



CANADA

House of Commons Debates

VOLUME 140 • NUMBER 114 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, June 13, 2005
Part A

—

Speaker: The Honourable Peter Milliken

CONTENTS

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

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Monday, June 13, 2005

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)
[English]

EXCISE TAX ACT

The House resumed from June 7 consideration of the motion that Bill C-259, An Act to amend the Excise Tax Act (elimination of excise tax on jewellery), be read the third time and passed.

Ms. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, I am pleased to speak today in favour of Bill C-259, an act that seeks the immediate elimination of the excise tax on jewellery and watches.

• (1105)

It is clear from the overwhelming evidence in support for the legislation that the time has come to immediately do away with this punitive and unfair tax.

Before I proceed, I would like to take this opportunity to thank my colleague, the hon. member for Vancouver Island North, for his very hard work and dedication to doing away with this excise tax. The member's perseverance in this regard should be commended.

Increased economic development in my riding of Haldimand—Norfolk is my top priority. Conversely, anything that negatively impacts on economic development is something that worries me. This excise tax has had the effect of unfairly stifling economic development, not only for many businesses in my riding, but right across the country.

As the federal representative for these business owners who are in both retailing and manufacturing sectors, I feel that it is my duty to stand against this tax and stand in favour of this much needed and long overdue legislation. I say this because for far too long constituents in my riding and in many other rural ridings like it have felt either ignored, unfairly treated or even betrayed by the Liberal government.

The government's continued talk about the need to support cities and their increasingly crumbling infrastructure, while necessary and important, often leaves the people in my riding and other residents in

rural Canada feeling like second class citizens or an afterthought of the government.

The government's recent budget and its NDP amended version are prime examples of how low a priority the government places on small town rural Canada.

The Liberal budget and the Liberal-NDP budget have nothing in them for struggling agricultural producers, not a cent for desperately needed economic development funding for Haldimand—Norfolk and not one cent of tax relief for hard-working families or for families who choose to take care of their children at home.

The budget did, however, have billions of dollars for state run day care and gas tax rebates for cities. While these may be high priorities for people in urban areas, I must say that it leaves rural residents asking what is in it for them.

The reasons that Bill C-259 merits immediate passage have been mentioned many times before but I feel that it is important to reiterate why it is so important to finally do away with this tax once and for all.

The tax was first introduced in 1918 near the end of World War I. Its main purpose was to act as a luxury tax in order to raise desperately needed funds for the government of the day. Needless to say, the tax has served its purpose and is no longer appropriate in our current context.

To quote a 2004 report by the House of Commons Standing Committee on Finance, this excise tax:

—is an anachronism that no longer serves any social-policy objectives, nor does it fulfill the qualities that should be sought in a tax: equity, efficiency, ease of administration and transparency.

Quite simply, the tax is destroying Canadian jobs.

The 2004 report of the House of Commons Standing Committee on Finance stated:

—this tax is resulting in negative consequences for employment and the viability of Canada's jewellery industry.

Currently, manufacturers pay an excise tax of 10% on the sale price of jewellery manufactured in Canada and importers pay an excise tax of 10% on the duty paid value of imported jewellery. To highlight how unfair this tax is, if we have an item that is manufactured outside Canada and imported into Canada and it is identical to an item manufactured in Canada, we tax the made in Canada item and do not tax the item coming from beyond our borders.

Private Members' Business

•(1110)

Put simply, this tax imposes a tariff on Canadian made goods, ensuring that goods made right here at home cost more than goods that we import. This approach is not the way to build a strong economy for our country.

The negative consequences of this tax are numerous. Business bottom lines are negatively impacted, stifling growth and employment and discouraging investment. This excise tax increases the cost of financing inventory for retailers and wholesalers. It also encourages Canadians to purchase their jewellery in the United States or other countries at a much cheaper price. In addition, the advent of e-business transactions is encouraging greater numbers of Canadians to order jewellery on line from other countries because of the savings they get.

While many believe that this tax is justified because it is a luxury tax on the rich, the truth is that a large part of the tax is being collected from low value jewellery purchased by ordinary Canadians. According to Ernst & Young, lower and middle income households account for over 50% of jewellery and watch purchases.

In fact, Canadians are paying this luxury tax on real and imitation jewellery that costs more than three dollars. This hidden luxury tax on items that are of very little value is grossly unfair. As my hon. colleague from Vancouver Island North noted, about one-half of all the jewellery sold by value in Canada contains diamonds.

The province of Saskatchewan is poised to join the Northwest Territories as a world class diamond producer. The premiers who are involved in jurisdictions where diamond production is either present or contemplated are calling for the removal of this tax.

This punitive tax has had the effect of pre-empting local jewellery manufacturing. Furthermore, this tax is discouraging tourists from buying jewellery made in Canada because they know that they can get it cheaper at home.

It is important to note that the Mining Association of Canada said in May of 2004:

In less than a decade, Canada has emerged as a diamond powerhouse...By providing the right mix of fiscal and regulatory policies, governments have the opportunity to maximize the contribution of Canada's diamond industry to the benefit of all Canadians.

Eliminating the federal excise tax on jewellery will help Canada become one of the world's leaders in diamond manufacturing.

I recognize that the government has announced a planned phase-out of this tax in the recent budget. While I am happy that the Liberals have finally come to realize the importance of doing away with this punitive tax, I find it unfortunate that they wish to further stifle job creation, economic development and increased investment by allowing this punitive tax to continue for the next four years.

I know that old habits die hard, but I would encourage the government to give up its tax collection addiction and consider disposing of this tax immediately.

Reducing taxes encourages jobs, investment and a vibrant economy. According to a 2003 study, the jewellery industry has relatively high job creation potential. Jewellery manufacturing creates 40% more jobs per dollar than home electronics or the auto

parts industry. The jewellery industry has the potential to create cottage industry jobs in remote areas and in rural areas like mine in Haldimand—Norfolk.

Bill C-259 has had widespread support from all parties in this House. It has widespread support from the jewellery and mining industries. The bill follows up on recommendations made by the House of Commons finance committee and reports by the Auditor General of Canada.

The time for this tax to be completely eliminated is now. That is why I am encouraging all members of this House to support Bill C-259.

•(1115)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Marcel Proulx): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): Pursuant to Standing Order 93 the division stands deferred until Wednesday, June 15, immediately before the time provided for private members' business.

* * *

[*Translation*]

BUSINESS OF THE HOUSE

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, discussions have taken place between all parties concerning the efficient conduct of the business of the House. I believe you would find consent for the following motion.

[*English*]

That, should the House continue to sit until midnight today, as a result of the adoption of Government Business No. 16, no quorum calls or dilatory motions shall be entertained by the Speaker after 6 p.m.

The Acting Speaker (Mr. Marcel Proulx): **The Acting Speaker (Mr. Marcel Proulx):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Government Orders

(Motion agreed to)

SUSPENSION OF SITTING

The Acting Speaker (Mr. Marcel Proulx): The House will now suspend until 12 noon.

(The sitting of the House was suspended at 11:17 a.m.)

SITTING RESUMED

(The House resumed at 12:02 p.m.)

GOVERNMENT ORDERS

● (1200)

[English]

BUDGET IMPLEMENTATION ACT, 2005

The House resumed from June 10 consideration of Bill C-43, An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005, as reported (with amendment) from the committee, and of the motions in Group No. 2.

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

Some hon. members: Question.

The Acting Speaker (Mr. Marcel Proulx): The question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): The recorded division on the motion stands deferred.

The next question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): The recorded division on the motion stands deferred.

● (1205)

[Translation]

I shall now propose Motions Nos. 7 and 8 in Group No. 3 to the House.

● (1210)

Hon. Ken Dryden (for the Minister of Finance) moved:

Motion No. 7

That Bill C-43 be amended by adding, after clause 97, the following new clause
PART 14

GREENHOUSE GAS TECHNOLOGY INVESTMENT FUND
GREENHOUSE GAS TECHNOLOGY INVESTMENT FUND ACT

98. The Greenhouse Gas Technology Investment Fund Act is enacted as follows:

An Act to establish the Greenhouse Gas Technology Investment Fund for the reduction of greenhouse gas emissions and the removal of greenhouse gases from the atmosphere

SHORT TITLE

1. This Act may be cited as the Greenhouse Gas Technology Investment Fund Act.

INTERPRETATION

2. The following definitions apply in this Act.

“eligible contributor” means a person who is subject to requirements — set out in regulations made under any Act of Parliament — respecting emissions of greenhouse gas from industrial sources, other than a person who is a vehicle manufacturer.

“Fund” means the Greenhouse Gas Technology Investment Fund established in section 3.

“greenhouse gas” means any gas listed in Annex A to the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on December 11, 1997, as amended from time to time, to the extent that the amendments are binding on Canada.

“Minister” means the Minister of Natural Resources.

“vehicle” means any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle designed to run exclusively on rails.

GREENHOUSE GAS TECHNOLOGY INVESTMENT FUND

3. There is established in the accounts of Canada an account to be known as the Greenhouse Gas Technology Investment Fund.

4. There shall be paid into the Consolidated Revenue Fund and credited to the Fund

(a) all amounts contributed to Her Majesty in right of Canada by an eligible contributor for the purpose of

(i) research into, or the development or demonstration of, technologies or processes intended to reduce emissions of greenhouse gases from industrial sources or to remove greenhouse gases from the atmosphere in the course of an industrial operation, or

(ii) creating elements of the infrastructure that are necessary to support research into, or the development or demonstration of, those technologies or processes; and

(b) an amount representing interest of the balance from time to time to the credit of the account at the rate and calculated in the manner that the Governor in Council may, on the recommendation of the Minister of Finance, prescribe.

5. There shall be charged to the Fund the amounts paid out under section 6.

GRANTS OR CONTRIBUTIONS

Government Orders

6. (1) The Minister may, out of the Consolidated Revenue Fund, make grants or contributions in any amount that he or she considers appropriate for any purpose referred to in paragraph 4(a).

(2) In making a grant or contribution, the Minister shall consider

- (a) the competitiveness and efficiency of industry;
- (b) the sustainable development of Canada's natural resources;
- (c) the development of Canadian scientific and technological capabilities; and
- (d) any recommendations made by the standing committee of the House of Commons that normally considers matters related to the environment.

(3) No grant or contribution may be made in excess of the amount of the balance to the credit of the Fund.

ADVISORY BOARD

7. (1) The Governor in Council shall appoint an advisory board of not more than 12 members to hold office during pleasure for a term of not more than three years, which term may be renewed for one or more further terms.

(2) The role of the advisory board is to advise the Minister on any matter respecting the making of grants or contributions for any of the purposes referred to in paragraph 4(a), including the types of projects that are most likely to result in significant reductions of greenhouse gas emissions and the matters referred to in paragraphs 6(2)(a) to (d).

(3) The Minister shall publish the advice given under subsection (2) within 30 days after receiving it from the advisory board.

(4) The Governor in Council may appoint any person with relevant knowledge or expertise to the advisory board, including persons from industry, institutions of learning and environmental groups.

(5) The Minister shall appoint one of the members as Chairperson of the advisory board.

(6) The members of the advisory board are to be paid, in connection with their work for the advisory board, the remuneration that may be fixed by the Governor in Council.

(7) The members of the advisory board are entitled to be reimbursed, in accordance with Treasury Board directives, the travel, living and other expenses incurred in connection with their work for the advisory board while absent from their ordinary place of residence.

(8) The Chairperson may determine the times and places at which the advisory board will meet, but it must meet at least once a year.

(9) The members of the advisory board are deemed to be employees for the purposes of the Government Employees Compensation Act and to be employed in the federal public administration for the purposes of any regulations made under section 9 of the Aeronautics Act.

TECHNOLOGY INVESTMENT UNITS

8. (1) Subject to subsections (2) to (5), the Minister must create technology investment units in respect of contributions made by eligible contributors to Her Majesty in right of Canada for any of the purposes referred to in paragraph 4(a).

(2) The technology investment units are to be created in respect of a contribution by an eligible contributor in a manner that allows them to be recorded in a database established in relation to the emission requirements applicable to the eligible contributor.

(3) Technology investment units may be created only in respect of contributions made on or after January 1, 2008.

(4) Subject to subsection (5), the Governor in Council may, on the recommendation of the Minister of the Environment, make regulations

- (a) fixing the amount that must be contributed for technology investment units to be created, or the manner of calculating that amount; and
- (b) determining the maximum number of those units that may be created in any period specified in the regulations.

(5) Until December 31, 2012, the maximum amount that may be contributed for a technology investment unit to be created may not be more than \$15.

(6) Technology investment units may only be used by the eligible contributor in respect of whom they were created and that eligible contributor may use them only in accordance with any regulations in force that govern the manner in which they may be used to meet requirements relating to emissions of greenhouse gases from industrial sources.

Motion No. 8

That Bill C-43 be amended by adding, after Clause 97, the following new clause:
"COMING INTO FORCE

99. This Part comes into force on a day to be fixed by order of the Governor in Council."

[English]

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, I rise today to speak to Motion No. 7 which is an important part of Bill C-43. I am fortunate to sit on the finance committee which examined Bill C-43 in its entirety.

The Conservative Party of Canada has agreed to and supports Bill C-43, although I am here today to make an important amendment to the main spending bill of the government.

The main purpose of Motion No. 7 is to establish legislation for the formation of a greenhouse gas technology investment fund. We on this side of the House have long advocated for a made in Canada solution to the environmental problems of our times.

In the Standing Committee on Finance we introduced many helpful amendments to improve clause 14 which is the greenhouse gas technology fund. We wanted to bring more transparency and accountability to the fund and how the proposed advisory board would operate. We successfully passed an amendment in which the minister must publish advice within 30 days and make that advice public. We are glad to see that it was supported by the other opposition parties as well.

We are still concerned about the unaccountable 12 member advisory board which does not necessarily bring back much needed trust that Canadians should have in their government.

With these various amendments in committee we wanted to depoliticize this process, so that it would not be so open ended. We are glad that we were able to bring some accountability and transparency to the greenhouse gas technology fund process. We want to see more flexibility put into the process of the greenhouse technology fund and how it is administered.

Having said that, I wish to introduce an amendment that we believe will substantially improve the greenhouse gas technology investment fund. I move:

That motion 7 be amended in section 8 by replacing the words "Canada for any of the purposes referred to in" with "Canada or to any fund designated by the Minister, for the purposes of this subsection, for any of the purposes referred to in"

● (1215)

The Acting Speaker (Mr. Marcel Proulx): We are debating motions in Group No. 3. The member for Edmonton—Spruce Grove now has the opportunity for five minutes of questions and comments. If there are no questions and comments, we will simply resume debate with another member who wants to speak to the motion.

Questions and comments, the hon. Parliamentary Secretary to the Minister of the Environment.

Hon. Bryon Wilfert (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, for the record, the government supports the amendment.

● (1220)

[Translation]

The Acting Speaker (Mr. Marcel Proulx): The hon. member for Portneuf—Jacques-Cartier for a question.

Government Orders

Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ): Mr. Speaker, I had the opportunity to discuss this motion with my Conservative colleague. The Bloc Québécois was under the impression that she needed unanimous consent in order to move the motion, and we were not prepared to give it at this time. The problem, in part, is that this amendment is far too open-ended. It gives the minister far too many opportunities to abuse this provision.

In light of our discussions, I understand the desire to give the government more flexibility in enforcing this legislation. At the same time, however, we have a number of concerns about the kinds of funds that would be created in order to allocate monies to the greenhouse gas technology investment fund.

Our question remains. Could a new foundation be created? We saw what happened with the foundations, where funds are invested but not used in the same way. The motion just moved by the member in no way prevents private funds from being used. For example, nothing would prevent an oil consortium from creating a fund.

So we are not entirely convinced that this is an acceptable motion. It gives the government a blank cheque. In our opinion, Bill C-48 is already much too open-ended and not specific enough about how the money will be spent. The member's motion would make things worse. Perhaps she can explain a bit better the spirit in which this motion was moved? However, at this time, I can say that we will not support this motion.

[English]

Ms. Rona Ambrose: Mr. Speaker, our amendment to part 14, which is Motion No. 7 before us right now that relates specifically to the creation of the greenhouse gas technology investment fund, is to allow the minister and the government to have more flexibility to create more than just the one fund that is specified right now in Bill C-43.

We believe that this is important because it will allow the minister and the government of the day to look at regional issues and industry issues that we believe will not only help the environment, but also help industry work with the government to come up with the kinds of programs that will result in not only allowing industry to be a part of this program but ensuring that all of the investments do stay here in Canada.

We pointed out in committee that it was really important to the Conservative Party that Canadian companies and Canadian jobs come first and that the Canadian environment comes first. We were concerned that the legislation might create a fund where Canadian companies might contribute only to see that money end up in the hands of their competitors. We want to ensure that the government has the flexibility to address some of the concerns that industry has raised and frankly, environmental groups have raised as well.

This is the intent of the amendment to part 14. We want to create more flexibility that will result in not only better legislation on the environmental side but also better legislation on the industry side in allowing industry to work with the government on a better environmental plan.

The Acting Speaker (Mr. Marcel Proulx): We have had the opportunity to look at the amendment and it is acceptable.

[Translation]

Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ): Mr. Speaker, I have a few things I wish to say about part 14, which establishes the Greenhouse Gas Technology Investment Fund Act. There are a number of points it is important to raise here in the House.

This purpose of this fund is very specific: to lessen the efforts required of major emitters to meet the targets about to be imposed by the federal government in its plan relating to Kyoto.

As part of what it terms its great green plan, the federal government is committing to setting targets in partnership with the provinces and territories. Hon. members will recall that this bill is based far more on the polluter-paid than on the polluter-pay principle.

The bill establishes a fund for which the minister, of course, has responsibility. The government is thus being handed a blank cheque. This measure provides the Liberals with the powers required to control a number of important elements—such as price and number of technological investment units—without consulting the House, and without Quebec and the provinces being able to maintain their legitimate right to opt out and to administer the targets of the major emitters within their territory themselves.

This has a number of effects. I met recently with an industrialist in the Quebec City region whose business is in cement. He explained to me that, once the plan is tabled, his industry will have a great deal of difficulty meeting the government's targets. There are a number of reasons for this, including the fact that the target is set according to a percentage at a specific date. This company has already expended huge efforts in connection with its greenhouse gas emissions and has therefore greatly reduced those emissions.

Unfortunately, as is the case for many industries, there is a critical point beyond which it becomes increasingly difficult to decrease greenhouse gas emissions. What is more, given the nature of its product, the chemical processes involved in producing cement make it impossible to decrease emissions below a certain point regardless of the technology. Greenhouse gases are emitted when cement is manufactured, regardless of the technology used. Perhaps in some future world of science fiction it will be possible to reduce those emissions further, but unfortunately it is impossible at this time.

That is just one more thing the government has not taken into consideration. Rather than imposing specific reductions in terms of tonnes, the preference was to choose the option of a specific percentage at a specific date. As a result, this creates great difficulties for certain industries, some of them in Quebec.

If Quebec had had more latitude in controlling greenhouse gases, I am sure it would have better recognized the need to manage on a company to company basis and not on a pan-Canadian basis.

Government Orders

Under part 14, permits are tradable. I wonder how a technology investment unit system might coexist with the tradable permits system promised by the government. I sincerely hope that the amendment introduced by the hon. member from the Conservative Party does not pass. In addition to the factors I just listed, this will make matters even worse. As I was saying earlier, there is nothing stopping the government, at this point, from leaving Quebec out completely and letting private companies pay into the fund. The oil companies are the first example that spring to mind.

Earlier, I also mentioned that the fund was created to lessen the efforts required of major emitters. This legislation confirms the agreement reached with the automotive industry by specifying that this industry is exempt from the major emitter definition. There is nothing stopping the automotive industry from creating a fund to try to get around the few requirements of the Kyoto protocol.

From the outset it is a bad plan, which emphasizes the polluter-paid rather than the polluter-pay principle. The proposal the hon. member for Edmonton—Spruce Grove just made will make matters worse.

• (1225)

We opposed this part of the bill in committee and we will do the same in the House.

• (1230)

[*English*]

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

Some hon. members: Question.

The Acting Speaker (Mr. Marcel Proulx): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Marcel Proulx): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Marcel Proulx): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): The recorded division on the amendment stands deferred.

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill.

Call in the members.

And the bells having rung:

The Acting Speaker (Mr. Marcel Proulx): At the request of the chief government whip, the divisions on the motions stand deferred to the end of government orders tomorrow.

* * *

[*Translation*]

CANADA BORDER SERVICES AGENCY ACT

The House resumed from June 8, 2005, consideration of the motion that Bill C-26, an act to establish the Canada Border Services Agency be read the third time and passed.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, I am very pleased to take part in this debate.

[*English*]

I am pleased to speak to Bill C-26, which is an act to establish the Canada Border Services Agency. I seek the unanimous consent of the House to split my time with the hon. member for Stormont—Dundas—South Glengarry.

The Acting Speaker (Mr. Marcel Proulx): Does the hon. member have unanimous consent to split his time?

Some hon. members: Agreed.

Mr. Peter MacKay: Mr. Speaker, I thank hon. members for that. The bill is essentially an enabling piece of legislation. The department has been in existence since September of 2003, so that speaks volumes to the serial dithering nature of the Liberal government. The department has been set up and operating for over a year and a half, and this is a cleanup attempt.

The bill amalgamates the border services of the Canada Customs and Revenue Agency, the Canadian Food Inspection Agency and part of the Department of Citizenship and Immigration. The bill was reported to the House with two amendments and the government introduced another amendment at report stage to correct an error in the bill.

With respect to the amendments passed by the committee, the first is one that I moved. It calls for an annual report of the operations and performance of the agency and that this requirement should be enshrined into the legislation. It requires that the agency table an annual report after the end of the fiscal year and before the calendar year. In other words the 2005 report of the agency would have to be tabled after March 31, 2006, but before the end of the December 2006 calendar year. Goodness knows there is a need for more accountability and reporting on the activities of government like never before. The amendment attempts to do that.

The parliamentary secretary has noted that the Treasury Board, on behalf of the Canada Border Services Agency, files a performance report and that this report should be considered that annual report. My point is the requirement under the Financial Administration Act does not specifically say that an annual report or performance report is required. It now does.

Government Orders

Other agencies that file performance reports are also required by statute to file annually. They include SIRC, the Correctional Investigator, Correctional Service Canada and the RCMP External Review Committee. That is what the amendment seeks to do. I think we all can agree that shining the light into the operations of government is an important part of achieving accountability.

There is nothing simpler than putting into the legislation that an annual report be tabled by the agency. I do not wish to cause additional work in this regard, as far as filing an annual report, but subclause 2 states that the obligation may be satisfied by filing or tabling reports of the operation and performance of the agency required by the Treasury Board. This would also ensure that a report of some kind would be filed each year on the operations of the agency.

The second amendment ensures that officers who act as peace officers to enforce immigration and refugee acts are identified in the Criminal Code as peace officers. This again would put officers on par with front line peace officers and border officers. We in the Conservative Party support that amendment.

The creation of the new Border Services Agency itself makes sense. It is something that the Conservative Party has long advocated. However, we do argue that we ensure our border officers are equipped with proper technology, equipment and personnel. It is one thing to empower them through legislation. It is another thing entirely to give them the tools necessary to do the job.

I would specifically point to the issue of remote border crossings. The government must act immediately to end the practice of border officials working alone. We have seen the tragedy that can occur. One officer working in Roosville suffered a medical condition and died on the job. This is the type of thing that brings the vulnerability of those remote sites clearly into the light and the danger and loss of life that can result from these single agent border crossings.

Earlier this year, the justice committee heard testimony from the president and vice-president of the Quebec region of the Customs Excise Union about the problems facing border officials. Shockingly, we heard about 1,600 vehicles crossing the border last year without being stopped. They describe those 1,600 vehicles as blow-bys or cars racing across the border without being stopped. The president, Mr. Moran, testified that if two per cent of those people who ran the border were brought back, that would be good in terms of the numbers they could handle.

In Stanstead, Quebec over 250 unidentified vehicles illegally entered into Canada each month by using two unguarded roads. In Quebec alone there were over 100 unguarded roads at the border.

Our new ambassador to the United States says that Canada's biggest problem is gun smuggling from the United States. Guns, drugs, people smuggling, any form of contraband coming into the country undetected, poses a threat to our citizens.

Just to put this in perspective, over a five year period more than 25,000 prohibited weapons, including over 5,400 illegal weapons, were seized by our border agencies. That is what was seized. The real question is how much was not captured. It is frightening to think what has not been recovered or what that figure is.

● (1235)

Rather than fixing this Swiss cheese style border, an effective border policy will require more. It will require the government to put more resources and more protection around those individuals tasked with guarding the border. If the government took money out of the gun registry and put it into this type of frontline border security, it would be a step in the right direction.

I cannot let the catastrophic failure of the gun registry go by without commenting. It makes the sponsorship scandal look like chicken feed. It probably will be identified in some future years as the biggest fraud ever perpetrated on an unsuspecting public. Despite the spin and the rhetoric, there is no nexus to public safety when one looks at the effectiveness of this failed long gun registry.

The RCMP commissioner has admitted that the RCMP does not have the resources to fulfill the mandate of patrolling the border at points of entry and therefore is withdrawing its services in Quebec. The closing of nine detachments in Quebec highlights that resource problem. Taking officials away from where the problem exists is ludicrous. Ironically, the commissioner has admitted that there is danger facing border officials and yet he does not support allowing them to carry sidearms. I would suggest to him that he would not be apt to try to stop somebody who was deemed dangerous if he did not have a sidearm.

Our neighbours in the United States continue to be concerned about security. Recently U.S. secretary of state, Condoleezza Rice, expressed her concern about the Canadian border when she stated:

Indeed we have from time to time had reports about al Qaeda trying to use our southern border but also trying to use our northern border.

Senator Hillary Clinton echoed those concerns about the northern security issue and introduced a bill that would establish a northern border coordinator in the United States homeland security department in order to focus exclusively on the increasing security issue at the Canada-U.S. border.

In April, United States congressman, Mark Souder, called upon Canada to focus more on security and to give border security the proper resources and attention. He was concerned about the non-existent or flawed computer checks on incoming passengers and database systems designed to warn border agents at land crossings about high risk travellers being inadequate and containing a programming limitation consistently preventing border officials from knowing if they are dealing with armed and dangerous fugitives or even terrorists on the FBI's top watch list.

It seems incredible that we would have antiquated, out of date computer systems that do not allow us to share information with the United States, let alone share information with our own security agents and policing agents. That to me is an abysmal failure. These concerns about Canada's security have been echoed in the past by former U.S. ambassador Paul Cellucci.

Government Orders

In some cases I have been told anecdotally that our border officials from time to time need to ask the Americans for information about what is going on in Canada, as astounding as that might be. I mentioned earlier the problem of physically withdrawing the RCMP from the Canadian border. That is perverse logic put out by the commissioner. This is despite reports from the RCMP's own criminal intelligence unit that organized crime exploits at marine ports, airports and land border areas to smuggle contraband and people into Canada is flourishing.

This has become a huge issue, especially since the disbanding of the ports police by the Liberal government in the mid-nineties. Our ports remain our biggest vulnerability and auto theft at the ports remains rampant. I spoke recently with the Canadian insurance industry, which is willing to work with Canadian officials to try to alleviate this, but it has received very little positive feedback as far as its efforts to work and share collectively the information it has at its disposal.

The criminal intelligence unit's 2004 annual report notes that organized crime will continue to exploit the large volume of land, commercial and travel movement between the U.S. and Canada to smuggle commodities, currency and people in both directions. As well, organized crime will exploit the less monitored areas between the designated custom ports of entry.

Our committee did not hear from the union representing customs and excise but I understand it will be asking the Senate to examine Bill C-26 with a view to expanding the mandate of the CBSA to establish a border patrol service to enforce the border between ports of entries.

The challenge for our border officials remains large. A report compiled by the agency shows that over the past 5 years, 39 officers have been threatened, 234 were assaulted and 19 injured. These figures speak for themselves.

● (1240)

The reference to the number of contraband guns and other items coming into the country is staggering and Mr. Moran stated at one point that they were given a bullet proof vest to get shot at but no guns to shoot back.

The Senate committee on national security and defence made recommendations on how to improve security at the ports and border crossings and the government did accept some but not all of them. Many have been ignored.

The bill will continue on its path and it will go to the Senate. Hopefully the Senate, in its wisdom, will bring forward some amendments that will improve on the legislation. It is time to start looking at the broader picture of a North American border security perimeter and have the ability to secure continental security. That is the next free trade for our country. It is the area in which we should be moving because we know that security trumps trade. This is in Canada's interest.

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, I listened carefully to the words of my colleague in his reflection on the legislation that is before us. Over the number of years that I have been here, along with other colleagues in my party, I have had the

opportunity to travel to many border crossing across the country, from Victoria all the way out to Halifax.

One issue that came up time and again was the number of people assigned to enforce border security. The RCMP in particular had a certain function and I can give an anecdotal account in British Columbia. Four RCMP officers were assigned to cover the border from Victoria to the Alberta border 24 hours a day, seven days a week. It is impossible, ultimately, to do that. That was about two and a half years ago and I do not think anything much has changed since then.

We have heard a lot of talk ever since 9/11 about increasing border security and cracking down on individuals crossing both ways but we have not seen any major increase in personnel on the borders nor specific training. As my colleague mentioned, the officers who are charged with this duty are not armed and they should be armed because there are more dangerous people out there than there ever has been before.

Does my colleague have any recent knowledge about what the Liberal government has done to truly beef up security at the borders, if anything? I know there has been a lot of talk on the other side but just what has changed?

● (1245)

Mr. Peter MacKay: Mr. Speaker, as usual, my colleague from Calgary brings a common sense approach to this. I know he has dedicated much of his life to law enforcement and follows these issues closely.

The short answer to his question is that sadly the government has done very little when it comes to improving the actual security and, in particular, the personnel, equipment and legislative backing that they require. As the member noted, a vast territory has to be covered in most instances. It is also increasingly complicated.

Since the 9/11 attacks we know the risks are even greater and the desperation involved is even greater. It is extremely daunting for border service agents to know that these are the types of people they may encounter and yet they do not have sidearms. In many cases they do not have the protective equipment they need and, more to the point, they do not have the technological advantages that would allow them to identify the very individuals who pose that threat.

I mentioned the fact that vehicles were driving across the border, carrying God knows what, without being stopped. That is the clearest sign that our border is porous, that people are both crossing into Canada and leaving undetected in many instances. That means we need more equipment, we need more maintenance budget and we need more technology. We need to use the most advanced security measures available to man. We have the ability to access that type of technology.

When I think about the task before the CBSA and what the government is requiring and Canadians are expecting its members to do and what they get in return to do that actual job, it is the government's failure and our collective failure in Parliament if we do not see Bill C-26 through. We must enable and empower those border security officers to do that important work and to do it to the best of their ability with the full backing, the full technological and equipment advantages that they need and the training, I am quick to add, as well because of the changing world and the complexity of the issues around security.

