
Matthews
McCormick
McKay (Scarborough East)
Minna
Murphy
Nault
Owen
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proulx
Regan
Rock
Sgro
Simard
St-Jacques
St. Denis
Szabo
Thibeault (Saint-Lambert)
Vanclief
Goodale
Harvard
Hubbard
Jennings
Jordan
Kilgour (Edmonton Southeast)
Lastewka
Lee
MacAulay
Marcil
McCallum
McGuire
McLellan
Mitchell
Myers
Neville
Pagtakhan
Phinney
Pillitteri
Price
Redman
Robillard
Saada
Shepherd
Speller
St-Julien
Stewart
Thibault (West Nova)
Tonks
Wood– — 98

NAYS

Members

Anderson (Cypress Hills—Grasslands)
Bailey
Bourgeois
Cardin
Clark
Day
Epp
Forseth
Gagnon (Lac-Saint-Jean—Saguenay)
Gauthier
Goldring
Guimond
Herron
Hill (Prince George—Peace River)
Johnston
Marceau
Martin (Esquimalt—Juan de Fuca)
Mayfield
Mills (Red Deer)
Penson
Reid (Lanark—Carleton)
Rocheleau
Schellenberger
Skelton
Thompson (Wild Rose)
Tremblay
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Bachand (Saint-Jean)
Benoit
Burton
Chatters
Crête
Desrochers
Fitzpatrick
Fournier
Gagnon (Québec)
Godin
Gouk
Hearn
Hill (Macleod)
Jaffer
Keddy (South Shore)
Mark
Masse
McDonough
Moore
Picard (Drummond)
Reynolds
Roy
Schmidt
Spencer
Thompson (New Brunswick Southwest)
Williams

PAIRED

Nil

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

GOVERNMENT ORDERS

● (1545)

[*English*]

ASSISTED HUMAN REPRODUCTION ACT

The House resumed consideration of the motion that Bill C-13, an act respecting assisted human reproduction, be read the third time and passed; and of the motion that the question be now put.

The Acting Speaker (Mr. Bélair): The hon. member for Perth—Middlesex has three minutes left in his speech.

Mr. Gary Schellenberger (Perth—Middlesex, PC): Mr. Speaker, I will not take my full three minutes, but there is one thing I would like to say again on Bill C-13, the assisted human reproduction act. I wonder if it might not be prudent for the government to allow for a free vote on the bill as it is a conscience bill. That is all I want to say.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, the last speaker has just indicated that he would like this to be a free vote in the House of Commons, but obviously there is not too much intention from the government side of the House to allow that, especially when we have just had a vote which will enable the government to ram this bill through, as it is so capable of doing and has done with so many other bills over the last 10 years.

Even though the bill has not received the full attention that it should, in my belief, it is going to be pushed through. I am quite certain that the members on that side of the House will not have a free vote. I wish they would, because I believe that this bill certainly is in the category where personal conscience is going to play a big role in making a decision on how to vote.

I am really disappointed that the bill was not split in two, as was requested. It could have been done. It would have been easier. It would have made a lot more sense to have two bills rather than this one all-inclusive bill. One of the bills should deal with the regulation of reproductive technologies and the other should address the more difficult issue of scientific research using human embryos. That indeed is difficult because of the various feelings of numbers of Canadians across the land on this issue.

I cannot help but ask the question I have asked a number of times in the last few years. Why in the world do we have a government constantly putting bills together in which where there are many points worth doing and worth pursuing, which should be approved because they are the right thing to do for Canadians, but then muddying them up with all kinds of clauses that make support difficult because they are not the right things that Canadians want to see in legislation? That is why this bill should have been split. This is definitely a real flaw in this entire process.

It has been going on for a long time and we have had a great number of debates on it, but the questions that need to be answered are not being answered. The future of what the bill can lead to needs to be thoroughly discussed so that we know what is in store for us down the road. We are not being allowed to, because we just took a vote that says this is the end of debate on this bill. Today it will be over and done with. The Liberals are going to ram it through. It is too bad that we cannot get the government to break that habit. I sure would love to be part of a governing body in the House that would break that habit of ramming things down people's throats every time we turn around.

It does not matter to them, but I have a hunch that we are going to be there sooner or later, that we are going to start doing things right. As for the fellow who is snickering across the way now, I wonder how much snickering he will do in those days when he really sees true democracy at work. He does not have the vaguest idea of what it is, nor do a lot of people on that side of the House. If they did, they would not ram these bills through, bring in closure over 100 times, and shove things down people's throats. They would do a little investigation in their ridings. They would get support from their people. They would get input. They would do the right thing. They would investigate and try to come up with solutions in difficult situations.

Instead, they do not care to do that. Unfortunately, there are too many people in the House who say, "What is going to happen will happen regardless of what I do personally and I am just going to let it go".

Well, I am not going to let it go, and I am glad I have this opportunity to speak one more time. I would like some explanations from someone. I would like someone to tell me why this is, when I look at the documents that have come out of this particular work and in this field, when I see things that happen such as the case of a Montreal woman in summer 2002, newly diagnosed with leukemia, who received a stem cell transplant from an umbilical cord, the blood of her new infant daughter.

● (1550)

Seven months after the transplant the woman was in full remission and considered cured. That is great news, that through stem cell research, it has been determined that the use of stem cells from the umbilical cord of a new born child can be most effective in treatments. To me that would be just phenomenal news. The government should be jumping for joy thinking about what it could do with that.

In June scientists from the University of Minnesota Stem Cell Institute reported that it was able to transform adult stem cells from bone marrow into virtually every cell type in the human body and that it was very effective.

When these kinds of reports come out, then we get comments from various institutes and various doctors who are doing these studies. One is Dr. Abdullah Daar of the University of Toronto Joint Centre for Bioethics. He said:

> If this is absolutely true, I think it will change everything. Should adult stem cells ever prove to be as good as [embryonic] cells, thenwhy would anybody want to bother with embryonic stem cells?

Also commenting on the new findings was Alan Bernstein, president of the CIHR who said that aside from the ethical issues, if one could take one's own adult stem cell from bone marrow and use it to cure Parkinson's disease, one would not have to worry about immune rejection problems. He said that this would be a huge advance.

It looks to me like that is the direction in which we should move. There are examples of great successes and not once did they involve the use of embryonic stem cells.

With all the debate that goes on in the country on the issue of whether the embryo is a human life, we know where that debate has led through abortion talks and many other things. We know what is going on in the minds of Canadians. We need to be a lot more cautious than we have been in the past and than we are today. By passing the bill and allowing it to be rammed through, all Canadians will have to accept, whether they like it or not, that there will embryonic stem cell research. It really bothers me and it worries me that we possibly could be putting an end to human life by using these cells for this purpose, when we already have proof that other cells work.

I cited two small samples of many of the things that have been accomplished through adult stem cells. Why not see it through? Why not spend a whole pile of energy into developing that as a answer to this situation? Then when we read about the umbilical cord of a newborn child, that it can be used in this manner because of these cells, which have accomplished so much in so many cases. Why would we even want to consider creating embryos and destroying them for that purpose? Yet the government is going to ram through a bill that does not address that very serious concern, and that is a shame.

● (1555)

Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, I appreciate the opportunity to address the House on this very important bill. I have talked about the bill before, but unfortunately I ran out of time. Therefore, I want to make a couple of comments on a couple of specific issues.

I want to begin where the hon. member for Wild Rose left off. He was talking about definitions and what we were talking about here. I just want to remind everybody that there is a definition of the word embryo in this statute, and I will read it.

> —"embryo" means a human organism during the first 56 days of its development following fertilization or creation...

That means that by the very terms of the bill, by the very words of the bill, it is confirmed that an embryo is a human being. It is right in the act, so what are we talking about?

Of course it is a very complicated bill. There are many things in it. It has been partly drafted by lawyers, partly drafted by doctors and partly drafted by bureaucrats. However, there are many important fundamental considerations that must be addressed when we are talking about the bill. One is what are we doing when we are talking about experimentation on embryos, which by definition are human? It strikes me as utterly macabre to be talking about legislating permission to experiment on humans. Ultimately, that is exactly what we are talking about.

Experimentation on humans has occurred before, much to the distress of the world community. It is a question of where in the development of the human being this experimentation would take place. Here we are trying to have a regime where it will be possible to experiment on human organisms from the time they are conceived up until a certain defined time. That to me is something that we must not rush into.

I am heartened in my resolve by a survey which was recently conducted. The survey results were released on October 21. I would like to talk to members and to Canadians about the results of that poll.

I for one am a person who does not believe that we should legislate by polls, because after all if we legislate by polls, we do not need to be here. Everybody could ask the questions by polls and the legislation would occur. However, it does give us an opportunity to find out where Canadians stand on questions. I do know that whatever government is on this side of the House at any time, it will always stand when polls are favourable and say "The polls show that our policies are favourable to Canadians". Of course the polls are ignored when they are not favourable.

Be that as it may, this poll was conducted by Léger & Léger. It was conducted between October 6 and October 13. It has a maximum margin of error of 2.5%, 19 times out of 20. The poll asked 1,500 Canadians a question. Basically they were asked if they thought it was acceptable to use human embryos for stem cell research or if they thought it would be preferable to use other sources of stem cells which did not involve loss of life or harm. The results are pretty clear. Only 21% thought it was acceptable to use embryonic stem cells, 33% said that it was not acceptable, while 37% said that it would be preferable to use other sources. What does that mean? It means that 70% of the people polled favoured ethical alternatives to embryonic stem cell research.

● (1600)

That is an important statistic because once people are educated to what it is we are talking about, they realize that they do not want to go down that dark road where we authorize the permission to experiment on human organisms. That is a very dangerous path which we must not follow.

There are numerous problems with this bill and one of them, which I would like to talk about, is the position of the government that says that the bill bans cloning. This comes up because there is a discussion going on right now in the United Nations. The United Nations delegates are considering whether there should be a resolution to ban cloning. One of the discussions is, should the ban apply only to reproductive cloning, or should it apply to therapeutic cloning or should it apply to all forms of cloning?

I do not know this for a fact, but it would appear as if the Canadian position at the United Nations is to favour a resolution which would ban only reproductive cloning. If that is true, it goes contrary to the stated position of the government in the House of Commons. On Monday, October 6, during question period, the Minister of Health was asked about this issue and about what was going on in the United Nations. I will quote her answer directly. While speaking about Bill C-13, she stated, "we ban all forms of human cloning".

A supplementary question was asked and the Minister of Health answered, "Bill C-13 bans all forms of human cloning for any purpose, howsoever done".

That is pretty darn clear. That is the same minister who, when she was minister of justice, indicated that there was no possibility there could be any interpretation of the definition of marriage other than that it was the union of one man and one woman. Wrong once, it is certainly possible to be wrong twice.

The definition in the bill of human clone states, "an embryo", and that is a human organism:

> —that, as a result of the manipulation of human reproductive material or an in vitro embryo, contains a diploid set of chromosomes obtained from a single - living or deceased - human being, foetus or embryo.

In my view this definition would cover a number of things, but would it cover everything, which is what the minister has told us it would cover in her answer. In my view, by using the word "single", it would not cover pro-nuclei transfer. It would not cover the formation of chimeras and back breeding. It would not cover mitochondria transfer. It would not cover DNA recombinant germ line gene transfer or eugenics. All these kinds of cloning techniques have been described in several articles that we have been sent and, of course, that the committee has considered. To say categorically that all forms of human cloning have been banned, in my respectful opinion, is at best a mistake. I could go on.

It becomes a very complicated process to discuss this in medical terminology. However, suffice it to say, although I am not a doctor, I am a lawyer and I know that if definitions are not nailed down six ways to Sunday, someone will drive a Mack truck through that definition. We will see things happen that we did not anticipate and it will be too late to close the floodgates.

I urge the House to consider very seriously whether it wishes to pass this bill at this time. I am thankful for everyone's attention.

● (1605)

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, it is a pleasure to speak to Bill C-13. In fact I am one of the few members of the health committee who is in Ottawa today. The committee is on a cross-country tour on the pharmaceutical industry. I wanted to be here for this debate, as did other members, but sometimes I guess it is a question of one's priorities. As I have not spoken at third reading, I thought it important to be here.

This is an example of how a bill can go wrong. From the very beginning there was quite a bit of enthusiasm for this bill. This stems back to the royal commission on reproductive and genetic technologies about 10 years ago. Legislation concerning this subject has been before the House many times under different Parliaments and has yet to be passed.

There is a level of support for some clauses of the bill, those which pertain to reproductive technology. I do not think there is any question that there is support in the House for that. Our concerns are with some of the darker sides of the bill, which have been addressed by members today and which have to be acknowledged by the government.

It is the heavy-handedness of the government which put itself in the position of playing cat and mouse on the bill in terms of whether or not the bill will actually survive a vote on the floor of the House of Commons. There are many members on the government side not to mention on this side who are clearly upset with the direction the legislation is taking.

Many members will remember Hubert Humphrey, a famous American politician of a generation of politicians just slightly ahead of us. In fact at one time he was vice-president of the United States. He had an expression that the true measure of a government was how it cared for the elderly, the poor, the disenfranchised. I am paraphrasing, but basically he was saying that how a government looks after those people who need looking after is the true measure of a government. If that test is applied to this bill, it is a flawed piece of legislation.

It reminds me very much of the 1989 abortion bill that was on the floor of this House, Mr. Speaker, just shortly after you and I entered this place in 1988. I may be wrong, it may have been 1990, but somewhere in that timeframe we came into the House on a very contentious piece of legislation which many of us thought was flawed. We had an opportunity to vote on it.

My position always has been that I would never support any legislation that would basically destroy human life. I would only support abortion if the life of the mother was clearly endangered. Members of Parliament were under a lot of pressure to pass that legislation. Despite that pressure I stood and voted against the government on that bill and I have never regretted it.

On this bill, truly we are looking at just about the same dilemma. We do not want to deny the advancement of science which is really what the bill is founded on. It is a very wide-ranging bill. I will get into some of the banned practices later. Some members have mentioned them and maybe there is no need to go over them precisely.

● (1610)

It is interesting to note that nowhere in Bill C-13 is there an acknowledgement that its purpose is to stop infertility. That was supposed to be the focus of the bill. There is no mention in the bill of genetic testing of embryos and fetuses or how that would impact upon people with disabilities. There is nothing in the bill prohibiting the patenting of human genes. Therein lies the problem. The bill leaves openings big enough to drive a Mack truck through, as was mentioned by the member for Scarborough Southwest.

If we go through the minute detail of Bill C-13, the question becomes does it in fact prohibit cloning? I do not think any of us here in the House could claim to be experts on this subject, but there is no question in the minds of many experts that the bill would not stop cloning. It does not prohibit the very thing it says it would prohibit. The member pointed that out as well as he stepped through some of the details of the legislation.

Where does that leave many of us? None of us wants to be perceived as stopping the advancement of medical science. We know there is a balance between ethical concerns, moral concerns, philosophical concerns, religious concerns and so on against the advancement of medical science. We have to be sensitive to those concerns that haunt many of us.

I was stricken with cancer a number of years ago. I am probably one of the few members in the House who has had a stem cell transplant which basically translates into a bone marrow transplant. Through the advancement of medical science, individuals do not have to wait for a perfect match within their family where the risk is somewhat diminished versus the risk involved with someone outside the family. Over the last number of years stem cells can be harvested during the chemotherapy process when one becomes "cancer free" and has no cancer cells in the body. I am abbreviating much of the procedure because it is very complicated and I cannot pretend that I understand all of it.

I am here because of that advancement in medical science. My stem cells were harvested. Once I went through the bone marrow transplant, those stem cells were put back into my body thereby reducing the possibility of cancer reappearing. I am the recipient of that huge advancement in medical science in that particular area.

Some members may say that I should be the last person to object to some of the advancements that might take place because of the experimentation on the embryos. What concerns us is the ethical dilemma that we are in where these embryos, which are basically the beginning of human life, will be destroyed in the process.

Our party will have a free vote on this issue. I will be voting against it because of some of the concerns I have just outlined. Bill C-13 is flawed legislation. The government has had 10 years to get it right and it is not right yet.

● (1615)

I want to thank some of the government members opposite on the good work they have done on that, particularly the member for Mississauga South and others, including the member from Scarborough who just spoke.

I will conclude with that. I have appreciated the opportunity to put a few words on the record.

[*Translation*]

The Acting Speaker (Mr. Bélair): Before we continue, 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 Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, Softwood lumber; the hon. member for Windsor-West, The environment.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I would like to seek the unanimous consent of the House to extend my speaking time from 10 minutes to 15 minutes.

● (1620)

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Mr. Paul Szabo: Mr. Speaker, I am pleased to rise in the House of Commons to provide all hon. members with what I believe to be a summary of some of the substantive reasons why I do not support Bill C-13.

First, the bill does not ban all forms of human cloning. Dr. Ronald Worton testified before the Standing Committee on Health and said that many of the definitions are in error or problematic from a scientific perspective.

In addition, we had the opinion of Dr. Dianne Irving, formerly of the University of Georgetown in Washington, who stated that the bill mixed up medical and science definitions. She also said that Health Canada had made an amendment to a definition to add the reference to a deployed chromosome from a single living person or a previously deceased person.

The bill says that no person shall knowingly create a human clone. However, human clone is a defined term in the bill. It says that a human clone is an embryo, not someone walking around the streets. It is an embryo that contains, as a result of the manipulation of human reproductive material or an in vitro embryo, a deployed set of chromosomes obtained from a single living or deceased human being, fetus or embryo.

This is suspiciously complex—members would agree—and it begs the question, why does it not say that a human clone is simply an embryo which is genetically identical to another living or deceased human being or human embryo? That is very straightforward. Why is it so complex? Why does it have so many adjectives and conditions?

Dr. Irving identified four methods of human cloning which are not covered by the definition because of that word "single"; getting cells from a single person rather than from one or more. The United States legislation uses the phrase "one or more" because there are proven techniques which use cells from more than one person.

If we do not ban all forms and techniques of human cloning, then we really miss all of them. All they need is one.

Dr. Irving lives in the U.S. and was called as a witness two days prior to the U.S. Thanksgiving and could not appear as a witness when called. No one has ever challenged Dr. Irving's opinions that the bill does not ban all forms and techniques of human cloning for any purpose.

Despite the assertions of armchair media, Bill C-13 does not ban all forms of cloning and therefore the bill, as it stands, does not ban human cloning at all.

The United Nations is currently debating a resolution to ban all forms of human cloning for any purpose. Canada is not supporting that resolution. There is an alternative resolution sponsored by the French and the Germans to ban cloning for human reproduction purposes and to permit human cloning for research and experimentation. Not only is Canada supporting this limited ban on cloning, we are actually a co-sponsor of that resolution before the UN.

Canada, therefore, has one position at the UN and a different position in Bill C-13 which is totally unacceptable.

Alternatively, we could say that the UN position is in fact precisely the same as in Bill C-13 which is that Canada supports human cloning for research and experimentation. This is also unacceptable. Never has Health Canada said that we would support human cloning of any type and yet we have that same resolution being supported at the UN.

Based on the unrefuted testimony and opinions of Dr. Worton and Dr. Irving, it is clear that Bill C-13 would ban human cloning for reproduction but would permit human cloning for research and experimentation. This is unacceptable.

As an aside, a human clone is arguably a human being. The definition in the bill of a human clone is that it is an embryo. By logic, that means that human life begins at conception, that is, when there is an embryo. This will make for an interesting debate when the question of when human life begins is again before the House.

● (1625)

As I indicated, medical and scientific definitions are a problem. One of them was chimera. It has been changed from the established medical and scientific definition without disclosure of that fact. That is unacceptable.

Chimera refers to the combination of human and non-human life forms. The medical and scientific definition states that it is the implantation of human reproductive material into non-human life forms or the reverse, that is, implanting non-human reproductive material into humans.

The bill itself has a definition of chimera which is different. It refers to the implantation of non-human reproductive material into humans but does not include the reverse. As a consequence, the bill would in fact permit the implantation of human reproductive material into non-human life forms creating animal/human hybrids.

Dr. François Pothier of Laval University told a parliamentary round table that he can see animal/human hybrids being granted personhood status in the future. Can hon. members imagine an animal/human combination being granted personhood status? How bizarre; how scary. Permitting animal/human hybrids for research has never been a stated objective of the bill. I believe that this is a sleight of hand in drafting and assumes that no MPs would ever have picked up this difference when doing their homework.

The next area I wanted to comment on is the fact that there are insufficient surplus human embryos from fertility clinics to sustain meaningful research. Dr. Françoise Baylis testified that in Canada there were less than 10 surplus human embryos that would meet the research quality requirements. She concluded that there were not enough embryos available for meaningful research in Canada and last November she announced a research study to more thoroughly survey the fertility clinics in Canada.

Her application for funding was pending approval from the Canadian stem cell network which the government funded. To date, we have heard absolutely nothing on the study because it would prove that the only way to get enough embryos to sustain meaningful research is to permit human cloning for research and experimentation, as is done in the UK, which is also, incidentally, a co-sponsor of the partial ban resolution at the UN.

The UK has already killed 40,000 embryos in doing embryonic stem cell research and there is not one shred of positive evidence coming out of its research. The only way it got that many embryos is that its legislation permits it to clone human embryos and create them for research purposes, which is apparently contrary to the position of this government in Bill C-13.

The definition of human clone in Bill C-13 does not cover all forms of cloning. To allow this to proceed would violate the ethical guidelines for research on humans as laid out in the tri-council policy statement which covers all medical science and research professionals in Canada. It is also contrary to the position of the Royal Commission on Reproductive Technologies.

Members cannot say that there are no guidelines on cloning because there are. The only difference is that in Bill C-13 there are criminal sanctions. In the ethics of medical science and research professionals, the only sanctions would be the professional sanctions, possibly to lose status in the profession.

The next item is the fact that the bill will not improve the accessibility or safety of fertility treatment. One of the fundamental principles of the bill is that human reproductive materials are not commodities to be commercialized. The bill specifically prohibits the purchase or sale of sperm, eggs or embryos.

However, Canada has a shortage of sperm for fertility treatments and a Health Canada spokesperson testified before the health committee that today we import about 30% of our sperm from other countries, including the U.S., and some of it even comes from U.S. prisons.

By cutting off the ability to purchase sperm through imports or through for profit sperm clinics in Canada, the accessibility of fertility treatments in Canada will actually decline. If we do not have enough sperm and we have to import it today, but we cannot import it after Bill C-13 becomes law, we will not have enough sperm to provide for the demand of fertility treatments.

Health Canada has a solution. The solution is to establish an altruistic system like blood donation. However, it did not disclose this fact or explain why it thought it would be successful. Basically, it thinks people would donate out of the goodness of their hearts to help others with fertility problems.

● (1630)

If there are no commercial transactions permitted then how can researchers get surplus embryos from fertility clinics without some sort of compensation? Health Canada had a response to that, too; however, it said it had not figured it out yet. How do we get things going from fertility clinics into the hands of third party researchers? Its response was that it had not figured it out yet, but it would work it out and deal with it in the regulations.

Non-embryonic stem cells can in fact do anything that embryonic stem cells can do. In June 2002 Dr. Catherine Verfaillie of the University of Minnesota Stem Cell Institute published verified research that non-embryonic stem cells can do anything that embryonic stem cells can do. In fact, Dr. Pothier, who I mentioned earlier from the University of Laval, said that despite the ethical and immune rejection problems of embryonic stem cells, researchers want to use them because there is no money in non-embryonic stem cells.

The only reason they want the embryonic stem cells, in my view, is the commercial benefit. Researchers get their money from private interests substantively, from biotech firms and pharmaceutical companies. They want to use the embryonic stem cells because they are subject to immune rejection problems which require lifelong immune rejection drugs. Dr. Pothier was honest with the roundtable. There is no money in non-embryonic stem cells.

The final area that I want to comment on—and it was a theme that I thought was quite appropriate because it happens far too often in this place—has to do with the notion that some people think that MPs are nobodies.

The Standing Committee on Health reviewed the draft bill and made 34 recommendations. It asked for a response from the government within 150 days and there was no response forthcoming. The fact that there was no response makes me ask, why? The answer is because somebody thinks that MPs are nobodies.

The committee made three substantive amendments to Bill C-13 during clause by clause study. However, at report stage, the minister had her own motions to reverse all three and they passed. As a consequence, all of the work of the committee was effectively dismissed as wasted time. Why? Because somebody thinks that MPs are nobodies.

The definition of human clone is faulty and actually permits certain forms of human cloning. Health Canada did not think anybody would pick it up in the scientific definitions. Why? Because somebody thinks that MPs are nobodies.

Bill C-13 would change the medical definition of chimera to only prohibit the implantation of non-human life forms into humans but not the reverse. Nobody thought that MPs would catch that. Why? Because somebody thinks that MPs are nobodies.

Either Canada has one position at the UN and a different position in Bill C-13, or in fact the position at the UN to allow cloning for research and experimentation is identical to what it is in the bill. I agreed that it is the truth. Either way, it is unacceptable.

Nobody thought that we would find out about what we were doing at the UN, that we had a different position than what was being told to Parliament. Nobody thought we would find it. Why? Because somebody thinks that MPs are nobodies.

The bill has 28 areas in which regulations must be promulgated and details that are significantly important to the bill in order for members of Parliament to know what they are voting on. The bill has so many blanks in it because the detail will be in the regulations. This is the way we always do it. Why? Because somebody thinks that MPs are nobodies.

We are not nobodies. We should never be treated like that by anyone. We are entitled to have our questions answered and to be respected for our work. The House of Commons starts off each day with a prayer that we make good laws and wise decisions.