We also have to work closer with the Americans. We have to work toward, what I suggested earlier, a North American security perimeter. The water remains the biggest threat as far as those items coming into Canada, particularly on container ships. These container ships can bring large items into Canada, anything from a dirty bomb, to people, to child pornography, to weapons, to drugs, anything we are trying to detect coming in these containers, of which a minuscule portion, a percentage of a percentage point, actually receive the scrutiny required to detect them at the ports.

The Conservative Party takes this issue very seriously. We have made it a major plank in our platform. We look forward to having an opportunity to implement that one day in government.

• (1250)

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Mr. Speaker, I am pleased to take part in this important debate on Bill C-26. The bill would finally make official the creation of a consolidated border services agency that would bring together roles previously filled by many agencies with respect to immigration, customs, air travel, passports and so forth.

The new agency would be responsible for ensuring that people, goods and services coming into Canada are safe. Clearly, this would be an extremely important agency and one which would have far-reaching powers and responsibilities.

[*Translation*]

The agency will be responsible as well for certain technological projects intended to improve our security and speed up the flow of goods across the border between Canada and the United States.

The Conservative Party supports many of these ideas, including the smart border initiative introduced three and a half years ago. We also support FAST, the free and secure trade program, which is intended to facilitate the movement of approved goods across the border and NEXUS, which will facilitate the movement of low risk individuals.

[*English*]

Creating a consolidated border services agency is an important part of establishing the conditions needed for real improvement in our border security, but this bureaucratic reorganization will mean nothing unless it is accompanied by better controls, more resources and more personnel who are better trained and equipped. The government has been shuffling along, dragging its feet on this file for too long. The main reason for the lackadaisical approach seems to be that it allows the government to continually reannounce the same initiative as if it were something new.

Government Orders

The government is famous for reannouncing its initiatives to maximize the media impact. The government announces a fancy program and then does nothing until it sees an opportunity to reannounce it. I understand from the newspaper this morning that will be the Liberal plan for the summer.

We see the same thing in agriculture, an area that is very important to my riding of Stormont—Dundas—South Glengarry. Year after year the government makes ad hoc announcements that some inadequate amount of money will be given to farmers to help them cope with BSE and foreign subsidies and the other challenges they face. These announcements are always accompanied by promises that real transformation is on the way, but there is no follow through. Year after year nothing changes, except that a few more farmers lose their fingernail hold on solvency and are forced off the land. Too often the money that is promised never makes it into the hands of those who need it.

My party would like to see the government turn some of its wonderful announcements into real progress for a change. The Conservative Party wants to increase the number of personnel protecting our borders. We want to increase their training and powers. We want to give them the tools and technology they need to do their job well.

[*Translation*]

That is a problem at all levels of the Canadian security system, whether it be customs, immigration, correctional services, the RCMP or the armed forces. We are allowing resources to disappear, and our personnel is being overextended.

[*English*]

Recently we received the news that our American neighbours are placing further restrictions on Canadians crossing the border into the U.S. For the first time in history all Canadians will be required to carry passports. Why is this unprecedented restriction being placed on the mobility of Canadian citizens? Because the government has failed to satisfy our neighbours that Canada can be trusted to properly screen people and products passing through our country into the United States.

An independent multilateral task force recommended that Canada, the U.S. and Mexico should share a common biometric border pass that would allow smoother passage through customs, immigration and airport security, while ensuring the security of our shared continental perimeter. The U.S. has been working on biometric border control technologies since the September 11 terrorist attacks. In fact, the U.S. has taken many concrete steps to protect its own border while Canada has lagged far behind.

Government Orders

Apparently the U.S. has now decided that it cannot keep waiting for our government to do its part to enhance the security of our shared continent, so it is leaving us behind. There is no indication that things will improve for Canadians who depend on cross-border travel. The very same day the U.S. told Canadians we would need passports to cross the border, the Auditor General told us that the government is failing to properly control the issuance of Canadian passports. No wonder our neighbours are getting frustrated with us. Even requiring Canadian travellers to carry passports will not offer the security assurances it should.

The restructuring provisions contained in this bill will mean nothing unless we also fix the very basic problems of our border controls. We hear horror stories about officers working alone at border crossings, technical problems with communications tools and lack of information about people with criminal records or outstanding warrants. Border officers do not even carry firearms. This combination of problems leaves our borders and border officers very vulnerable.

Our ocean ports and waterways along our border are perhaps the weakest link in our border security system. Anything from illegal immigrants to sex slaves or dirty bombs can come into this country undetected. We inspect less than 3% of the containers coming into our major ports. We have a longer coastline than any other country in the world and our navy and Coast Guard are woefully inadequate to patrol the coastline.

My own riding of Stormont—Dundas—South Glengarry includes a major border crossing, the Seaway International Bridge in the city of Cornwall. While legitimate traffic crosses the border over the bridge, there is very little standing in the way of illegitimate traffic that crosses the border below the bridge and speedboats that cross the St. Lawrence River under the cover of darkness.

The aboriginal community of Akwesasne which straddles the Canada-U.S. border has suffered greatly as a result of this illegal cross-border activity. Sadly, the decent law-abiding majority of the people of Akwesasne live in the shadow of a small, prosperous criminal element. This poses all kinds of security concerns for the people of the community. It also entices the youth of Akwesasne to give up their schooling to get involved in illegal activities. This activity also creates problems for the city of Cornwall itself. As illegal drugs and smuggled goods pass through the city, some of them stay and cause social and economic problems.

I recently met with representatives from the Canadian Professional Police Association to discuss this problem and others. I assure everyone that this is not the last the House will hear from me on this very issue.

•(1255)

[*Translation*]

The Auditor General's report also pointed to significant shortcomings in Canada's anti-terrorist preparedness, for example, inadequate inspections at airports and a lack of preparation in the event of a terrorist attack.

The government's first task is to protect the security of its territory and the safety of its citizens. The current Liberal government,

however, is too preoccupied by the scandals to assume this responsibility.

[*English*]

I will join my Conservative colleagues in supporting this legislation because it is a small step in the right direction, but I hope my colleagues opposite do not take that to mean we support their overall approach to border security, which continues to be a frightful failure. We on this side of the House will continue to push the government for real action to plug the gaping holes in our border security system.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I am certainly no fan of the way the government has handled this file by any means.

The member mentioned that Canadians will need passports to get into the United States, but he forgot to mention that American citizens themselves will need passports to get back into the United States. Complications will arise in terms of tourism in our country. I would like the members comments.

•(1300)

Mr. Guy Lauzon: Madam Speaker, my colleague is right in assuming that this is going to cause some real problems with tourism. The border communities depend greatly on tourism from our American neighbours. We encourage them to visit our wonderful country.

Yes, this is going to cause another problem. It will be a disincentive for American tourists to visit our country. That is what will happen if we let things get to that point. The Americans just do not trust our security systems, our border systems. They have had to go so far as to insist that we need passports to get into their country, but Americans visiting our country need passports to re-enter their country as well.

I share my hon. colleague's concerns. Hopefully we can encourage the government to take this problem very seriously.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, I am pleased to speak today to Bill C-26, an act to establish the Canada Border Services Agency. I will take this opportunity to read the summary of the bill found on the back of the first page.

This enactment establishes the Canada Border Services Agency, which was first created by order in council on December 12, 2003. The Agency brings together the border services of the Canada Customs and Revenue Agency, the Canadian Food Inspection Agency and the Department of Citizenship and Immigration. The enactment sets out the responsibilities, mandate, powers, duties and functions of the Minister responsible for the Agency and its President. It continues the Canada Customs and Revenue Agency under the name of the Canada Revenue Agency and contains transitional provisions as well as consequential amendments to other Acts.

Government Orders

From the outset, I also want to share with you the position of the Bloc Québécois, which is in favour of Bill C-26. We were also in favour of it at second reading. However, we have some major concerns over two aspects. In other words, we will be closely monitoring its application, at third reading and during all subsequent discussions. There are two points that bother us.

The first point is the transfer of major functions from Citizenship and Immigration Canada to the Border Services Agency that is being created. In our opinion, this transfer could jeopardize the protection of the rights of immigrants and refugees.

The second point that we will be monitoring is the right to collect, retain, use and disclose of information that this agency possesses under the application of the act and, finally, the agreements that could be reached with other entities and other countries.

I will take the time to fully explain these factors that are highly important to us and that we will be monitoring in the legislative process of this bill in this House. We must always pay attention to the inconsistencies in speeches by the Liberal Party of Canada.

At the same time as this agency is being created, RCMP detachments in Quebec are being closed. At the same time that the federal government wants to create an agency to oversee the arrival of immigrants in Canada, it is closing nine RCMP detachments—which were staunchly defended by my colleagues in the House, both those affected and not affected by this legislation. Why? Because there is no double talk from us. We do not want to create, in new legislation, an agency to protect our jurisdiction from immigrants, while ignoring the need for border protection.

We must not forget that there are over 100 unguarded roads in Quebec. That is the reality. These roads used to be guarded, in part, by local RCMP detachments. And I am not even mentioning the ports. Earlier, someone said that, in some areas, 30% to 60% of containers are not inspected, not to mention individuals who may enter via our waterways.

So there is always double talk coming from the federal Liberals. They want to show that they run a big safe country, but they are slashing security services. That is the message the Liberals have sent us, particularly by closing nine detachments. Obviously, these are regional detachments, but they are in strategic locations: Lac Mégantic, Granby, Coaticook, Saint-Hyacinthe, Joliette, Roberval, Baie-Comeau, Rivière-du-Loup and Îles-de-la-Madeleine. These were all strategic detachments in terms of the arrival of individuals, immigrants and goods.

The government wants to create an agency, but clearly its focus will not be on customs officers. Furthermore, it will decide to eliminate all RCMP detachments in a jurisdiction as large as Quebec in order to prevent the smuggling of goods and, sometimes, humans. So this is double talk from the Liberal Party. Ultimately, this can be very confusing.

• (1305)

Some may find this extremely annoying. It is most disconcerting to see how the Liberal Party can do both one thing and its exact opposite. It has become an expert at that. It tables a bill to create the Canada Border Services Agency. By so doing, it is trying to tell the Americans “That way, we will be better able to monitor the entry of

individuals”. Obviously, that is, provided they enter at border posts. They can of course enter at many other spots because RCMP officers have been removed from a number of places in Quebec and elsewhere. There will be no more RCMP stationed in the regions, so anyone wanting to get into Canada illegally need only avoid the official crossing points and take one of the hundreds of highways or cross by water. That is the Liberal Party's reality.

This is a problem for the nine communities I have referred to, which used to feel safe. I will take the time to list them again: Lac-Mégantic, Granby, Coaticook, Saint-Hyacinthe, Joliette — that is, Saint-Charles-Borromée —, Roberval, Baie-Comeau, Rivière-du-Loup and Îles-de-la-Madeleine. These all had the reassurance of an RCMP presence but the detachments are being moved.

Obviously, the RCMP Commissioner has admitted the risks. The problem is that there was insufficient manpower to keep these regional detachments manned. There was no money for it, yet the government has found money to create a new agency. More public servants, more red tape, which will of course be concentrated elsewhere than where the need is along the border. That is the reality.

We have trouble dealing with this two-sided Liberal strategy. They say they are going to step up security while, at the same time, they make cuts. That is what they have done in Quebec, and now they are going to create this agency.

We want to play fair, and will state right now that the Bloc Québécois is in favour of the agency's creation, provided individual rights are respected. This is our first hesitation. The second concerns the information that will be kept by agency employees and can be shared with other bodies. There must be an assurance that no personal information will be involved and that the individual interests of citizens will be protected.

To conclude this aside, I wanted to point out the dichotomy of the Liberal message. The Liberal Party wants to create an agency to ensure security and to prevent individuals and immigrants from entering Canada in a manner that puts the public at risk. However, this same party has decided to close nine regional RCMP detachments in Quebec. Obviously, we can do nothing but criticize that.

To return to Bill C-26, it must be said that the Canada Border Services Agency was created on December 12, 2003. It is now comes under the Public Safety and Emergency Preparedness portfolio. When it was created, the role of Citizenship and Immigration Canada in information matters was unclear. Considerable criticism was levelled in this regard.

In order to calm fears, the Prime Minister said that Citizenship and Immigration Canada would remain responsible for immigration policy in order to protect the interests of immigrants and refugees. He felt the need, therefore, at that point to say that care had to be taken and the agency not given free rein. They would leave what Citizenship and Immigration Canada was responsible for. He did not make this statement just anywhere. He made it in the United States on December 13, 2003, at a conference he was taking part in and during his discussions with American homeland security.

Government Orders

Still, while he felt the need to announce the agency in December 2003, it was not until 2004 that it was established. Today, they are tabling the bill. Again, the message is the urgency in resolving security. The Liberal Party is always prepared. The problem is that things take a lot of time, given the wavering Prime Minister, Mr. Dithers, as some foreign observers have called him. From this bill, we see once again that no decision had been made and that all the time needed was taken. Therefore, the urgency of security matters has become so pressing with time that they introduced the bill.

I will read the text from the Internet site of the agency, which was established and began operations in October.

● (1310)

The CBSA provides an essential service as the first line of defence in managing the movement of people and goods into and out of Canada. All people and goods entering Canada, whether by air, land or sea, must report to the CBSA at a port of entry. With a workforce of approximately 11,000 public servants, the CBSA operates at 1,369 service points across Canada and 39 locations abroad. At some of its busiest locations, the CBSA operates on a 24/7 basis.

Among the threats addressed by the CBSA are terrorism; illegal migration; illegal trade of weaponry, drugs and unsafe goods and foodstuffs; and the attempted introduction of contaminants and threats to public health. The CBSA is also mandated to prevent the admission into Canada of persons involved in war crimes or crimes against humanity, to assist in combating money laundering, and to conduct the detention and removal from Canada of inadmissible persons.

Obviously that is the message from the agency. However, it does not say that in order to ensure this is respected and to be able to address terrorist threats, the people, with their goods, must declare themselves to the CBSA's service points. I mentioned that earlier. In Quebec, there are over 100 side roads that are not monitored and for which there are no agency service points.

That is what led the RCMP commissioner to close nine regional detachments in Quebec. The agency is clear on this. It provides protection by land and sea. That is all well and good, provided the individuals and goods go through the agency's ports of entry.

The problem is that the land is so vast that there are goods that enter elsewhere than by the service points. That is where the problem lies with the inconsistencies of the Liberal Party. It is creating an agency to prevent terrorism in our land, or threatening goods or people from entering Canada, as long as those people choose to cross the border under big signs that say, "Enter here".

The other problem is that there are many places where people can enter Canada that are not covered by service points. The Liberal government decided to close nine RCMP detachments responsible for guarding the entire area not covered by the service points. So this is the message the Liberal Party sent. It will live with the consequences in Quebec, as far as we are concerned.

Bill C-26 will make the Canada Border Services Agency responsible for the following: examinations at ports of entry to ensure that individuals are admissible and comply with Canadian laws and regulations; the arrest, detention and removal of migrants considered inadmissible; establishing policies respecting the enforcement of the Immigration and Refugee Protection Act; establishing policies on the inadmissibility of migrants on grounds of security, organized criminality or violating human or international rights; deciding whether an immigrant who meets the inadmissibility criteria can be exempt for lack of a threat to Canada's security; ensuring payment of duties and taxes; and identifying and

intercepting goods prescribed as high risk at airports, border stations and ports.

It confers powers on the minister and the governor in council. That is why the Bloc Québécois supports this agency in principle. We agree in principle, as we strongly support maintaining an RCMP presence, particularly in the nine regional detachments that were closed.

The Bloc Québécois would have preferred that more officers were assigned to these detachments—instead of seeing them closed—in order to guarantee the safety of Quebec and Canada. That has been the message of the Bloc Québécois MPs. We will support Bill C-26, and we support maintaining and reopening the regional detachments in order to have more RCMP officers in Quebec. That was the Bloc's message in order to counter any threats to our borders, by sea, land, air and rail.

We want to be able to ensure a high level of security throughout the land, at any and all ports of entry. That was not the message the Liberals sent when they decided to close nine RCMP detachments in Quebec. With this bill, they are saying they want to protect our ports of entry with signs and beacons marked "Enter here" and "This way into Canada".

● (1315)

That is how the Liberal Party chose to react. It wants to increase security at entry points. It is not its problem, however, if over 100 roads in Quebec are not supervised and if there are no designated entry points and if people can gain entry the entire length of the St. Lawrence, from the coast and elsewhere. The Liberal Party decided it did not have enough money. The commissioner said, in committee, that he was aware of the danger, but lacked the money to ensure security. To say one thing and then the opposite is the watchword of the Liberal Party. Indecision and inconsistency best describe the behaviour of the Prime Minister, whom foreign observers call Mr. Dithers.

That is the way things are. We have to live with it in this House, because we have to vote on this bill. In fact, we support Bill C-26, but we have to mention that the Liberal Party, even if it seems to want to increase security at selected points, has decided to reduce security where proper entry points have not been established. That is the message from the Liberal Party.

We have two comments, not negative ones, but they explain why we will keep a close eye on Bill C-26. One concerns the protection of refugees' rights. Clearly, we reject the principle that claimants must initially be considered potential threats to the country's security. Even on the website, they consider everyone a threat. We have a very hard time accepting that. Men and women want to immigrate to Canada, to settle here. It is not true that every person who enters should be considered a potential threat to the country's security.

Government Orders

This is why we want a fair process, not exclusionary thinking. We really want people to be treated fairly. Men and women who decide to enter Canada, who want to live in Quebec or elsewhere in Canada should be considered full citizens from the outset, having standards to meet and certain checks to be run on them. However, they must not be considered potential threats right off.

For the moment, the staff will be former immigration officers. We are in favour of that. In future, however, is there not a risk that the agency may hire people with a mentality of exclusion, whose background will mainly have been in investigation, deportation, harassment and terrorism issues? That is one of our main concerns. The initial premise is that anyone can constitute a potential threat. It is all very well to use officers who were already there, and doing a good job, and whose main criterion was to consider anyone wanting to migrate to Canada to be people with full rights. Would there not, however, be a danger when new people are hired, who may start off with a mentality of exclusion, of seeing anyone wishing to migrate to Canada as a potential threat? Instead of trying to make things easier, while requiring them to make the standard checks, the aim is to have them consider these individuals as a potential threat and to carry out an investigation. This leaves a potential for deportation and harassment in order to make sure no mistakes are made, given the ongoing threat of terrorism.

We feel it is important for the human rights of those entering Canada to be respected at all times. The Bloc Québécois can be counted on to be a watchdog over the federal Liberal government, which always has this habit of talking out of both sides of its mouth.

There is one final point I would like to raise concerning disclosure of information. We want to be sure that the way the agency collects, maintains, uses and shares information is fully respectful of individual rights and freedoms, because this information can be passed on to agencies in other countries.

• (1320)

We need to be extremely vigilant about how the rights and freedoms of individuals are respected.

[*English*]

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, prior to beginning my remarks I would ask for unanimous consent to split my time with the hon. member for Windsor—Tecumseh. I believe all parties have agreed.

The Acting Speaker (Hon. Jean Augustine): Is that agreed?

Some hon. members: Agreed.

Mr. Brian Masse: Thank you, Madam Speaker.

I want to begin my remarks on Bill C-26 by highlighting the importance of this bill in terms of moving forward with more official resources, which I hope will come for our border services at the end of the day. When I say that, I mean it in the context of the men and women who defend our border on a daily basis. I believe they have not had adequate support or legislation to deal with some of the complex problems they deal with in today's world.

I want to at least outline a few important items that the public should know about Bill C-26. This bill will bring together under one umbrella organization the services of the Canada Customs and

Revenue Agency, the Canadian Food Inspection Agency and the Department of Citizenship and Immigration .

I do not have the time to go into all the details of Bill C-26 and the different departments, but I do want to highlight the importance of this bill for ordinary Canadians. We have often heard, as we have today, the debate about Canada being a threat to the United States in terms of the border.

This perception has been perpetuated even by some U.S. elected representatives, such as Hillary Clinton. She continues to talk, erroneously, about some of the terrorists of 9/11 obtaining access to the United States from Canada. That is not true. It is something that I am greatly offended by because it is not the truth and it also hurts our relationship with the U.S. It should be noted that these terrorists acquired passports from the U.S. itself.

We need to note this because we have many security issues on our side of the border, but we need to talk about the facts. At present on a daily basis there is approximately a billion dollars in trade in the form of goods and services between Canada and the United States. We also have a strong socio-cultural history, in which bonds of friendship, family and prosperity for both nations have developed. When we have the other erroneous elements thrown into the pot, they make things very complicated.

Let me point out that since September 11, 2001, we have seen a significant change on our border. There were problems prior to 9/11. I represent the riding of Windsor West. I can tell members that there already was a significant tie-up of trucks and cargo because of the lack of infrastructure from this government in the past decade. The problem has certainly been seen on the streets of the city of Windsor through more profound effects since September 11. Even the United States side did not have proper staffing.

In past decade the United States will actually have had a 30-fold increase of officers on its border. To put all the blame on the Canadian side is not fair and is certainly not accurate. We need to make sure we understand that this is going to be reciprocal and that we are tied to it enough in destiny.

As well, we hear a lot about our security risks in the United States, but it does work both ways. Let me point to a recent case in Windsor. Brian Bolyantu was killed on the streets of Windsor when an American citizen who had a long record with the law was accidentally let into this country. I do not want to get into the details of the case because it is going through a lawsuit, but tragically, the family has lost Brian because there was a mistake made at the border. It shows the danger that we are faced with.

In fact, a year or so before this case, Lori Bishop, a citizen of Niagara Falls and a mother, was going about her daily activities when there was a car chase through the Niagara Falls area by the Michigan state police. The chase came onto Canadian soil. The chase, which was broken off shortly after crossing the border, led to her death.

There is more. There is the case of Mohammed Charafeddine. He was shot by an American citizen who, once again, had a long history of infractions and a number of different criminal offences but was let into our country.

Government Orders

This is not a problem about nations. This is a problem about people who are undesirable on both sides of the border. Both countries must protect themselves from these people. We must make sure that these individuals do not gain access to our countries. At the same time, the fact is that we have to keep our borders prosperous through the movement of goods and services.

• (1325)

An issue that has not been addressed too much to date is the issue of passports. One change is that the United States has introduced a western hemisphere bill. It is going to final analysis. The American bill will require that every citizen entering the United States have a passport. As well, American citizens will have a passport.

Since that is coming we are actually making submissions to the House of Representatives to make sure that we can get an exemption if possible, but regardless of that, we wanted to make sure there is going to be accountability in this country because we have seen the lack of support for our border services people.

I filed a motion in the House of Commons the day after this came forward. It states:

That the House call upon the government to conduct an audit of the Passport Office to ensure that Canadians can acquire passports at the lowest possible cost and that passport processing fees do not generate surplus revenues.

We are trying to ensure that there is going to be an auditing process to make sure that Canadians can get passports at a relatively decent price, that the services are going to be there and also that there is going to be accountability. If the Canadian passport is not going to be seen as a document that can be trusted or protected, we are going to encounter further difficulties. That is why it is important to have a full audit of the office in terms of its practices.

The effects on our tourism industry will be huge. For example, right now a Canadian passport for a family of four with two teenagers costs approximately \$218. For an American family of four with two teenagers, passports will cost \$274. To enter and exit between our countries for vacations, personal time and family time is going to require an extra investment in time.

It is important to note this, because when we talk about the safety of our border and the way it works in our economy, this could have detrimental effects on everything from local communities that rely on restaurants and entertainment, for example, to employment opportunities. For my community, I know that the United States and Michigan rely heavily upon Canadian nurses and doctors, as well as a number of other health care professionals, to make sure that they have the proper people for their hospitals. It is important that we continue to have relatively easy access to a certain degree, with security, so people can get to and from work without being hindered.

One of the issues in regard to the border is the perception of the problems that we have related to infrastructure and also accountability. Bill C-26 is an improvement, but we still are lacking, which is why the government has introduced Bill C-44. It is from the transport department and calls for greater scrutiny.

For example, in my riding, there is no border authority in Windsor. There is nothing that oversees the most important trade corridor in North America and probably the world. In fact, a private American citizen owns the border. A private American citizen owns the

Ambassador bridge, which controls about a third of the Canada economy, and literally has the entire Canadian economy at a standstill if there is a problem on the border. There is no oversight whatsoever of this border infrastructure. There is no public authority similar to Blue Water or the one in Sarnia.

There is one in Fort Erie and there is in Niagara Falls, but we have been left because, quite frankly, these others have been very influential in terms of lobbying, I believe, to ensure that they are going to have the structures and the tools available to them to have political pressure to avoid accountability.

I have tabled two motions in the House of Commons to create a border authority in Windsor because we have two private proponents that are seeking the next crossing, which is unusual. We have 24 crossings between Canada and the United States, with 22 held by the public sector and only two privately held. They are the Fort Frances international bridge and the Ambassador bridge in Windsor. Ironically, they have the highest rates for car passengers as well as trucks. There is also less accountability. That is why we need this legislation.

Let me conclude by saying that it is important for Bill C-26 to have the proper supports for our customs officers. Mr. Ron Moran was bang on when he presented to the Senate committee and at other hearings when he talked about the fact that we need to have an armed presence at the border. I believe that. It could be a tactical support group, which would ensure that we have greater security and greater trade with the United States.

• (1330)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Madam Speaker, I wish to thank my colleague for his interesting insights into the border issues that we have in the country. There is a lot of rhetoric that is thrown around the House, particularly from the government benches about the importance of trade, the need for increased trade, and the fluidity of trade.

The member spoke about the increased incursion of private interests into our border, particularly around the bridges and the lack of government action with respect to having the proper infrastructure in place so that we can move these goods.

It is one thing for a business to establish itself and set itself up as a successful venture, break into the American or Mexican markets, and then only be stopped at the last minute at the border and have huge delays at the border, thereby preventing the Canadian economy from growing and those workers from having sustainable jobs.

I wonder if the member could comment specifically on why we hear the rhetoric at one end, but when the rubber hits the road, as it were, and it is time to invest in our border services and move goods across the border, the government has been dragging its heels for so long and for so many bad reasons.

Government Orders

Mr. Brian Masse: Madam Speaker, it is absolutely incredible that the country has missed the boat, so to speak, on infrastructure. Sadly, since 1997, when I was on Windsor City council at that time, we have literally begged the government to do something for infrastructure and especially the border to create the capacity expansion and put in place the oversight necessary for our economy.

Quite frankly, a third of the Canadian economy is dependent upon four lanes on a private bridge between Canada and the United States. That makes no sense whatsoever. It is important to recognize that at certain points in time the country needs to invest in itself. Liberals have been taking shortcuts for years as well as Conservatives on infrastructure.

I would point to highway 407 in Toronto as a specific example. There we saw an investment by the people of the day ending up being fleeced. That infrastructure was privatized and let go without the proper return and also leaving a legacy of debt as a burden on the users.

Infrastructure investment is very important. It creates jobs in Canada. It uses a lot of Canadian aggregate. It pays a lot of taxes back into the system. More importantly, it provides the redundancy and the capacity expansion necessary for entrepreneurs and businesses to be successful.

What is interesting about the situation in Windsor is the fact that we want to continue to operate the border as a profit zone and a middleman at the expense of small and medium sized businesses which is unacceptable. Why would we want to add that extra level of profit for absolutely no reason whatsoever when the infrastructure itself will provide a return at the end of the day for the community and the country? We expect to have to add another type of expense for small and medium sized businesses that have to pay higher fees to get to the markets in which they want to be successful. They will have to compete with their American counterparts often at lower wages and often at lower environmental and other standards. It depends in which area they are competing.

I do not know why the government cannot get its head around the case in Windsor and provide a new piece of infrastructure that is publicly owned and operated. One that would pay a dividend back to this country, relieve the tax burden for the long term and address the security issue which is trumping everything else in the United States right now.

Security is enhanced by public ownership because the accountability is there. We ensure our inspections as well as our infrastructure investment is paid for in perpetuity as opposed to going into someone else's pocket.

It has been interesting in Windsor. The owner of that operation now has bought up all kinds of property in the Fort Erie and Niagara area, so that it can have the next crossing there and it is buying along the Windsor area. Because the government has dithered, it has allowed speculation and lobbying to rule the day on 90% of our trade going to the United States. That is unacceptable.

The government needs to say strongly and convincingly that our border is not a profit zone. It is a conduit for trade and social prosperity between our two nations, as it should be.

● (1335)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Madam Speaker, as we can tell from the comments of the member that just spoke, he is quite passionate about the subject, a passion which I share, because of the impact that the border has on our economy in the Windsor-Essex county area and on the livelihood of so many of our people. A good deal of that livelihood is being threatened at this point to a great degree because of inaction on the part of the government.

Specifically, the bill is part of an overall strategy by the government to consolidate services into one super ministry under the Minister for Public Safety and Emergency Preparedness. This is just one component of it. With this particular bill, which all parties agreed was an appropriate step for the government to take, we are consolidating the customs program, the customs investigations and appeal functions, and the Canada Customs and Revenue Agency. We are taking part of that agency, bringing in the intelligence interdiction and enforcement program, including ports of entry from the Department of Citizenship and Immigration, and finally the inspection of ports of entry and the Canada Food Inspection Agency.

The NDP has been willing to support this because we believe it is important to focus attention on our border crossings and our ports of entry. All too often in the past, because these programs have been somewhat isolated within their respective departments, there has not been enough attention paid to the issues with regard to ports of entry. With regard to the security at ports of entry, and at the rest of the border crossings, a secure but efficient methodology must ensure that cargo and passengers are able to move back and forth without undue hindrance. This development, in terms of bringing this together, makes good practical sense.

When the bill came before the justice subcommittee, all parliamentarians sitting on that committee felt reasonably comfortable with it, but there were some amendments. I want to touch on those briefly.

One of them affected the reporting function. Although there was a modest reporting function, by the amendment that we introduced and passed in the subcommittee, we strengthened the responsibility of the minister to report. As we will see in a few minutes, when I conclude my speech, that is an important factor, and the need to strengthen it was equally important.

The other point that raised some concern with the employees at the border was that they were defined under the Criminal Code as peace officers. As a result of a decision that I believe came out of my region of the country, the charges that the employees at the border might lay under various pieces of legislation on a number of occasions had been challenged as to their capacity to lay those charges. In a couple of cases the charges were actually dismissed on what was seen as a technical problem.

Government Orders

The employees had been asking the government for the last five to seven years to amend the section of the Criminal Code, so it would be clear they had the responsibility and the jurisdiction to lay the charges. The government had not done that when the bill was introduced originally. The public service employees came forward with a very clear, concise and obviously persuasive argument as to the need for this amendment. It was taken up by all members of the committee, including, finally, the government members, and the amendments were moved, supported unanimously and passed. It is now in the bill which, with support from all parties, will pass and their job will become a little easier.