To conclude, let me assure all hon. members that I have spent two years doing my homework on Bill C-13 and it is my opinion that the bill is not a good bill but a fatally flawed bill.

Furthermore, since the government has closed the door on any consideration of amendments, I believe that the wisest decision is to defeat Bill C-13. We can and should do a better job on behalf of all Canadians.

● (1635)

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

Some hon. members: Question.

The Acting Speaker (Mr. Bélair): The question is on the motion that the question be now put. 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): Pursuant to order made on Tuesday, October 21, the recorded division stands deferred until Tuesday, October 28, at the expiry of the time provided for government orders.

* * *

[*Translation*]

CHILDREN OF DECEASED VETERANS EDUCATION ASSISTANCE ACT

The House resumed from October 24 consideration of the motion that Bill C-50, an act to amend the statute law in respect of benefits for veterans and the children of deceased veterans, be read the third time and passed.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, this is the last reading of Bill C-50. I had informed you at second reading that we were in favour of the bill. In committee, we considered the bill properly and we listened to people. We also accelerated the process, because we feared that the session would end prematurely. It seems this will be the case or this is being actively prepared. Ministers have decided to rush some bills through.

The Bloc Quebecois has agreed to deal with this one quickly, even though the bill has many problems. Thus, we will agree with the bill because it does contain many worthwhile provisions. The first thing we must recognize in this regard is that it greatly recognizes veterans and their widows.

We often give all the credit to veterans. However, I do not want to diminish their credit, because they deserve a lot. These are people, like my father, who decided to fight for our freedom, for individuals rights and for democracy. They deserve a lot of credit.

However, the women who stayed behind, in Quebec and in Canada, also deserve a lot of credit. We must always remember that these women were not inactive while their husbands went off to war across the Atlantic. They were the ones who had to keep the war economy going. They made guns, artillery shells and ammunitions so that the men could use them in the theatre of operations. Not only do our veterans deserve a lot of credit, but so do their widows.

There are some positive measures in this bill. First, there is a new definition of the term "veteran". A recent case surprised a lot of people. A veteran did not have veteran status. He had gone to fight with our forces in a theatre of operations without having ever enlisted.

Therefore, the bill before us today suggests a new definition so that this kind of situation does not happen again. From now on, one will have to have enlisted and have completed one's military service to be considered a veteran. It was not necessarily the case previously.

We can see that the change in the definition is aimed at plugging a loophole that was opened up in court by a veteran, with the help of the justice system. The Federal Court ruled that he had fought with the others and, therefore, had to be considered a veteran. Today, we would not want these situations to happen again. This is why people will have to enlist and complete their military service.

The other aspect of this bill that we find very interesting deals with benefits for children of deceased veterans. This program had been suspended for some time. The amounts were not astronomical at the time. It was $125 a month. The minister decided to reinstate the program so that first generation children of veterans could have the privilege of receiving benefits to help them pay for their studies. This is important. The fully indexed amount has been increased from $125 to $300 a month. With indexation, the benefits will not have to be adjusted by way of regulation or legislation. It will be done automatically.

Another positive measure is the recognition of prisoners of war. The government is increasing compensation for prisoners of war. As we all know, prisoner camps, and in particular Japanese camps since a distinction is made in the bill, were not five-star hotels like the Hilton. Conditions were not that great.

At the time, soldiers were encouraged to escape from concentration camps, not an easy task. Some of them made it. Of course, they are not covered by this bill. But as I said at second reading, even if a prisoner could have seen in a crystal ball that a few more days in a camp would get him a pension, I do not think it would have mattered much. As I said, there was nothing posh about those concentration camps.

● (1640)

Everyone was urged to try to escape as soon as possible. Officers encouraged soldiers to escape because troops were needed to fight the enemy.

So, these benefits are increased. Compensation for prisoners of war held in Japanese camps is further increased because of the horrible conditions in which they were detained.

The Bloc Quebecois supports these improvements. It is a form of recognition, as I said earlier, for those who put not only their lives but also their health on the line, since several of them came back home with very serious injuries.

I am a member of the Canadian Legion in d'Iberville. Many people were hurt, and not only physically. They sustained injuries that were unknown at the time, psychological injuries. Nowadays, we know a bit more about post-traumatic stress syndrome. Everyone has heard about it.

In those days, people who went to war experienced absolutely dreadful situations. Nowadays, the same can be said of people who served, for example, in Bosnia, or those who served in Eritrea and Ethiopia and whom I visited personally. There was a demarcation line between the two camps. However, you could still see horrendous things. You could see bodies sprawled in the mine fields that nobody would retrieve.

I can understand that, even though soldiers are said to be tough and willing to accomplish their mission, they still feel pain when confronted with such a disaster and such a display of inhumanity. It goes against our values.

Here in our democratic regimes, we tend to settle our disputes through discussion. The House of Commons and the Quebec National Assembly are cases in point. Yet in those countries, they are often quick to resort to arms. And the victims are not only the soldiers who bear arms, but women and children, who often have no involvement in the conflict. They are its first victims though.

These people come back from those theatres of operations often physically diminished and psychologically damaged. Even the World War II veterans I meet still find it difficult to talk about the atrocities they witnessed on the battlefields.

The major flaw of the bill before us is what it does not do. I will explain. There are many forgotten ones in the bill. For financial reasons, 23,000 widows have completely been forgotten or left out in the cold by the bill.

It has taken us aback, since the minister had announced on May 12 that he would make legislative and regulatory changes. It so happens that among the legislative changes he wanted to make some had to do with the veterans independence program, which also applies to their widows. We were quite surprised when the minister came out with new background documents in September announcing his bill. Bills always come with briefing notes and background information announcing the forthcoming introduction of a bill at first reading.

At that time, it became obvious that the program would no longer be dealt through legislation. It meant that changes would not be made through amendments to the legislation. In the meantime, it was decided to proceed through regulatory changes.

This caught our attention. I then got out the regulation dated June 18, which says that widows now benefiting from the privilege will be able to benefit from it as long as they stay in their house. The program is for widows to give them help with housekeeping and grounds maintenance.

We understand the legislator's intention to help widows keep their house for quality of life reasons, of course, but also probably for economic reasons. Indeed, when they no longer have a house, they soon end up in long term care.

The problem is that the former program said that, when a veteran died, his widow would benefit from the program for 12 months. After that, she would no longer be eligible for benefits.

● (1645)

So, the minister said, “Those who now benefit from the program, those who have lost their spouse in the last 12 months, will be able to continue to benefit from it”. He forgot all the others. This means that 10,000 widows will continue to benefit from it, and 23,000 will not.

We may also question many things. Among others, my colleague from the Bloc, who deals with status of women issues, was mentioning to me that it would have been interesting to know whether the government has made a gender specific analysis.

I would like to explain this. The Beijing convention, which is a convention for women's rights, provides for certain conventions and treaties. There is one dealing specifically with the obligation of governments, when legislating, to see whether there is a negative impact on women. If the government decides to make legislation for veterans, we should see if the bill would have a negative impact on veterans' widows. In this regard, I am not sure the government has done its homework.

In fact, we do not intend to let off. We think that it is inadmissible that some persons should be told they are eligible and that others should be told they are not. Those who are not eligible have as much merit as the others. They too saw their spouse go off to war. My own mother saw her husband go off to war. She is still alive. She is living in a long term care facility and could not benefit from this allowance. However, if she still lived in her home, she would be told, “We are going to pay for your neighbour, because she lost her husband less than a year ago, but in your case, since you lost yours five or six years ago, you will get nothing”.

Understandably, some of these widows are coming to see members of Parliament. Some came to me and said, “This is unacceptable. Why am I not eligible? My husband went off to war. Other widows are eligible, why not me?” That is when we started looking into the matter and found out that 23,000 widows were not eligible.

Why are they not eligible? The minister is trying to explain that this money came from a reallocation within the department. Some $69 million was reallocated. A senior official of his department told us in a briefing, “Had we made all of them eligible, it would have cost $200 million, whereas all that could be reallocated was $69 million”. What happened is that they made a regulatory change that no one knew about. On June 18, cabinet met and decided that all those who benefited from the program at that time would continue to benefit from it as long as they lived in their homes, until they entered a long term care facility.

This means that those who no longer benefited from the program are no longer eligible. One can understand the position of a government that says it cannot afford to pay. However, there are other means available to the minister, and it would seem that he did not take advantage of these means. For instance, supplementary estimates were recently approved; that is more money ministers ask for in their respective budgets.

Why has the minister not said that he would like to have more money for his department and point out that he cannot say to 10,000 women that they are eligible for benefits under a program and to 23,000 others that they are not eligible? But it seems that he did not do that. The Prime Minister himself is said to have made a commitment to settle this issue. However, time is running out because, if the House adjourns on November 7, I am not sure that justice will be done to these women. This is one of the problems that we have right now. We should settle this issue tomorrow night, since we will be voting on a motion in which we are asking for a permanent solution to the problem, which would be for the Prime Minister to leave office and let someone else take his place. Then we will be able to continue our work and deal with the kind of issue that we have before us today, one that creates an injustice for many veterans' widows.

When we know that the government had a $13 billion surplus last year, we cannot help but wonder where that money is going. It is used to pay down the debt. Is the government dealing with the everyday problems of those people who really need help? No, it is not dealing with problems faced by the unemployed; on the contrary, it has reduced access to EI benefits. It is not dealing with problems faced by the elderly; in my riding, we are still looking for 800 to 1,000 elderly people because they are entitled to the guaranteed income supplement but have not been told.

The government could—and I agree that it would take $100 million in additional funds—ease the plight of these 23,000 women who have been left to fend for themselves. The Bloc Quebecois does not really understand why ordinary people are given such a low priority. I am sick of seeing people in Quebec City and in Ottawa always doing things for the millionaire club. They are not left to fend for themselves.

● (1650)

The future prime minister, the hon. member for LaSalle—Émard, has probably received government contracts totalling $15 million. But he is not someone who collects welfare. Why is it that it is always the better-off classes who benefit, and people who really need it, including those widows with annual incomes of $10,000 per year, are forgotten? They are left in the dark, while someone promises to try to get their problems solved. That is not enough for us.

The Liberal Party promises that it will now make an effort to compensate the 23,000 widows it had overlooked. In the meanwhile, some of them do not have the money and truly need it. Unfortunately, they will have to do without.

In short, we are extremely disappointed at the way things have turned out for these women. They are being deprived of their quality of life. I know that in my riding we found 200 people who were entitled to the guaranteed income supplement. When they were told they were entitled to it, and then they received it, they got $2,000 more each year, per person.

Just imagine what these senior citizens can do with $2,000. They are able to go to restaurants a bit more often, give little presents to their grandchildren, things they could not do before. It enables them to enjoy a better quality of life; perhaps they can live in a nicer apartment or perhaps buy more clothes—things they could not do before.

And it would be the same for these widows. If we could give them this amount, they would derive great benefit from it, and that is without counting the economic spinoffs in every riding.

We have just had a press conference about the goose that lays the golden eggs for the hon. member for LaSalle—Émard. I refer to the employment insurance fund. It deprives the riding of Saint-Jean of $34 million a year.

As for the senior citizens, if we found those 800 people in the riding of Saint-Jean, we would have recurring economic spinoffs of $2.5 million per year in our riding. That gets to be quite a large amount of money. There are between 100 and 200 veterans' widows who cannot qualify at this time, for the reasons I have just outlined.

People are being denied quality of life. And all the ridings in Canada are being denied economic benefits. Again, where will these women go? They will go to long term care facilities, which are under provincial jurisdiction and the provinces will have to foot the bill. In terms of transfers, again, the federal government pays no more than 14¢ for every dollar spent on health services.

It is a downward spiral and the provinces are increasingly choked by the services they have to provide. Ottawa is passing the buck. It clings to a fiscal imbalance vis-à-vis the provinces and rakes in surpluses. In the area of health alone, the Minister of Finance announced last week a $7 billion surplus. The provinces said, "Great, that is extraordinary. You told us that if you had more than $5 billion you could give us $2 billion of it". The minister changed his mind a few days later and said he had miscalculated and that he may have spoken too soon. In the end it was a $3 billion surplus.

In other words, the minister could tell the provinces he is not going to give them their $2 billion. The federal government will continue to contribute 14¢ for every dollar, while the provinces contribute 86¢ and have to fend for themselves.

There is a great deal of injustice in most of these cases. In the one before us, there is even more. Many women do not understand how the federal government could abandon them. Many women say, "My husband went overseas. He benefited from the program. Now that he has passed away, I should be entitled to the program for more than 12 months like others are, but I am being told no".

As I said, we are going to maintain our support for the bill because it contains positive things. Nonetheless, as we proved in asking the question today, we will not forget the fact that 23,000 widows have been left out in the cold and we will defend them. They are being treated unfairly and we will do everything we can to try to correct this injustice.

● (1655)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, Bill C-50 is an act to amend the statute law in respect of benefits for veterans and the children of deceased veterans.