As an aside on this point, there has been an ongoing debate between the public service employees at the border, arguing that in a number of cases they need to have greater security for themselves.

• (1340)

We have heard of many incidents at border crossings where individual members were positioned there by themselves. There have been several incidents where people have suffered ill health and had no one to assist them. There have been other occasions where there were very clear security threats to them and they had no meaningful backup at all.

There is an ongoing debate as well as to whether border crossing guards should be armed. At this point they are not allowed to carry firearms in spite of some clear cases where that would have been of some benefit to them.

To be clear on this point I must say that this debate has been raised by employees themselves. A number of them have not been trained or properly prepared to carry firearms whereas others have. This is going to be an ongoing debate. A case just came down from the federal court with respect to wardens in our national parks and it may have some impact on this issue. We may be moving to that at some stage in the near future.

By consolidating the departments and more specifically these programs, we are going to have clearer information because we will get annual reports from the minister. We will be able to focus our attention on the actual issues confronting us at our border crossings and ports of entry. I hope and expect that an inevitable result of this consolidation will be greater security and more efficient use of our border crossings to move both cargo and passengers.

With regard to arming border guards and the security issue, major work still needs to be done. We hear reports that some containers coming in at our ports of entry on both the east and west coasts are not being inspected. A very small percentage are in fact inspected. This is worrisome from a terrorist standpoint because inspections are minimal. This issue must be addressed. Once this consolidation is fully in place and functioning, the government will see the need to provide additional services of a security nature at our ports of entry.

As we heard from the member for Windsor West, the border crossing between Windsor and Detroit is the busiest one in the country. It could be argued that it may be the busiest crossing of any place in the world as far as cargo is concerned. In spite of that fact, we cannot get the government to address a number of issues that confront our community.

There is a major issue concerning whether we need an additional crossing, and there seems to be overwhelming evidence that we do. However, the government has been extremely slow in responding to that need. That is having a major impact particularly on the auto industry, but generally on the manufacturing industry.

This is not just an issue with regard to the Windsor-Essex county area. We have heard substantive evidence about problems with regard to moving manufactured goods across our border and the backlogs this is creating. There are backlogs throughout all of southern Ontario, right into Quebec and all the way back to Montreal.

We expect these issues to be addressed in a much more efficient and responsible manner than they have in the past. We expect that the additional resources that are required to meet our security needs at our ports of entry and border crossings will be forthcoming in geographic areas like the Windsor-Detroit area. We expect that an additional crossing, when needed, will be addressed much more rapidly than it has been historically.

The NDP will be supporting Bill C-26. However, we will be watching the outcome once it is in place to see how these programs are functioning and we will be pressing very hard for them to be expanded.

• (1345)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I am pleased to hear that the New Democratic Party will be supporting the bill.

Those who have been following the debate will know that there is an inextricable link between the movement of economic goods and services as well as security issues. It would seem to me that as we move into more stringent security provisions, this must necessarily involve some additional work or scrutiny, or possible delays on the economic side.

We have a situation where it is not just enough to complain about a problem. Rather we must look for that appropriate balance between the security needs which must be in place for us to deal with the challenges we are facing these days and the steps that can be taken to improve the flow of goods and services.

I know the member is very knowledgeable about the area as it is his home area and the initiatives that have been talked about from time to time, such as having secure yards where trucks could get pre-cleared, to help with the delays that are caused simply by the enormous amount of truck traffic, not only from Ontario but substantively from Quebec. This causes some concern because to disrupt the economy of Canada is also a form of terrorism.

I would be very interested to hear whether the member is satisfied that proper discussion has gone on with regard to those reasonable steps that can be taken to ensure a smooth flow of economic goods and services.

Mr. Joe Comartin: Madam Speaker, overall we are not satisfied with the response.

Government Orders

The cabinet member who is now the Minister of Foreign Affairs was in Windsor. We were having a meeting with representatives for both sides of the border. I remember raising with them that the big issue right then was the need for the U.S. side to expand the number of gates into the U.S. side. The American side was way behind what Canada was doing at that point in terms of providing the proper services at the border crossings to allow the free flow of goods at the same time as providing security.

I agree with my friend from Mississauga South that there is a need for balance. There have certainly been times that we in the Windsor area in particular have felt that the security demands from the U.S. side were unreasonable. On a number of occasions we have been able to convince them to take a step back so that goods and passengers would flow freely.

On the basic question about whether the government's response has been as fulsome as it should have been, I said in my opening comment that I did not think so. I am going to use as an example the provision of a ferry service that we have in the Windsor area. There is litigation going on about this right now which may be close to being settled finally, but even before 9/11 we had set up a system that allowed the bridge company, which is a private company, to receive customs services for free. It is not charged anything.

On the other hand, the ferry service is being charged a per vehicle cost in order to have customs and border security people at the crossing. It is a small company in comparison with the bridge, which is a huge corporation, but the government has refused a simple change in the regulations that would make it possible for customs people to be there, to move vehicles across in an efficient way without costing the service that amount of money. That service would be a good alternative to deal with some of the backlog at the bridge and the tunnel in the Windsor area. The government has refused to follow through on that.

With regard to the member's other question as to marshalling guards, that has been considered. It was proposed by the former mayor of Windsor. It has never been taken up by the government and it still has not responded to that request.

• (1350)

Mr. John Maloney (Welland, Lib.): Madam Speaker, I am pleased to rise before the House to promote this very important piece of legislation, a bill to create an innovative border management organization that will strengthen our capacity to respond swiftly and effectively to risks and threats to our country.

Security is the cornerstone of our society. When this country was formed, our descendants made a conscious decision to establish a nation that would be founded on peace, order and good government for Canadians. Successive governments and generations of Canadians have upheld that ideal with the result that Canada has become one of the most successful countries on the earth.

[*Translation*]

However, the repeated and unprecedented challenges we have faced since the millennium began have identified weaknesses that could endanger our way of life.

[*English*]

The events of 9/11 drove home that point in a tragic but tangible way. The shocking reality is that terror knows no boundaries and respects no life. No one is immune to the damaging effects of these forces in our increasingly interconnected world. This was an especially hard lesson learned by Canadian businesses which depend on a free and open border for \$2 billion daily in cross-border trade and millions of travellers who once took border crossings for granted.

To protect our citizens, economy and society, we have to better anticipate and be prepared to address any and all hazards arriving on our doorstep. Terrorism, illegal migration, organized crime and other threats must be combated. That is why the public safety and emergency preparedness portfolio was created, to bring together key national agencies dedicated to public safety, including the Canada Border Services Agency, Correctional Service of Canada, the RCMP, CSIS, the Canadian Firearms Centre and the National Parole Board.

The CBSA has been set up to build on progress already achieved since we signed the Canada-U.S. smart border declaration with our American neighbours in the aftermath of September 11. A smart border is one that makes a distinction between low risk and high risk travellers and cargo arriving at the border, letting the former move through quickly, while taking the necessary time to take a closer look at those who pose a threat.

The CBSA will accelerate this work by aligning complementary security activities previously spread among three government organizations into a single, streamlined unit. The new structure allows the agency to take a more integrated and multifaceted approach to border management to improve the quality, effectiveness and affordability of border services.

Proposed Bill C-26 will allow us to move forward with an integrated and multifaceted approach to border management, which is a key component of our national security policy. Members of the House will recall that this policy focuses on three core national security interests: protecting Canada and Canadians at home and abroad; ensuring Canada is not a base for threats to our allies; and contributing to international security.

[*Translation*]

Thanks to the integration of the main activities of border security and intelligence, the Canada Border Services Agency is already in a position to better protect Canadians, while facilitating the free flow of admissible persons and goods.

[*English*]

In less than a year since its launch, the agency has accelerated a number of progressive measures undertaken by its predecessors. For example, it has made every effort to improve border flow and to expand the NEXUS and FAST programs for pre-approved low risk travellers and commercial traffic.

S. O. 31

FAST, the fast and secure trade program, NEXUS, and many other smart initiatives put in place in recent months and years depend on pre-screening people and cargo to separate those who pose a threat from those who do not. While the vast majority of clients comply with law and regulations, we have put in place risk management strategies to identify, detect and interdict high risk people and goods.

Pre-approval makes it possible for CBSA officers to speed up the processing of legitimate travellers and businesses with good track records, particularly those that have been pre-cleared. However, the CBSA denies the use of Canadian territory to anyone involved in terrorism or serious criminality and prevents the entry of goods, including animals, plants or food products, that threaten the safety of Canadians.

Knowing how effective this approach to border management is, the CBSA has expanded FAST to expedite the movement of low risk cargo and truck drivers. It is now in effect at 19 of the largest and highest volume land border crossings.

The NEXUS program fills the same need by simplifying land crossings for pre-approved low risk frequent travellers. It also continues to expand. By last November we had over 70,000 people registered in the program using NEXUS sites at 11 locations across the country.

The launch of the NEXUS air pilot program at the Vancouver International Airport this past November allows pre-approved travellers to clear customs and immigration in Canada or in U.S. pre-clearance by simply looking into a camera that recognizes the irises of their eyes as proof of identity.

Of concern to all constituents, we have also ensured that Canadians are exempt from the U.S. visit program. An entry and exit system has been established in the United States to record the identity of people entering or leaving the country. Canadian and American citizens are not subject to this new policy.

As well, we have established Canada's National Risk Assessment Centre, which became operational on a 24/7 basis in January 2004. We can now share automated lookouts with the U.S. Bureau of Customs and Border Protection. The centre will also serve as the focal point for managing and coordinating national and international watch lists, including lists of lost and stolen passports and other travel documents, to stop high risk travellers upon their arrival in Canada.

Our countries have also agreed to share advance passenger information and passenger name records on high risk travellers destined for either country.

The recent budget tabled by this government provides additional funding for the container security initiative that would allow CBSA to enhance Canada's marine security program. The primary goal of the container security initiative is to protect the global trading system and to keep the trade lanes open between foreign ports and Canada by targeting and interdicting potential terrorism threats before they reach our shores.

The government has invested in the marine security initiative to ensure that Canada is meeting international standards and can harmonize our regulations with those of our global trading partners.

The agency takes a multi-layered, risk based approach to security at marine ports, which includes the advance targeting of high risk vessels and goods, the use of new technology and increased cooperation with our partners.

There is much more the CBSA will do in the months ahead with the passage of this bill. In partnership with other federal departments and agencies, it will develop a new partnership of smart border initiatives involving the U.S. and Mexico and expand smart border principles around the globe.

Few issues matter more to the welfare of our nation than making sure we are ready and able to detect and respond to new and emerging threats to our society, threats that endanger the competitiveness of Canadian business as well as the health and safety of the public.

I am confident that the CBSA will be an effective first point of contact as it manages the movement of people and goods into and out of Canada. All members of this House should give this legislation speedy passage.

● (1355)

The Acting Speaker (Hon. Jean Augustine): The member will have 10 minutes remaining at the next debate since there was no indication of the splitting of time.

STATEMENTS BY MEMBERS

[English]

PUBLIC SERVICE

Hon. Larry Bagnell (Yukon, Lib.): Madam Speaker, I am about to make an announcement that everyone in the House of Commons will be very proud of. Today, Cecil Oliver and Natural Resources Canada are celebrating a milestone unequalled in the history of the Government of Canada.

This year, Cecil Oliver, an employee of the department, marks his 60th year of continuous public service with the government. Mr. Oliver began his career with the Canadian Forces in 1945. In 1968 he moved to civilian work with aeronautical and technical services in the mapping services branch of what is now Natural Resources Canada.

Today, at 79 years of age, he continues his career as a senior technologist. His colleagues agree that he is an invaluable resource. In honour of long and dedicated service to Canada, Cecil received the Queen's Golden Jubilee Medal.

I ask hon. members to join me in congratulating Mr. Oliver on his outstanding record of 60 years of service to the people of Canada.

* * *

● (1400)

JUSTICE

Mr. James Lunney (Nanaimo—Alberni, CPC): Madam Speaker, citizens of Nanaimo were traumatized by the May 31 assault on an 89-year-old woman in her own home. Charged with break and enter and sexual assault is Franklin Shane Dorfer.

Dorfer was a repeat offender, convicted in 1994 after two break and enters involving elderly women, including a 71-year-old who was raped. Residents would like to know why this man was on the streets, having served only part of a seven and a half year sentence. He was released only to commit further B and Es, the latest in 2004.

Although he was not considered a good candidate for parole, Dorfer was released again. He violated his parole and a warrant had been issued for his arrest at the time of the Nanaimo attack.

Prisoners need to earn parole. Automatic statutory release needs to be scrapped. We need mandatory minimum sentences for repeat and violent offenders. We need truth in sentencing. These offenders should serve their full term.

Violent crimes against the elderly should be an aggravating factor for sentencing. More needs to be done to protect our elderly citizens and restore safety to our streets.

* * *

CANADIAN DIABETES ASSOCIATION

Hon. Peter Adams (Peterborough, Lib.): Madam Speaker, I attended a juvenile diabetes fundraiser this weekend. During the winter I met with the Peterborough chapter of the Canadian Diabetes Association and toured its office. It does wonderful work in our community and country.

More than two million Canadians live with diabetes and that number will double by 2020. Escalating obesity, sedentary lifestyles and an aging population all feed the national epidemic of diabetes. Diabetes leads to heart disease, stroke, kidney disease, limb amputation and blindness. It costs over \$13 billion each year. However early diagnosis, aggressive treatment and lifestyle change can stem the tide, delaying onset and even preventing the disease.

I support the Canadian Diabetes Association in all its efforts to develop a national diabetes strategy. We have supported the association in the past. Let us continue to do so. We should help those living with diabetes in every possible way. We should work to prevent and cure this disease.

* * *

[Translation]

NATIONAL PUBLIC SERVICE WEEK

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, it is a great pleasure for me today to draw the hon. members' attention to National Public Service Week and the generous contribution of public servants to society.

Members of the public service face many challenges. For example, it is estimated that nearly 25% of public servants are victims of psychological harassment in the workplace.

Today I want to stress the importance of passing a bill that will prevent and address psychological harassment in the workplace. Such a bill would go beyond simple policies that are based on good intentions and would provide true protection to public servants, thereby enhancing their performance.

The Bloc Québécois is anxious to see Bill C-360 passed and it wishes all public servants an excellent week.

S. O. 31

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Madam Speaker, I wish to inform the hon. members of this House of the appointment of Jacques Bilodeau as Canada's ambassador to the Eleventh Conference of the Parties to the UN Framework Convention on Climate Change, which will be held in Montreal from November 28 to December 9, 2005.

Mr. Bilodeau will be working with the key stakeholders at the Montreal conference on climate change as the representative of the Minister of the Environment. He will facilitate consultation with the interested parties in order to advance discussions on the development of a new plan for the post-2012 period.

Throughout his 30-plus years in the Public Service of Canada, Mr. Bilodeau has held various positions in the Department of Foreign Affairs, including that of the Prime Minister's representative during the Francophonie summit in Burkina Faso in the fall of 2004. Mr. Bilodeau's extensive background in diplomacy should help him in the successful performance of his duties.

Mr. Bilodeau has a Master's degree from the École nationale d'administration publique and a Bachelor of Arts and Science from Université Laval.

* * *

● (1405)

[English]

BRIDGEWATER FLOOD

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I would like to take this time to call attention to all the committed and dedicated men and women from my riding of South Shore—St. Margaret's who worked tirelessly during the recent state of emergency in Bridgewater, Nova Scotia.

From May 22 to 27, heavy rain fell throughout Nova Scotia with 225 millimetres of rain falling in the Bridgewater area alone. Heavy flooding resulted, roughly 100 people were evacuated from their homes and 17 roads and 12 bridges in Lunenburg county had to be closed by the department of transportation.

I commend the volunteer fire departments and other emergency workers for their role in protecting the residents of our communities.

Emergency Measures co-ordinator, Brian Kaiser, along with dozens of professionals and volunteers, performed yeoman service in coordinating the municipal and provincial response.

To everyone involved in the response team and to all the neighbours who assisted neighbours, I extend a sincere and heartfelt bravo, good work and thank you.

S. O. 31

POLAND

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, this past Friday, I attended a photo exhibit dedicated to educating the public about a terrible human tragedy in Polish history.

Sixty-five years ago the Soviet army took 21,000 Polish army reserve officers prisoner after occupying eastern Poland under terms of a secret deal between Hitler and Stalin.

After rounding up these reservists, lawyers, doctors, businessmen, teachers and other professionals, the intellectual elite of Poland, the Soviets took them to various locations where they were gagged, bound, executed and buried in mass graves. The largest known mass grave of these execution sites was the Katyn forest near Smolensk, Russia.

For decades the Soviets denied they had committed this atrocity. Finally, in 1992 the Russian government handed over documents to the Polish president, Lech Walesa, showing that Soviet dictator Joseph Stalin did indeed order the massacres. Notwithstanding this evidence, Russian President Putin refuses to acknowledge the Katyn massacre.

I hope that some day all Canadians will be afforded the opportunity to learn more about this terrible crime through displays and interactive media at a prominent national museum in Canada.

* * *

[Translation]

150TH ANNIVERSARY OF THE TOWN OF SAINT-SAUVEUR

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, I had the opportunity recently to take part in an evening launching the festivities marking the 150th anniversary of Saint-Sauveur, a town known for its exceptional quality of life and joie de vivre.

At this event, the organizing committee paid tribute to six women who have made a remarkable contribution to their community in recent years. As architects of economic and social development, these six women make Saint-Sauveur the dynamic town it is.

These committed women are Annick Cazin, Huguette Chartier, Lise Foisy, Micheline Barbe, Johanne Martel and Annie Dagenais. They have the well-being of the community of Saint-Sauveur at heart.

The Bloc Québécois pays tribute to these six women. I am convinced that their efforts will produce results. More committed women can only be good for our society. I congratulate and thank them.

* * *

[English]

SENIORS MONTH

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, June is Seniors Month. I want to recognize the contribution of seniors, particularly those in my riding of Hamilton Mountain.

With advances in technology and medicine, seniors are living longer, healthier lives while continuing to contribute to both the social fabric and the economic prosperity of Canada.

Sackville Senior Centre in my riding has approximately 1,400 active members participating in a variety of mentally and physically challenging activities.

The percentage of seniors in Canada is growing rapidly, which requires that we remain diligent in protecting health and pension supports.

The government has shown its commitment to seniors in the present budget by increasing the guaranteed income supplement, by increasing support to the new horizons program and by increasing support to caregivers. In fact, most of the features in the present budget will help seniors.

I thank all seniors for their support, enrichment and inspiration.

* * *

[Translation]

AEROSPACE INDUSTRY

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, Quebec's industry minister stated on the weekend that Quebec could create its own policy for the aerospace industry in the absence of any federal policy.

For months now, since October to be precise, the federal government has been promising such a policy but nothing is forthcoming.

Given the importance of this issue and this sector for Canada and especially Quebec, it is high time the federal government showed transparency and tabled a real draft policy on the aerospace industry.

* * *

● (1410)

[English]

VALIGIA D'ORO AWARDS

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, yesterday, I had the distinct pleasure of attending the seventh annual *Valigia D'oro* Awards. Eight constituents of mine, Mr. and Mrs. Bo-ke-keo, Mr. and Mrs. Catapano, Mr. and Mrs. DiMarco, Mr. and Mrs. Martini, and Mr. and Mrs. Dalimonte received awards honouring their years of dedication to building a strong Canada.

The *Valigia d'Oro* or Golden Suitcase was established by Vaughan regional councillor, Mario Ferri, for the purpose of recognizing the sacrifices and contributions made by Italian Canadians who have immigrated to Canada. Their determination to succeed has been a true demonstration of courage and vision.

I want to thank the Italian Canadian community who together with many other communities have made such a significant difference to the lives of many Canadians.

It is now up to our generation to maintain and promote these values of hard work and dedication to ensure future generations enjoy the legacy of those who have given so much.

HEALTH

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, public medicare is one of past minority government's proudest achievements and now forms a cornerstone of Canadian identity. We need a government to protect and improve it, reasserting a federal role to stop privatization and pursue the solutions that can control costs, improve care and keep medicare public.

Public health care attracts billions of dollars in investment. Public health care provides Canada with a competitive advantage vis-à-vis our neighbours to the south.

In the U.S., General Motors' health care bill runs about \$1,500 per car produced. In Canada that figure is only a few hundred dollars. In the U.S., GM's health bill for current and retired workers is expected to reach \$5.6 billion and it expects to slash 25,000 jobs in the next four years.

CAW estimates that it costs \$4 or \$5 more an hour per employee to build a car in the U.S. than in Canada, a 10% labour cost advantage for the Canadian auto industry. Public health care is a good part of the reason.

This year Canadians selected Tommy Douglas as the greatest Canadian. Keep our public health care for the prosperity and wellness of all Canadians in our economy.

* * *

CHILD CARE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, in an interview published in today's edition of the *Globe and Mail*, the social development minister has made a number of interesting revelations regarding the government's two tier child care plan.

In the interview the minister began by saying that he had no idea how much the government's proposed child care program will cost Canadian taxpayers. Then, despite months of telling parents his child care plan would be universally and widely accessible, the social development minister acknowledged that the Liberal plan would "never be truly universal in scope".

With the minister now acknowledging the Liberals' child care plan is restrictive and will not address the needs of Canadian families, particularly those living in rural areas of the country, like many families in my riding of Selkirk—Interlake, I call on the government to support the Conservative Party's plan for a truly universal program, a plan that puts money directly into the hands of parents so all Canadian families can make their own child care choices.

* * *

[Translation]

ROCK BANVILLE

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, we were greatly saddened to hear of the passing of Dr. Rock Banville in Terrebonne at the age of 74. Dr. Banville was a staunch defender of workers' rights.

Dr. Banville was a native of Saint-Octave-de-Métis, and was extremely active in the labour movement, particularly as the co-

S. O. 31

founder, with well-known union leader Michel Chartrand, of the Fondation d'aide aux travailleurs accidentés du Québec.

His 1999 book *La peau des autres* spoke out against dangerous working conditions in the construction industry and on construction sites.

In the 1970s, he played a hand in the founding of the Front des travailleurs unis de Sept-Îles.

Dr. Banville remains a source of inspiration to us all and will live on in our memories.

The members of the Bloc Québécois join with me in extending our most sincere condolences to the family and friends of Dr. Rock Banville.

* * *

[English]

JOHN LYNCH-STAUNTON

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, today I would like to honour a fellow colleague who I have had the great pleasure of getting to know. On June 19, Senator John Lynch-Staunton will be turning 75 and thus retiring from his seat in the Senate.

Senator Lynch-Staunton is a member of the Conservative Party of Canada for the province of Quebec in the Grandville senatorial division. He was first appointed to the Senate on September 23, 1990 by Prime Minister Brian Mulroney. From September 1991 to November 1993, he was Deputy Leader of the Government in the Senate. In addition, he was elected leader of the opposition in the Senate in December 1993.

In 2004, Senator Lynch-Staunton served as the first leader for the new Conservative Party of Canada on an interim basis.

Today I am honoured to stand and speak of such an esteemed senator and Canadian. I thank Senator Lynch-Staunton for his hard work, dedication and service to Canada. I wish him all the best for a very happy retirement.

* * *

●(1415)

[Translation]

FIGHT AGAINST CANCER

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, on June 4, Edmunston held its third annual Relay for Life. This is an activity held Canada wide by the Canadian Cancer Society to raise funds for the fight against cancer.

I would like to recognize all the volunteers on the relay organizing committee for their contribution to this event. Cancer is a disease of such concern to us all and I am sure that activities like the Relay for Life help raise public awareness of the need for cancer research.

Oral Questions

The Edmunston Relay for Life collected more than \$140,000, which will be used for funding promising research projects, information and support programs, defending the public interest as far as cancer prevention policies are concerned, and improving the quality of life of people living with cancer.

Finally, I wish to acknowledge the efforts of all the Relay for Life participants in Edmunston and elsewhere.

ORAL QUESTION PERIOD

[English]

HEALTH

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I have reviewed last week's health care decision by the Supreme Court of Canada. It did not question the public health care system in our country. However, it did question how the government has managed that system. In particular, it has pointed out that the health care wait times are at an all-time high under the Liberal government.

Could the Prime Minister tell us why, after 12 years in office, there are no national benchmarks for wait times in the country?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, this is a realization which the government expressed to the Canadian people during the election campaign. It is a realization which the hon. member opposite did not seem to understand at the time.

This is why we convened the federal-provincial conference in September. This is why we set out an accelerated plan to deal with the issue of wait times, along with the provinces.

I am delighted that the Leader of the Opposition has finally come to the understanding of what the situation is. This is the issue. How do we reduce wait times? That is why we set out the plan. That is why we are working with the provinces.

* * *

SPONSORSHIP PROGRAM

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, Canadians will wonder why there were no wait times standards all those years the government claimed it was defending the system.

[Translation]

On May 31 and June 1, the government categorically denied in the House that it had concluded a secret agreement with Mr. Chrétien. However, the day before, the government had in fact signed a written, official and secret arrangement with Mr. Chrétien's lawyers.

Why did the Prime Minister allow his government to mislead this House?

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, let me be clear. There was no offer, no arrangement and no deal made between Mr. Chrétien and the Government of Canada.

There was a letter from lawyer to lawyer that simply restated the law and described how the law applied in this case. The letter reaffirms Mr. Chrétien's right as an individual to bring action forward based on perceived bias if he chooses.

Let us be clear. The Government of Canada has consistently supported the work of Justice Gomery and will continue to support the work of Justice Gomery.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, the House will recall that the minister denied there was any arrangement of any kind between Mr. Chrétien and the government.

Now he admits, because we have all got it, that an exchange of letters between lawyers has taken place that does constitute an arrangement, an arrangement that Justice Gomery was apparently unaware of and is quite concerned about.

Why did the public works minister not divulge the details of this when he was asked about it? Why did he cover it up?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the letter from lawyer to lawyer states the fact that Mr. Chrétien has a right as an individual to pursue a course of action as an individual.

The Government of Canada also has the right and has made the decision to consistently support the work of Justice Gomery. We will continue to do exactly that.

[Translation]

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, earlier this month, Mr. Chrétien concluded a secret agreement with the government, under which the government would not oppose a right to a future challenge to Justice Gomery. In fact, another challenge could delay the Gomery commission.

Why did the government sign an agreement that could delay the tabling of Justice Gomery's final report and the election promised by the Prime Minister for months?

● (1420)

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again, the letter from lawyer to lawyer simply states the legal fact that Mr. Chrétien has the right as an individual to pursue a course of action to defend himself as an individual. Beyond that we have acted consistently in defence of Justice Gomery.

The only party that I am aware of that sought to delay the work of Justice Gomery by trying to change his mandate in the final days of testimony was the Conservative Party with its opposition day motion which would have delayed and destroyed much of the work and progress made by Justice Gomery.

This is why no other party in the House supported that ridiculous, poorly worded, poorly thought out motion.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, as a paint salesman, the member obviously would not understand the legal implications of the arrangement discussed in the letter.

Oral Questions

The government denied that anything of the sort even existed. Now we know there was a secret deal, including a commitment that the federal government would not oppose a right to a future challenge by Mr. Chrétien to Justice Gomery.

The Gomery report is due in December. The Prime Minister promised an election 30 days after. Another judicial challenge to Justice Gomery will delay that final report. Is this the Prime Minister's secret agenda to get out of his post-Gomery election commitment?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am not a lawyer but I understand the law of the land. It is unfortunate that a lawyer like the member for Central Nova does not understand the law of the land.

Mr. Chrétien has the right as an individual to pursue a course of action. The government and the Prime Minister have consistently supported the work of Justice Gomery because we want to ensure that the report is there.

As a business person, I signed contracts with individuals. I always kept those contracts and did not rip them up like the hon. member did with his contract with David Orchard.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on March 4, as Jean Chrétien again went after the head of Mr. Justice Gomery, the Prime Minister said he was prepared to go to court so the commissioner could complete his inquiry.

Some hon. members: Oh, oh!

Mr. Gilles Duceppe: Mr. Speaker, they are still shouting, and then they will take offence.

How does the Prime Minister, who said he would go the whole way, now explain his about face in concluding a secret agreement to facilitate the work of Jean Chrétien and his clan?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, there was no agreement; there was nothing secret. There was an exchange of correspondence. The government's position is very clear. Not only is Judge Gomery not partial, but we will oppose any attempt to delay the report.

Now, I would like to quote the letter, "one of the arguments we had put forward with respect to your client's" Mr. Chrétien's—request for a judicial review is the fact that we consider it premature and inadmissible until after the commissioner's report is released".

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there is one thing I am having a hard time understanding. If there was no secret agreement, there was still a letter. That is undeniable. The government has in fact just confirmed it. The Liberals could have told us in the House that there was such a letter.

The letter as much as says to the Chrétien clan "It was a bit premature. It would have been a waste of time. Could you arrange things so it would take longer once the report has been tabled so that we do not have to decide about an election?" Is that not the bottom line?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I will be pleased to table the letter in the House. It says very clearly what we said in the lawyers' factum, which is that we fiercely oppose

anything that could delay the report. After that, Mr. Chrétien can exercise his rights.

I would also like to mention that the leader of the Bloc has chosen Canada. I hope he will make the same recommendation to Quebeckers.

• (1425)

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, we can see that the Prime Minister is keen to debate Canada's attraction for the leader of the Bloc Québécois. We will see about that in the next election.

On March 4, at the start of the Liberal convention, the Prime Minister said he was prepared to go to court if necessary to save the Gomery commission.

How can the Prime Minister speak in such contradictory terms? He says one thing and then the opposite. He says he defends Judge Gomery while he negotiates with Jean Chrétien to disqualify him.

[*English*]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again there was not a negotiation. There was not an agreement. In fact, the hon. member is quite right to restate what the Prime Minister said and what the government did.

The government was clear that it supported the work of Justice Gomery and would take action to ensure that Justice Gomery had the opportunity to complete his important work on behalf of Canadians. We will continue to support the work of Justice Gomery. That is the right thing to do. That is what Canadians want. They want the truth and Justice Gomery is delivering exactly that.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, would the Prime Minister not be circumventing his commitment to call an election in January by negotiating with Jean Chrétien and supporting Mr. Chrétien's challenge of Judge Gomery?

[*English*]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it should not surprise anyone in this room that lawyers representing clients before a judicial inquiry sometimes communicate with each other. In fact, that is what lawyers do: they talk. Sometimes they exchange letters. Sometimes they state the obvious. In this case they stated the obvious fact that Mr. Chrétien had the right as an individual to pursue a course of action, but that government would not support that course of action. The government consistently has and will continue to support the work of Justice Gomery.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, my question is for the Prime Minister.