The Minister of Veterans Affairs announced the measures included in Bill C-50 on May 12 and they include actions that would extend the health programs now received by veterans with a pension disability of over 77% to those with a pension disability between 48% and 77%.

It would also provide the veterans independence program and health care benefits to overseas service veterans at home when they are waiting for a priority access bed in a long term health care centre.

It would provide long term health care benefits to allied veterans with 10 year's post-war residence in Canada and extend from one year to a lifetime the period over which VIP benefits, which cover costs of housekeeping and grounds maintenance, will be given to widows after the death of their spouse or partner who was a veteran and receiving such benefits.

There also are amendments to the Children of Deceased Veterans Education Assistance Act to establish the education assistance program of the Department of Veterans Affairs in order to provide assistance for post-secondary education of children of members of Canadian Forces and veterans who were killed in military duty or who were in receipt of a disability pension at the time of death.

There is also an amendment to the Pension Act to update the scale of compensation for veterans who were prisoners of war. The War Veterans Allowance Act would be amended to clarify the definition of a member of the Canadian Forces during World Wars I and II.

Finally, the bill would makes a minor amendment to the Royal Canadian Mounted Police Superannuation Act.

Bill C-50, in its present form, is an omnibus type bill. It touches a number of other bills. It is not a bill that could be carefully read through and understood as to what exactly is included or its intent. It has to be looked at in concert with the legislation or the current acts that are being amended by Bill C-50.

Last Friday we debated the bill in the House and there was unanimous consent with regard to the actual provisions of Bill C-50 and a strong position that Bill C-50 should pass expeditiously and get to the Senate so we can deal with these most important changes being proposed.

Having said that, there is another issue and the previous speaker talked about it very well. He talked about the terrible inequity that would occur with regard to the veterans' widows who are not presently covered under the current act. The provisions of the act do not state who is entitled to these benefits. They are in fact in the regulations to the bill. As the House knows, the regulations are promulgated by order in council and the when the committee deals with legislation it is not dealing with the regulations but with the act.

The committee did not, although there was a way in which it could have, have an opportunity to address the extension of widows' benefits. To a Speaker on Friday, this place again gave unanimous consent to extend the benefits to the widows who are not covered under the current regulations.

When the Minister of Veterans Affairs spoke in this place I wrote down a couple of his comments. He said that we were in a dilemma. He wondered whether we should delay proceeding with this bill with a package of initiatives knowing that the twilight years of our veterans were upon us while we continue to search for sources of funding to provide for the additional funding necessary for these benefits, or whether we should proceed with the bill right now and lose that opportunity.

The debate then turned very quickly to funding. Many hon. members mentioned that it was important that we find the funding. The debate then turned to how much we were talking about. There was a little bit of variance in the numbers but we did know that it was minimally $200 million over about five years and as much as $400 million over the longer period.

● (1700)

I was advised directly by the Minister of Veterans Affairs that to make provision for the total cost of extending the benefits to these additional 23,000 veterans would be much smaller. It would be in the range of about $150 million and maybe as much as $200 million. We are not exactly sure because they are still working on the numbers.

However it means that it has brought us a lot closer. On Friday, one minute before we moved to private members' business, the Chair asked whether or not the House was prepared to call the question. I said no and I wanted to acknowledge that it was I who said no, but it was for a reason.

I had been made aware just minutes before that one of the reasons the government was having difficulty, as the minister alluded to in his commentary, was that there was a problem of having to record the aggregate cost or projected cost of extending the benefits to an additional say 23,000 widowers over their projected lifetime or the lifetime of the program and to have to record that in the year in which the decision to extend those benefits was made. It basically meant there was a concern, I do not know whether it was at cabinet or whether it was in the Department of Veterans Affairs, but there was this concern about whether we could afford to approve something that we would have to record somewhere between $150 million and $400 million in that year.

I think there is a greater confidence level now that the cost of extending these benefits is much closer to $150 million than it is to $400 million. I understand that is the opinion of the Auditor General's office.

However when we looked at something like the millennium scholarship fund, where $2.5 billion was actually being taken out of the government's resources and deposited in a third party bank account to set up an endowment for these future scholarships, that had to be recorded immediately because the government had no recourse to draw that money back.

This is not the case, however, with the decision, if it were taken, to extend these benefits. Therefore there is some question as to whether or not the accounting for those benefits should be made lump sum in advance or could be accounted for on an annual basis based on the costs actually incurred year by year; in fact smooth over $150 million over the next five or ten years, which members have said consistently is not an inordinate amount for the government to find in the public accounts right now in our estimates.

I wanted to inform the House that in the sixth report of the Standing Committee on National Defence and Veterans Affairs that was tabled in the House there was a recommendation that was adopted unanimously by the committee, a committee representing all parties in the House.

The motion it adopted reads as follows:

> That the committee supports the decision of Veterans Affairs Canada to extend from one year to a lifetime the Veterans Independence Program (VIP) benefits provided to surviving spouses of Veterans who were in receipt of such benefits at the time of their death. However, the members of the committee unanimously agree that the Government should take all possible means to provide lifetime VIP benefits to all qualified surviving spouses, of Veterans receiving such benefits at the time of their death, not just to those now eligible for such benefits following the amendments made in June 2003 to the Veterans Health Care Regulations.

That motion was unanimously carried and reported to the House by the Standing Committee on National Defence and Veterans Affairs.

The House has unanimously spoken about the support we have for extending these benefits: that we do not want two classes of widows and widowers. There is only one veteran and there are widows and widowers, and this place has the will to make this happen. There is no question that the provisions in Bill C-50 have the support of the House and it should pass quickly.

● (1705)

To make the changes necessary to extend the widows' benefits cannot happen in this bill, but it can happen by order in council, because the current regulations provide for that benefit for the widows and widowers who are presently receiving this. I said no on Friday because I wanted to find out whether there was some possible way to make this happen so that the unanimous will of this place, the unanimous will of the Standing Committee on National Defence and Veterans Affairs, could be reflected. There must be a way.

I have talked with the Minister of National Defence. I have talked with the Minister of Finance. I have talked with the Minister of National Revenue. I have talked with a number of other cabinet ministers. I have talked to a number of hon. members in the House. I am sure that the sense is there that these benefits should be extended, that there should be only one class of widows and widowers.

There is, therefore, an indication that we should do something. I believe that there is something that we could do now, that is, we should consider a motion of the House. If there is an accounting problem for $150 million, whether we account for it in one year or over five or ten years, it is an immaterial amount in terms of the public accounts. As for the Auditor General, notwithstanding the prescribed method to account for this, it is not going to lead to any substantive problems with regard to the public accounts. This place could unanimously adopt a motion to concur that notwithstanding what the prescribed accounting treatment would be, the House in fact concurs that the government should account for these additional costs on an annual basis as incurred. In accounting terms, it is referred to as accounting for it on a cash basis rather than an accrual basis.

If we were to adopt such a motion, then the government would have a very clear signal that it is the will not only of the standing committee but of this place, of all parties and all members, to include all widows, to extend it to all so that we do not have two classes of widows.

I cannot say it more clearly. I know that members have spoken passionately about this. I know that there is consent in this place to make it happen. It matters now whether or not it is their political will to make it happen. I believe that a motion such as I have discussed here would give the government a clear message from this House that we want to see these benefits extended.

As a consequence, I would like to seek the unanimous consent of the House to present a motion, which would state, if I might read it into the record so that members would know:

> That the House concur that the government extend veteran independence program benefits to all surviving spouses of veterans receiving such benefits at the time of their death, and that the cost be accounted for on a cash basis.

That to me would say to the government that there should be all efforts made to deal with it, whether it be by an accounting adjustment or by other methods as recommended by the Standing Committee on National Defence and Veterans Affairs. There is this will, it is a strong will, and it is unanimous. It is the right thing to do.

Having advised the House of the nature of the motion, I would seek the unanimous consent of the House to move the motion.

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

Some hon. members: Agreed.

Some hon. members: No.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I note that the Canadian Alliance members present in the chamber today were supportive of that motion. We were certainly in support of the intent of the motion to include all widows, all surviving spouses, for benefits. Our critic on this issue and indeed our entire caucus, including our leader, have been extremely supportive of the initiative to include them all.

Having listened to the member's speech and a lot of others on this particular issue over the last number of days, I think I can say that no other issue currently before the House touches the hearts of so many in all political parties and certainly the hearts of a lot of Canadians outside this place and away from Parliament Hill.

Having said that and having duly noted, as I am sure the member did, that it was his own party, the government, that did not allow unanimous consent in order to propose that motion, while I agree with the thrust of his speech, since when does it require a motion, a unanimous indication from the House of Commons, for a government to do the right thing?

I think it is absolutely deplorable that the member, a government backbencher, would have to resort to this type of initiative, although I applaud him for doing so. It is deplorable that he would have to resort to that type of initiative to try to get his own government to do the right thing. As he said himself in his remarks, and as others on both sides of the chamber have said, there should not be a situation in Canada where the government is picking winners and losers, especially in the case of surviving spouses of our war veterans. It is despicable. It is uncalled for.

This government did the same thing with the hepatitis C victims. It brought down a date and said if someone contracted it before that date they were out of luck, but if they contracted it after that date the government would compensate them.

Since when does it require unanimous consent, unanimity in this chamber, for a government to do the right thing?

● (1710)

Mr. Paul Szabo: Mr. Speaker, I want to thank the member for his comments and certainly I understand the thrust of his intent. Of course the member knows that at this reading of the bill we would lose it if we were to recommit it to committee. We cannot make amendments.

I think there was a consensus on Friday that the only thing we as a chamber can do as colleagues in a non-partisan way is to confirm to the government and the cabinet that we would like to see this done because, as the member said, it is the right thing to do. The only way for me to raise this opportunity was to seek unanimous consent. That was the only way it could have happened.

The member will also know that this particular motion can be made again. I will look for another opportunity if I can resolve the concerns that some may have about passing such a motion. Maybe there is another motion the House could consider, because I want all hon. members to know that this is a matter that is beyond the partisanship of this place. We have the support of all hon. members and we simply want to find a way in which we can; we do not care why we cannot.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I would like to commend the member for his motion in some respects. At least it is coming forward. At the same time, I have to exercise some caution and also bring some recent history back to the House.

I do not believe this is beyond partisanship. This is clearly a decision made by the Liberal government on what to do with the resources. We had a similar situation with the disability tax credit, whereby the Department of Finance decided that it was going to arbitrarily reduce the number of persons in the country who could collect a $1,000 tax credit. Our party put forth a motion, which was adopted unanimously in the House. Later on it was clawed back by the government in its bill for the budget. It did that, so I exercise some caution about a motion from all of us.

The real issue here is this: Why does the party over there not have the political will to provide a decent if paltry amount? It basically made a big political mistake and that is what this is about. It is clawing back after a big political mistake. Why does it not have the decency, when it has a $7 billion surplus, to provide this minuscule amount? Why does it not have the political will to do the right thing?

And this is partisan, because the government is making choices.

● (1715)

Mr. Paul Szabo: Mr. Speaker, the reason it has not been done is that there is a bill and the committee did not address the issue when they addressed the bill, either at committee stage or at report stage. There were no report stage amendments, unfortunately. Had we known that the operative area of the bill that grants or extends the benefit is a regulation and in fact not an element of Bill C-50, with a little bit of guidance we probably should have been able to get the thing through.

However, we still have this opportunity. I think the important thing is that we come together and achieve what we have to, whatever way it is. All hon. members can deal with how it unravelled in their own way.

Mr. Speaker, I would again seek the unanimous consent of the House to make the motion to which I referred earlier in my speech.

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

Some hon. members: Agreed.

Some hon. members: No.

Mr. Brian Masse: Mr. Speaker, it is sad that we still cannot get at least this done, but once again I caution that it cannot be the only avenue. It is absolutely pathetic if we are reduced to this. We are completely reduced to making a small amendment so that widowers are not tiered. The tiering has been a big mistake. The government is tiering the different types of efforts we could make to provide some decent standards for people in their homes.

Providing assistance for people to remain in their homes is something that we as a country have talked about. This is by no means like a handout. It is a hand that is being extended to people so that they can live with dignity and integrity. I think it is unbelievable that we are reduced to these things for such a small amount. In the larger picture of things, it would also be an economic generator. It is money that will not go to some offshore account so somebody gets a corporate tax cut and can hide it in the Bahamas or somewhere like that. It will pay for services so people can stay in their homes and be healthy. It will go directly back to the citizens of this country. That is the shame of this.

Mr. Paul Szabo: Mr. Speaker, I was elected a member of Parliament on October 25, 1993, about 10 years ago. The first event I had an opportunity to attend was the November 11 Remembrance Day services in my riding of Mississauga South. From that day forward, I have had, each and every year at all the various functions, an opportunity to build my relationships with veterans and their families, spouses and widows, et cetera.