First we hear his chief of staff say he can interfere in the work of the Ethics Commissioner. Now we hear that he and Jean Chrétien have concluded an agreement to attack Judge Gomery.

Oral Questions

If such an agreement did not exist, why did the government lawyer write this letter? Why such a letter? This is my first question for the Prime Minister.

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the reason for the letter is very clear when one reads it. It is because we fiercely opposed anything that might delay Judge Gomery's report. We want that report out.

Mr. Chrétien has his rights. It is not up to us to interfere with his rights. Clearly we want Judge Gomery to have all the time he needs to complete his report and absolutely nothing to delay him.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, once again my question is for the Prime Minister. It is clear then that this letter was not required to be written. It amounts to an insurance policy. What has been reported, is serious. The Liberals just do not seem to let public inquiries go if they are going to expose any fault of the Liberal Party: Somalia, APEC, Maher Arar. It is a consistent practice and that is our concern.

People do not want Jean Chrétien and the Prime Minister to team up once again. The last time that happened we had the sponsorship scandal. Why are the Prime Minister and Jean Chrétien teaming up once again to attack—

The Speaker: The hon. Minister of Public Works and Government Services.

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the fact is the government and the Prime Minister not only appointed Justice Gomery but provided exceptional support to the work of Justice Gomery, providing over 20 million pages of documents, including cabinet documents, and beyond that providing millions of dollars worth of resources, full transparency, accountability and openness and a complete focus on ensuring Justice Gomery completes his work.

This party, this government and this Prime Minister are changing the culture of government for generations of Canadians. This is worth any short term pain that is involved. We are doing the right thing, not simply the partisan thing.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, the Prime Minister has just offered, very generously, to table the letter, which was leaked, between justice department lawyers and Mr. Chrétien. How kind of him. The question is this. Why did he or his government not table that letter two weeks ago in this place when we asked about it and his public works minister denied it existed?

Why did the public works minister, rather than tabling the document, say that the allegations of its existence were false and ridiculous? Why did he not tell the House the truth?

•(1430)

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the public works minister was correct when he said several weeks ago that there was no agreement made by the Government of Canada with Mr. Chrétien. The fact is the letter does not say that there was an agreement made with Mr. Chrétien. The letter simply restates the obvious legal fact that Mr. Chrétien has the right as an individual to pursue a course of action before an independent judicial inquiry.

Beyond that, what is clear is, through the actions of the government, the Prime Minister and the government consistently support and will continue to support the work of Justice Gomery.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, the minister is now referring to himself in the third person. I guess it has not gone to his head.

We want to know why the Prime Minister is offering to table the document that was leaked to the press today? When we asked about it two weeks ago, on two consecutive days, in six questions, the government denied it existed. The Prime Minister knew about it all along, sat in his place and did nothing to correct the record.

Why did he allow his public works minister to do something other than tell the truth to the House? Why did he not stand and offer to table the document two weeks ago when he should have?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the member has said things in the House that have been patently false and he has refused to withdraw those statements. Beyond that, I notice on an ongoing basis the hon. member asks me these questions in the House. I continue to spank him on the floor of the House of Commons. By the fact that he comes back with the same types of ridiculous questions, one can only assume that he is enjoying the spankings he is receiving here on the floor of the House of Commons.

* * *

CHILD CARE

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, the Liberals are now intent on creating a two tier child care system. In contrast, the Conservative Party plan is universal. We will financially empower all parents equally. We will give cash subsidies directly to parents so that they can make their own child care choices.

When will the government understand that all children deserve equal support and all parents deserve to have their choices respected?

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, as I have reminded the hon. member and as I have reminded the House, what we need to do is to go back 13 months to where we were in terms of early learning and child care in this country and what has happened since that time, the \$5 billion over five year commitment and ongoing support. All that we heard 13 months ago during an election campaign was a promise that would deliver \$320 to low income families. That is all we have heard up until now. We will await further word.

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, the Minister of Social Development has admitted that he does not know if his child care plan is universal, and I can tell him that it is not.

We know almost 100% of working parents have said that if they could afford it, they would stay home part time with their children. We also know that not one red cent of the Liberal day care plan would support that choice for parents. We know that almost 100% of working parents are left out of the Liberal plan.

Oral Questions

When will the government start listening to what parents want?

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, as I reminded the hon. member a few months ago, I would suggest that she do the math. That math is very powerful. Seventy per cent of parents in this country with children under the age of six are both in the workplace, and \$5 billion over five years offers a significant boost to those particular parents. It is a lot more of a boost than has been heard in any concrete form from that side of the House.

* * *

[Translation]

SPONSORSHIP PROGRAM

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, on May 31, the Minister of Public Works and Government Services gave the following answer in the House to a question by a Conservative MP:

Mr. Speaker, once again the hon. member's question and assertion are totally false. There was no deal—

However, at the same time, the government and Jean Chrétien's lawyers had signed a letter.

Why then did the Minister of Public Works and Government Services hide this information from the House by pretending that this letter was not a deal, not an agreement? Was it not his duty to clarify the situation, as we had asked him to do here in the House?

•(1435)

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the situation is clarified when I state repeatedly that there was no agreement. The fact is the letter simply states that Mr. Chrétien has the right before the law as an individual to pursue a course of action. Let us be clear. The government made a decision in response to Mr. Chrétien's action to support the work of Justice Gomery and will continue to do so. There is no contradiction. We are doing the right thing and we are supporting the work of Justice Gomery.

[Translation]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, the Minister of Public Works and Government Services failed to tell the House that this letter of agreement between the government and Jean Chrétien's lawyers did, in fact, exist, and all he told the MP was that her statements were false.

I ask the minister, is failing to mention an agreement that did exist, that had been signed the day before, that dealt precisely with the member's question and that referred to a relationship, an agreement between the government and Jean Chrétien, not wilfully misleading the House?

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I will say to that hon. member that he is wrong as well. There is no agreement. There never was an agreement. The fact is there is a letter between lawyers that confirms that Mr. Chrétien has the right as an individual before the law to pursue a course of action in defence of himself before a judicial

inquiry. Our actions as a government speak louder than any words by the fact that we consistently have supported and will support the work of Justice Gomery.

* * *

[Translation]

MEMBER FOR NEWTON—NORTH DELTA

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, from his seat here in the House of Commons, the Prime Minister has stated that a Conservative MP had solicited an offer. This is an offence under section 119 of the Criminal Code. That statement by the Prime Minister concerning the solicitation of an offer can be found in the official report of the *Debates of the House of Commons*.

When was the Prime Minister informed of this approach by the member? Was it during the negotiations or after they were all over?

[English]

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as has been said often in the House, the Prime Minister said he was informed that the member for Newton—North Delta wanted to cross the floor. The Prime Minister said no offer was to be made. No offer was made.

I understand that the Bloc has contacted the RCMP regarding this matter. If the member has any further information, she should provide it to the RCMP.

[Translation]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, why is the Prime Minister refusing to answer this simple question? Is it to save the skin of his chief of staff or is it more simply to save his own skin, since he would appear to have participated in the commission of a crime?

[English]

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I fail to understand why the hon. member and her party continue to ask these questions when they have asked the RCMP themselves to see whether an investigation is warranted.

I say again, if the hon. member does have information, she should provide it to the RCMP so the RCMP can decide whether an investigation is warranted.

* * *

CHILD CARE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, the Minister of Social Development has admitted he has no idea what he is doing or where he is going. He has finally admitted his child care plan will not be universal, costs are not calculated and children will be funded differently based on where they live.

Why is the minister abandoning low income families, shift workers and rural Canadians while misleading them with stories of inclusion?

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, the hon. member is just plain wrong. She is wrong in just about everything that she has said.

Oral Questions

In terms of the national early learning and child care system, it is available across the country. It is there for those who live in urban areas and for those who live in rural areas.

The first five agreements have been signed. An agreement has been signed with the province of Saskatchewan which has a pretty significant rural population. In the third year it will represent a 95% increase on what is provided in early learning and child care. That is a lot of support for people who live rural areas.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, the minister has admitted that he is willing to gamble \$5 billion. Parents do not want expensive social experiments. They want choice. They want to be able to choose the child care arrangement that best meets their own family's needs, not one made by the minister.

Why will the minister not simply transfer direct assistance to parents so that they can make the best decisions for their children?

• (1440)

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, the hon. member and her party embarrassed themselves 12 months ago in the election campaign by offering a commitment to early learning and child care. As they would suggest, it would represent \$320 for a low income family. The average cost of child care in this country is over \$8,000. That represents no choice at all.

* * *

ACCESS TO INFORMATION

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, last week the Information Commissioner made it clear the Liberal government is “seized with a culture of distrust and secrecy”. He slammed the justice minister's attempt to create a law that, had it been in place just a few years ago, would have prevented the sponsorship scandal from ever becoming public.

All three opposition parties want to reappoint official whistleblower John Reid. Will the Prime Minister admit that in refusing to reappoint Mr. Reid, he is breaking his commitment to “openness and transparency”?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, of course, I reject the preamble that was made. In fact the powers that the individual is talking about—

Some hon. members: Oh, oh!

The Speaker: Order. I am sure the hon. President of the Treasury Board appreciates the enthusiastic response this question is generating in the House, but we have to be able to hear the answer. With the problems that seem to be caused by his answer, we will want to hear it.

I would urge hon. members to constrain themselves and listen very attentively to what the President of the Treasury Board has to say.

Hon. Reg Alcock: Mr. Speaker, thank you for that very important advice.

The item that is referenced, the powers that are referenced in the bill, are exactly the same powers given to every other investigative

body. They are done to make the whistleblowing bill stronger and the protection of public servants better.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, the minister clearly does not understand what he is talking about.

The Prime Minister told us a year ago, “the change in culture, in the way things are done, will be the yardstick against which our success will be measured”. Yet, according to the Information Commissioner, there has never been “an organization that has been so viciously attacked” as his office by the Liberal administration.

Using the Prime Minister's own yardstick, it is clear that he has been measured and has been found wanting. Will he measure up and reappoint John Reid?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, that same Information Commissioner went on at some length about the very proactive decisions that had been made at Treasury Board under the guidance of the Prime Minister, the proactive disclosure policy which puts information online so all Canadians can judge our actions.

In fact, the government is actively and aggressively opening up, not the opposite.

* * *

CANDU REACTOR

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, given Atomic Energy of Canada's envious record of performance in the past for its Candu technology, can the Minister of Natural Resources assure the House that the technology will remain competitive in the global market and remain the best reactor available in the world?

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, in spite of what was in the *Globe and Mail* today, I can answer without a doubt that the Candu reactor that is presently in China is outperforming all of its competition in the world.

The new advanced Candu reactor that is coming on stream in 2010 will be equal to and/or better than its competition in the world. Actually, the reactor that was bid on in that country just recently had nothing to do with the Candu reactor from Canada. It was a particular reactor on which bids were called. AECL could not participate in the bid.

* * *

EMPLOYMENT

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am sure the labour minister was as surprised as we were to hear his colleague at human resources say that Canada has the lowest unemployment in the G-7. In fact, she is dead wrong. We are number four and the 1.2 million Canadians who are unemployed will verify that. Even more shocking is the fact that the unemployment statistics for aboriginal Canadians living off reserve are two and a half times higher.

There are applications for foreign workers to come in for the Vancouver Olympics. There is unemployment in certain sectors.

Oral Questions

What is the government doing to match the atrociously high unemployment—

• (1445)

The Speaker: The hon. Minister of Finance.

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, Canadians can never be complacent about employment and unemployment, but I am pleased to say that the statistics released on Friday were very encouraging. The fact of the matter is since we balanced the books in the country, Canada's economy has generated 2.7 million new net jobs for Canadians. We have the best employment creation record in the western world.

* * *

SHIPBUILDING INDUSTRY

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, 1.2 million Canadians are unemployed because of the government. One area where the government could improve the situation is in our shipbuilding industry.

The Prime Minister's own sons have Canada Steamship Lines which should be renamed China steamship lines. Two more ships are being built offshore because of the inaction of the government.

My question is quite simple. How many more jobs do we have to lose in the shipbuilding industry before the government and the minister finally get it?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I thank the hon. member for his interest in the shipbuilding industry.

I have been meeting with the shipbuilding and industrial marine advisory committee. We are working on a strategy for the shipbuilding industry. Like any other sector in Canada or anywhere else in the world, the industry is going through tough competitive times. It needs to transform. The government has no fewer than 14 policy initiatives of benefit to the Canadian shipbuilding industry.

* * *

MARRIAGE

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, the Minister of Justice has dismissed the warnings of the Conservative Party of Canada that Canadian churches could lose their charitable tax status if they support traditional marriage. He has stated that these concerns are without foundation. Now media outlets report that activists are in fact advocating that course of action.

Why has the minister refused to legislatively protect the right of religious organizations to express their views on traditional marriage?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is very clear that if one looks at the charities legislation, registered charities are free to engage in public debate and conduct public awareness campaigns. They can speak out on any issue, including controversial issues.

The Income Tax Act though provides some limits on how registered charities can spend their resources. Those resources must be collected for a particular charitable purpose to be acceptable. Activities paid for by resources of a registered charity must be linked

to the charity's purpose and must remain an incidental to its charitable program.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, those are interesting comments coming from a government that threatened a bishop of the Roman Catholic Church.

Public officials, including teachers and marriage commissioners, are being fired from their jobs as a direct result of the changes being made in the definition of marriage. Now activists are threatening to have the charitable tax status of Canada's churches revoked and the minister has done absolutely nothing to protect those religious organizations.

The minister has refused to address those concerns. He has in fact ensured that some minorities are protected while others are not. Why is that?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the member should examine the committee hearings relating to this matter when Bishop Henry appeared before the committee. He said that he received a phone call from the income tax department but never received any follow-up. I think the member is blowing smoke.

* * *

NATIONAL DEFENCE

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the Liberals have allowed the air force to run down over the last 10 years. It is underfunded and short staffed, with an ever decreasing fleet of aircraft. It has now reached the point where it cannot maintain its base infrastructure.

CFB Goose Bay is a classic example. The Liberals made a shallow election promise to Goose Bay it cannot keep. The government now clings to the faint hope that NATO will return to conduct low level air training. All it can offer is flying exercises.

Will the minister admit it is only a matter of time before the government closes CFB Goose Bay for good?

• (1450)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I will admit absolutely nothing of the sort. The Prime Minister has made it clear, we have all made it clear, that we are working with Goose Bay. Goose Bay is a very valuable asset for the military and for this country.

The hon. member went to Goose Bay and made outrageously extravagant promises in an attempt to get votes. They were so unrealistic and nobody believed them because they did not vote for it. We are actually working with the community of Goose Bay and our military to ensure that it is a viable and operable base for the good of the country, for the good of Goose Bay and, by the way, for the good of our NATO allies as well.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, promises made, promises soon to be abandoned.

Oral Questions

The Liberals continue to dither on air transport which is one of the most vital capabilities of the forces. The government's long drawn out response to the tsunami crisis made all Canadians aware that our fleet of tactical air transport is seriously overcommitted and in increasing states of disrepair. This capability is the key to moving troops throughout Canada and the world, yet no concrete steps have been taken by the government to replace the fleet.

When will the minister take action to solve this problem?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, as the hon. members knows, and all hon. members of the House who follow this issue closely know, there is an important discussion at this time on the relationship between a strategic lift and a tactical lift. I totally agree with the hon. member. We are focused on replacing the Herc fleet. We are focused on ensuring that we have the fleet of aircraft in place that will enable our troops to do the job we ask them to do.

At this time they are perfectly capable of doing that job. However, as we saw in the last budget, we are committed to ensuring that our troops have the equipment that will make them the best forces in the world to do that job in the future.

* * *

[Translation]

HEALTH

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, the Minister of Health does not preclude imposing fines on Quebec and the provinces following the Supreme Court ruling that opens the door to private sector health care. This is inconsistent with what the Minister of Transport said last Friday in this House, when he accused the Bloc of "trying to come up with scarecrows to frighten people".

Can the Minister of Health allay the real fears arising out of the Supreme Court's recent ruling and promise not to punish Quebec?

[English]

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, I can assure the House that, on the basis of this decision, Quebec need not worry with respect to any cuts in the transfer payments.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, does the Minister of Health realize that the best way to alleviate fears on this matter is to make a clear promise that he has no intention whatsoever of imposing fines that would result in reduced health transfers to Quebec?

[English]

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, we just increased transfers for health care over the next 10 years by an additional \$41 billion last year. I can assure the House that on the basis of this decision, Quebec or any other province need not fear any reduction in the transfer payments.

* * *

VETERANS AFFAIRS

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, last week the Minister of National Defence acknowledged that deadly toxic agent orange was used some 40 years ago at CFB Gagetown.

Military records show that the most dangerous ingredient of the herbicide agent orange was sprayed on unsuspecting Canadian Forces personnel at CFB Gagetown 10 years earlier.

The government is rapidly losing credibility on the issue. Why did the minister choose not to inform the House last week that the Canadian military had been spraying this deadly toxic chemical for an additional 10 years? Why the secrecy?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, as I sought to explain to the hon. member in the House last week, these are events that occurred over 45 years ago. We are making strenuous efforts to obtain the appropriate records, work with those who were exposed, and work with anyone in the community who knew anything about this.

We have already given compensation through veterans affairs to various members who were exposed. We will work with all those who were exposed to these chemicals to ensure that they are made whole as much possible.

However, hon. members must recognize that what occurred 45 years ago presents a real challenge in terms of getting records and being able to find—

The Speaker: The hon. member for Oxford.

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, there is evidence that an even more toxic chemical, agent purple, was also being sprayed on unsuspecting personnel at CFB Gagetown. Dr. Richard van der Jagt, a leukemia specialist at the Ottawa General Hospital, says that agent purple contains three times the cancer causing material found in agent orange.

When will the minister stop dancing around the issue, take action, and announce his plan to help our Canadian Forces veterans and civilians who were harmed by these deadly toxic chemicals?

● (1455)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, we have announced a plan. We have told the hon. member and everyone else in the Canadian Forces that if they were exposed to these chemicals, they were to come forward. We will work with them. We will work with veterans affairs. We will ensure that all people who were exposed to these chemicals and can show that there is a relationship between their disease and what was engaged in in the past will be compensated by veterans affairs in accordance with Canadian law and practices.

We will do that, but I ask the hon. member to recognize that now he wants to go back not just 45 years but 55 years to determine what took place. We are doing our best. Let us not confuse people with accusations. Let us work with them to get an answer.

*Oral Questions***INTERNATIONAL AID**

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, there were reports from London over the weekend about a breakthrough regarding debt relief for the world's poorest nations. Going into the G-8 finance ministers meeting, there were a number of proposals on the table including the Canadian proposal.

Can the Minister of Finance tell the House the result of those discussions on this critical issue and what it means for the world's poorest countries?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, a historic agreement among G-8 countries was indeed reached over the weekend providing at least \$55 billion in debt relief to the poorest countries on earth.

It met Canada's pre-conditions which were: additionality, bringing new resources into poverty reduction; equity; and extending the benefits beyond the most indebted countries to include others that are just plain poor. The integrity of international financial institutions was assured and incentives were provided for good governance.

Canada has been a champion of debt relief. The Prime Minister put it on the world's agenda and we have prevailed.

* * *

JUSTICE

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, as the Prime Minister knows, a Liberal colleague of his offered strong support to notorious schoolgirl killer Karla Homolka by attending her recent court hearing in Quebec. That member actually stated that he did not consider her to be dangerous. In fact, the way the Prime Minister's caucus colleague spoke of Homolka, one would think that she was some kind of martyr who was unjustly punished by a totalitarian regime, namely Canada.

Does the Prime Minister condone his caucus member's comments and behaviour?

The Speaker: The question is of doubtful propriety, but if the Deputy Prime Minister wishes to answer, I will let her do so.

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I think it is inappropriate to comment upon the motives of someone from the other place. I am sure the hon. member knows that the accused offender in question served her entire sentence and that the attorney general of Quebec sought a section 810.2 order against her, which was granted by the judge in question.

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, the whole Liberal caucus should be choked over the comments from that man. That Liberal caucus member stated that he felt the restrictions facing Homolka—

Some hon. members: Oh, oh!

The Speaker: Order, please. I do not think we need to get into questions of punishment. We want a question from the hon. member. Perhaps he could put his question without going through the list of things that we might do.

Mr. Art Hanger: Mr. Speaker, the actions and comments of the Prime Minister's colleague are unjustifiable. It is too bad he did not share that deep concern for the families of Kristen French and Leslie

Mahaffy, and the pain they have had to endure and continue to endure because of comments like that. To lend moral support to Karla Homolka is nothing short of repugnant.

My question to the Prime Minister—

The Speaker: I am afraid the hon. member's time has expired. I know there are a lot of interruptions here, but they are beyond my control, I am afraid. I do not think there was a question by the hon. member, so we will move on.

• (1500)

[Translation]

The hon. member for La Pointe-de-l'Île.

* * *

MAHER ARAR INQUIRY

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, during his testimony before the Maher Arar inquiry, the Minister of National Defence said that Canada would have stepped up its efforts had the government known that Maher Arar was at risk of being tortured. Yet, according to Gar Parady, the former head of consular services, reports indicating suspicions of torture had been presented to the department.

How could the minister, who has apologized to Maher Arar, state in this House that he was not informed of the threats that hung over Arar, when his department was aware of them?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I believe my hon. colleague ought to take into consideration that this is an ongoing inquiry, and comments must not be made on daily events.

* * *

SOFTWOOD LUMBER

Mr. David Smith (Pontiac, Lib.): Mr. Speaker, through its Bill 71, the Government of Quebec reduced the allowable cut of softwood by 20%. The impact of this, in addition to the softwood lumber conflict and the existing problems with the other species, has several communities in my riding quite worried.

Will the Government of Canada intervene to help the affected communities in my riding and throughout Quebec?

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, I thank my colleague, who is working so hard on this issue.

In addition to the \$33 million invested in the softwood lumber industry over the past five years, Canada Economic Development has invested \$71 million in 309 production, market development, secondary processing and innovation projects. This is in addition to a \$20 million investment by other federal partners.

Speaker's Ruling

As for Bill 71, I came to an agreement with Minister Audet to further improve our financial support for mitigation measures and to strike a coordinating committee to better focus our joint support to the affected communities.

If we can do more, we will, but first we need the budget.

* * *

EMPLOYMENT INSURANCE ACT

BILL C-280 — SPEAKER'S RULING

The Speaker: Order. I am now prepared to rule on the request from the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities with respect to the need for a royal recommendation for Bill C-280, an act to amend the Employment Insurance Act (Employment Insurance Account and premium rate setting) and another act in consequence.

On June 6, 2005, the Standing Committee presented its seventh report to the House which sought clarification regarding the provisions of this bill as it related to the royal recommendation. The Parliamentary Secretary to the Government House Leader made a submission on this matter as well as the Parliamentary Secretary to the Minister of Human Resources and Skills Development, and the hon. member for St. John's South—Mount Pearl. The Chair thanks these members for their submissions.

[*English*]

● (1505)

As hon. members may recall, the Chair made an earlier ruling on this same bill at the commencement of second reading debate on February 8, 2005. At that time the Chair stated that it appeared clause 5 required a royal recommendation. The Chair proceeded in this fashion as a result of its responsibility to manage private members' business under Standing Order 94(1) and its responsibility under Standing Order 79(2).

As I explained in the statement of February 8 on Bill C-280, clause 5 mandated the appointment of 13 new commissioners to the Canada Employment Insurance Commission. The remuneration received by these new members would entail additional public spending and this spending required the bill to have a royal recommendation.

The Chair went on to state that debate on the bill could proceed, despite this impediment, until the moment for putting the question on third reading. If by that time no royal recommendation had been received, then the Chair would decline to put the question on third reading.

[*Translation*]

Since the beginning of this Parliament, matters relating to the financial initiative of the Crown and private members' bills have been raised by the Chair at an early stage to provide all members with an opportunity to make submissions. In this way, if the House sends a bill to committee for detailed consideration, members of the committee are forewarned of its shortcomings. A committee can

amend such bills to remove the spending provisions, or the sponsor can convince the Crown to provide a royal recommendation.

In the case before us today, during its deliberations on Bill C-280, the members of the standing committee considered amendments to remove the spending requirements of clause 5 in order to permit the bill to proceed to a vote at third reading. While this prospect would have responded to the difficulty signaled in the Chair's February statement, a quite different question arose during its deliberations and the committee decided to seek clarification from the Chair.

Thus, in his incisive submission to the House, the Parliamentary Secretary to the Government House Leader maintained that clause 2 infringes on the financial initiative of the Crown for two reasons: It creates a new fund outside the Consolidated Revenue Fund, and it alters the purpose of the original legislation.

[*English*]

Sections 71 to 77 of the Employment Insurance Act establish the operation of the employment insurance account as part of the consolidated revenue fund. Amounts are paid out of the consolidated revenue fund and charged to the account chiefly for employment benefits and the costs of administering the act.

The parliamentary secretary describes the current employment insurance account as a "virtual fund" since the actual funds are integrated with the general revenues within the consolidated revenue fund. The EI account actually expresses the balance of employment insurance transactions, that is to say, whether it is in a surplus or deficit position.

The parliamentary secretary claimed that clause 2 of Bill C-280 creates an independent EI account outside the consolidated revenue fund and, in so doing, creates an account that represents a new and distinct charge on the public revenue that is not currently provided for in legislation.

The parliamentary secretary raised another point relating to clause 2. As he explained, the purpose of the current Employment Insurance Act would be changed for it does not assign to the EI Commission the role of independently managing the amounts paid into the account, nor of investing the assets with financial institutions. Thus, he contended, the change to the employment insurance regime proposed by Bill C-280, particularly with reference to the commission, is a significant alteration of the circumstances, manner and purposes of the original legislative authority which was accompanied by a royal recommendation. To alter such provisions in this manner infringes on the financial initiative of the Crown. The parliamentary secretary cited a recent ruling on May 9, 2005 where the Chair explained on page 5780 of *Hansard* that:

—a royal recommendation is required not only in the case where more money is being appropriated, but also in the case where the authorization to spend for a specific purpose is being significantly altered.

Speaker's Ruling

• (1510)

[*Translation*]

The Chair has had an opportunity to reflect on the complexities of this case. I have carefully reviewed the submissions to determine whether Bill C-280 in clause 2 does anything more than rearrange the method of accounting for public funds. If not, then no royal recommendation is required: how public funds are recorded in the government's ledgers does not constitute an appropriation for which a royal recommendation would be required. On close examination, it seems to the Chair that clause 2 in Bill C-280 involves more than accounting methodology

The Chair acknowledges that the proposed section 72 in Bill C-280 would credit monies from the Consolidated Revenue Fund to the Commission which would then place it into a new and separate account.

As the parliamentary secretary pointed out, this clause converts the Employment Insurance Account from an account within the Consolidated Revenue Fund to one that is outside the Consolidated Revenue Fund. Right now, monies in the Consolidated Revenue Fund are available for eventual expenditure for purposes of claims under the Employment Insurance Act. With the passage of Bill C-280, monies are expended immediately from the Consolidated Revenue Fund even though these funds are not needed for expenditure under the Employment Insurance Act. In other words, Bill C-280 effects an appropriation by spending or authorizing the spending of public funds by transfer of the funds from the Consolidated Revenue Fund to a separate EI Fund with the result that these monies are no longer available for other appropriations Parliament may make. These funds would no longer be available because, in effect, they have been spent, that is, transferred out of the Consolidated Revenue Fund to a separate and independent account outside the Consolidated Revenue Fund. Such a transfer, in my view, constitutes an appropriation within the meaning of section 54 of the Constitution Act, 1867 and for this reason a royal recommendation is required in respect of clause 2 of the Bill.

[*English*]

In relation to the argument that proposed subsection 72(3) creates new duties for the commission in terms of managing and investing amounts paid into the employment insurance account, the Chair believes that, here again, this would involve new spending for a new purpose and, as such, requires a royal recommendation.

Therefore, in its present form, Bill C-280 infringes on the financial initiative of the Crown for three reasons: first, clause 2 effects an appropriation of public funds by its transfer of these funds from the consolidated revenue fund to an independent employment insurance account established outside the consolidated revenue fund.

Second, clause 2 significantly alters the duties of the EI Commission to enable new or different spending of public funds by the commission for a new purpose namely, the investment of public funds.

Third, as indicated in my ruling of February 8, clause 5 increases the number of commissioners from four to seventeen.

In conclusion, let me say that this is the ninth decision that I have delivered this session relating to private members' bills and the financial initiative of the Crown. In light of the new regime for private members' business, the Chair has had to view very seriously its responsibilities with regard to private members' bills, particularly with regard to the requirement that our procedures respect the financial prerogatives of the Crown.

I want to thank all hon. members who intervened in this situation and I want to encourage all hon. members, private members and the ministry, to raise at the earliest opportunity any concerns they may have with any bills the House is considering. Ideally, such concerns will be raised at the commencement of debate at second reading in keeping with the best traditions of this place so that decisions can be taken with full knowledge of the consequences of those decisions. When bills appear to contain financial provisions that should be recommended by the Crown, it behooves us all to ensure that proper attention is given to them.

• (1515)

[*Translation*]

I thank the House and the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities for providing the Chair with this opportunity to make the necessary clarifications with regard to Bill C-280.

Hon. Don Boudria: Mr. Speaker, very briefly, I want to ask if the Chair has had the time to consider this matter, in other words, did this bill require a ways and means motion.

I am raising this question in reference to a Speaker's ruling on a Senate bill during the last Parliament. That bill sought to impose a levy on cigarettes that would have gone into a separate fund. The money collected would have gone to good works, such as a campaign to prevent youth smoking. It was highly commendable.

However, I told the House back then that this was a levy or a tax. Since it was a tax, the Chair decided at that time that the bill required a ways and means motion, if my memory serves me. I invite the Chair to consider this further. This was my first point.

[*English*]

I would like to raise a second point. Given that we have a large number of these bills coming up in the future, as Mr. Speaker has correctly said, we will begin third reading knowing that we cannot complete that stage of the same bill.

I wonder if the Speaker has ever thought that we should maybe ask that before we begin the third reading stage of a bill, the government either indicate that it will provide the royal recommendation, or otherwise the time of the House will be taken up to debate a motion namely, the acceptance of a bill at third reading, knowing that the bill will never be voted on.

I thought I would offer those two items respectfully.

The Speaker: I want to thank the hon. member for Glengarry—Prescott—Russell for his views.

Routine Proceedings

With respect to the first issue, I assume he was referring to Bill C-280 in respect of a ways and means motion. Since the bill is not proposing to increase taxation but simply change the way the funds would be dealt with once they get paid into the consolidated revenue fund of Canada, I do not believe a ways and means motion is necessary. That is off the top of my head. However I will happily look into the matter and if my opinion is different I will get back to the House.

With respect to the second issue, he knows the Chair has no opinion whatever in respect to the rules of the House. I simply apply them. He also knows that as chairman of the procedure and House affairs committee he is in a position to bring in recommendations for changes to the rules that the House could adopt and then the Speaker would happily enforce them.

If he wishes to change the rules so that debate does not even start on third reading unless there is going to be a royal recommendation, then the Speaker will happily enforce that rule. However I have no opinion whatever on whether that would be a prudent course. That is entirely up to members. I am happy to abide by whatever decision hon. members make in that regard.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Raymond Simard (Parliamentary Secretary to the Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to three petitions.

* * *

[Translation]

COMMITTEES OF THE HOUSE

INDUSTRY, NATURAL RESOURCES, SCIENCE AND TECHNOLOGY

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on Industry, Natural Resources, Science and Technology on Bill C-37, an act to amend the Telecommunications Act.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, I have the honour to present, in both official languages, the eleventh report of the Standing Committee on Foreign Affairs and International Trade on the humanitarian crisis in Darfur.

I also have the honour to present, in both official languages, the twelfth report of the Standing Committee on Foreign Affairs and International Trade on international aid. I am sure that it will have an enormous impact.

• (1520)

[English]

PETITIONS

HEALTH

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):

Mr. Speaker, my petitioners say that on average the majority of CF members who reside in Ontario will lose between \$450 to \$750 per year to the new Ontario health premium. The members of the Canadian armed forces have been promised a full refund of the premiums with an offsetting payment paid through the post living differential by the government.

The petitioners therefore call upon Parliament to direct the Department of National Defence to immediately pay the promised refund and enforce the Canada Health Act to stop the Liberal Party of Ontario from extra billing our soldiers and our RCMP.

MARRIAGE

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, a vast majority of Canadians support the current legal definition of marriage as the voluntary union of a single man and a single woman, including the several hundred from my riding, namely from Quesnel, British Columbia.

The petitioners say that whereas it is the duty of Parliament to ensure that marriage is defined as Canadians wish it to be defined, they petition Parliament to use all possible legislative and administrative measures, including invoking section 33 of the charter if necessary, to preserve and protect the current definition of marriage as between one man and one woman to the exclusion of all others.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition on behalf of a number of constituents from Mississauga South and other parts of Canada on the subject matter of marriage. I think we have reached a threshold at which it should be unanimously adopted. I am sure, with this petition, we have crossed the million signatures by now.

However, one more time, the petitioners draw to the attention of the House that matters of social policy shall be decided by elected parliamentarians and not by unelected judges. What part of that do we not understand? It is part, as I understand, that shows Parliament is the highest court in the land. Also, the majority of Canadians believe that the definition as defined, being the legal union of one man and one woman to the exclusion of all others, is the preferred definition. We have proved that through the polls often enough.

Finally, the petitioners ask that Parliament use its legislative and administrative powers, including a power that is in section 33 of the Charter of Rights and Freedoms, the notwithstanding clause, to ensure that we preserve and protect the traditional definition of marriage. All those in favour say aye.

EMPLOYMENT INSURANCE

Hon. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, my petition on employment insurance is signed by a number of citizens throughout the Niagara region.

The petitioners make clear that the House of Commons committee responsible for EI submitted a report on February 15. They petition Parliament to build a better, fairer employment insurance system and to do so by first making the legislative reforms recommended by the House of Commons committee report of February 15.

NATURAL HEALTH PRODUCTS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is with pleasure that I table a petition on behalf of over 100 residents of Windsor West. The petitioners call upon the government to ensure that traditional natural health care products be properly classified as food and not arbitrarily restricted as drugs. Furthermore, modern scientific evidence confirms that mitigation and prevention of many diseases and disorders through the judicious use of natural health products are a benefit to Canadians. That is why they put their voice to this cause.

COMMUNITY ACCESS PROGRAM

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Speaker, I am pleased to submit a petition signed by citizens of my constituency of Leeds—Grenville. The petition concerns a community access program that is now in its final year. It has been a valuable program in my riding and the petitioners ask that it be continued.

•(1525)

MARRIAGE

Mr. Peter Van Loan (York—Simcoe, CPC): Mr. Speaker, I am please to rise today to present two petitions on behalf of a number of my constituents in the riding of York—Simcoe on the subject of the definition of marriage. The petitioners ask Parliament to define marriage in federal law as being the lifelong union of one man and one woman to the exclusion of all others.

FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, I am pleased to submit a petition signed by literally thousands of university students who, in the midst of studying and preparing for exams, still have found it necessary to sign it.

The petitioners ask the government to work aggressively at the United Nations to ensure that proper support, resources, people and backup be given especially to the people of Darfur where a genocide is taking place. These students want to make a difference and they want Canada to make a difference in the situation in Sudan and Darfur.

MARRIAGE

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, I would like to present petitions from people in my constituency, specifically from the city of Saskatoon and from the towns of St. Brieux, Naicam and St. Louis.

The petitioners draw to the attention of the House their very firm belief that marriage is a sacred institution that forms the basis of the family unit and that Parliament overwhelmingly affirmed its understanding of marriage as a union between a single man and a single woman to the exclusion of all others in 1999.

Therefore, they humbly call upon Parliament to pass legislation that will protect the traditional definition of marriage as it has before affirmed.

Government Orders

DIABETES

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, I have two petitions to present.

The first petition draws to the attention of the House that juvenile type one diabetes creates many devastating health consequences that produce not only a huge human cost but also a large financial burden for the Canadian health care system and the economy as a whole. Diabetes is one of the most costly chronic diseases, costing Canadians in excess of \$10 billion a year, making it one of the nation's most costly illnesses.

The petitioners seek to secure federal funding, targeted specifically to juvenile type one diabetes research, of \$25 million a year for the next five years.

MARRIAGE

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, the second petition deals with marriage. The petitioners state that marriage is in the exclusive jurisdiction of Parliament. They pray that Parliament pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, I have two other petitions, both on the same subject, from constituents in Westbank all the way down to south of Penticton. As many petitions already have from my constituency, the petitioners request that Parliament pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

Hon. Raymond Simard (Parliamentary Secretary to the Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

CANADA BORDER SERVICES AGENCY ACT

The House resumed consideration of the motion that Bill C-26, An Act to establish the Canada Border Services Agency, be read the third time and passed.

Government Orders

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I am happy to speak today to Bill C-26. I will be splitting my time with my friend and colleague from South Surrey—White Rock—Cloverdale.

Bill C-26 is an act to establish the Canadian Border Services Agency. It would create this agency and would bring under its umbrella the border security and intelligence functions previously carried out by three other government operations: the customs program from the Canada Customs and Revenue Agency; the intelligence and interdiction and enforcement program of the immigration program at ports of entry from the Citizenship and Immigration Canada Branch; and imports inspections reports of entry by the Canadian Food Inspection Agency.

With putting these three agencies under one umbrella, have we changed the size of the workforce of any of these agencies? Have we grown the bureaucracy of Canada or have we made it more organized? Have any of these other departments become smaller by the personnel they have lost to form the new Canada Border Services Agency? Has this put more resources where they are needed or has it created a new agency to oversee a group already overtaxed and spread very thin just to review our imports?

This view discusses the FAST program and the Nexus program, and they are very usable tools to provide pre-approved low-risk travellers and shippers.

As we see it at the moment, the problem with both FAST and Nexus is the infrastructure is not there to support them. Although we have created a system with which we can better serve low-risk importers and travellers, a infrastructure bottleneck is still created, specifically near my riding of Elgin—Middlesex—London. The Windsor-Detroit crossing the Port Huron-Sarnia crossing are backed up most each and every day out to the 400 series highways.

The use of a FAST system or a Nexus system starts to become impossible because of the trucks that are already in front. The government continues to look for a solution for the infrastructure piece to our borders, sometimes by creating new departments, sometimes by creating new systems and sometimes by creating new legislation like Nexus and FAST.

The true answer to our border services in southern Ontario is infrastructure. We simply do not have the capacity since 9/11, and truly since before it, to move the number of cars and trucks across bridges and tunnels between Ontario and the United States, and generally from Canada to the United States.

The years of inaction by the government has left this as a problem. The government continues to say that it is studying it. Locally, we call that “paralysis by analysis”. It continues to analyze the problem and therefore never gets to it. This may be an effective way of studying by ostriches, but humans find if we bury our heads in the sand, the problems do not go away. Canadians expect action from their government.

The next item in the bill would put in place is the Canadian Border Security Agency, although it has been acting in this capacity since December 12, 2003. Again, we have a case of the government following with legislation well after the fact of action. It has been a year and a half. We find the government a little behind itself with the

legislative authority. We hope it still believes in what it wanted 18 months ago because the legislation is now before us to create the agency.

Front line border agents also are in question in the bill. It would establish a new agency for them, but we continue to hear of cases of front line border agents being overworked, working alone, working unarmed and not having the resources with which to fully function and to do their job.

Dedication is not the problem. Our border agencies are second to none. The officers on the front line are second to none. The problem is they do not have the backup or the resources to do their job. Equipping is essential.

● (1530)

Recent stories of border guards working alone certainly raise concerns. We consider this a fairly high-level security job in that we are trying to prevent items and people that should not be here from moving into Canada. I expect that the opposite is true of our neighbours to the south, who expect our border agency to prevent people from moving their way who should not be moving their way. If we find cases of border guards working alone and unarmed, I am not certain that we are really putting the necessary resources behind the problem.

One of the other things I found in reading this legislation was that it has the term “arrangements” built into it. This has to do with foreign states and international organizations or any person or organization. I am always afraid when I see legislation predicting future arrangements rather than stating what the arrangements might be.

Some of my colleagues this morning, in discussing this same piece of legislation, talked about the need for Canadians to soon carry passports when they enter into the United States. At the same time, legislation is coming forward that will also make it necessary for Americans to have passports when they leave and come back into their own country.

This cries out to something I mentioned earlier about border agents and the jobs they do. We are asking for an increased level of documentation in order to provide better security at our borders and the U.S. is asking that we enforce this to provide a higher level of security with respect to people entering it.

Knowing that everybody travelling into the United States will need a passport and knowing the timelines and the difficulty for people to get passports on an as needed basis, I ask that Passport Canada continue to look at this problem and make it a high priority so that passports will be available to Canadian citizens as they need them if this law passes. We are talking about being prepared for the future, when all people travelling into the United States will need passports.

In conclusion, let me note that we have new legislation before us but again well after the fact of it being put in place by order in council, legislation that contains terms like “arrangements”, and it is difficult to determine how it will be used in the future. Those questions are yet to be answered, but Bill C-26 was firmly entrenched by order in council long before the legislation came to the House to be discussed.

Government Orders

A new agency is being created but we have no real assurances that the three legacy agencies that these people came from will be in any way reduced by the same numbers or dollars. Have we just created a new agency that will spend money, admittedly on what is a very good point? Have the other agencies been reduced by that amount or are we simply growing the bureaucracy here in Canada?

We have a new agency working on our border, but have we addressed the real issue? As I stated earlier, the real issue is infrastructure, that is, the ability to get cars and trucks and people across the border. We have created a new agency to ensure that people, cars and trucks cross the border safely, but the government needs to quit dragging its feet on new border infrastructure, specifically in the southwestern Ontario area.

In my own riding of Elgin—Middlesex—London, we have a lot of dealings with the automotive business. We have many parts plants that supply manufacturing facilities on either side of the border. We have been stressed lately by the fact that just in time delivery needs to take place but the parts are not getting there. New decisions are being made and parts plants are locating in Michigan, Ohio or upstate New York instead of southern Ontario, where they could be providing good jobs for Canadians, because they cannot be sure that the border is open enough for them to get their parts across.

The bottleneck must be fixed. It will not be fixed by an agency. It will be fixed by this government or perhaps a good future Conservative government getting at the infrastructure problems.

We have a new agency but does this new agency have the resources to protect the border guards who are currently working? We continually hear of people working alone at unarmed border crossings. This needs to change.

I will be supporting this legislation, but as can be heard from my comments, it is perhaps not to the standards Canadians are looking for, and perhaps it needs a little more work before it comes back.

● (1535)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I know the member well. He is very concerned, as most Canadians are, about the free flow of goods and services across the border.

I spoke earlier on this bill. I honestly believe that those who wish to cause some security threat to Canada need only choke our economy; it effectively will achieve the same thing. Very clearly, it is essential that the scope of this new agency cover not only the security provisions but also facilitate the free flow of goods and services.

I would give another speech if I could, but maybe I will just ask the member about the arming of our border guards. This has been discussed for some time. In fact, the unions have asked for it, and I know that the U.S. counterparts have had it for some time.

I am not sure whether or not the information is out there that has been given to members of the House about incidents. What evidence is there that this is going to in fact provide a greater level of protection against something that is a high risk? What potential consequences could it have for creating maybe even more impediments to the free flow of goods and services where the

possession of a firearm may also involve more stringent activities by those border guards in the conduct of their services?

● (1540)

Mr. Joe Preston: Mr. Speaker, I will handle the last question first, the point on the arming of border guards. We are asking our border agency and our border guards, the men and women under service to Canada who are protecting our borders, to work alone and to work in isolated areas. They have been asking, for their own protection, for the arming of the border guards.

We are talking not so much about the free flow of goods but the free flow of people, and from a terrorist threat point of view, this may have accelerated the request by the border guards that this happen.

In the first part of his question, the member talked about the free flow of goods. We certainly have seen instances of this, specifically in southwestern Ontario. Two weekends ago, a substance was spilled on the Rainbow bridge in Niagara which closed the bridge for six hours and created an absolute mess at all of the border crossings in the Niagara-Fort Erie area because of the diversion of products that way.

In the House this morning, a member mentioned how four lanes of traffic crossing the Ambassador bridge in Detroit is about half of the volume of Canada-U.S. trade. The member opposite mentioned economic terrorism. It gets to be exactly that. I have parts plants in southern Ontario faced with economic terrorism. Their ability to do business is gone simply because the border is clogged. Their ability to do business with American firms has been taken away from them.

That is economic terrorism as far as the small businesses and major employers of southwestern Ontario are concerned. We also need to be able to unclog that bottleneck with infrastructure changes.

The Speaker: The hon. member for Wild Rose, with a very brief question.

Mr. Myron Thompson (Wild Rose, CPC): It is a brief question, Mr. Speaker, thanks to that guy from Mississauga. He always goes on too long.

In 1994 my colleague from Calgary Northeast and my colleague from Okanagan—Shuswap were asked by the leader of our party, then the Reform party, and our then critic of the solicitor general, my colleague from Crowfoot, to do some border work.

Government Orders

We came up with a report that included the following: too many lone staffers at various stations along the border, blow-bys happening continually, and trucks going by without being inspected. We reported that we needed a lot more protection for the guards at the border because of red flags for vehicles coming through. We reported understaffing across the entire border line, containers at ports not being inspected, and boats going back and forth in certain areas and not being stopped and checked.

These things were discovered and reported in 1994. Now, in 2005, we are getting the same reports. Does this tell the member that the government is either incompetent or just does not care?

Mr. Joe Preston: Briefly, Mr. Speaker, it sounds like both. It sounds like a great study was done in 1994 and made sense. As I said in my comments, we have paralysis by analysis. We have too many studies and not enough action happening. Perhaps we need to get at it.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, I am grateful to rise and address Bill C-26, an act to establish the Canada Border Services Agency, or CBSA. The House will be aware that our party is supporting this legislation.

However, I want to state that I am unimpressed with the government over the timing of the bill. The administration created the CBSA in December of 2003, more than a year and a half ago and, perhaps even more disturbing, during the last Parliament. Time and again we see the government creating new departments and agencies and spending money before Parliament has authorized those actions.

Liberals demonstrate no respect for this institution. This is nothing more than sheer arrogance on the part of the government. Nevertheless, the bill represents an important step forward in the effort to bring our antiquated system of national security into the 21st century.

Creating a single agency to provide border services and security at ports of entry is a logical and long overdue action. Of course, providing our border services officers with the resources, training and equipment they need to do this job is another matter entirely, and it has become quite clear to me that the government has failed to deliver on this critical aspect of the plan.

Yes, the government has made spending announcements and even provided for such spending in recent budgets, yet the reality is that those resources are not getting to the front lines.

The famous Peace Arch crossing is in my riding of South Surrey—White Rock—Cloverdale. As a border MP representing the riding with western Canada's busiest land crossings, I regularly receive reams of information about border ports that are understaffed, under-equipped and completely unprotected.

That leaves our unarmed border services officers vulnerable. Often, the closest armed police presence is many minutes or even hours away. That is unacceptable. I want to share a story as it has been relayed to me by people at the front lines:

Regarding the currency seizure of \$292,125 USD in early April - there is no secure manner in which to count proceeds of crime. Pacific Highway Traffic office is made primarily out of windows. During that currency seizure, as with most, the money was counted in an unsecured room with windows on three sides, looking out into the lanes of traffic and the public areas. During the day the windows are

somewhat opaque. At night the windows became completely transparent because the office lights are on. Pedestrians who were walking into Canada were able to observe the goings on of the Inspectors inside the office as well as the counting of almost three hundred thousand dollars, which took about 7 hours. The Mounties attended for about an hour, then left. Management views Proceeds of Crime seizures as commodity seizures plain and simple. They must not understand the "Crime" part of Proceeds of Crime and that we are dealing with a high risk seizure with many individuals having a vested interest in the smuggled cash.

The proof of what I hear is to be found in the constant reports of vehicles speeding through land crossings, with 1,600 last year alone. This is not just a matter of a union complaining for the sake of its workers, although they are certainly right to push for safer conditions. This is about national security. What were those vehicles carrying? Were they carrying narcotics, weapons, contraband cigarettes and liquor, or even fugitives from justice? Who knows?

The Deputy Prime Minister has boasted about the work of the integrated border enforcement teams. That is great, but it is only part of the solution. Those teams can crack down on smuggling at isolated spots on the border, but if we are allowing hundreds of vehicles to simply zip across the border on the highways, unchecked, then are we any further ahead? I think not.

It is now the policy of the CBSA to wave through suspects who are known to be armed and dangerous instead of confronting and arresting those who are a threat to Canada when we have the opportunity to do so. We simply wave them through and hope that the police will catch up to them later in our neighbourhoods. This Liberal policy is so confused that it would be laughable if it were not so dangerous.

● (1545)

The other comment I want to make about national security concerns the gaping hole the Liberals created when they disbanded the ports police in 1994. It is quite clear, from reading criminal intelligence service reports and other reports, that smuggling through Canada's ports is a major problem that remains largely unaddressed, despite a minor police and CBSA presence at many ports. Even if we were to tighten up on the cars and trucks that make land crossings, our national security appears to be something one could still drive a ship through.

In an internal RCMP intelligence assessment, Canadian ports have become a haven for organized crime. According to the report, customs and police feel threatened, while workers are coerced to do crimes. Organized criminal involvement in the smuggling of drugs, humans and counterfeit products at Canada's biggest marine ports is so pervasive that customs officers and police have been intimidated and even independent thieves will not dare to work alone.

Government Orders

The Liberal's newly appointed ambassador to the United States has affirmed what our border officers are saying. He made it clear last weekend that our borders were not adequately protected. Frank McKenna made it clear that we have a major problem with narcotics and weapons making it into Canada. Even senior Liberals are now admitting to the government's failure to address this issue adequately.

We can pass the bill, and we will, but let us be clear that this is not the solution to our national security problems at the border. It is only the beginning.

It is because we have such problems at our border that I have taken steps myself to address these questions. In December of last year, I was joined by border MPs from every party in the House and from every part of the country in founding the parliamentary border caucus.

Our co-chairs, the member for Samia—Lambton, the member for Windsor West, the member for Saint-Jean and myself have led this non-partisan caucus in addressing matters of national security and trade.

We spent time meeting with the employees and managers of the border services agency and their union leaders. We have travelled to see the problems that exist at our border crossings in different parts of the country firsthand. It is obvious to us that Bill C-26 is not the only action that needs to be taken.

For example, our caucus recently met in Windsor, Ontario, the site of the world's busiest border crossing, to discuss with representatives of the U.S. congressional border caucus, including their co-chairman representative, Bart Stupak, the importance of moving on a new crossing in that area.

Forty-four percent of Canada-U.S. trade crosses at Windsor. If there is a main artery in our economy, this is it and yet, after 12 years of Liberal government, there is no enabling statute to even facilitate the creation of a new crossing. Bill C-44, elements of which could be of some assistance in making a new Windsor crossing a reality, languishes at first reading, and the Liberal government has not even given it an hour of debate since introducing it this past March.

Also, waiting times at some border crossings, especially for commercial traffic, are unacceptable, and the cost to the Canadian economy, not to mention to truckers and their families, is millions of dollars in lost income. Some of this is a result of security measures put in place on the U.S. since 9/11, which Canadians have not fully adapted to yet, but some of it is a matter of inadequate facilities and infrastructure on our side.

The issue of a passport requirement for all travellers to the U.S. was raised recently in the media. While the U.S. legislation requiring secure ID does not specifically require passports, the possibility has raised concerns on both sides of the border.

I have personally travelled to Washington, D.C. on more than one occasion to meet with congressman James Sensenbrenner, the chairman of the U.S. judiciary committee, to work on an acceptable resolution. However I do not believe the hasty response of the Deputy Prime Minister, that Canada might require passports as well, has done anything to help the situation.

By all means, let us pass Bill C-26, but I would urge this government, at a bare minimum, to begin to provide proper protection, support, resources and equipment for our border services officers and provide the resources to apprehend suspects at the border.

● (1550)

Let us move on enabling legislation for creating new bridges and tunnels to the U.S. Let us work with our counterparts in the U.S., as the border caucus has already been doing, to reduce waiting times, protect trade and maintain our privileged access to the world's largest market.

● (1555)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to ask a question of my colleague who, I would be open to say, has done an excellent job with the border caucus. He has put a lot of energy behind it and has worked very diligently to ensure that a non-partisan atmosphere has happened in terms of the border caucus.

I would like to ask him a simple question with regard to the process that he has talked about today. How could the government in general do a better job of being proactive on issues? He mentioned the issue of passports. I have a concern that Canadian passports may be seen as less effective or may be suspect, which is why I put forward a motion with regard to a full auditing process in our passport offices. I want to make sure it does not become a profit zone for Canadians who have to renew passports or put in applications for other relatives when they travel to the United States.

I would like to ask for his thoughts on that issue and also how it might affect Canadian tourism for example. I know in British Columbia, which is where he is from, it receives a lot of tourists. The concern is that if Americans are required to have passports now they will have to go to their offices and could spend hundreds of dollars to acquire American passports to get back into their country. What can we do as a country?

I have pushed for Industry Canada to do a study. At first it said it would only designate \$40,000 for a study on the effects of cross-border trade and tourism. It has now increased that to over \$100,000 but it is still not sufficient. I would like to know his thoughts on this issue because it is very important for the whole country.

Mr. Russ Hiebert: Mr. Speaker, the issue of the intelligence bill that has been passed in congress which would require Americans to have passports to the United States is important. The impact of it is hard to fathom. With so many Canadians and Americans crossing the border on a daily basis, it is hard to imagine what impact the law of requiring a passport would have on cross-border tourism and trade.

Government Orders

I have no doubt that if both Americans and Canadians were required to have passports things would come to a standstill at the border with respect to tourism. We know that about 40% of Canadians and about one-quarter of Americans have a passport. For 60% of Canadians and 75% of Americans to get a passport in the next year and a half before the legislation comes into effect in January 2007 for air travel and January 1, 2008 for land travel, it would be an enormous burden on administration as far as the passport office is concerned.

The impacts are far greater. Many people cross the border on a whim, whether it is to get gas, buy milk, get their skates sharpened or who knows what, perhaps respond to an emergency. We have been friends and neighbours for more than a century and anything that would impede traffic across the border, such as this requirement, would have a huge consequence and impact on our cultures.

He wants to know what can be done. I think a lot can be done. First, more members of Parliament need to go to Washington and speak with members of congress, as he and the other members of the border caucus have done, to raise this issue with them. We need to heighten the level of alertness with respect to the impact of this legislation.

We also need to make formal submissions to the U.S. congress. Canadians will have about a 60 day window of opportunity to respond to the legislation and for us to give our feedback. I would encourage all members of Parliament in the House to take the opportunity to send a letter of comment on the impact.

The member's suggestion about requesting a report from Industry Canada is a good one. I think we need to have bright minds on this part of the border issue looking at the impacts and possible resolutions to the problem. The suggestions that I have outlined are a good first step. We do not want to get into a situation, especially in British Columbia where the Olympics will be held in just a few years, where Canadians and Americans are impeded from crossing the border simply because a passport is required.

The legislation makes it clear that other forms of documentation, perhaps a combination of documents, such as a driver's licence, a citizenship card or a birth certificate, might be sufficient. I am working with James Sensenbrenner and his office in Washington to hopefully find these kinds of solutions, but the time is now for us to act on these very important issues.

• (1600)

Mr. Wajid Khan (Mississauga—Streetsville, Lib.): Mr. Speaker, I compliment the hon. members across for their good work as a border caucus and I would be delighted to work with them. I am pleased to add my voice of support to this worthy legislation.

There are all sorts of good reasons to back the bill. Other speakers have already noted the many ways the legislation would enhance national security while facilitating trade and travel at the border. Another compelling reason to adopt the legislation, which is pretty simple, is that it would give better service to Canadians.

The creation of the Canada border services agency was a deliberate decision to bring all the players with a role at the border under one umbrella to improve the quality and effectiveness of border services. For the first time, employees from customs services,

areas of Citizenship and Immigration Canada's enforcement and intelligence services and port of entry immigration program, and the Canadian Food Inspection Agency import inspection at ports of entry program are working side by side. As a team, they are now able to advance their shared agenda of protecting Canadians' health, security and economic prosperity from harmful and illegal traffic, as well as unlawful attempts to cross our borders.

Because of this amalgamation, the CBSA can coordinate its activities across functions and operations to provide even better programs and services than before. The agency is now a single repository of a wealth of experience, skill, dedication and innovation in border management.

Many of the great successes we have achieved in recent years have been the result of the excellent work of the CBSA's founding partners. However merging these closely related responsibilities and operating as one agency means they can build on each other's skills and knowledge and take them to the next level.

As they see how all the pieces fit together, they can begin to identify where there may be duplication of effort, where they complement each other and where there are gaps. They can also explore where they might realign their activities and resources to respond more swiftly and effectively to any and all threats arriving at the border.

Many of the improvements will likely be invisible to the public as they are being achieved through the integration of activities and increased efficiencies among departments and agencies, something all members of this House and all Canadians undoubtedly approve. We fully understand that taxpayers expect the best possible return on their investments in border security, so it makes good sense to ensure the integration of all the partners sharing border related duties.

To better serve Canadians, the CBSA has received additional funding in budget 2005 to enhance its capacity to respond to increased demands, to address key congestion and security issues, and to expedite the flow of legitimate travellers and trade at key border locations, as mentioned by my colleague opposite.

With this funding, the CBSA would be in a better position to manage the access of people and goods to and from Canada and to respond to increased demands at key border locations across the country without compromising security.

A safe and secure Canada requires vigilance at all points of entry, whether by land, air or sea. Government departments are collaborating with one another and our U.S. counterparts to identify vulnerabilities in Canada's marine transportation system, and to develop integrated solutions.

The structure of the CBSA will enable it to capitalize on the power of technology, partnerships and the skills of dedicated public servants to better meet clients' needs. From the point of view of business, that means speeding up and simplifying inspection processes.

Government Orders

•(1605)

The Government of Canada is fully sensitized to the business perspective on cross border security. With two way trade between Canada and the United States worth roughly \$2 billion a day, we recognize that security measures at our ports of entry are critically important to our economy. We understand that our prosperity depends on our relationship with the United States and other international trading partners. This in turn depends on the efficient flow of people and goods crossing our shared borders.

The CBSA's new integrated structure enables it to ensure consistency in the application of the laws it administers and to simplify processes that speed up inspection times. Both are essential to increase the competitiveness of Canadian businesses, both domestically and globally.

Aligning customs processes seeks to reduce the costs involved in border trade by providing companies with a simplified set of procedures for importing goods into either Canada or the U.S., whether those goods travel by train, truck, ship or plane. The benefits of increased interoperability extend beyond the business community to our partners and government, both here at home as well as governments abroad. Borders are no longer limited to lines between nations. In the 21st century a multiple border strategy is required to interdict high risk travellers and cargo even before it reaches our respective shores.

The greater our capacity to collect and share information with each other, the greater assurance of our shared security. We have proven the advantages of this approach through our work with our U.S. colleagues under a smart border accord and through initiatives aimed at pushing the borders out. By having the right people working with the right information and at the right place at the right time, CBSA officers can separate low risk from high risk travellers and cargo as they can concentrate on inadmissible people, food and agricultural products, or dangerous goods.

In so doing, they protect the health and safety of our constituents while ensuring that they continue to enjoy the benefits of a strong economy and an open society, and they maintain the confidence of our trading partners who want to be assured that our borders are secure.

As a result of increased interoperability and intelligence capacity, the CBSA is in a better position to expand its activities with our major trading partners to merge best practices and to develop more joint programs. Perhaps the greatest value of the CBSA's integration is that it helps ensure that we achieve the proper balance between security and facilitation of trade and travel.

My hon. colleagues can rest assured that we are not prepared to compromise our international reputation as an open society. By taking an integrated and multifaceted approach to border management, the agency will help us open the front door wider to immigrants, skilled workers, and investment and trade opportunities Canada wants to attract while closing the back door to those who threaten our security or potentially abuse our system.

The CBSA is a powerful new vehicle to anticipate, through improved intelligence, any risks to our security looming on the horizon. It is also about working smarter through increased

integration to address those risks head on. It is, most of all, a new and better way to address border issues in a way that maintains our standard of living and quality of life.

That is the kind of service Canadians expect and what the new Canada border services agency is designed to deliver. This is both a great need and a strong case for the bill. I encourage my colleagues to provide speedy passage of the legislation to let the people of the CBSA get on with the business of safeguarding our country and economy. I appreciate the comments made by my colleagues and the collaborative effort toward border security.

•(1610)

Mr. Art Hanger (Calgary Northeast, CPC): Madam Speaker, I know that this member is pretty new to this House. I would like to make a comment and then pose a question to him. The comment will reflect the amount of time that I have spent in the House and certainly, border issues were on the table long before this bill was ever introduced.

In fact, I can reflect back to 1994 and the disbandment of the ports police, a dedicated force that was stationed at every harbour in the country that was of significance. I remember the controversy about the disbandment of that particular organization.

I can also reflect back over the disbandment of the tracker units that were designed strictly to go after illegal entrants, foreign criminals, as they made their way into this country. That unit specialized in tracking people down who were of that ilk. However, the Liberal government of the day chose to disband it.

I would like the member, since he has made a thorough presentation offering support for this particular bill, to tell this House what problems arose in this country after the ports police was disbanded and how Bill C-26 would fix it?