I do not have to be convinced. I do not think that there is anybody in this place who actually has to be convinced. We have a technical problem here. I would just simply encourage the members who are here to speak with their House leaders and their party leaders and to enter into some discussions collectively with the leaders of the government to find the solution to this technical problem. It would be tragic if we were not able to come to what I believe is the unanimous will of the members of the House of Commons.

[*Translation*]

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.

The Deputy Speaker: I declare the motion carried.

(Bill read the third time and passed)

* * *

● (1720)

[*English*]

CRIMINAL CODE

The House proceeded to the consideration of Bill C-45, an act to amend the Criminal Code (criminal liability of organizations), as reported, (with amendments), from the committee.

Hon. Elinor Caplan (for the Minister of Justice) moved that the bill be concurred in.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Deputy Speaker: When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Elinor Caplan (for the Minister of Justice) moved that the bill be read the third time and passed.

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the passage of Bill C-45 represents the final step in the House in making significant reforms to the criminal law as it applies to all organizations. The bill has its origins in the terrible tragedy of the Westray mine explosion. All parties in the House cooperated in ensuring that the bill received high priority.

As members know, the bill when passed will significantly modernize Canadian law by expanding the circumstances in which an organization can be held criminally responsible for the actions taken in its name by its representatives.

To accomplish this it will introduce definitions of "organization", "senior officer" and "representative" that in combination expand the current directing mind test of liability to include persons who manage important aspects of the organization's business. It will codify rules for attributing criminal liability to organizations that reflect the modern, complex decision making structures of organizations. It will set out factors for a court to consider when sentencing an organization. It will provide optional conditions of probation that a court can impose on an organization.

Well run organizations that take seriously their responsibilities as corporate citizens have little to fear from these changes. They would of course be well advised to review their practices and procedures and how much discretion they give to managers. However, the organization will only be held liable when there has been fault on the part of a senior officer. In offences based on negligence, the senior officer will have to have shown a marked departure from the standard of care that could reasonably be expected.

Where the offence is based on fault other than negligence, for example, knowledge or intent, the organization will only be liable if a senior officer who intends to benefit the organization either is a party to the offence personally, or directs the commission of the offence or turns a blind eye to the criminal activity of others.

These new rules are balanced and fair.

With respect to safety, the bill proposes not to separate out corporations and other organizations, but rather to emphasize the importance of ensuring the safety of workers and the public by introducing into the Criminal Code new section 217.1 making it a legal duty for everyone who directs the work or other persons, or who has the authority to do so, to take reasonable steps to prevent bodily harm to that person or any other person.

Officials of the Department of Justice told the standing committee that in an organization with a complex structure, this new duty would apply not only to the organization itself, but also to individuals who may be personally liable in their own capacity, such as senior officers, low level managers, shop foremen, indeed anyone in the corporation who has the authority to direct how work is to be done.

Ultimately, the chief executive officer and the board of directors are responsible for how work is carried out. Clearly, they are not involved in the day to day decisions on the shop floor, but if they act with total disregard of their obligations with respect to work or worker safety and put pressure on the lower level managers to sacrifice safety to production, they could be personally liable.

I believe that Bill C-45 is already having an effect. *Worksite News* in August ran an editorial under the title "Bill C-45: What You Need To Know To Protect Your Assets Against The New Criminal Liability For Workplace Safety". In that editorial the author wrote:

> Corporate Canada would be well advised to assess their current OHS programs, training budgets and real commitment to workplace health and safety. An effective program with demonstrated clear communication throughout the organization is not only the way to ensure compliance with your legal obligations, but more importantly it helps to ensure the health and safety of your employees.

● (1725)

I understand that officials of the Department of Justice have met with the Canadian Chamber of Commerce and with the occupational health and safety committee of the Canadian Manufacturers and Exporters to explain the potential impact of Bill C-45. They have also participated in a panel on Bill C-45 and the implications of proposed amendments to the Criminal Code as part of the Health and Safety Law Conference 2003 held in Toronto. All members should be encouraged by these signs that corporations and other organizations are considering their policies in the light of this new duty.

I believe that all parties in the House have approached this bill, the previous debate on Bill C-284 and the hearings of the standing committee last year in a non-partisan way, seeking to improve the operation of the law in this important area. I believe that all parties can take pride in their contribution to developing this bill and that the House can unanimously pass this bill and send it to the other place where we hope it will receive the same expeditious, non-partisan consideration.

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, it is a pleasure to comment on Bill C-45. I would really like to think of it as the Westray bill.

When I was first elected in 1993, representatives of the small communities of Plymouth and Stellarton, Nova Scotia were among the first to come to see me as I was serving as the mining critic for the official opposition. They still come to see me today .

Back in 1993 they sought justice regarding 26 working miners, their neighbours, friends and customers, sons and fathers, husbands and brothers, who died underground in the Westray mine disaster on May 9, 1992. Since then, at least one folk song has been written about it, the title of which is "Everybody Knew". I have travelled to the area several times and have found that is a fact; everybody knew there were problems with that coal mine. Everybody knew conditions were not safe, yet management sent those men into unsafe conditions day after day until what seemed to be almost inevitable happened.

According to the Westray mine public inquiry, sparks struck by cutting bits from the continuous miner, a machine working the southwest 2 section of the mine, ignited coal dust and she blew, taking not only those families' dear ones, and hopes and dreams, but also the traditional Cape Breton coal mining economy with it. That inquiry also found:

> Had there been adequate ventilation, had there been adequate treatment of coal dust, and had there been adequate training and an appreciation by management for a safety ethic, those sparks would have faded harmlessly.

Today, over 11 years later, to the best of my knowledge not one representative of the resource company, not one mining inspector, not one provincial or federal bureaucrat from the Department of Natural Resources, Environment Canada or the Department of Labour has served one day in jail for what seems to me, admittedly not a lawyer, their criminal negligence in those 26 preventable deaths.

The federal government helped finance this mine so it cannot simply wash its hands and point the finger of blame solely at the province. As the report states:

> Westray took over development from Canadian Mining Development in early April 1991, at a much earlier stage of development than originally planned, and began using continuous mining machines to drive the mains.

Still quoting from the report:

> In the rush to reach saleable coal, workers without adequate coal mining experience were promoted to newly created supervisory positions. Workers were not trained by Westray in safe work methods or in recognizing dangerous roof conditions—despite a major roof collapse in August. Basic safety measures were ignored or performed inadequately. Stone dusting, for example, a critical and standard practice that renders coal dust non-explosive, was carried out sporadically by volunteers on overtime following their 12-hour shifts.

Here are some further quotes:

> Management trivialized the concerns of workers, some of whom quit their jobs at the mine. Although the mine inspectors asked the company for roof support plans, as well as stone dusting plans, it repeatedly deferred supplying them. Westray is a stark example of an operation where production demands resulted in the violation of the basic and fundamental tenets of safe mining practice.

As Mr. Don Mitchell, mining consultant for the Nova Scotia department of labour concluded from his post-explosion investigation of mining safety training, Westray mine "had no program that was appropriate to the needs of that mine".

I have to ask, why was there no such investigation in time to prevent those 26 deaths? Such blatant disregard for the safety of employees must not be allowed to be repeated. Nevertheless, every day in Canada, workers are still being killed or injured on the job while some corporations simply continue what they do best, make a profit.

Of course most corporations do have a heart and also recognize that good, safe working conditions also are good business practice. It is also true that provincial workers' compensation rates will go up after accidents, and sometimes they go up a lot. However, that financial aspect has not proven to be enough to motivate all corporations into creating safe workplaces.

● (1730)

Therefore, Canada needs both big carrots and big sticks, including federal legislation for criminal liability, to protect vulnerable workers, like the new kid in his job, those young workers most likely suffer workplace injuries.

In conclusion, as mining critic for the official opposition and as one who has personally visited the communities and the United Mine Workers local most affected by the Westray disaster, regardless of whatever other concerns may affect our scheduled business this fall in Parliament, this bill is shamefully overdue. I believe we should pass this legislation post-haste.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, it is with great pleasure that I rise today to speak to Bill C-45. As you know, the purpose of the bill is to carry out an indepth review of the principles of law governing the liability of corporations and other associations of persons for all criminal offences.

I want to commend committee members for their cooperation. All parties put their shoulders to the wheel so that the bill could be passed quickly, and in as non-partisan a fashion as possible.

It is also interesting and crucial to remind the House that this bill is the outcome of the efforts of ordinary members of this House and not an initiative of the government. Members worked hard to ensure that tragedies such as the one we saw at the Westray mine would never occur again or, if they did, that very harsh penalties could be incurred.

To understand the issues, it is important and even essential to put them into context. We remember that at the Westray mine, in Nova Scotia, 26 men, 26 mine workers died, leaving wives and children behind, creating sadness for women and children who did not deserve to lose their loved ones. We also remember that the public inquiry revealed that the tragedy was caused in large part by the negligence of the bosses, who had turned a blind eye to some serious safety problems.

For more than five years, the government did not do a thing in response to this inquiry. MPs had to bring pressure to bear to get substantial legislative changes passed to ensure that such a situation will happen again. These members worked hard, with the fierce and constant support of the families of the victims of Westray.

In June 1999, a motion was put forward to amend the Criminal Code and other federal legislation so that the directors and officers of a company would be held responsible for workplace safety. At the time, the Bloc Quebecois supported the motion, but when Parliament was dissolved, the motion died on the order paper. Since then, similar motions were brought in on several occasions. But we must recognize that the government dragged its feet until it introduced Bill C-45.

Bill C-45 is based on eight key points I will review here:

First, to the use of the term organization, rather than corporation. This will broaden the definition, thereby affecting more institutions.

Second, companies can now be held criminally liable for the acts of their employees who are not necessarily in positions of authority or, as they are commonly referred to, the higher ups.

Third, the material aspect—the act of committing a crime—and the moral aspect—the intent to commit a crime, the *mens rea*—of criminal offences attributed to companies and other organizations no longer need be the work of the same person.

Fourth, the category of persons whose acts or omissions can constitute the material aspect—meaning the criminal act that can be attributed to a corporation or any other organization—is broadened to include all employees, representatives or contractors.

Fifth, with regard to crimes resulting from negligence, generally referred to as criminal negligence, the fault can now be attributed to the organization to the extent that one of the senior officers of the organization can be charged with the offence.

Sixth, in the case of deliberate crimes, an organization can now be held responsible for the actions of its senior officers to the extent that a senior officer is party to the offence, directs other employees to commit an offence or, knowing that an offence will be committed by other employees, does nothing to prevent it. It is important to clarify, nonetheless, that the acts or actions of senior officers must be committed with the specific purpose of procuring an advantage for the organization.

Seventh, the bill is designed to place the onus explicitly on anyone who undertakes to direct the work of other employees to take all reasonable steps to prevent bodily harm to these employees

Finally, the bill also contains provisions for establishing general sentencing principles and probation conditions in respect of the organizations.

● (1735)

We are therefore extremely pleased with this bill. We support it, although we would have liked to have seen it sooner.

Although enactment of Bill C-45 cannot of course compensate the families, the women and children who have lost husbands, fathers, brothers, we do hope that Bill C-45 will at least lessen their suffering somewhat and will give those who have lost loved ones in such tragic circumstances some feeling that justice has been done.

[*English*]

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, it is a pleasure on behalf of the Progressive Conservative Party to take part in the debate on this very important bill, known as the Westray bill. Certainly, the Progressive Conservative Party wishes to see its quick passage.

The purpose of the bill is to amend the Criminal Code to establish rules for attributing organizations with criminal liability for the acts of their representatives. It would establish the legal duty of persons directing work to ensure the safety of workers. It sets out factors for courts to consider when sentencing organizations and provides conditions for court imposed probations.

Bill C-45 is billed as the government's long awaited response to the findings of a public inquiry into the Westray mining disaster.

On May 9, 1992, an explosion at the Westray site in Plymouth, Nova Scotia, killed 26 coal miners. As a result, the mine's parent company, Curragh Inc., and two on-site managers were charged with manslaughter and criminal negligence causing death. Despite evidence of lax safety standards and hazardous conditions in the mine, the case failed at trial sparking allegations of abuse of the court process and appeals to the Supreme Court.

The founder of Curragh Inc. refused to testify at the subsequent public inquiry calling it a farce, which prompted a public outcry over the lack of corporate accountability.

In 1997, inquiry commissioner Justice Peter Richard, issued the final report that accused mine managers and government inspectors of dereliction of their duties. A key recommendation from the report called upon the federal government to ensure that corporate executives and directors were held properly accountable for workplace safety.

Let me go over some of the highlights of the bill.

The criminal liability of corporations and other organizations will no longer depend on a senior member of the organization with policy making authority; that is, a directing mind of the organization having committed the offence.

Another highlight is the physical and mental elements of criminal offences attributable to corporations and other organizations will no longer need to be derived from the same individual. The class of personnel whose act or omissions can supply the physical elements of a crime attributable to a corporation or other organizations will be expanded to include all employees, agents and contractors.

Another highlight is that for negligence based crimes, the middle element of the offence, *mens rea*, will be attributable to corporations and other organizations through the aggregate fault of the organization's senior officials, which will include those members of management with operational as well as policy making authority.

For crimes of intent or recklessness, criminal intent will be attributable to a corporation or other organizations where a senior officer is a party to the offence or where a senior officer has knowledge of the commission of the offence by other members of the organization and fails to take all reasonable steps to prevent or stop the commission of the offence. Sentencing principles specifically designed for corporate organizational offenders will be adopted.

Another highlight is that special rules of criminal liability for corporate executives will be rejected.

The last highlight that I will provide is that an explicit legal duty will be established on the part of those with responsibility for directing the work of others, requiring such individuals to take reasonable steps to prevent bodily harm arising from such work.

It should be noted that none of the provisions in the bill are retroactive. The government claims that the bill should make it easier to convict companies and other officials of crime that injure workers or the public.

Although specifying that an organization may be held responsible for occupational safety matters is a step forward, the bill does not address what happens if a negligent organization ceases to exist.

For example, Curragh Inc. was bankrupt by the time the Westray prosecutions could have started, meaning that imposing a fine and preventative safety measures in that case would have been meaningless punishment.

The Canadian Federation of Independent Business said that the bill has the potential to end up as mere feel good legislation, meaning that it would have little practical impact. It says that it would rather see the federal government assist businesses to meet their existing health and safety obligations.

● (1740)

However, many groups have come out in favour of this legislation. Physicians for a Smoke-Free Canada, for example, have stated that it believes Bill C-45 will effectively ban smoking in all workplaces, as second-hand smoke is considered a health hazard, and the bill requires employers to take reasonable measures to protect employee safety.

Also nothing in the bill suggests that it will be easier for workers or members of the public to receive direct compensation from corporations for their wrongdoings. One possible way to address this would be to distribute fines collected from organizations found guilty of workplace safety violations to the individuals directly harmed by the offence.

The bill also does not deal completely with the responsibility and accountability of corporate directors for unsafe work environments. The definition of a "senior officer" specifically includes the director, chief executive officer and chief financial officer, but does not mention lower level corporate executives and officers.

In closing, despite the failings of the bill, the PC Party believes that it is better than no bill at all and we certainly encourage its quick passage through this House as well as the Senate.

● (1745)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I am happy on this occasion to have the opportunity to speak briefly in the final reading stage of the so-called Westray bill, Bill C-45, that is now before the House.

I want to take the opportunity to pay tribute, where I think tribute is owing, to those Canadians who have worked long and hard to bring the bill to the point where we in fact will have a vehicle to hold criminally accountable corporations, their officers and executive members who knowingly put at risk the lives of their employees.

I think credit must first and foremost go to the families, the survivors of the Westray miners, 26 of whom lost their lives in my province of Nova Scotia over a decade ago, and to the surviving miners who had been employed at Westray but, fortunately, were not working in the mine on the occasion when this tragic disaster occurred.

Second, credit is owing to the trade union movement and, in particular, to the United Steel Workers of America which made a commitment that was not required in law and not a commitment it had entered into in any contractual way but in fact a commitment to help the Westray miners organize. A vote had been cast by the Westray miners but because the ballots were counted after the 26 deaths occurred, it turned out that the Westray miners had sought to be represented by the United Steel Workers of America.

The mine closed but the steel workers never faltered, never hesitated. They poured their heart and soul, blood and guts into pressing for the kind of changes in law, the changes in health and safety practices in Nova Scotia and across the country, that would ensure never again would there be an occurrence permitted in this country such as what happened at Westray.

Credit must also be shared with those who have lost their lives and others who have advocated on behalf of workers who lost their lives or lost their health or lost limbs in workplace accidents, who have also understood the need for changes in the Criminal Code to make it possible to establish corporate responsibility and accountability and, where appropriate, corporate criminality when employers act in grotesquely irresponsible ways that endanger the lives of their workers.

I want to underscore the tragedy of the government having taken so long to reach this point of bringing the legislation forward by mentioning 21 year old Lewis Wheelan. He was employed by Ontario hydro to clear brush. In Nova Scotia we call it Power Corporation. Through what was a horrendously irresponsible set of circumstances, for which the employer was responsible, this young man initially suffered a serious workplace injury and became a triple amputee. He struggled valiantly to rehabilitate himself but in a double tragedy and a double irony he lost his life during the recent Ontario hydro power outage.

His father wrote to me a few days ago expressing concern about the possibility that the bill would die on the Order Paper as a result of premature prorogation or the recessing of this session of Parliament. I do not think we should leave it to chance. We should ensure that the legislation is effective.

● (1750)

Had the legislation now before the House been in place in May 2001, when Mr. Wheelan's son suffered his severe workplace accident, the employer, Great Lakes Power Corporation, a subsidiary of Brascan Corporation, would have found itself in the criminal courts facing the kind of sanctions and ultimate justice that are in the bill.

It is too late for Lewis Wheelan and the other Lewis Wheelans of the world who have lost their lives over the last 10 years in what might have been preventable workplace accidents or injuries and ultimately workplace fatalities but let us not delay further the full implementation of the legislation.

I have been concerned, and I know others have been concerned from the beginning, about whether the legislation is as far-reaching as it needs to be. We do not know whether the bill captures all of those intended by the recommendations of the judge who presided over the Westray inquiry. Departmental officials have insisted that those concerns are unfounded and they have been adamant that executives, officers or CEOs of corporations who might engage in criminally irresponsible activity as it relates to the lives of their employees will be fully covered under the legislation. I hope those assurances are based on solid ground.

There also has been a concern about whether the definition of organizations is one that is entirely appropriate and whether there is any possibility that inadvertently those who would be least expected to be held responsible for workplace injuries or fatalities might find themselves being blamed and others in fact finding themselves getting off scot-free. We have been given assurances that these concerns are, if not ill-founded, that there is a remote possibility that those concerns are on solid ground.

For that reason, I and the New Democratic Party caucus are prepared to indicate our support for the legislation. It may not give us the most stringent possible measures but in this instance it is certainly an improvement over the disgraceful situation as it relates to holding employers fully responsible for criminally irresponsible actions in the workplace.

I again pay tribute to those who have worked to bring this about. I think some credit also needs to go to the justice committee. Sometimes it is not evident to the general public that parliamentary committees working under the umbrella of Parliament, in this case the parliamentary committee on justice, get the job done. It is true that sometimes committees are hopelessly bogged down, paralyzed or engaged in dismaying partisan manoeuvring in the eyes of the public but in this case some credit has to go to the chairman of the justice committee, the member from the Fredericton area and two other members of the committee for ensuring that this necessary legislation has now reached this stage in the completion of the parliamentary process.

The bill was first introduced by me in a private member's bill and died on the Order Paper. It was then introduced by my colleague, the member for Churchill, and died on the Order Paper.

● (1755)

It is much appreciated that enough members of the House saw the necessity of moving forward. The justice committee had a genuine and sincere debate on whether it was necessary, once the government sponsored its own legislation, to have a full array of witnesses come before the committee yet again. Given the urgency of getting on with the legislation, we appreciate the cooperation at the justice committee to recognize the possibility that bringing forward a whole series of witnesses all over again was perhaps unnecessary and, in any case, could jeopardize the importance of the legislation being enacted before the House faces the possibility of prorogation.

To all those who have contributed, I send a heartfelt expression of appreciation. In the final analysis, to those who have paid with their lives in preventable workplace deaths, accidents and injuries, it is hoped that this, in the future, will allow family members to say that lives and limbs were not lost, that people did not sacrifice their health without there finally being an appropriate response from the federal government to do what it could to prevent such fatalities and tragedies in the future.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I rise once again regarding this bill, of which I have already spoken at other stages. It is as industry critic for the Bloc Quebecois that I am taking part in this debate. I used to be human resources development critic and, as such, I may have had more opportunity to deal with issues that have to do with workers, employment insurance and things like that.

In this case, I think that this is a bill that deserves our support. Indeed, it is the result of several years of work as well as the result of the tenacity of certain members of this House. The involvement of members of the Standing Committee on Justice and Human Rights was mentioned. The work that led to this bill was initiated by NDP members. They were the ones who were closest to those who went through this terrible experience.

As was mentioned earlier, this bill follows several bills that were brought forward by individual members. Basically we realized, following the explosion at the Westray mine in Nova Scotia, that we did not have the necessary tools to conduct a thorough inquiry.

This could also have a preventive effect so that, in future, people would not engage in more or less acceptable behaviours for which they could not punished previously. Now, with this legislation, before engaging in such behaviours, people will know that there are consequences, and chances are that they will choose not to go in that direction. Indeed, they will have been warned in advance that it is very dangerous to engage in these types of behaviours.

First, let us go back to Bill C-468, which was introduced in February 1999. The purpose of this bill was to establish in certain circumstances the criminal liability of corporations for criminal acts or omissions carried out by their officers or staff and to create a new offence in the Criminal Code for corporations that do not provide a safe workplace.

This bill was also aimed at making it easier to establish the criminal liability of directors and officers, something that was missing from the legislation and the Criminal Code. It was impossible to clearly put the blame on those who were actually responsible for these situations.

After Bill C-468 died on the Order Paper in June 1999, a motion was presented to amend the Criminal Code and other federal legislation to hold corporate managers and administrators responsible for workplace security. At that time, the Bloc was in favour of such an amendment. The members of the Bloc Quebecois took part in the work needed to ensure that the end result would be as good a bill as possible and one that would solve the problem at hand.

The bill was introduced again in October 1999, as Bill C-259. Once again, it died on the Order Paper. In February 2001, the bill was introduced again. At that time, the hon. member for Laurentides spoke in favour of the bill while explaining that Quebec already had such an agency—the Commission de la santé et de la sécurité du travail—that oversees the safety of employees. Thus, in Quebec, we already had a framework for dealing with such situations. Nevertheless, that did not correct the weaknesses of the Canadian Criminal Code. Thus, the Bloc Quebecois thought it relevant to push for the adoption of a satisfactory bill.

For example, in the House on November 11, 2001, the member for Hochelaga—Maisonneuve expressed his support for such a bill. For him, it was important to pass this bill as a kind of legislative corrective measure, and especially important to strengthen the Criminal Code in order to prevent loss of life among workers.

Finally, it was the Standing Committee on Justice and Human Rights that began to deal with the issue. It held hearings on the issue in the spring of 2002 and tabled its report in June 2002. It recommended that the government introduce legislation in the House on criminal responsibility of corporations, managers and administrators.

That has been the legislative process so far. Beginning with a private member's bill, facing many challenges, we have finally, through sheer tenacity, ended up with a government bill. In the end, the government had almost no choice but to introduce something. We started with a vague private member's bill, and ended up with a recommendation from the Standing Committee on Justice and Human Rights, telling the government that it must act. And that is how Bill C-45 came to be introduced in the House.

● (1800)

The main changes pertain, first, to the use of the term “organization”, rather than “corporation”. This will take in more institutions, including institutions that otherwise would not have been covered and could have continued to engage in inappropriate behaviour.

The bill also says that a company can be held criminally liable for the acts of employees who are not necessarily senior officers in the company. We know that with the multitude of hierarchical levels, under the current Criminal Code there would be no way to ensure that someone who committed a reprehensible act could be prosecuted accordingly and forced to assume the consequences of what he had done. Part of this is corrected in the current bill.

The material aspect—the act of committing a crime—and the moral aspect—the intent to commit a crime—of criminal offences attributed to companies and other organizations no longer need be the work of the same person. It is possible that in an organization where a criminal act has been committed, that someone utters the intent to commit the crime and directs someone else to do it. Now this distinction can be made in charges and in the how the behaviour of people involved in this type of situation is judged.

When it comes to criminal negligence, the moral aspect of the offence could be attributed to the organization insofar as it can be attributed to one of the organization's senior officers. For these aspects, it is essential that fault be attributable to one of the senior officers of the organization.

With regard to mens rea, the organization could be held responsible for the actions of its senior officers if a senior officer is party to the offence or directs other employees to commit an offence or if a senior officer, knowing that an employee is about to be party to an offence, does nothing to stop them.

I would say that this is the crux of the bill. It was truly this side of it that had major flaws and blame could go back and forth without anyone ever having to take responsibility.

The bill also explicitly imposes an obligation on those with the authority to direct the work of other employees to take the necessary steps to prevent bodily harm to those individuals.

The bill also establishes sentencing principles and conditions of probation for organizations. It was important to have clear and specific penalties, so that people would know exactly what the consequences of their actions would be. This did not exist previously in the Criminal Code, which led to the Westray mine situation, where it was impossible to establish liability and to ensure that it was assumed correctly. This gave a very bad example for the future and created legal precedents. This is why it was necessary to legislate.

We know that, in Canada, the conditions under which a corporation can be held criminally liable are essentially based on jurisprudence. Therefore, it was important to have adequate legislation as a basis for jurisprudence.