Mr. Wajid Khan: Madam Speaker, my hon. colleague has obviously far more experience than I have and is aware of that particular issue more than I am.

I can tell the member that under the current circumstances our border security issue is perhaps a little different than it was back then. I am not belittling the need for what was there before, but I am more concerned about people, goods travelling across the border, increased flow for business, as well as the coordination of efforts by different agencies to stop those who do not belong here and keep them out before they reach our shores.

To that end, I would like to add that there has been \$433 million put in budget 2005 over five years. This was to support this whole mandate, including health and safety of our border officers and augmenting the tools available to them to perform exactly the work that the hon. member is concerned about.

Mr. Art Hanger: That does not fix it. What does it fix?

Government Orders

Mr. Wajid Khan: I hope it is a fix. We may have to go further than that, but these things are strong initiatives that address the issues of today.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I would like to ask my colleague a question regarding the Windsor area because I know the hon. member has visited there.

Since 9/11 a number of different communities have been ethnically and racially profiled and have had to go onto an NSEERS program, which is now US-VISIT. One of the groups affected right now is Pakistani Canadians. They used to be nationals at the time, became Canadian citizens and cannot get scrubbed off the NSEERS list, which is now the US-VISIT. So we have Canadian citizens going to work who are being pulled over, asked for biometrics, and treated below Canada's standards.

I have been pushing this issue with the Minister of Foreign Affairs, who has yet to respond to this atrocious behaviour. Canadian citizens are being treated differently because of where they came from. What is the hon. member's government doing about secondary citizenship on the border? We have different communities being racially and ethnically profiled because all the government does is send it off to be dealt by the American consulate general outside this country. The minister has yet to take a position. What is the hon. member's position and what is he going to do about it?

Mr. Wajid Khan: Madam Speaker, I am touched by the question and by the passion with which the hon. member has posed it. I think the issue is there, but it is definitely not as grave as the member has said. I have been to the United States hundreds of times since 9/11. My family has been there, my friends have travelled there, and under the new rules, perhaps people are being stopped; however,—

Mr. Brian Masse: As long as you're not a victim.

Mr. Wajid Khan: I certainly have not experienced that.

The issue is still there and our government is addressing it. Our foreign office is in consultation with our partners down south, and I hope there will be progress soon.

●(1615)

Mr. John Duncan (Vancouver Island North, CPC): Madam Speaker, I will be splitting my time with the member for Calgary Centre.

The Canadian border services agency was created by an order in council, so what we are seeing in the bill has actually been created by an order in council and not a lot will change from the current circumstances.

We know there is a difference between the way the U.S. and Canada are approaching their border crossings to a significant degree. The U.S., since 9/11, is primarily security focused and the Canadian government still tends to look at our border facilities as though they are primarily related to trade.

If we were to keep our border crossings, ports and airports, where all of this comes into play to facilitate the movement of people and goods, then we would have to operate in a way that would also meet security needs. One is unavoidably attached to the other in the current world.

We have before us now a situation where the Canadian government is not holding up its end on several fronts when it comes to ensuring that the Canadian border will remain a viable conduit for people and goods.

We have seen some improvements. We had a very interesting witness at the industry committee last week, Mr. Garry Douglas from the New York-Quebec corridor. The main land bridge between Quebec and New York State, which is the main land entry point for all trade emanating from Quebec to the U.S., is being worked on. That is the fourth largest crossing in terms of value of goods. If one were to have a zero based look at the facilities at that crossing, one would rapidly come to the conclusion that the facilities are completely inadequate on both sides of the border.

Certainly, the U.S. side recognized that problem in 1999. The Americans started off with a \$15 million budget and moved to a \$30 million and are now at \$107 million. They will basically erase all of the border facilities there and start over again. They will have state of the art technology. They will have all the disciplines there which means one stop shopping for trade and people. They will triple their staff and have new infrastructure. This is a new, state of the art facility.

What is the Canadian government doing? The answer is, nothing. The federal contribution is some money toward improving the highway, which is badly in need of improvements, but nothing in terms of the infrastructure at the border. As a matter of fact, in order to facilitate the U.S. changes, there is actually one building that must be moved, but there is no commitment at this point from the Canadian government to move that building.

●(1620)

I could not believe what I had heard at committee, so I thought I would have a look at it. I made the crossing this past weekend in order to see for myself what is going on.

This area is rural. There is lots of room to create whatever kind of facility we want there. We are not constrained by topography or anything else. It is an ideal crossing. There are no bridges or impediments to creating an ideal crossing. The lack of commitment from the Canadian government is an increasing puzzle.

The shared concern of the Quebec and New York people who are part of this private-public partnership to create an economic engine through a proper border facility there is that if Canada does not participate in this exercise, then all that investment and infrastructure on the U.S. side will be turned into a security-focused facility. Rather than being a conduit and a passageway, it has the probability or the possibility of becoming a wall.

As much as we may agree with the bill and the direction of it and see it as a step forward, if the government does not move in its actions, not its words, in a way that contributes to what is in the national interests, then we have a major problem.

The truth of the matter is all of the trucks going south through this facility are loaded and many of the trucks going north are empty. We have an easier time clearing traffic than the U.S., but we have to keep up with the technology to ensure we operate at the same level and standard of behaviour as our U.S. partners at these border facilities. Otherwise we are creating a real problem.

Government Orders

We are the ones at risk because 82% of our trade needs to cross that border and does. Here is an example of something that needs to be improved.

I came back on the weekend at 5:30 in the afternoon. Three of the seven gates were open. There is not just a facility problem, there is a personnel problem. The public was asked to wait in the heat of the day for an inordinate amount of time, simply because we did not have more gates open. Apparently this is not unusual. This is the standard of behaviour we exhibit at that border on any given day when the demand is there to justify more people.

No one can quite understand why we operate in such an irrational fashion. I am pleading for some common sense to be brought into the whole area of border security. It is something that is definitely in the national interest. It does not just apply to this one border crossing. We have examples across the country of where this is applicable. However, we have a very clear example of where the U.S. is committing major moneys and we are doing nothing.

•(1625)

I appeal to the government to do a zero based look at what we need across the country. What could we build if there were no facilities and find out what standard we need to reach. That should be our national strategy.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I am pleased to ask my colleague a question. He has spoken of a number of different issues.

I would like to zero in on one in particular. It is the legacy costs that have been supported by the government for certain border proponents for which their custom officials are paid. For example, in my region the Ambassador Bridge receives around \$13 million a year for customs officers and the Windsor-Detroit tunnel receives around \$11 million for customs officers.

The ferry service, which is a solution for the community, is frozen out of that since it was not part of the grandfathering which happened I believe in 1987. It has to add that cost on to the border. It has prohibited the service competing because it has to pay for the service, which is hundreds of thousands of dollars. Sometimes it is not even granted access to paying for those officers, which is interesting as well because peculiarities develop. For example, during lunch hour the customs people leave for an hour and a half and the border literally shuts down for the ferry service.

I would like to ask the hon. member about those kinds of situations. I believe he has one in his riding related to an airport where an operator is trying to enter into the market but has to compete against a system that was grandfathered. It incurs extra costs which makes it more difficult for it to be a solution to the movement of people across the border, from Canada to the United States.

Mr. John Duncan: Madam Speaker, the member for Windsor West and I sit on the same committee. We have heard the same witnesses. We have had discussions about the inappropriateness of the grandfathering on customs charges that occurs in some specific examples.

Yes, there is the example about which the member from Windsor talked. In my constituency, the community of Comox built a brand

new air terminal. WestJet uses it. Last year there were 180,000 passengers. There are international flights to Mexico. Because it did not have any international flights prior to the grandfathering date, the community is responsible for \$250,000 worth of customs charges. This is not discretionary in any way.

What happens is communities that are trying to better themselves are being penalized by this system. It is extraordinary how dampening this is. This charge killed flights between Seattle and Kamloops. This very issue apparently killed the ferry run between Toronto and Rochester. The economics were all there except for the grandfathering charge.

We say this is a security charge, a security fee. It is a federal responsibility. It should not be offloaded in a discriminatory way to business or communities in this fashion.

•(1630)

The Acting Speaker (Hon. Jean Augustine): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Hon. Jean Augustine): The question is on the motion. Is it the pleasure to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

STATISTICS ACT

Hon. David Emerson (Minister of Industry, Lib.) moved that Bill S-18, An Act to amend the Statistics Act, be read the second time and referred to a committee.

Mr. Lloyd St. Amand (Brant, Lib.): Madam Speaker, it is my pleasure to rise today to present the House with Bill S-18, an act to amend the Statistics Act. The bill would address and finally resolve an issue that has been long outstanding, namely the question of access to historical census records.

No doubt the House would agree that access to these records can provide a rich and valuable means by which both family and historical research is conducted. Indeed, genealogists and historical researchers, without exception, view publicly available historical census records as essential tools in their work.

The other key aspect of the bill, for not only does it address a current dilemma, is it would enable Canadians a clear and unequivocal say in how they would like their personal information on census records to be used in the future. Canadians would be given the option of giving permission for the release of their personal information on the census questionnaire.

The genesis of the issue of public access to historical census records and why there is a need for Bill S-18 goes back many years.

Government Orders

As it currently stands, at issue is the legal ambiguity as to the authority of the chief statistician of Canada to release records from the 1911 census of population. That the records from this census have not yet been released has caused much outcry and consternation among the genealogical community. I believe many members of the House have received numerous pieces of correspondence from their constituents in relation to this matter.

In essence, Bill S-18 would provide a fitting solution to this issue by removing this legal ambiguity in relation to the release to the public of census records between 1911 and 2001, not just records from the 1911 census.

The bill then addresses not only the issue of historical access as it relates to censuses already conducted, it also sets the framework for the issue of access to future census records.

Beginning with the 2006 census and in any to follow, Statistics Canada would ask on the questionnaire for the consent of Canadians to release their census information, once again 92 years after each census. An individual's census records would be released only when consent was given. If consent were not given, the census records of that individual would never be made publicly available.

A third aspect of the bill would ensure accountability on behalf of both Statistics Canada and the government. Bill S-18 would establish that a parliamentary review must occur no later than two years before the 2016 census of population. The committee's review would report on the administration of the informed consent requirement outlined in the bill and if necessary, suggest changes to its operation and administration.

The issue of access to historical census records has itself a substantial and interesting history. I would like to share with my hon. colleagues a brief summary so they can perhaps appreciate why now is the time to resolve this longstanding issue.

Censuses have long been a fascinating and valuable historical record of the growth of Canada and Canada's heritage. Hon. members should note that the first census was conducted in 1666 by Jean Talon. At that time, he reported that there were only 3,215 inhabitants in the colony of New France. As our country grew, it was the regular censuses that bore witness to this growth and to the changes which took place. Finding a resolution to the issue of access to historical census records has seen the passing of many years and has taken many paths

• (1635)

In late 1999 the hon. John Manley called for the creation of an expert panel on access to historical census records which reported to him in May 2000. Its mandate was to examine the legal, privacy and archival implications of providing access to historical census records. Statistics Canada itself undertook public consultations on this issue in 2001. These were consultations across the country so as to gather Canadians' views on both confidentiality of census information and access to historical records. Both of these undertakings provided valuable guidance to the government on how it should proceed.

Following the full discussion and examination of all options, in January 2003 the government announced that there was a need to clarify the Statistics Act and the legislation would be drafted. At the

same time it also announced the release of returns from the 1906 census. That census was a special census only conducted in the provinces of Manitoba, Saskatchewan and Alberta. It collected limited and less sensitive information, such as name, address, age, sex, marital status and origin.

The release was applauded by members of the genealogical community who had long encouraged the government to authorize the release of information from the 1906 census. Given the 100th anniversary of the entry of Alberta and Saskatchewan into Confederation, the public release of the 1906 census records has been of significant interest.

In response to recognition that legislation to amend the Statistics Act was necessary, Bill S-13 was introduced in the other place in February 2003. Some hon. members may recall that the bill was debated in this House in the fall of 2003, but that bill died on the order paper. Hence, Bill S-18 now before the House is our second attempt to resolve this issue.

I would like to take a moment to briefly point out a key difference between Bill S-13 and Bill S-18. It illustrates the government's resolve to settle this issue. In the former bill, Bill S-13, there were certain conditions placed on the release of information after 92 years. These conditions would have restricted disclosure to what is commonly known as tombstone data, such as name, age, date of birth, marital status, to the person's own family and would be imposed on the information for an additional 20 years. Historians and researchers would also have had to sign a document agreeing to these restrictions before being granted access to census records.

The government listened to the concerns of Canadians who felt that these additional conditions outlined in Bill S-13 were too restrictive and too burdensome. The outcome, I am pleased to say, is that no such conditions are present in Bill S-18. All census information will be released without restrictions after 92 years have passed.

To conclude my resumé of the history of this issue, I would bring to the attention of the House that in June 2004 there was a Federal Court decision related to the access of historical census records. In his decision the hon. Mr. Justice Gibson ruled that care and control of the 1911 census records rests with the chief statistician. He also ruled that there was no legal obligation under current law which would compel the chief statistician to transfer these records to the National Archives without an agreement between both parties. In his ruling he also suggested that resolution of this matter is best left to the government to address. This is something that Bill S-18 does.

Hon. members would no doubt join me in agreement when I suggest that Statistics Canada is internationally recognized as one of the top statistical agencies in the world. This is due in no small part to the professionalism and commitment of its staff members and the strong leadership provided by its management.

Government Orders

●(1640)

The agency is ably guided by the strengths and thoroughness of the Statistics Act, because it not only establishes its mandate but provides well articulated guidance on how the agency must be run. It is in section 17 of the Statistics Act that the all important confidentiality provisions are outlined vis-à-vis the protection of information collected by Statistics Canada.

As I have already noted, it is this provision of confidentiality that is at the heart of Statistics Canada's reputation. Protecting confidentiality of the information that it collects under the Statistics Act is a value upheld by all of its employees every working day through the numerous practices in place in policies and in work arrangements.

Section 18 of the same act identifies that information received by Statistics Canada is privileged information and shall not be used as evidence in any proceedings. Because of these two sections, the bonds of confidentiality are strong, especially when it comes to the personal information of all Canadians.

At the crux of the matter, when one examines both the current Statistics Act and previous legislation such as the Statistics Act of 1918 that created the Dominion Bureau of Statistics, is whether the chief statistician can authorize any release of census records collected.

Over the past 10 years there have been various legal opinions on whether records from those earlier censuses could be disclosed. While discussions have focused on the legal ambiguities related to the 1911 census records, there is far less ambiguity in regard to censuses conducted after 1918 when the Dominion Bureau of Statistics was created.

For records from the 1921 census up to current day, an amendment is required to make those records available to the public. Under an amended Statistics Act, any legal ambiguity would be removed and the chief statistician would be required to transfer census records to the care and control of Library and Archives Canada once 92 years had passed. Therefore, the ambiguity that currently exists would be eliminated.

Informed consent about the use of personal information is a key principle of privacy protection. Therefore, it follows that Canadians should have the right to decide for themselves if they want their personal census records to be made publicly available in the future. Bill S-18 would give Canadians the option for the first time to provide consent for the release of their own information 92 years after the census had been conducted. Plans call for such a question to be asked on the questionnaire of the next census of population, which will be conducted in May 2006.

The multitude of persons who serve as privacy protection advocates and supporters either in a formal or informal capacity would be the first to agree that informed consent about the use of personal information is a key principle of privacy protection. To many it is a right afforded to all. Bill S-18 will provide the legal basis under which this consent could be offered and upheld.

A third and equally important point of Bill S-18 is that it calls for parliamentary review in 2014. A committee of this House, the other

place, or both houses of Parliament would review the administration and operation of the subsections related to the informed consent provision. By that time, the year 2014, there will have been two censuses in which Canadians will have been asked for their permission to release the personal information. How they have responded will provide an indication of how Canadians view this issue and how they wish their government to respect their wishes.

●(1645)

As in the parliamentary tradition, the committee would permit an opportunity for interested parties to make their views known. In its final report the committee would be able to recommend any changes it saw fit to the administration of the provision that would be in place in time for the conduct of the census of population in 2016.

In fact, subject to the passage of the proposed amendment to the Statistics Act, the 1911 census records would be released immediately. Undoubtedly this action would be applauded as well as appreciated by genealogists and historical researchers all across Canada.

I would like to point out that for the 2006 census and subsequent censuses, Statistics Canada has already made a commitment as part of its census communications program to explain to Canadians the importance of their giving consent to allow access to their census records. This initiative would be conducted in conjunction with Library and Archives Canada.

As well, Statistics Canada will establish a program that would allow Canadians to change their responses to the consent question at any time during the 92 year period prior to public release. For example, children may not agree with the response provided on their behalf by their parent or guardian to the consent question and may now wish to change it. Those children will have the right to review what response was provided, and if necessary, request a change accordingly which will thereafter be processed by Statistics Canada.

This right to change one's mind is not limited in any way. In fact, all Canadians will retain the option, even in cases in which a person answered one way but subsequently changed his or her mind following a census.

In conclusion, Bill S-18 will at long last resolve the issue of access to historical census records as well as establish a procedure by which Canadians will have more say in how their personal census information will be used.

As evidenced by the many years of discussion and debate on this issue, support for Bill S-18 will show Canadians that a fair and balanced solution has been reached. Because of that, it is a win-win situation, both for those who want access after a well-established period of time, and those whose concerns focus on the protection of personal information.

Bill S-18 is a compromise which should please all parties. I urge hon. members to join me in the passage of this bill and its reference to committee as soon as possible.

Government Orders

• (1650)

Mr. David Tilson (Dufferin—Caledon, CPC): Madam Speaker, the member's speech was obviously well researched. It deals with a very difficult issue that has been going on for some time, that is, trying to find the balance between privacy and the seeking of genealogical or historical information. It is a very difficult topic.

There is an issue I would raise with my colleague. I look at the details of the fifth census of Canada, the 1911 census, and I look at the questions that are now going to be asked in the 2006 census. They are very personal questions. We are all concerned about our privacy. Now with this legislation, and I am talking about the period of time after 1911, there are no restrictions. This legislation will have absolutely no restrictions. That information will all be released. Some people want that, but if we look at the 1911 census and the questions that were asked, the information was not as detailed as it is now but it is still very personal information.

There is a whole group of people who are still alive, who filled out those forms in 1911. The problem is the promise by the chief statistician that all the information at that time would be protected is being broken. That promise to keep that information confidential is being broken by the government.

I would like the member to comment on the discrepancy between the time after 2006, when there will have to be consent to release the information, and simply from 1911 to I believe 2002, when it is just going to be released.

Mr. Lloyd St. Amand: Madam Speaker, as my hon. colleague across the floor said, the legislation attempts to balance the longstanding right of privacy of individuals with the understandable desire on the part of researchers and genealogists to enhance our understanding of Canada's past by the release of records.

The legislation and the bill is intended to be forward looking. The member is correct. Henceforth, Canadians will have the fundamental right to prohibit the release of any information contained in the census records. Henceforth, privacy rights will be fundamentally protected.

With respect to past censuses, the truth is that census questionnaires now are much more detailed, much more intrusive or probing than was the case decades ago.

For the most part, the information set out in earlier censuses, and I am talking about censuses from some years and decades ago, is in fact the proverbial tombstone data: name, age, sex, date of birth, place of birth, et cetera.

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Madam Speaker, I appreciated the way the member for Brant laid out this problem and the question of balancing confidentiality and the desirability of having statistics of various sorts.

I have to say, partly in answer to my colleague opposite, that over the last several years, as this legislation in different forms or this problem has been around, I have had a steady stream of requests from people who wanted us to change the way the census information from 1911 onwards, or whatever it is, will be released. What impressed me about that has been the fact that these were highly professional people, historians, demographers or something

like this, who were very keen and had a professional interest in obtaining the information.

We also had all sorts lay people who were interested in genealogy and other aspects of Canada in those days. These are people who now work in a much more sophisticated way through computers than they used to. One of the reasons they are able to do that is that Canada has become much more sophisticated.

The member for Brant complimented Statistics Canada, which truly is an example to the whole world. However ordinary people can now access information in sophisticated ways that were only possible to professionals.

Could my colleague tell me what I should say, in a short way, to all these people, which I think number in the thousands, who have asked me about this release of information? I cannot give his complete speech but I would like to give them hope that they will be able to get this information which they have sought for so long.

• (1655)

Mr. Lloyd St. Amand: Madam Speaker, as my colleague has indicated, this has been a longstanding issue. He and, I dare say, many others in this House have heard from many constituents who have wanted this legislation to be put before the House of Commons.

The issue has been scrutinized and reviewed. It has been the subject of committee and the subject of recommendations. A suggestion in Mr. Justice Gibson's report was that this type of legislation be brought forward.

My hon. colleague can say to his constituents that the answer to their concerns and the answer to their query is found in the legislation.

Mr. James Rajotte (Edmonton—Leduc, CPC): Madam Speaker, I want to seek a clarification. I believe the member said that the legislation would focus or limit itself to the release of tombstone information in response to an earlier question from my Conservative colleague.

I wonder if the member could clarify that. I am not certain whether that was the exact limit of the legislation. If he could clarify that I think it would address some of the concerns expressed by some members of the Conservative caucus with respect to privacy? Does the legislation just limit itself to basic tombstone information?

Mr. Lloyd St. Amand: Madam Speaker, when I used that expression in my speech and then in response to his colleague's question, I was making reference to earlier censuses which had been conducted by the Government of Canada and not necessarily census questionnaires that will be directed to Canadians in the future.

However in response to his concern that soon to be gathered census information will be too intrusive, I would only indicate that henceforth Canadians will have the right to prohibit the release of any census information whatsoever, a right that is now being granted to them for the first time.

Mr. James Rajotte (Edmonton—Leduc, CPC): Madam Speaker, it is a pleasure to speak today to Bill S-18, an act to amend the Statistics Act.

Government Orders

At the outset I want to thank members of the Conservative caucus who have talked to me about the legislation. I know they have been contacted by thousands of Canadians across the country, genealogists, historians and others who have a real interest in preserving our history and tracing families and ancestors. I want to openly thank my colleagues who have contacted me about it.

I want to state at the outset that a lot of people have contacted my office wondering why the legislation has taken so long to get to this stage of the debate. I want to state again that we, in the Conservative Party, have been ready to debate the bill for over a month now. We are glad that it is before the House and we will do whatever we can to be as constructive as possible in terms of facilitating it through the legislative process.

We realize that many Canadians have been waiting patiently for the release of 1911 census data. The Conservative Party, in general, supports the release of basic tombstone information from Canadian census records after a 92 year period.

At this point I would like to pay tribute to two of my colleagues who have done a lot of work on this issue. First, the member for Calgary Southeast who introduced the motion in the House, which reads:

That, in the opinion of the House, the government should take all necessary steps to release the 1911 census records. Once they had been deposited in the National Archives in 2003, he was able to get the unanimous support of our party at that time.

The motion was debated in March 2000 and yet here we are five years later and the 1911 census still has not been released.

I also want to publicly thank the member for Peace River. He was the industry critic prior to myself. He did a lot of work on this issue and his work formed the basis for the position that I will be announcing here today.

I want to get some background on the legislation. Bill S-18 is an act to amend the Statistics Act. It obviously has been a long time coming. It has had a couple of what people call false starts.

As we all know, census records are an invaluable source of information for those conducting historical and genealogical research. For instance, the 1906 census was a special census that was conducted only in the prairie provinces after the massive influx of immigrants at the turn of the century.

The release of the 1906 census generated more than 4 million hits in the first 12 days it was on line. The same story holds true for the 1901 census, which received more than 50 million hits for its first six months on line. In Canada we keep census information secret for a long period after the data is initially collected. We have kept census information secret for 92 years on average. That is 20 years longer than the Americans do in the United States and 8 years shorter than they do in the United Kingdom. In my view, 92 years is a reasonable time period to keep this information private.

However at the turn of the century ambiguities were raised as to how long such information should be kept from public release. According to Statistics Canada, census takers who travelled from door to door in the early 1900s were given conflicting instructions on how to collect census data. This may have led some Canadians to believe that their information would be kept secret forever.

In 1991, an expert panel was convened by the federal government to examine access to historical records. The panel concluded that no perpetual guarantee of confidentiality rested with the census records and that the passage of time diminished concerns about individual privacy.

In 2004, a federal court ruled that the care and control of the 1911 census records rested with the chief statistician.

Thus, the federal government has received a range of opinions regarding the legality of confidentiality with respect to census records. Even the Department of Justice has changed its stance on the matter over the past six years. Bill S-18 attempts to find a balance between the public good of releasing records and the private right to confidentiality.

In a previous attempt to address this matter, the federal government introduced Bill S-13 in 2003. It tried to reach a compromise between concerns for privacy and the covenant agreed to by Statistics Canada and the Canadian public through the census.

● (1700)

Without going into detail, let me say that the bill did create some controversy over how it would allow limited access to census records after 92 years. That bill died on the order paper when Parliament prorogued in fall 2003.

Now here we are with Bill S-18, which again attempts to resolve the 94 year old question on what to do with the release of census information from 1911 to 2001 and offers a solution to the privacy issues that will face future generations as they fill out their census forms.

If passed, Bill S-18 would allow for the immediate public release of the 1911 census records, currently in their 94th year with Statistics Canada. This is obviously welcome news for hundreds of thousands of historians and genealogists across the country.

One of the most important new sections of Bill S-18 concerns the creation of a confidentiality clause. In all future censuses, Canadians will be asked to decide whether or not they will permit the public to view their records after 92 years from the census date. If they leave the question unanswered on their form, their information would be kept confidential automatically. In seeking consent on each form from every Canadian, Statistics Canada will obtain a relatively clear indication from Canadians as to how they would like their information treated.

I want to say that we do strongly support this clause. We think it is certainly a step in the right direction. Frankly, if this had been done at the turn of the century, we would not be in the situation we have been in for the last 20 years with this uncertainty about the 1911 census. This will create certainty. It will give Canadians the option of whether they want their information released or not.

Government Orders

There is one question I have about this. The new provision has raised some questions about how to deal with minors. For instance, would a child whose parent has indicated to Statistics Canada, on the child's behalf, that his or her information is public be able to change that answer retroactively once he or she turns 18?

I am told by Statistics Canada that Canadians will have an opportunity to change their minds on this issue by applying to Statistics Canada to change their status. This option will be retroactive. That is one issue and I believe the chief statistician did clarify that in his meeting with me, but I would certainly like the government to clarify this, either in debate at second reading or at committee stage.

Statistics Canada was hoping the government would make this bill a priority, as the 2006 census is quickly approaching. The chief statistician would like to begin to educate Canadians about their confidentiality options. I should at this point openly thank the chief statistician, Ivan Fellegi, for meeting with me and also for previously taking into account my concerns in some of the previous legislation introduced to amend the Statistics Act and deal with the census issue.

In our meeting, the chief statistician told me that he believes the current bill strikes an effective balance in ensuring the protection of the interests of the three major groups involved in this issue, statisticians, genealogists and historians, and those for whom privacy issues are the primary concern. I will return to that later in my speech. I believe other colleagues on the Conservative side of the House will also raise some concerns about privacy.

It is my view that the testimony of both the chief statistician and the Privacy Commissioner should be on record with the elected members of this Parliament; that is why we support this bill going to committee and hearing their thoughts at committee. We do not think this is something that we should just fast track without hearing from these individuals. They should be on record on this bill.

I look forward to working with my colleagues on the Standing Committee on Industry, Natural Resources, Science and Technology to ensure that the hearings on this bill are both sufficient and complete. I think we and the other parties in this House would be willing to have a few sittings to try to get this issue dealt with as expeditiously as possible.

To return to Bill S-18, it also provides unrestricted access to personal census records after 92 years for each of the censuses between 1911 and 2001 inclusive. The guaranteed release of these records was the subject of debate within the Conservative Party of Canada and in hearings on Bill S-18 in the Senate. The main source of debate was over the privacy issue, which was raised earlier by my colleague.

• (1705)

The release of census data of any sort raises privacy issues. Some of my colleagues in the Conservative Party believe that if we have given a promise of confidentiality we should not break that promise. Let me paraphrase someone from the other place. Senator Gerald Comeau, when he spoke on the bill in other place, said that "census files hold extremely sensitive and private information on people's nationality, ethnicity and religious beliefs". This kind of information, especially in today's world where we have all sorts of identity theft,

should be considered sacred and treated with the utmost respect and privacy.

The Privacy Commissioner stated to the Senate committee on social affairs that she was happy with Bill S-18 as it relates to privacy and consent. However, some privacy advocates are concerned about the retroactivity of the bill. The commissioner, in her testimony, noted that administering a consent provision, a provision that can be changed over time, to millions of Canadians is going to be an ongoing challenge.

I would like to explore this issue further with both Statistics Canada and the Privacy Commissioner. We should have a discussion about how consent will be administered and about any issues they can foresee that may cause a problem for the census or for Canadians in the future.

I wish to address the whole issue of tombstone information. The origin of the census can be found in European religious institutions that kept vital records concerning their parishioners. These practices were passed on to the colonies, with companies that had large presences in areas like Montreal or Jamestown, Virginia, asking for records of local christenings, marriages and deaths. Some of these early compilations had specific purposes, such as determining the number of men eligible to serve in the military or to establish the apportionment of representation of the population for elected governments.

At the turn of the century, tombstone questions, basic questions like date of birth, name, et cetera, comprised the bulk of the census. However, even at that time, some rather invasive questions were asked, and have been asked since then, ranging even from the mental state of members of a person's family to the type of private company that a person keeps, questions that, understandably, Statistics Canada and Canadians would like to treat very gently.

One has to wonder then, and this is a question that certainly poses itself to me, if these questions are of such a private personal nature, should they be asked at all by a government agency? Should we not in fact at that initial point respect the privacy of individual Canadians and not be asking questions of such a personal nature that even after 92 years we would be debating whether they should be released at all?

I would advise Statistics Canada that perhaps the answer is to limit the types of questions asked so that the concern of privacy is less of a concern for individual Canadians, because the purpose of the census is not to be invasive about a person's choices or a person's health. Most would argue that questions concerning religion should not be asked, because no policy, according to the government officially, should be based on one's own personal religious preferences.

The Privacy Commissioner, according to Statistics Canada itself, said in February 2000:

Census information can be extremely personal, including genetic and other health information about respondents and their families. We should not decide for other people what constitutes an acceptable disclosure of such information.

We in the Conservative Party want to encourage Statistics Canada to review the type of information it collects in both the long and the short form questionnaires. The fact is that Canadians should not be forced to divulge information that is of such a personal nature that it would be embarrassing to a citizen or that citizen's family after a 92 year period. We would strongly encourage Statistics Canada to review this.

Frankly, we would also like Statistics Canada to examine the policy of compelling a citizen to fill out the long form or the short form. Providing the option of whether one wants this information released is a good first step, but I think that then should lead to the debate of whether we as a government and through a government agency ought to compel citizens to fill out either a long form or a short form against their own wishes.

In conclusion, I want to thank the House for the opportunity to discuss these issues. It has taken a long time to create the bill. I want to say that members of the historical and genealogical communities have been very patient in waiting for this legislation. We certainly realize that. We realize that many consultations have taken place.

I want to state very clearly that the Conservative Party of Canada supports the bill, but we would like to hear from witnesses with respect to the privacy matters raised by the release of the 1911 census and concerning attempts to resolve future ambiguities surrounding privacy and the collection of census data.

• (1710)

We should ensure that we get it right now so there are no discrepancies in the future. I do want to say very clearly that the Conservative Party supports a release of basic tombstone information from Canadian census records after 92 years. We also support the new confidentiality clause that allows Canadians to decide in future censuses whether or not to make their information public after 92 years.

The Conservative Party believes that Statistics Canada should review the type of information it collects in both the long form and short form census questionnaires because we believe that Canadians should not be forced to divulge information that is of such a personal nature it would be embarrassing to a citizen or family after 92 years.

I know that other colleagues of mine will want to address the bill as well. We will be supporting it going to committee at second reading. We will be constructively adding to the debate at committee stage. We are hoping to move this issue through Parliament as expeditiously as possible.

ROUTINE PROCEEDINGS

• (1715)

[*English*]

EXTENSION OF SITTING HOURS

The House resumed from June 9 consideration of the motion.

The Acting Speaker (Hon. Jean Augustine): It being 5:15 p.m., the House will now proceed to the taking of the deferred recorded

Routine Proceedings

division on Government Business No. 16 in the name of the Leader of the Government in the House of Commons.

Call in the members.

• (1745)

[*Translation*]

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

(*Division No. 102*)

YEAS

Members

Adams	Alcock
Anderson (Victoria)	Angus
Augustine	Bagnell
Bains	Bakopanos
Barnes	Beaumier
Bélangier	Bell
Bennett	Bevilacqua
Blaikie	Blondin-Andrew
Boivin	Bonin
Boshcoff	Boudria
Bradshaw	Brison
Broadbent	Byrne
Carr	Carroll
Catterall	Chamberlain
Chan	Christopherson
Coderre	Comartin
Comuzzi	Cotler
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
D'Amours	Davies
Desjarlais	DeVillers
Dhalla	Dion
Dosanjh	Drouin
Dryden	Easter
Efford	Emerson
Eyking	Folco
Fontana	Frulla
Fry	Galloway
Godbout	Godfrey
Godin	Goodale
Graham	Guarnieri
Holland	Hubbard
Ianno	Jennings
Julian	Kadis
Karetak-Lindell	Karygiannis
Khan	Lapierre (Outremont)
Lastewka	Layton
LeBlanc	Lee
Longfield	MacAulay
Macklin	Malhi
Maloney	Marleau
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Martin (Sault Ste. Marie)
Masse	Matthews
McCallum	McDonough
McGuinty	McGuire
McKay (Scarborough—Guildwood)	McLellan
McTeague	Minna
Mitchell	Murphy
Myers	Neville
Owen	Pacetti
Paradis	Patry
Peterson	Pettigrew
Phinney	Pickard (Chatham-Kent—Essex)
Powers	Proulx
Ratansi	Redman
Regan	Robillard
Rodriguez	Rota
Russell	Saada
Savage	Savoy
Scarpaleggia	Sgro
Siksay	Silva
Simard (Saint Boniface)	Simms
Smith (Pontiac)	St. Amand
St. Denis	Steckle

Routine Proceedings

Stoffer
Szabo
Temelkovski
Tonks
Ur
Valley
Wasylcyia-Leis
Wrzesnewskyj

Stronach
Telegdi
Thibault (West Nova)
Torsney
Valeri
Volpe
Wilfert
Zed- — 146

NAYS

Members

Abbott
Allison
Anders
André
Benoit
Boulianne
Brown (Leeds—Grenville)
Cardin
Carrier
Casson
Cleary
Cummins
Demers
Devolin
Duceppe
Epp
Fitzpatrick
Forseth
Gagnon (Saint-Maurice—Champlain)
Gallant
Gauthier
Goodyear
Grewal (Fleetwood—Port Kells)
Guimond
Harper
Harrison
Hiebert
Hinton
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kramp (Prince Edward—Hastings)
Lauzon
Lessard
Lukiwski
Lunney
MacKenzie
Ménard (Hochelaga)

Ablonczy
Ambrose
Anderson (Cypress Hills—Grasslands)
Bachand
Bezan
Bourgeois
Brunelle
Doyle
Duncan
Finley
Fletcher
Gagnon (Québec)
Gagnon (Jonquière—Alma)
Gaudet
Goldring
Gouk
Guergis
Hanger
Harris
Hearn
Hill
Jaffer
Johnston
Keddy (South Shore—St. Margaret's)
Komamicki
Lalonde
Lemay
Lévesque
Lunn
MacKay (Central Nova)
Marceau
Menzies

Merrifield
Mills
Moore (Fundy Royal)
O'Connor
Pallister
Penson
Poilievre
Preston
Reid
Richardson
Roy
Scheer
Schmidt (Kelowna—Lake Country)
Smith (Kildonan—St. Paul)
Sorenson
Stinson
Thompson (New Brunswick Southwest)
Tilson
Trost
Van Loan
Vincent
Watson

Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
Obhrai
Paquette
Plamondon
Prentice
Rajotte
Reynolds
Ritz
Sauvageau
Schellenberger
Skelton
Solberg
St-Hilaire
Strahl
Thompson (Wild Rose)
Toews
Tweed
Vellacott
Warawa
Yelich- — 120

PAIRED

Members

Asselin
Bulte
Perron

Brown (Oakville)
Faille
Scott- — 6

The Speaker: I declare the motion carried.

[*English*]

I remind all hon. members that there is a party this evening at Kingsmere to which all hon. members are invited.

[*Translation*]

Outside the west door of Parliament, there will be a bus available all evening to take members there and back. Everyone is invited.

[*English*]

I hope I will see you all there.

[*For continuation of proceedings see Part B*]

CONTENTS

Monday, June 13, 2005

PRIVATE MEMBERS' BUSINESS

Excise Tax Act

Bill C-259. Third reading	6961
Ms. Finley	6961
Division on Motion Deferred	6962

Business of the House

Mrs. Redman	6962
Motion	6962
(Motion agreed to)	6963

Suspension of Sitting

(The sitting of the House was suspended at 11:17 a.m.)	6963
--	------

Sitting Resumed

(The House resumed at 12:02 p.m.)	6963
---	------

GOVERNMENT ORDERS

Budget Implementation Act, 2005

Bill C-43. Report Stage	6963
Division on Motion No. 5 deferred	6963
Division on Motion No. 6 deferred	6963
Mr. Dryden (for the Minister of Finance)	6963
Motions Nos. 7 and 8	6963
Ms. Ambrose	6964
Amendment	6964
Mr. Wilfert	6964
Mr. Côté	6965
Division on amendment deferred	6966
Divisions on Motions Nos. 1 to 3 and 5 to 7 deferred ..	6966

Canada Border Services Agency Act

Bill C-26. Third reading	6966
Mr. MacKay	6966
Mr. Hanger	6968
Mr. Lauzon	6969
Mr. Masse	6970
Mr. Laframboise	6970
Mr. Masse	6973
Mr. Cullen (Skeena—Bulkley Valley)	6974
Mr. Comartin	6975
Mr. Szabo	6976
Mr. Maloney	6977

STATEMENTS BY MEMBERS

Public Service

Mr. Bagnell	6978
-------------------	------

Justice

Mr. Lunney	6978
------------------	------

Canadian Diabetes Association

Mr. Adams	6979
-----------------	------

National Public Service Week

Ms. Bourgeois	6979
---------------------	------

UN Framework Convention on Climate Change

Mr. Scarpaleggia	6979
------------------------	------

Bridgewater Flood

Mr. Keddy	6979
-----------------	------

Poland

Mr. Wrzesnewskyj	6980
------------------------	------

150th Anniversary of the Town of Saint-Sauveur

Ms. Deschamps	6980
---------------------	------

Seniors Month

Ms. Phinney	6980
-------------------	------

Aerospace Industry

Mr. Carrie	6980
------------------	------

Valigia D'oro Awards

Mrs. Kadis	6980
------------------	------

Health

Mr. Masse	6981
-----------------	------

Child Care

Mr. Bezan	6981
-----------------	------

Rock Banville

Mr. Roy	6981
---------------	------

John Lynch-Staunton

Mr. Tilson	6981
------------------	------

Fight against Cancer

Mr. D'Amours	6981
--------------------	------

ORAL QUESTION PERIOD

Health

Mr. Harper	6982
Mr. Martin (LaSalle—Émard)	6982

Sponsorship Program

Mr. Harper	6982
Mr. Brison	6982
Mr. Harper	6982
Mr. Brison	6982
Mr. MacKay	6982
Mr. Brison	6982
Mr. MacKay	6982
Mr. Brison	6983
Mr. Duceppe	6983
Mr. Martin (LaSalle—Émard)	6983
Mr. Duceppe	6983
Mr. Martin (LaSalle—Émard)	6983
Mr. Guimond	6983
Mr. Brison	6983
Mr. Guimond	6983
Mr. Brison	6983
Mr. Layton	6983
Mr. Martin (LaSalle—Émard)	6984

Mr. Day.....	6993
Questions on the Order Paper	
Mr. Simard (Saint Boniface).....	6993

GOVERNMENT ORDERS

Canada Border Services Agency Act

Bill C-26. Third reading	6993
Mr. Preston	6994
Mr. Szabo	6995
Mr. Thompson (Wild Rose).....	6995
Mr. Hiebert	6996
Mr. Masse	6997
Mr. Khan	6998
Mr. Hanger	6999
Mr. Masse	7000

Mr. Duncan.....	7000
Mr. Masse	7001
(Motion agreed to, bill read the third time and passed) ..	7001

Statistics Act

Mr. Emerson	7001
Bill S-18. Second reading	7001
Mr. St. Amand	7001
Mr. Tilson	7004
Mr. Adams	7004
Mr. Rajotte	7004

ROUTINE PROCEEDINGS

Extension of Sitting Hours

Motion	7007
Motion agreed to	7008

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
PWGSC, Ottawa, ON K1A 0S5
Internet: <http://publications.gc.ca>
1-800-635-7943 or Local 613-941-5995

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5
Internet: <http://publications.gc.ca>
1-800-635-7943 ou appel local (613) 941-5995

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Publishing and Depository Services, PWGSC, Ottawa, ON K1A 0S5

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions et Services de dépôt, TPSGC, Ottawa (Ontario) K1A 0S5

**On peut obtenir la version française de cette publication en écrivant à : Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5**



CANADA

House of Commons Debates

VOLUME 140 • NUMBER 114 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, June 13, 2005
Part B

—

Speaker: The Honourable Peter Milliken

CONTENTS

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

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Monday, June 13, 2005

[Continuation of proceedings from Part A]

GOVERNMENT ORDERS

[English]

STATISTICS ACT

The House resumed consideration of the motion that Bill S-18, An Act to amend the Statistics Act, be read the second time and referred to a committee.

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I wonder if the member would care to comment on the length of time we would allow to pass before allowing census data to become public. I understand that the current proposal is 92 years. I wonder if he could tell the House what the standard is in the United States and the United Kingdom, and how we came to the 92 year period.

• (1750)

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, the United States has a period of 20 years shorter. The United Kingdom has a 6 to 8 year period that is longer. So the 92 years is a reasonable compromise. It was also looked at as a time period in which those citizens that had been interviewed or had filled out the census form would have passed on. Obviously, that has changed since the 1911 period which is the census we are looking at. But that is what it is. It is somewhat of a balance between the standard in the United States and the United Kingdom.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, the member for Edmonton—Leduc made some comments regarding the legislation in that there are many questions that we do not even need to ask. From the proposed 2006 census, one of the questions asks: “Who pays the rent or mortgage, taxes or electricity for this dwelling?” What business is it of the government to know that? “How many rooms are in the dwelling? Does the dwelling need any repairs?” What in the world would the government want with that?

If we were to look at the 1911 census which is more relevant, all of the information from 1911 would simply be released with no restrictions. In the 1911 census, there were certainly interesting questions such as: “Can you read? Can you write? Are you deaf and dumb?” Those are remarkable questions.

The member for Edmonton—Leduc talked about having meetings with the chief statistician. Is he obliged to release this information? I am speaking from 1911 to the future. Is it in his general ability to keep it secret, notwithstanding what the legislation would say?

Mr. James Rajotte: Mr. Speaker, some of the questions that the member pointed out from the 1911 census and from the last census show why many members of the Conservative caucus would be much more comfortable if the information that was released was limited to tombstone information, basic information that genealogists and historians would use to trace family trees.

Some of the questions from the 1911 census which are very embarrassing could be in one's family history. There is no real reason, from a historical perspective, why we need to know why a certain family had someone who at that time was considered an idiot. I think that is the actual phrase that the census used. There is no real historical reason for researching that. That is why we think it is appropriate to limit this to some basic tombstone information.

It is also appropriate for Statistics Canada, maybe not within the guise of this legislation, to look at the overall types of questions being asked. This is the principle that I would like to see followed. If the question is too personal or of such a private nature that it should not be released 92 years after it is asked, then maybe it should not be asked in the first place.

The other thing Statistics Canada should look at is making the long form voluntary. Why are we forcing or compelling a citizen who does not want to reveal this very private information to a government agency collected usually in most cases by their neighbour?

In terms of my conversation with the chief statistician, he is very cognizant of these facts. He said that if we apply first principles to the bill, he would probably would not support it, but the bill is the best compromise that he thought was available to us as parliamentarians. He also expressed a willingness to appear before the Industry, Natural Resources, Science and Technology Standing Committee to clarify any issues that any members might have.

• (1755)

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, I want to follow up on the suggestion that the long form be made voluntary. One concern I would have if that were to be done would be that people would exclude themselves on a non-random basis, which means that the data collected, while still true of those who filled it out, might not actually be representative any more of the population as a whole.

Government Orders

People are selected right now on a random basis for the long form. Given the very large number of Canadians and given that these forms are intended primarily for the purposes of data that is aggregated into very large areas—provincial levels, whole metropolitan areas, or national data—I wonder if we could simply reduce the number of people who are required to fill out the long form. Perhaps we could provide a spot for them to indicate whether or not that additional data would be made public in the future. This of course refers not to past censuses but purely to censuses that are being collected in the future and which will be revealed many decades into the future.

Mr. James Rajotte: Mr. Speaker, I want to thank my third Conservative colleague for asking a question. It is interesting that the government voted for extended hours, but it seems to be only the Conservative Party that has been having the debate here.

The member's question is a very good one. If we did make it voluntary, it would in fact affect the randomness of the sampling. It could be addressed certainly in the way he suggested, which is by keeping the type of information that is released to tombstone information.

There also needs to be more thought put into the types of questions we are actually asking. My other colleague from Dufferin made a very good point. It could be argued that the government or a government agency actually should not be asking these questions in the first place. The types of questions that are being asked should be looked at. Certainly those things which are of a very sensitive nature should be separated from tombstone information to keep the randomness there.

I should clarify that this is not the debate within Bill S-18 but it is certainly a related debate. Probably in distinction of my colleague, I would say that if a citizen feels so strongly that he or she does not wish to divulge information in the long form to the Government of Canada and simply wishes to fill out the short form, which would be more basic information, I would probably side with that citizen having the right to say, "I do not wish to fill out the long form. I would rather fill out the short form", just as a matter of first principles.

[*Translation*]

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, I am very pleased to speak to Bill S-18 today. First off, the Bloc supports the principle of this bill, because we consider it establishes a fair balance between the protection of personal information that may not be revealed and the access to census forms.

We all know that census forms are a unique source of information for historians, genealogists and archivists. From them, they can draw information vital to adding detail in historical research on Quebec, genealogy and archives.

Having been a professor of history for some 20 years and done genealogical research too, I am that much more interested in the fact that the principle of this bill is finally coming to something. We do have some reservations, and I will come back to them in a while.

In our ridings, there are organizations and groups of people doing genealogical research. They consult birth, baptism and death records. These are important sources of information. In the case of the census,

researchers are often stymied by being unable to get information or meet considerable obstacles, because personal information cannot be released.

The principle of Bill S-18 appears to maintain this balance. This is the case not only for genealogists, but for historians as well. Very often, they have a hard time completing their research and revealing the opinions of the day, because of the provision, the ban on doing research that strikes the core of research.

The principle of S-18 is exactly in line with the concerns and the requests of researchers. It may be summarized in three points. In fact, Bill S-18 contains the following three points.

First, it contains the extremely important provision that 92 years after the census was taken, the information in it will be placed under the care and control of Library and Archives of Canada. That means that, from then on, the information will be available to anyone. There will simply be formalities to complete to gain access to the archives. The information is vital in assessing the heritage of Quebeckers and others.

There is a second aspect that seems contradictory and which we have reservations about. Nonetheless, it may be important. The next census will allow respondents who so desire to maintain their confidentiality. This will pose some problems. Nonetheless, we realize the purpose of this measure is to protect confidentiality. However, with this option of maintaining confidentiality, the records will not be a completely open source of information.

A third aspect is that after the third census, a designated committee will review the application of the current legislation. It will do an evaluation and, as I mentioned at the beginning, try to maintain the balance in research between the protection of personal information and accessibility to census records. It is important.

It is in that vein that the bill was drafted, in order to enable more comprehensive research and a more accurate view of life in the past, and make it possible to draw meaningful conclusions.

This bill begins with a statement of principle followed by certain points that need to be emphasized. The Bloc Québécois thinks it is good that the bill allows important historical data to be studied after an acceptable prescribed period that protects the respondents' privacy. The period is 92 years. Earlier, this figure was mentioned as an average. Some people would prefer 100 years and others, 60 years. A period of 92 years is an acceptable amount of time before allowing access to such historical data and circumstances.

● (1800)

There is also a second point to be made. For a period of 92 years, access by archivists and historians will produce better historical documents—as I said earlier—that will enrich Quebec's cultural heritage. This is an important element of this permission.

Government Orders

Then there is the matter of the experts. This also needs improvement. The census documents are essential—again—for research. With all the information being gathered by each census, I think that this data will be of future use and should be accessible. So this is an important principle, even if there is a period during which there can be no access.

There is another point of concern to the Bloc Québécois. The private nature of these documents affects several time-sensitive matters and contradictory judgments may be made, when this could later be determined to be important or unimportant.

Then there is the public right to access to information and to have access to census data. I personally, and the Bloc Québécois, feel that this must take precedence over the rights of those who support personal privacy, because there is always that 92-year time lapse before the information can be accessed.

So we have to determine everything this legislation will permit in terms of the risks, harm and proceedings that may eventually no longer be necessary. Most census data often lose their confidential nature over time.

For all these reasons, we believe that amending the legislation will enable the disclosure of important and confidential census data.

However, we do have some reservations. For example, I think that the delay—even if we agree with the principle of 92 years—means that information on individuals who may still be alive can be made public. We have some reservations about this fact, which must be taken into consideration, in order to extend this period, if necessary.

This is also an inconsistency in one measure. On the one hand, these data are no longer considered personal after 92 years and, on the other, individuals may prevent the disclosure of that information, even permanently. Some changes need to be made to the bill in this regard. We have seen data, information and consultations that might eventually eliminate this inconsistency, in order to reach a very logical decision.

Despite these reservations, the principle seeks to provide a very important service. I mentioned earlier that this bill is important to archivists, historians, genealogists and anyone interested in historical research. Statistics Canada, the National Statistics Council and the Privacy Commissioner of Canada are also mentioned in this bill as examples.

There is an important point in this debate, and I think that it will surface in future debates. Thanks to this bill, we will learn about the creation of households and families, the division of labour and mobility. This is all part of our national history and will now be accessible. We will eventually have access to a wide range of information, including socio-economic data on Canadians and Quebecers and the growth and development of rural regions.

I also want to come back to the census since, ultimately, it is central. Previous speakers have mentioned it already: the census is a unique source of information on the public as a whole and population groups, and it is tremendously important to understanding our past.

● (1805)

That was the aim of historians and researchers. Historians say that only access to the census records of individuals enables them to do their research properly.

Many people too are interested in genealogy. They need to consult individual census records in order to establish lineage and history. So, all records comprising important data will be consulted and may eventually become a vital source of information for a better state of affairs and a more accurate view of history and the course of history as it affected the individual.

In conclusion, the Bloc Québécois supports Bill S-18 in principle. Indeed, although it is only a beginning, this bill contains the balance so eagerly sought for years by historians, genealogists and archivists between the protection of personal information and the access to census forms and information. It is a unique source of information for historians, who will be able to delve deeper in their historical and genealogical research.

● (1810)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, the member from the Bloc Québécois gave an outstanding speech in support of the bill, which he has indicated that he is prepared to do.

The bill has been in debate for a long time, in different areas. It has been very controversial and divisive. The member talked about a number of arguments that the research people gave with respect to the support of the bill. Could he comment on the arguments that we made by I assume the same research people with respect to opposing the bill or on arguments against the release of these records? There are six of them and he can pick any one he likes.

First, Canadians are obligated under the law to answer the census and to do so with an assurance that the information will remain protected. A desire to study history should not take precedence over this guarantee of confidentiality.

Second, the use of information for purposes other than those for which it was collected should be subject to consent.

Third, census information could be extremely personal, for example, religion, marital status, health problems, and a decision should not be made for other people as to what constitutes acceptable disclosure of such information.

Fourth, privacy rights should not end with an individual's death.

Fifth, the public may perceive the release of census information as retroactively revising a government guarantee.

Finally, a collection of future census data could be adversely affected if respondents are concerned about the privacy of the information provided.

Government Orders

I expect some of the questions will be answered by saying that from 2006 on, for information to be released, there has to be a consent signed by the person giving the information.

My concern is with respect to the comments made by the member for Brant, the government member who talked about the bill. He said that all the information from 1911 would be released without any restrictions. Unless someone corrects me, I believe that is what the government said with respect to the bill.

Does the member have any concerns with respect to those objections to the bill, specifically from 1911 to the present time?

[*Translation*]

Mr. Marc Boulianne: Mr. Speaker, I thank my colleague for the question. What I said is that, like the Bloc, I support the principle. We cited the balance sought or contained in S-18, the balance between personal information and access to census forms.

I also mentioned that we had certain reservations. I cited a few. There was some inconsistency. We also had reservations regarding the form and the 92 year time period. They will be debated. We will not support the bill in its entirety so long as we do not have this information.

Obviously, there is one important aspect. As I mentioned earlier, historians, archivists and genealogists have for years wanted some openness with respect to census records, access to these documents. This is provided in the bill. There will be work to do, however.

Other members opposed it because of the form or matters of confidentiality. We also have reservations. As the bill progresses, we will continue to express these reservations, while supporting the principle itself.

• (1815)

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I appreciate having the opportunity to speak to this important legislation.

As has been said by a number of members already, that the census has been in existence for a number of years. For many Canadians who have been following it, it is almost as old as the data itself. We have finally come to a point where we can decide on the merits and the integrity of the actual pieces of the bill. While we do have some concerns, the New Democratic Party is supportive of the general intention of the release of information as the government and the House of Commons tries to balance the debate between privacy and the ability of groups across the country to do research.

In some small yet significant way, the support that has been expressed by a number of parties in the House today for the legislation has been built up by activism by ordinary Canadians over a number of years. I am sure many members in the House first realized that this was an important issue as a result of constituents writing and emailing them.

The importance of that activism cannot be expressed strongly enough. Canadians need to feel a connection to their parliamentarians. They need to feel that their voices will be heard on issues that are specific and important to their lives. The number of debacles over the last number of weeks from two parties, which I will not

name, has driven a strong rift between Canadians, their parliamentarians and their trust of their representatives in the House.

A number of genealogical societies, museums and individuals have done a lot of work to endorse legislation and its eventual creation. It is a strong sign that activism in Canada can take on a positive role in pushing for progressive change to old laws.

There is one caution that should be brought up with respect to the way the bill has come forward. It is the retroactive changing of history, going back into time to alter things. Canadians were given assurances that would not happen. We must be extraordinarily careful whenever we consider bringing contextual changes forward, which have not been considered by Canadians or legislatures, because of some sort of currency of the day.

I mentioned at the beginning of my speech the strong and important balance that needs to be struck between privacy and public access to information gathered on behalf of Canadians by the federal government or any level of government in Canada. This is an extraordinarily difficult balancing act, which on many occasions the government has been unable to achieve. We saw this recently with the condemnation of the Privacy Act and the Access to Information Act that was directed toward the government for dragging its feet and its unwillingness and sheer stubbornness to make it more transparent and accountable. We hear about this during every election, yet we find it wanting once the government is formed.

A certain guarantee of confidentiality is struck between those conducting the census and those responding to it. It is in this guarantee that people are able to answer the questions forthrightly and give us a good determination of what is happening in our country, whether it is labour statistics, housing statistics or people's income. All those preferences and choices made in life are revealed in a census and it is important for legislators to know this so we conduct ourselves in the House and make sound decisions. The guarantee of confidentiality is extremely important when we debate issues like this.

I must for a moment take the time to applaud the work of our New Democratic Party member for Windsor West. He has been strong on this front by pushing for privacy laws in Canada that would protect information Canadians make available to the government.

After 9/11 the American houses passed the so-called patriot act. It allows the American government unprecedented access to previously private information about Americans. That is all well and good for the American legislators to decide.

Government Orders

•(1820)

However, we found a very disturbing trend as Canada continued to outsource many of the services previously done by the government to private firms. Lockheed Martin, an American firm, was given the contract and renegotiated the contract for the 2006 census. That in combination with the patriot act suddenly allowed this scenario. Canadians would answer the Canadian census in good faith. Then they forthrightly would answer the questions asked by an American firm, which is under the patriot act. By doing so, this would allow the U.S. government access to information about the private lives and choices of Canadians. This was clearly unacceptable. It should not be permitted.

It was the work of the New Democrats to force significant changes to the way that would be conducted. Hopefully, as the 2006 census comes out, our information will not be subject to the patriot act and will not be released to U.S. administrators.

This was so serious that the B.C. privacy commissioner got involved and eventually was able to spur the government toward some action. This is another example of New Democrats punching well above our weight in the House and forcing significant change to happen in the direction of our country.

The second balancing piece of this is the public access to important information. In my riding of Skeena—Bulkley Valley in the beautiful northwest of British Columbia, I have spoken to museums, genealogical societies and some family members looking to go back, to conduct research and to understand the movement of their families and their communities over time.

This is critical, particularly for a relatively young part of our country such as British Columbia and its northwest. For immigrants who arrived there, records have been lost. Family members had no longer the connection they needed. This was a pivotal piece for them to connect the dots to find out what had become of individual and entire wings of their family and branches of the tree.

Hopefully, the passing of this bill will allow people to reconnect and re-find one another, something that we desperately all need in this time and day.

The need for research in the country and the need for a strong research component within our museums, societies and genealogical groups cannot be expressed enough. To forget that past and to allow it to erode will be a sad loss for Canadians everywhere.

Recently we have seen a number of our museums suffer through a lack of funding and government support. There has been a call upon the federal government to once again become involved, not just in the museums in the greater Ottawa area, which clearly the federal government for obvious reasons has found its way to support and fund, but also in some of the smaller town museums such as in Smithers, Telkwa, Prince Rupert and Terrace, B.C., places that talk about the frontier mentality they came through, places that connect much of our aboriginal history to the history of the new settlers. The records of these museums have eroded through time. They are falling into disrepair and they need to be supported by our government. Our history is the foundation of who we are today which guides us in our future decisions.

Clearly the review two years prior to the next census will be an important review period. It will allow Canadians the option of opting out of the release of this data at some future point. It will allow us to find out how many Canadians have chosen privacy over public release. It is an important aspect of the bill and it is important aspect to the consideration of our support for the bill.

We further call upon the government to ensure, when making decisions between the balance of public access and the privacy of Canadians, that we err on the side of caution, that we look to maintain the importance of privacy of individual Canadians, whether they are using the Internet, their mailing service or answering a census. As it stands now, New Democrats proudly support the passage of the bill.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I congratulate the member on an excellent speech outlining the position of the New Democratic caucus. I am going to ask him a question that I have asked other members and that is with respect to the proposal in the legislation that all information from 1911 to 2001 or 2002 will be released without any restrictions.

I want to read for him what the Privacy Commissioner of Canada said to the expert panel on access to historical census records back in 2000. The commissioner said:

If we jump through the years to the 1996 census and to proposals for the 2001 census, we see, for every member of a household, questions concerning marital status (including same-sex partnerships), birthplace, citizenship, ethnic identity, religion, and source of income, including social assistance. Respondents are asked to indicate limitations on activities, at home or at work, from physical or mental conditions or health problems. Women are to indicate how many children they have had. The number of hours doing unpaid domestic work has to be estimated. Labour market activities, including efforts to find work, must be indicated. Information about housing includes a question about who pays the rent or the mortgage. Again, it does not take a great deal of imagination to see how such information could be deemed extremely personal, and not just by the individual respondent

That pretty well sums up what some of the concerns are about that block of very personal information for about 90 or 91 years. There are no restrictions, none whatsoever, on releasing that information and a number of those people who lived back in that time are still alive. People are living longer.

Does the New Democratic caucus support the general release of all of that information that has been acquired through time right up until the early part of 2000?

•(1825)

Mr. Nathan Cullen: Mr. Speaker, the hon. member raised an important point around the premise to which many members in the House have spoken between the guarding and protection of privacy and access to the public.

I would take him back in my speech to the very recent situation we had with the release of information to a private contractor. It was the New Democrats who spoke most vociferously and consistently in the House on the protection of people's privacy. I believe his party is in support of the bill as well but with some reservations going forward.

Government Orders

I think it is safe to say that with the New Democrats' past in seeking to protect the rights and privacy of Canadians, and it is a 92 year release after the census was originally taken, we will continue in our efforts to ensure that the information released will not put anybody in jeopardy nor will it be too embarrassing.

I would suggest that many of the people seeking this information in 92 to 100 years time, one would not suspect that they would be seeking it for malicious intent and purposes but seeking it more along the genealogical society's mandates, the mandates of museums, not necessarily people looking to dig up skeletons out of the closet.

I remain on my original point which is that New Democrats have strongly fought against the government at certain points to change and alter the course in what the government was saying and doing to ensure the privacy of Canadians was protected regardless of whatever information was collected.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the member for Skeena—Bulkley Valley stated very clearly the very positive reasons that this census data should be released 92 years after the fact and also spoke very eloquently to the balance between ensuring privacy but also ensuring that access to this information, which is very important and a public good, be continued or established by this act.