The bill also amends current legislation so that organizations other than corporations can be held criminally liable. Indeed, under this bill, the term organization includes a public body, body corporate, society,company, firm, partnership, tradeunion or municipality. Let us hope that we did not forget other types of organizations that could be placed in such situations. The definition appears to be broad enough to cover all those who should be covered.

The bill also says that the term organization includes any association of persons thatis created for a common purpose,has an operational structure, andholds itself out to the public as anassociation of persons. We see that the legislator really wanted the definition to be as broad as possible. It is not only the employer that is included but any other type of organization, so as to prevent the same kind of situation from happening again. The government is ensuring that the legislation was not corrected only to cover a certain type of organization or employer, but all the different types of associations.

The bill also deals with the issue of safety in the workplace when it says, with respect to section 217.1, that every one who undertakes, or has theauthority, to direct how another person doeswork or performs a task is under a legal dutyto take reasonable steps to prevent bodilyharm to that person, or any other person,arising from that work or task. This new provision will make it possible to charge people in positions of responsibily who have failed to meet this obligation with criminal negligence.

● (1805)

Again, this measure comes from the impact analysis of the tragedy at the Westray mine. Of course, it will not bring back those who died in that terrible accident and are still mourned by their families.

However, this bill at least gives those families the assurance that legislators have learned their lessons and are trying to ensure that such a tragedy never occurs again.

Sentencing these organizations is another issue on which we put a lot of emphasis. The bill would add new sections and expand existing sections to take into account, during sentencing, factors that are characteristic of organizations. A specific section is also added to regulate the probation conditions applicable to organizations.

Overall, this bill seems to solve one of the problems linked to the tragedy at the Westray mine. For all these reasons, the Bloc Quebecois supports the principle of Bill C-45.

Given the current state of the law, we believe it is important to establish a regime of criminal responsibility for businesses that is effective and takes into account the differences between an individual and an organization.

However, I would like to voice a concern regarding offences. Indeed, *mens rea* is required, in other words, to prove that intent is above and beyond that required for criminal negligence. A first look at clause 22(3) leaves questions as to how effective this clause will be when it is applied to a specific situation.

We have reached a level of proof that, in practice, might be difficult to achieve. We made these comments in committee and at other stages. This has not been corrected, but let us hope that with respect to jurisprudence, we will not end up in a situation where we have to amend the legislation because it was not accurate enough in the first place.

I want to reiterate that Bill C-284, which had been presented by the NDP, proposed a solution to this difficulty by including the possibility of reversing the burden of proof for corporations. Reversing the burden of proof would work as follows: once it has been established that the employees of an organization have committed an act or made an omission leading to the commission of a crime, that organization would have to prove that it neither authorized nor tolerated such behaviour.

Thus, it would be a kind of preventive measure to avoid that kind of situation. We also should note that the bill does not in any way make it possible to impute criminal responsibility to administrators of corporations, unless the corporation itself has committed a criminal act.

Perhaps this amendment was not included in Bill C-45 for constitutional reasons. Still, it remains open to interpretation, which I hope will not leave an opportunity for people with bad intentions to commit a criminal act without being subject to the appropriate sanctions.

Certainly, the entire bill must be examined very carefully to ensure that it is effective; still, its objective remains valid and necessary in order to make organizations answer for their acts.

I believe that this is the kind of law on which we will look back in 10, 15 or 20 years and say that it brought in real improvements to prevent unacceptable behaviour. It will have corrected something that had caused a great deal of pain in the past, particularly to the families of the victims of this accident.

Nevertheless, it will be clear that the measures that legislators in this field have taken will have helped correct the situation. We can hope that this kind of situation will never happen again and that there will be no need to intervene before the courts to obtain convictions. The way the bill has been written and the information that will be provided to various organizations are intended to make people in all kinds of organizations aware of the fact that they will be held responsible for the consequences of their actions. Thus, we hope to avoid a repetition of the terrible accident at the Westray mine.

In conclusion, I want to express my wishes, and those of many members of this House, that we will be able to pass this bill and that it will come into effect as soon as possible.

● (1810)

[*English*]

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I listened to the member's speech and I have a couple of things that still bother me about Westray with regard to the bill.

We know corporations have a responsibility. With regard to Westray, there were a lot of bureaucrats involved. We must remember that federal and provincial funding was involved. Does the bill address the responsibility of the bureaucrats and the governments?

We tend to put the onus on the corporations, but the governments and bureaucrats involved should also shoulder a lot of the responsibility. Does the member believe the bill will address that concern? Will the bureaucrats and governments responsible for turning a blind eye to certain business practices also be liable under the act?

[*Translation*]

Mr. Paul Crête: Mr. Speaker, I think that the accident at the Westray mine has taught us several lessons and forced us to take an indepth look at what happened.

Lawmakers no doubt felt the need to correct the legislation to deal with and resolve the problems identified. Perhaps, as my hon. colleague indicated, there really are other problems in terms of government practice which, in this context, also needed to be corrected at the same time.

Perhaps the solution was not necessarily a legislative one. Sometimes, things happen as a result of mistakes made or the routine practice of tolerating certain behaviours that may be due to human error.

There was however an underlying reality, namely that there were individuals who were not properly taking their responsibilities in this respect. These individuals set an example that had terrible results.

Naturally, other solutions could be considered, such as action at the provincial level or action with respect to how mines are monitored. There had to be a specific problem, as anyone who obtained information on this situation clearly felt that the government was not properly equipped to correct the situation and bring those responsible to take their responsibilities.

This is the aspect of the problem raised here. I do not think everything can be solved by enacting legislation. That is not necessarily the way to solve everything. There must, however, at least be the most appropriate regulatory and legal framework as possible in place. The most important message is that sent to those likely to behave in a criminally negligent way.

Now they have a very clear message: from now on they will be required to face up to their responsibilities in a way that is far more clearly delineated than before. The way people have been able to defend themselves has demonstrated that a number of legislative tools were needed if people in such circumstances were to be treated fairly.

Now we will have an appropriate piece of legislation. We will also have sent a message for the future. In this connection, it is my hope that the federal government will go beyond its usual bureaucratic approach and find some means of informing all organizations, so that people get the message clearly, instead of just generating more bureaucratic red tape.

All organizations must have the perception that they have responsibilities, particularly in areas where there is a major risk of work related accident and fatal error. What we want to see in these types of organizations is for the message to be spread as clearly as possible all at all levels, so that there will be no more such unfortunate situations.

● (1815)

[*English*]

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.

The Deputy Speaker: I declare the motion carried.

(Motion agreed to, bill read the third time and passed)

* * *

[*Translation*]

CRIMINAL CODE

The House proceeded to the consideration of Bill C-32, an act to amend the Criminal Code and other Acts, as reported (with amendment) from the committee.

Hon. Don Boudria (for the Minister of Justice) moved that the bill, as amended, be concurred in at report stage.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Deputy Speaker: I declare the motion carried.

(Motion agreed to)

The Deputy Speaker: When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

[*English*]

Hon. Don Boudria (for the Minister of Justice) moved that the bill be read the third time and passed.

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is a pleasure for me to rise again in the House today and to speak to Bill C-32, an act to amend the Criminal Code and other acts.

The first point I wish to make is to say how pleased the Minister of Justice and I have been with the level of support expressed by parliamentarians of all parties with respect to this bill.

Bill C-32 contains some key proposals that aim to sufficiently protect Canadians from new threats. It also seeks to make some technical amendments that are less substantial in nature but nonetheless very important to ensure our criminal laws are clear.

I will begin by focusing on the proposed amendments to the Criminal Code dealing with the offence of setting traps likely to cause death or bodily harm to a person.

Law enforcement agencies and other organizations such as the International Association of Fire Fighters have been voicing their concerns for some time now about the presence of deadly traps, often hidden in homes. Police officers, firefighters and other first responders have indicated a sharp increase in the use of traps by criminals to protect their drug production activities against their rivals and law enforcement officers.

First responders have provided as examples cut away floors close to doors and windows, weapons such as crossbows and shotguns that fire when a door is opened, and incendiary devices designed to destroy evidence of drug production activities.

Since these activities are regularly concealed, often in homes, first responders face unusual risks when responding to emergency calls. These traps constitute an unacceptable additional risk for first responders. The setting of traps has become a serious problem associated with criminal activities involving organized crime. It has become necessary to provide proportional sentences to adequately punish those who use these deadly traps to protect their criminal activities.

During the examination of Bill C-32 before the Standing Committee on Justice and Human Rights, witnesses were heard from the government and the International Association of Fire Fighters. They provided parliamentarians with a closer understanding of the realities of the problem and how to best address it.

Bill C-32 proposes that the current traps offence provision be rewritten in many respects. To begin with, the bill seeks to create a new offence with a tougher sentence of up to 10 years imprisonment for any person who sets a trap in a place used to commit another indictable offence.

If the setting of a trap causes bodily harm to a person, the maximum imprisonment sentence increases to 10 years, but when the trap is set in a place that is kept or used for committing another indictable offence, the possible maximum sentence will be 14 years imprisonment.

In cases where a person's death is caused by a trap, the maximum sentence of life imprisonment could be imposed. Aside from these cases, those who set traps, regardless of the location, will continue to face a prison term of five years.

The purpose of these amendments is to ensure that those who, in order to protect their criminal operations, set traps that could cause death or bodily harm face severe sentences reflecting the seriousness of the offence.

Emergency personnel, such as firefighters and police officers who must respond to situations at apparently safe locations will be provided protection consistent with the danger posed by the setting of traps.

I believe, and I have heard this view expressed by many hon. members of Parliament, that it is unacceptable for criminals, especially those involved in organized crime, to set traps that are intended to injure or kill anyone who enters a building or a place, such as a farmer's field in order to protect their criminal operations.

These traps are set with a complete disregard to the danger that they pose to innocent people, whether they are first responders such as firefighters, landlords inspecting their property, or any person who happens upon the trap.

I will now turn to the set of reforms that address a threat of a different nature. I am referring to the need to ensure the protection of computer networks from cyber attacks.

● (1820)

Bill C-32 proposes amendments to the Criminal Code and the Financial Administration Act to allow the use of intrusion detection systems to protect computers or the data that they contain. An intrusion by a hacker could result in the theft of private or classified information and a virus attack could disable a vital network and destroy important data.

The amendments proposed in Bill C-32 intend to clarify that persons using these types of network security measures are not breaking the law.

These amendments are important not only for the private sector but also for the government. The government has the responsibility to take appropriate measures to protect from cyber attack the information that it is entrusted with, as this information impacts on the privacy of all Canadians.

As a result of comments made by the former privacy commissioner and the Canadian Bar Association with respect to the need to ensure that the application of the provisions will not be overbroad, the government introduced a motion in committee to amend the provision in a way that provides greater clarity in specifying what is meant by quality of service.

I would like to point out that the intrusion detection amendments in Bill C-32 are similar to the provisions that already exist to ensure quality control in the communications industry. The exception that is being created will be restricted to persons using protective measures for the legitimate management of the quality of service of the computer system or for protecting the system against computer related offences.

I believe that all hon. members share the concern of the Minister of Justice, and indeed the government, that as parliamentarians we should always ensure that the government and the private sector have the proper tools to protect computer systems from cyber crime. This is exactly what the amendments to the Criminal Code and the Financial Administration Act included in Bill C-32 would do.

As for the small number of technical amendments that are proposed in Bill C-32, I will highlight the key clarification amendments.

As I mentioned at the outset, these amendments are important to eliminate certain legal uncertainties. The government regularly recommends such amendments to maintain the quality and clarity of our laws.

Bill C-32 proposes to clarify the law with respect to the use of reasonable force on an aircraft in flight. Following a review of Canada's laws in the aftermath of the September 11 terrorist attacks, the government found that further clarity was needed with respect to the use of reasonable force that can be used on board an aircraft in flight outside Canadian airspace.

The amendments proposed in this bill would specify in the Criminal Code the application of the Tokyo convention, which would allow any person on board an aircraft to use reasonable force to prevent the commission of certain criminal offences which could endanger the safety of the aircraft or the people on board.

Other technical amendments are needed to ensure that correct references are made to section numbers and to ensure that consistent terminology is used, particularly between the English and French versions of the Criminal Code and related criminal statutes.

Bill C-32 contains a number of worthwhile amendments that are needed to put proper protections in place, and to ensure an efficient and proper application of our criminal law.

● (1825)

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, there is no doubt that there are many benefits to Bill C-32 as stated by the parliamentary secretary.

There is no doubt firefighters are more trusted than politicians. The reason I say that is because governments say all kinds of things. We know that firefighters need help. I am very fortunate that in my riding we have many communities with volunteer firefighters and without them we would be at risk. There is no doubt about it.

The question I have to ask the parliamentary secretary is, when will the government implement a national public safety officer compensation fund to benefit the families of Canadian firefighters killed or permanently disabled in the line of duty?

Mr. Paul Harold Macklin: Mr. Speaker, it certainly is an interesting question to address. Clearly I think governments are continuously looking at areas where in fact we can improve the protection of firefighters and others who protect us as citizens of this country.

Clearly as one evolves public policy, one looks at all of the various aspects that come into play, and clearly what we are doing here today is dealing with a section of the development of public policy that we have found is quite needed at this moment.

We will continue to always look at the broader picture to see what other possible improvements can be made to our system, but at the moment we are quite pleased that we have received such support from the House to bring forward these amendments which directly impact upon each and every one of the firefighters and first responders we are talking about today.

ADJOURNMENT PROCEEDINGS

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

[*Translation*]

SOFTWOOD LUMBER

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, on May 13, 2003, I asked the Minister for International Trade a question on softwood lumber. Unfortunately, we are now in the fall of 2003 and still in an impasse. There has been no settlement of the dispute, and as a result, the economy of a number of regions in Quebec and Canada, particularly in the area I represent, has deteriorated badly.

I would like to be assured of one thing by the minister or his representative. This summer we discussed a proposal with the Americans. Now, judging by the decisions in favour of Canada, we realize that there should be no concessions to the Americans under any circumstances, based on the proposal made to us then.

Now we know the Americans have specific deadlines for putting the decisions reached by the international bodies and tribunals into application. Can the government assure me that there will be no concessions forthcoming on our side that would lead to the resumption of negotiations on the agreement proposed this summer, which was rejected, by the Free Trade Lumber Council in particular?

First, can the economic diversification program aimed at dealing with the softwood lumber crisis be extended to give a break to our regional economies? Second, can a support program for businesses be added to the current federal program to deal with the softwood lumber crisis?

We have asked repeatedly, as did businesses, that loan guarantees be provided and that they be consistent with international agreements. These loan guarantees should not compromise Canada's position in the negotiations. However, they would allow our businesses to get through this difficult period and it would especially allow us to not give in to the Americans, in the way things seemed to be going last summer.

I remember that, when I asked the question in May 2003, we were in a situation where industry leaders were learning what was happening through the media, while the minister, who kept saying that he had played a leadership role in coordinating the negotiation on the Canadian side, had told them nothing.

Today we want to ensure that this does not happen again. Can the government give us assurances that there will be no negotiations where we would make too many concessions? We will win the softwood lumber dispute, but we must ensure that plant workers can go on working in their industry.

What is difficult at this time is that several regions such as Témiscouata, Les Basques, Kamouraska and Rivière-du-Loup are suffering the consequences of this softwood lumber crisis and, for several months, have been facing the prospect of finding themselves in dire straits. The profitability of plants is a real problem.

Several employers have been exemplary in the way they have dealt with the situation, but the fact remains that there are expectations with regard to the federal government's position. We want to be sure that there is real support for businesses as well as an extension of the regional economic diversification program to deal with the softwood lumber crisis.

Can the government give us assurances that it will take concrete measures so that we can get out of this crisis? There are still several local stakeholders, particularly small sawmills, that are being hit very hard by the current crisis.

● (1830)

[*English*]

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, I am pleased to respond to the questions of the hon. member across the way. I would like to say too that the member has worked very hard on this file, as has the Government of Canada.

As I have said in the House before, this dispute is the most significant trade challenge facing Canadians today. The member also knows that this dispute has gone on for many years.

In the most recent action, the U.S. Department of Commerce has imposed 27% countervailing and anti-dumping duties on imports of Canadian softwood lumber following the expiry of the softwood lumber agreement of 2001.

Throughout this dispute, the Government of Canada has consistently provided strong leadership to Canadians. That leadership is rooted in our strong and ongoing commitment to consult with all provinces and industries affected by the dispute and our resolve to defend the interests of affected Canadian lumber companies, the people they employ, and the communities they are located in.

That leadership is reflected in our legal challenges of the U.S. actions. We have cooperated closely with Canadian stakeholders in our challenges of the final determinations of subsidy and threat of injury before both the World Trade Organization and the North American Free Trade Agreement. Canada is also challenging the final determination of dumping before the WTO, in close consultation with Canadian industry, while Canadian producers have taken the lead in challenging the dumping action before NAFTA.

The Government of Canada has also exercised leadership in working closely with the provinces and the industry in discussions with the United States that are aimed at finding a fair and reasonable agreement which will bring about a durable resolution of the lumber dispute.

The government has worked closely with the provinces during discussions with the U.S. government on a U.S. Department of Commerce policy bulletin that would guide changed circumstance reviews of the countervailing duty on Canadian softwood lumber. Throughout these discussions, which focused on provincial policy, we were able to maintain a united Canadian front. We are continuing to work together to press the U.S. to include a Quebec example in the policy bulletin.

The government has been working hard to find a resolution to the dispute in the form of an interim measure that would replace U.S. duties pending provincial policy changes and changed circumstance reviews. Throughout these efforts we have worked closely with provincial governments and Canadian industry, which are and have been supportive of the federal leadership.

The leadership exercised by the Government of Canada has resulted in a highly unified Canadian approach to the softwood lumber dispute and we plan to continue with this approach. There are differences of view at times and this dispute is a complex and difficult one too, but we intend to continue with our approach of close consultation with the provinces and the industry.

As part of that ongoing commitment, the Minister for International Trade met numerous times with representatives from the industry, the provinces and municipalities. The government has also demonstrated leadership in its ongoing efforts to ensure that Canada's concerns in this dispute are heard by Americans. We have maintained a vigorous campaign to demonstrate to U.S. decision makers and the U.S. public that there is no basis for the duties and that these duties are harmful to American businesses and home-owners who need quality Canadian lumber at a fair price.

● (1835)

[*Translation*]

Mr. Paul Crête: Mr. Speaker, of course, the public will base its assessment of the government's performance on its capacity to find a sustainable long term solution, especially for the regions hard hit by the softwood lumber crisis. We have to avoid making the same mistakes every five years. The government will be assessed on its capacity to get back the more than $1.5 billion our companies have already paid in compensation. If we win the case, we have to ensure that the companies get their money back so that they can invest, modernize their operations and keep getting more productive.

With the Canadian dollar rising, can the government give the assurance that additional measures will be taken, that there will be a second phase to its plan to help businesses, besides the economic diversification assistance for the regions? If the crisis lasts for more than another three months, a lot of stakeholders, of sawmills will disappear.

Will the federal government add something to its current business assistance program to ensure that we will get this $1.5 billion back and try to find a long term solution to the softwood lumber crisis?

[*English*]

Mr. Murray Calder: Mr. Speaker, as I have said before to the hon. member across the way, our approach has always been a two tracked approach. We first went to the WTO and the NAFTA. We have been very successful on that track. The second track is the track we have been working on in consultation with the provinces, the industries and municipalities.

On the issue of the rising value of the dollar, of course we will be going back and talking to the industry to find out the best way possible for it to address that issue and, with the ongoing negotiations with the United States, to come to the best long term solution to the problem.

THE ENVIRONMENT

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to rise today to talk about a serious issue affecting not only my community but also Ontario and other parts of the country.

Specifically, I asked a question about coal-fired plants and the effect they have on our communities and on our air quality and also what they do to our international relations. We have just had a discussion on softwood lumber disputes, but we also have a disruption happening because of transboundary pollution.

In Windsor, Ontario, we actually suffer some of the worst air quality at different times because of transboundary air pollution coming from the Ohio Valley and across Michigan. We have all kinds of issues related to smog as well as the environmental conditions that affect people's health because this actually affects the water, the soil and also the air we breathe.

One of the situations we have in Canada is that in Ontario we have some of the worst coal-fired plants in this area. They are actually affecting the State of New York. The State of New York is receiving a lot of pollution from Ontario and this country, to the point where New York's attorney general, Eliot Spitzer, wants three coal-fired plants in southern Ontario to be shut down on their emissions because they are causing major damage to the state's environmental public health.

Mr. Spitzer actually filed a complaint with the Commission for Environmental Cooperation set up under the North American Free Trade Agreement. He wants the board to investigate the pollution output of three coal-fired plants in particular.

Actually, a coalition of 40 groups and organizations are involved in this, but we have not seen the federal government come forward with its position, to make sure that there are going to be supports to phase out these plants.

We recently had a provincial election in Ontario in which the Liberal Party of Ontario promised at election time to phase them out by 2007, I believe, but now they seem to be waffling a little. I think that now is the time for the federal government to help eliminate these coal-fired plants and convert them or use other alternatives, which are outlined in a number of different initiatives. That could be quite possible.

One quote I have to note is this one from Mr. Spitzer:

> Ontario's massive coal-fired power plants operate with wholly inadequate pollution controls and are a major factor contributing to acid rain and respiratory disease in New York and throughout the northeast.

This is a problem that is identified not only by Spitzer and the Americans who are doing something on this; the coalition even involves Canadian groups. We also have other groups and organizations in Ontario, such as the Ontario Public Health Association, that are calling for the elimination of these plants.

Also, in regard to the Ontario economy, it costs billions of dollars each year because of the smog and air congestion we face from the plants.

My question for the government is about what specifically it can do seeing that we have signed the Kyoto agreement and seeing that reductions of these emissions themselves would have a significant effect on the overall situation if our country met the obligations of the commitment which we as the New Democratic Party support. Why will the government not be proactive and move on the issue as opposed to just letting it drag on?

● (1840)

Mr. Alan Tonks (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, the Government of Canada is well aware of the points that the hon. member has raised. I thank the hon. member this evening for once again reminding us that the outmoded coal-fired power plants in Ontario in fact have to be looked at and that we must be vigilant in terms of reducing the particulates that are creating a health hazard. The member has made that point very well.

The government is very concerned about pollutants that are being released and their effect on the health of Canadians. That is why three years ago the Canadian government signed the Ozone Annex agreement for air quality with the United States to reduce by 2007 those particulates that are creating the health hazard which has been described. In fact the target is to reduce those particulates by 60% to 80% from those coal-fired plants.

The air emissions resulting from energy generation from coal-fired plants contribute to all the current environmental air quality priorities for Canada in fact. That is climate change, acid rain, as has been mentioned, smog and air toxins.

Need I remind the House that the environment is a shared jurisdiction between the federal government, the provinces and the territories in Canada. However, a broad national framework has been established for air quality management to avoid duplication and to rationalize our responses.

Historically, provinces have been regulating emissions from power plants. However, the federal government could exercise jurisdiction in certain instances. In this case it is our preferred approach that Ontario deals with these emissions. As has been pointed out, there is a new government in the province of Ontario and hopefully that new government wants to find a reasonable path of implementing a rationalized approach to the technology being used to replace those coal-fired plants.

We are thus working very closely with the province to determine whether that government can prevent, control or correct nitrogen oxide emissions under its laws. Ontario has already taken some regulatory actions toward reducing emissions from fossil-fuelled power plants.

However, as has been pointed out, there is no question that more actions need to be taken. The Minister of the Environment is watching this carefully and if we need to, we will be considering whether to step in to ensure we meet our Ozone Annex commitments.

That is not all. We have had tremendous success reducing other emissions like acid rain by working with the provinces. Ontario has committed to a further sulphur dioxide reduction of 50% under the Canada-wide acid rain strategy. These are just a few of the initiatives that have been taken.

The international air quality agreement, pilot studies with Puget Sound and the Georgia Basin and the Great Lakes air quality agreement are parts of the total framework that focuses on the issue which has been outlined by the hon. member, and the government is prepared to continue to act and to work very closely with the provinces.

● (1845)

Mr. Brian Masse: Mr. Speaker, I hope we can look at this jurisdiction issue and, if something does not happen soon, that we move strongly on that. I would encourage the government to do so.

Just to remind Canadians, regarding the emissions from this coal, we had solutions. Anyone can check out the new supply options for Ontario at the Ontario Clean Air Alliance. There are all kinds of options we can choose from to change our energy. However, coal-fired plants introduce nitrogen oxide, sulphur dioxide, mercury and heavy metals into the air. That impacts not only the individuals in those areas, but also individuals in the rest of the country. Another thing is it produces dioxins and dioxins interfere with the development of children and with adult reproductive systems.

These are known factors. I believe it is very important that the government move quickly on this and it can do so because it has jurisdiction. It sets a poor example for us in international standards. We know we should work toward our relationship with the United States. By being proactive, we show good faith so we can have clean air for all of us.

Mr. Alan Tonks: Mr. Speaker, the member has made the point very well; that is, that under all our commitments, be they related to Kyoto, or to reducing greenhouse gases or to our clean air agreements, we must use the best available technology. We must have the best legislative architecture in place that is not hampered or held back by jurisdictional issues. We must use the best available technology in terms of replacing the source, especially in the large industrial emitters and the power plants, and coming up with solutions. The public demands that we be seen to do that very quickly.

I can assure the member, as I attempted to say in my statement, that the minister will be monitoring this very closely and reporting from time to time to the environment committee and to the House on the progress that we are achieving.

[*Translation*]

The Deputy Speaker: 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 6:49 p.m.)

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