In my riding of Burnaby—New Westminster I have had a number of constituents approach me on this issue saying that the this information should be available.

During his speech the member made two references. One of his references was to the NDP led fight in the House against the American military contractor, Lockheed Martin, taking over the Canadian census information, basically taking over the access to Canadians' private lives.

He also referenced the patriot act and the fact that Canadians' private and confidential information transferred by Canadian banks can be accessed through the patriot act once it is in the United States. He informed us that the member for Windsor West led a fight in the House to stop Canadians' private and confidential information being distributed to the United States.

My question to him is very simple. He has demonstrated that the NDP has led a very tough but very determined fight on those two issues. Is he aware of any other party in the House actually standing up for Canadians on these issues: the issue of Lockheed Martin taking over Canadian confidential census information and the issue of the patriot act and having American legislation guaranteeing access through the United States to confidential Canadian information?

• (1830)

Mr. Nathan Cullen: Mr. Speaker, the very briefest answer I can give the member is no. I have been listening to the debate seeking to find out who else was raising the alarm bells of the scenario that has been described, where an American military contractor bid on a contract and was awarded the contract by the government of the day to collect and record Canadian census. The government of the day did not seem to take into account the fact that this company based in the United States was under the purview of the patriot act.

That act allows Americans to go into the company and withdraw whatever information they see fit, which happens to be extraordinarily private, up to date information about Canadians. We are not talking about data collected 50, 92 or 100 years ago. We are talking about data collected last year or last month. It is absolutely unacceptable by any standard.

It was the member for Windsor West, with the support of his caucus, who brought this fight to the floor to ensure that the government changed direction and actually thought through the course of its actions to ensure it was not doing things that made Canadians vulnerable to someone else having access to their very private and personal information, which many members have pointed out today.

We are quite proud of the work that we have done and sure would like a lot more support from other parties when conducting such similar and positive fights on behalf of Canadians.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, I am pleased to speak in the House today to an issue that is of great interest to the thousands of Canadians who are researching their family history.

In my riding of Bruce—Grey—Owen Sound, Mrs. Betty Warrilow has been working for the past 60 years on the genealogy of her family and many others. Her family will have been in Canada 150 years this June where they will be celebrating the McCulloch reunion. At this time she is also researching someone who travelled from Saskatchewan to Manitoba in the dirty thirties.

This research is very extensive and time-consuming. When my office contacted her regarding this bill, she told us that census records are a wonderful guideline to finding out where people lived and that having census records released would be a great help in her research. She also said that she and others had been waiting impatiently for a very long time in the hopes that this would happen. I believe we should pass the bill and make it happen.

The government has had 94 years since 1911 to prepare for the release of this material. It is not a surprise that after the release of the 1906 census that the 1911 census would be next. However that would make a little too much sense to a government that has increased bureaucracy in government by 77% in recent years.

Let us do a little review, shall we? In the past 12 years the government has promised to scrap the GST, promised to restore faith in government, promised to make appointments based on competence instead of patronage and promised to allow more free votes.

What has happened instead? More broken promises.

The government has also bragged about giving the gas tax back to municipalities and yet no money has flowed. We are still waiting for a child care program that was first promised more than 10 years ago.

We have the opportunity here tonight to do something for Canadians, for historians and for families and it is relatively painless. The passing of Bill S-18 will allow for the immediate release of the 1911 census records, currently in its 94th year with Statistics Canada.

Government Orders

The bill would provide unrestricted access to personal census records after 92 years for each of the census between 1911 and 2001 inclusive. It would also create a new confidentiality clause and in all future censuses Canadians would be asked to decide whether or not they will permit the public to view their records after 92 years from the census date.

If they leave the question unanswered on their form, the information will automatically be kept confidential. Canadians will have an opportunity to change their minds on this issue by applying through Statistics Canada to change their status. This option will be retroactive.

Genealogy is one of the fastest growing hobbies and, in particular, it is enjoyed by seniors who find searching out their family members and past history keeps them busy.

I also want to remind you, Mr. Speaker, that I will be sharing my time with the hon. member for Dufferin—Caledon.

In addition to keeping seniors busy, scholars want access to this data to conduct historical research. There has been extensive lobbying by family historians to have the records released.

I, like my party, support the release of the 1911 census as soon as possible. I support the release of basic tombstone information from Canadian census records from the years 1911 to 2001 inclusive after 92 years. I support the new confidentiality clause outlined in Bill S-18 that would be included at the end of future censuses and would allow Canadians to decide whether or not to make their information public after 92 years.

I believe the government should take all necessary steps to release the 1911 census records once they have been deposited in the National Archives in 2003. I urge all members to support the speedy passage of Bill S-18.

• (1835)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, I am delighted that the member has come on side with us as we try to get this important bill passed and through to the Senate.

I just want to go on record to state that all my constituents, with the exception of perhaps one, for many of the reasons mentioned, the research and finding out about their families, are very enthusiastic about getting this bill through as quickly as possible. I will do whatever I can to help with that, including keeping my remarks short.

The member said that the gas tax money has not flowed yet and I would encourage him to vote for the budget so the government can do that.

I am glad he was complaining that the child care money has not flowed. Some of his colleagues seem to be speaking against the proposal and slowing us down on that issue. I am delighted that he is on side with the child care program, which is Canada's newest social program, so the money can flow as quickly as possible. Hopefully, he will encourage his colleagues to vote for the budget so we have that money flowing as well.

Mr. Larry Miller: Mr. Speaker, I need to point out to my colleague, especially when he takes us a little off the subject and

talks about child care, that the Conservative Party would bring in a plan that would be universal. It would benefit all families. It would not be the one-sided plan that the minister has proposed.

Leaving that aside, I am glad to hear that my colleague is supportive of Bill S-18.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I would like to ask my colleague for his views on Bill S-18, not so much on the content and the merit of the language in Bill S-18, but on the number of the bill, Bill S-18, which indicates that the bill originated in the unelected, unequal other place. Some of us believe that legislation should originate in the elected house of Parliament, the House of Commons, and not in the other place. I would like to know if my colleague shares that view.

Mr. Larry Miller: Mr. Speaker, there is no doubt that my colleague has a point that all things should originate in the House of Commons.

I would like to invite my colleague to join with the Conservative Party, and indeed I extend that invitation to every party in the House, to get an elected Senate. This is something that is long overdue. The Prime Minister had a chance to take some of the elected appointees from Alberta and failed to do so.

I ask my colleague across the way to join with the Conservatives and we will have an elected Senate some day.

• (1840)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, as the hon. member well knows, it is not just the fact that there is no compatibility between the Conservatives and the New Democrats, it is also the fact that the Conservatives' poll numbers are sinking faster than a tugboat with a big leak in it. For those two reasons, I do not think anyone in this corner of the House would be interested in taking up that offer.

With respect to the hon. member's speech, I appreciate the fact that he is supporting Bill S-18 as well. I would like to go a step further because, as has been mentioned in the House by the member for Skeena—Bulkley Valley, we have seen the attempt by the government to contract out crucial confidential census information to American corporations, in this case, Lockheed Martin, an American military contractor.

We in this corner of the House have been fighting tooth and nail to make sure that Canadians' confidential information stays in the public sector in a secure environment where it belongs. Does the hon. member feel the same way?

Under no circumstances should Canadians' confidential census information be contracted out or outsourced the way the Liberal government attempted to do. It should stay in Canadians' hands with our public service and be done in an effective and confidential way so that we can be sure that the information remains in Canada and is not subject to foreign acts like the patriot act in the United States.

Mr. Larry Miller: Mr. Speaker, that is more of the sky is falling by the NDP and a bit of an over-exaggeration.

Government Orders

On the member's first comment, one thing I can say about this side of the House is that there is no way that \$4.6 billion would buy 19 of us. I can tell the hon. member that.

The fears of the NDP about disclosure of statements is purely that the sky is falling and we know that will not happen.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I am privileged to be speaking to Bill S-18, an act to amend the Statistics Act, which was passed by the Senate.

As a member of the access to information, privacy and ethics committee, it is important that I speak to this bill, in particular on its relation to the privacy rights that exist in Canada.

For the most part I am in support of this bill as it currently stands. The bill will allow, as has been said throughout the debate, for the immediate release of the 1911 census records currently in its 94th year with Statistics Canada. It provides unrestricted access to personal census records after 92 years for each of the censuses between 1911 and 2001 inclusive. It will create a new confidentiality clause. Canadians for the first time will be asked to decide whether or not they will permit the public to view their records 92 years after the census date.

I have reviewed the concerns with my colleague in the Senate, Senator Comeau, who has opposed this bill in the Senate. As a member of a committee that has been reviewing privacy legislation, I share his concerns and want to express these concerns today.

I will begin by speaking about the census forms as they currently are written and have been for years. On the census forms themselves is written:

Also by law, Statistics Canada must protect the confidentiality of the personal information you provide. Our employees, including census takers, are personally liable to fines or imprisonment should they fail to protect the confidentiality of your information.

This is signed by the chief statistician. By stating this, the chief statistician is ensuring that the information Canadians provide on census forms will never be released to the public and the privacy of the information given is ultimately protected.

Bill S-18 would amend section 18.1 by allowing for the information in each of the censuses between 1910 and 2005 to be no longer subject to the protection from the public 92 years after the census was taken. Thus, as I have suggested in questions to my colleagues, I foresee a problem with this amendment.

The chief statistician has promised to Canadians on census forms that all data will be protected. Canadians believed that when they were giving this sensitive data that it would be kept confidential and their privacy would be protected. By allowing this part of the amendment to be passed as is, Canadians would see this as a breaking of the promise.

There is also the problem of having census records released after the 92 year mark. Why this magical number? Why 92 years?

In Great Britain, census records are kept confidential for 100 years. In the United States, census records are kept confidential for 72 years. In 1910, I can understand that most Canadians were not living into their nineties, in which case the release of sensitive data would not be a problem. Yet today many are living well into their

nineties and some live to be well over 100 years. I understand why my colleague, Senator Comeau, has had a hard time with allowing information to be released after 92 years when first, those who took part in the census were promised that it would not be released, and second, that many of those who took part in the 1918 census are still alive.

In the Senate Standing Committee on Social Affairs, Science and Technology, both the chief statistician and the Privacy Commissioner spoke to the committee members regarding the bill. It was made clear from the evidence given that neither had a problem with Bill S-18 and that they were both in favour of its quick passage.

When asked by Senator Comeau if a promise made on the census form would be broken by passing this bill, the chief statistician explained that in good conscience, he signed his name to that promise with a full understanding of the law as he understood it and as all his predecessors were advised to understand it at the time. He went further to say that ambiguity existed that they were not aware of at the time.

● (1845)

Without this bill bringing forward the amendment to add section 18.1, there would be a high probability that this case would go before the courts.

The Privacy Commissioner also had an opportunity to speak to this bill before the Senate. The Privacy Commissioner shares in my colleague's concerns with respect to the privacy rights of Canadians, yet she believes there is a series of public issues that outweigh this concern. The commissioner stated:

The legislators at the time did not foresee this, and so all of a sudden we came into this grey area in which, through a series of different legislative initiatives, the issue of what date any ultimate release would be contemplated and the information it would give to Canadians was not addressed.

With regard to the second part of Bill S-18, which allows for Canadians to consent to the release of information 92 years after the census, the Privacy Commissioner feels Canada has gone one step further to ensure the rights of its citizens by giving an option on the census forms to the release of the data. Only if one marks yes to the question will personal information be made public 92 years after the next census, which would be in 2006.

We have undertaken in Canada to ensure that the rights of all Canadians are protected. We have gone even further to guarantee that Canadians enjoy their right to privacy. We have a Privacy Act and a Privacy Commissioner in place to oversee these rights. I understand the Privacy Commissioner approved this bill as is and believes that the privacy rights of all will be protected. It is my belief, however, that this bill, the way it is currently written, goes against the protection of Canadians' privacy by allowing the release of previous census information.

Government Orders

In 1991 an expert panel was convened by the federal government to examine access to historical records. The panel concluded that no perpetual guarantee of confidentiality rested with the census records and that the passage of time diminished concerns about individual privacy. In 2004 a Federal Court ruled the care of control of the 1911 census records rested with the chief statistician.

Thus, there is a range of opinions regarding the legality of confidentiality with respect to census records. Even the Department of Justice has changed its stance on the matter over the last six years. Bill S-18 attempts to find a balance between the public good of releasing records and the private right to confidentiality.

The chief statistician believes this bill strikes an effective balance in ensuring the effective protection of the interests of the three major groups involved in this issue, statisticians, genealogists and historians, and those for whom privacy issues are the primary concern.

I recognize that there has been and will continue to be an intense lobbying effort by genealogists to get this legislation passed quickly. With the 2006 census quickly approaching, Statistics Canada would like to have this bill passed quickly so that it can begin to educate Canadians about their confidentiality options. In addition, the chief statistician will not release the 1911 census records until the bill is passed.

Although I support the release of the 1911 census as soon as possible, I only support the release of the basic tombstone information, such as the name, age and date of birth, from Canadian census records from 1911 to 2001, inclusive, after 92 years. Thus, Bill S-18 would need to be amended to reflect this.

It is also important that both the chief statistician and the Privacy Commissioner appear before the committee that will be examining this bill to further delve into the assurance that those rights of Canadians will ultimately be protected.

I understand the importance for family historians and genealogists to have historical information, but I must also stand up for the privacy rights of those who have taken part in past censuses. When completing the census over the past 100 years, many Canadians were left with the impression that their answers were going to be held by Statistics Canada in absolute confidence, never to be publicly released. This promise must somehow be protected.

With respect to the new confidentiality clause outlined in this bill that will be included in all future censuses allowing Canadians to decide whether or not to make their information public after 92 years, I will support that. I believe, however, that Statistics Canada should review the type of information it collects in both the long and the short form questionnaires. It is important that Canadians not feel forced to disclose information that is of a personal nature that would be embarrassing to a family after 92 years.

• (1850)

[*Translation*]

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I have a question for the hon. member for Dufferin—Caledon.

One of the census questions has to do with ethnic identity, although the government has agreed that the response can be “Canadian”. I think that since the diversity of our country is endlessly expanding, this question is no longer relevant.

For example, my six-month old son is of Chinese, Dutch, English and Scottish descent. To identify him as anything other than Canadian would be absurd.

In light of our diversity, does the hon. member for Dufferin—Caledon think that such racist questions and answers still have their place?

• (1855)

[*English*]

Mr. David Tilson: Mr. Speaker, I will note for the member for Wellington—Halton Hills that I have asked a similar question, as have other colleagues, about the information. I quoted the 1911 census, I believe, and the 2006 proposed census, as the member for Edmonton—Leduc has commented.

I think the Conservative Party takes this position. There is a whole slew of information, whether it be from 1911 or 2006, that I do not think is any of the government's business. The Conservative Party has made it clear that Statistics Canada should review the type of information that it collects in both the long form and short form census questions.

As I said in my comments before the House, Canadians should not be forced to divulge information that is of such a personal nature it would be embarrassing to a citizen or a family not only after 92 years but after one year.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, my colleague from Dufferin—Caledon made an excellent speech. He pointed out some of the sensitivities and some of the competing if not conflicting interests at play as we debate this issue.

I can share with him that since I came here in 1997 we have been bombarded with letters about this very issue. I have probably had more letters about the release of the 1911 census data than I have had about child poverty or other issues of social importance.

The question I want to ask my colleague from Dufferin—Caledon is about the root origins of this particular bill. All of us have expressed an interest in trying to help statisticians, genealogists, historians and so on access this data, but does he not think that it is fundamentally wrong to have the bill originate from the other place, the unelected, unequal Senate, rather than from elected members of Parliament who have the mandate to create legislation?

Government Orders

Mr. David Tilson: Mr. Speaker, I am here to debate the bill. I am not here to debate whether a bill should originate in the House of Commons or the Senate. The fact of the matter is that it is here in the House of Commons and we are debating it. There are pros and cons. I expect that the majority of the members of the House will support the bill. I believe that it should go to committee and some of the items should be looked at.

Whether questions arise in the Senate or in the House of Commons, we are concerned about our genealogy and the history of this country. We want to make sure it is not lost forever. We want accuracy. We want information. People are always trying to find out about themselves personally, about their backgrounds and the backgrounds of their families.

At the same time, we need to protect the privacy of Canadian citizens. This is the balance that my friend has talked about. This issue has been debated over many years. I forget how long he has been here, but it has been a long time, I gather. I understand that, but the bill is here today and we are going to proceed. This bill will carry overwhelmingly. Members from my party support the legislation, with some reservations.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I too am pleased to have the opportunity to speak to this important bill.

It is very interesting to me that we are having this debate about information that is now over 90 years old. People want access to it for historical and research purposes. Are we going to say no? There seems to be a reason why we need to be careful here.

The reason is that there was a promise made.

There are of course those who claim that census data is to be kept in confidence in perpetuity. The researchers tell us that in fact when the census was taken way back in 1911 there was not an explicit promise to keep this information confidential; it was just sort of assumed. Thus, there was not an explicit promise of confidentiality in perpetuity, they say, so therefore the question of whether or not a promise is being broken here is now considered to be but an academic point and it has been answered in the negative: there is not a breach of this promise.

People are interested in this matter. I have found a considerable amount of interest among people, both in my riding and across the country, since this particular issue has been raised a number of times. There has been no indication from people who have contacted me that they have any questions at all about the release of this information. They want it released.

To my knowledge, I have not had a single presentation to my office from people saying we should not release this data. Those who have contacted my office are unanimous in saying that the census information should be released. I do not know whether this is sufficient to persuade us to go in this direction, but it certainly is a strong indication.

I have some thoughts about this. Most people doing this research are doing so in researching their own roots or sometimes the roots of other family members who are related by marriage or whatever. Usually it is their own roots they are discussing.

I find this curious. If I may, I will go off on a little sidebar for a few milliseconds about the strong desire individuals have to know their lineage, their parentage. They want to know who their mothers, fathers and grandparents are and so on up the line. I have actually heard of people who have traced their lineage back 200 years, which is really quite a curiosity.

Our family has not really made that much effort to do this. We could probably go back about 150 years or so and that is about it, but that is because of the fact that family records are available so we do not need to go to any public records in order to find out who our parents, grandparents and great-grandparents, et cetera, were.

What I am going to say in my little sidebar is to say in parenthesis that the other bill which we are now discussing in the House, Bill C-38, talks about the ability for same sex marriages. It is a foregone conclusion that with this would also come the right to have children by technological means. That is one of the implications. In fact, I personally am aware of at least one instance where, with an anonymous gamete donor, an individual has been brought to life.

This young child is only about a year old now, but when he gets older he will in fact perpetually be denied the right to ever know one-half of his genetic roots. He will know his mother's, but he will not know who his father is because that information presumably is not recorded. It was an anonymous donor. There is no information. That has other biological implications, of course, which I think we should be paying attention to. However, here are individuals who will be in perpetuity denied the right to ever know even who their first generation progenitor is or was.

• (1900)

To come back to Bill S-18, I believe very strongly that we should accommodate the needs and the requests of historians and genealogical researchers in order to access this data. I think the information that is available has to do with familial lines and things like date of birth, place of birth, names of parents, et cetera.

That information certainly should not be embarrassing. As a matter of fact, I think most of us are very proud of who our parents and grandparents are. We share a heritage with them because of their personal history and it is very useful to know what that history is.

One of the things that Bill S-18 provides on the form is a little box for people to check and sign. This is quite an interesting thing. Individuals who will be filling in their census forms after this bill is enacted, presuming that it passes, will see a box and this question: "Are you willing to have the release of this information after 92 years?"

I know that 92 years from now I will not care. I will no longer be here to say that someone should not have said this or that about me. As a matter of fact, I would be ready to check it off to release it tomorrow, I think, at least the information that I divulge, because I have nothing to hide at all.

Government Orders

I have told this story before, probably even in this House. When my wife and I lived in a little town of 200 people, one of my friends asked me how I could stand living in that little town where everybody knew what I was doing. I said that I was not going to do anything bad, so people could know what I was doing. For example, I said, "We went to Calgary and so they know. Goodbye". I came back later on the same day or the next day. I am not concerned about that kind of confidentiality.

There is an implication here that one has done something one does not want divulged. The census form would presumably have that information. I do not know what kind of information the census people would be justified in receiving that would cause a person to say, "I will not allow the release of this information". If they are asking questions about something which I do not want released, then I would think the real question should be, "Is our census bureau in this country legitimately asking the right questions?" I think that is a very serious question and an important one.

I have been particularly concerned about this and have had a number of constituents talk to me about it, especially when the last census was taken several years ago. I was concerned about some of the intrusive questions that were asked. People were asked whether the person with whom they were having conjugal relations was of the same gender. There were some people who were quite incensed about that.

They asked what business it was of anybody's. I have to confess that I agree: the government has absolutely no business asking questions of that nature. If the government did not ask that question, then of course there would be no information in the record that would cause the individual to say, "No, I do not want this ever released".

Nowadays I do not know whether people who are in this—

• (1905)

Mr. Greg Thompson: Mr. Speaker, I rise on a point of order. We are on extended hours under orders supported by the government. Obviously there is not a government member in the House. There is no quorum. Please call in the Liberal members.

The Deputy Speaker: I want to remind the hon. member that earlier today we did pass a motion that no quorum calls would be entertained by the Chair during these extended hours for this evening alone. We will not be calling quorum at this time.

Hon. Larry Bagnell: Mr. Speaker, I rise on a point of order. First of all I want to thank the Speaker for that ruling. Second, I was in the chamber. Members cannot comment on members being or not being in the chamber.

The Deputy Speaker: I thank the hon. member for Yukon. There are no quorum calls this evening. That has been established. I hope we will adhere to that.

Mr. Ken Epp: Mr. Speaker, in closing, I will be supporting this bill because I want it to go to committee. I want to ensure that the committee deals with some of the issues that are in front of us. Certain things have been raised and the committee should deal with them.

Certain amendments should be introduced at committee stage, so that we can deal with those issues, correct this legislation, and ensure

that this time we get it right. A hundred years from now citizens of this country will look back and say that Parliament way back in 2005 got it right. I hope that we do that.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I always enjoy listening to my colleague from Edmonton speak. Not only do I find the tone and timbre of his voice very soothing, but I always learn something, and tonight I learned a new word "progenitor". I will have to ask him to explain to me what in fact that is, if he would be so kind, because he left me in the dust on that one.

I would like him to expand a little on the point he made that there was no perpetual guarantee of privacy ever implied to those who fill out census forms, even back in the pre-1911 period. If that was implied and if that was the understanding, which certainly is the concern that has been brought forward, would he not agree that just because a promise is old, it does not mean that it is still not binding, that just because a contract or a treaty or some kind of an agreement is ancient, that it is still binding on the parties?

I would like to know where he gets the information that there was no guarantee of privacy in perpetuity back then. We really do not know what was told to those people pre-1911. Would he agree that if that were the understanding, then it would be something that we would have an obligation to uphold, at least in this House in this modern era?

• (1910)

Mr. Ken Epp: Mr. Speaker, yes, I used the word progenitor. It has to do with genealogy and genesis, I believe. It seems to me that somewhere in the back of my brain that word was kicking around, bouncing around off the walls, and so I just pulled it out and used it. I am going to look it up myself when I get back. I think it is a word, but he has shattered my absolute confidence and so we will be both checking it out in the dictionary later on today.

If we look at the history of the Statistics Act in Canada, my understanding is that the first act was passed by the House of Commons and the Senate and declared into law in 1918. It required that there be some promise of confidentiality. The panel that studied this at the time said, "We are persuaded that a guarantee of perpetual confidentiality was not intended to apply to the census".

That was the conclusion and I am not sure that we should put a lot of weight in that, but it goes back a long way. If that was the impression at the time, then I think that we should not try to rewrite history now. That is my answer to that particular question.

I am also sorry that the hon. member did not ask me about the Senate because it is Bill S-18. As a matter of fact, I would like to strengthen the role of the Senate in this country. It could be a great unifying effort. If we were to have a truly elected Senate and one that was equally apportioned across the country, I think that people in the west and in Atlantic Canada would no longer feel so terribly excluded in this country as they are now with Quebec and Ontario each having 24 senators, all of them being appointed by the party of the day. Those things are offensive in a democratic world and we should work as hard as we can, and arrange things so that we can correct that, as our party has tried to do over the last 12 years.

Government Orders

The Deputy Speaker: I want to assure the hon. member for Edmonton—Sherwood Park that progenitor is a good word. It is not unparliamentary and it means ancestor, so he is right on target.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I want to ask him a question about getting it right because he did identify correctly the challenge fulfilling the need of the right to know of historians and genealogists in terms of tracing our respective family histories and our collective history. There is also the challenge in terms of respecting the personal privacy and the fact that there are some ambiguities that were left in place because of two acts that seemed to be contradictory in certain places in terms of getting this balance right.

I would also like him to comment further on the fact that the bill originated in the Senate. Many people have asked me why it was taking so long to get to this point in debating the bill. Some people suggest that it could be passed in two hours rather than have Parliament do its full work on it. The fact is that the Conservative caucus, one of the legacy parties, introduced a motion in 2000 on this issue. In 2001 we were ready to debate the issues.

We have been waiting for years and it is interesting, as my colleague from New Brunswick pointed out, that the government asked for sitting hours to deal with this piece of legislation. I know I cannot comment on the absence of members in the House, and frankly, if I were to comment on the absence of government members, it would take me too long because I only see one government member over there.

I find it interesting that the government says that we are not actually ready to debate the legislation. The Conservative Party and the NDP are here debating the legislation. I wonder if the member could comment on those issues.

•(1915)

Mr. Ken Epp: Mr. Speaker, I have been in the House now for almost 12 years and I have come to the conclusion that one cannot ever explain the behaviour of Liberals. One day they are hot and one day they are cold. It seems as if they can put through legislation very quickly if they have the heart to do it and if it is something that pleases or benefits themselves.

They invoked closure some 80 times when they had majority governments in order to speed up bills that they really thought were important and should get through. This is one that has all party support. It is quite appropriate for us to say that all members in the House of Commons in this particular case should think about the legislation. I believe that it is very important that this go to committee where hopefully the committee will have some time to deal with it.

The other thing that my colleague mentioned was that the legislation has always died on the order paper. That is because the government has always waited toward the end of a Parliament. I imagine that we are coming close to the end of this one too. Even if this were to go to committee, who knows when the committee would meet and actually report back, and when would it be voted on in the House and actually get passed? Will there be amendments to what the Senate presented? If there are, then we know it has to go back to the Senate for final approval.

This whole process does take time and it is unfortunate that the government always waits until time is running out before it brings in these things. That is a considerable affront to researchers and genealogists who would eagerly like to see this bill passed and the census information released immediately.

Mr. Werner Schmidt (Kelowna—Lake Country, CPC): Mr. Speaker, I want to go through some of the provisions of the proposed legislation. I want to begin with the stated purpose of this legislation. In the summary statement it says:

This enactment removes a legal ambiguity in relation to access to census records made between 1910 and 2005.

I want to deal with that ambiguity. Without getting into the details of the legal interpretation, I would like to draw to the attention of members the instructions given to the enumerators who completed the census questionnaire in 1911. Parenthetically, we should observe that until 1970 enumerators completed the census questionnaire. It was not until 1971 and later that individuals were asked to complete the questionnaire themselves.

Here are the directions that were given to the enumerators to answer anyone who had concerns about the use of the information collected by the enumerator:

Every officer or other person employed in any capacity on census work is required to keep inviolate the secrecy of the information gathered by the enumerators and entered in the schedules or forms. An enumerator is not permitted to show his schedules to any other person...[T]he same obligation of secrecy is imposed to commissioners and other officers or employees of the outside service, as well as upon every officer, clerk or other employee of the Census and Statistics Offices at Ottawa. The facts and statistics of the census may not be used except for statistical compilation, and positive assurance should be given on this point if a fear is entertained by any person that they may be used for taxation or any other object.

This was assented to by the governor in council and published in the *Canada Gazette* on April 22, 1911. There does not appear to be any ambiguity in these instructions. The fact that lawyers and justices can and do quibble about whether or not there is ambiguity in these instructions is irrelevant, or at least it was irrelevant to the person responding to the enumerator's questions.

There are those who would argue that was then and this is now. Suppose we let that stand for a moment. Let us see whether the matter is ambiguous in the instructions given to individuals who completed the census questionnaire on their own without the intervention of an enumerator. The year 1971 was the first year that this was done. The instructions at the opening of that questionnaire are as follows:

The same Act guarantees that information you provided about yourself in the census questionnaire will be kept secret and used only to produce statistics. It ensures that no one will know what answers you gave except for DBS employees and they are subject to legal penalties if they disclose personal census information to anyone else. No other individual and no other government department is permitted access to your census questionnaire.

There does not appear to be any ambiguity here either. A census was conducted in 1986. When questionnaires were completed by individuals in that year, the instructions were:

Only persons sworn to secrecy under the Statistics Act will have access to your completed questionnaire. Information derived from this questionnaire will be treated in accordance with the confidentiality provisions of the Act. Persons who have been sworn to secrecy under the Act are subject to prosecution if they violate these provisions.

Government Orders

Five years later in 1991 another census was taken. On that form the instructions were “Your answers will be kept strictly confidential”.

Members will notice the number of words used to guarantee confidentiality have changed and become much shorter. Although the wording changed there does not appear to be any ambiguity as to the confidentiality of the information collected. Therefore, it seems perfectly clear to me that the information collected was to be held in confidence. Since there was no indication about a time limitation about the confidentiality, it can safely be concluded that it would continue in perpetuity.

● (1920)

If there is no ambiguity, there should be no debate about the proposed legislation, but there is. Someone or a group of persons want access to the information and if such persons can persuade the government to change the legislation, the provisions for confidentiality no longer exist.

It took some digging, but I found a copy of the 1911 questionnaire that was read to the enumerators for people who were completing the questionnaire. I want to refer only to one particular section that has to do with infirmities. The name of the person appears at the top, along with the age, address and so on. Then it says, “Specify when this infirmity appeared: 1. blind; 2. deaf and dumb; 3. crazy or lunatic; 4. idiotic or silly”. This is on the form. This is the information, if this bill passes in its present form, that will be released to the general public.

I want to commend the hon. member who preceded me who said that there was a need for historians to know information. Without having been assured that this information will be treated with confidentiality, do I as an individual want that information to be released without any question whatsoever? I do not think so.

I know my hon. member said that 92 years from now it would not make any difference because the member would not be around. It is true I will not be, but what about the people who succeed me? Do I want the rest of the world to know this about an ancestor I may have had?

I happen to be very proud of my ancestors. They were good people. They were industrialist people who were persecuted for the things they believed. They were persecuted because they were entrepreneurs. They knew what Stalin did.

My hon. colleague mentioned earlier that there were certain types of questions that were asked, such as ethnic origin. He said that could become a discriminatory, racist kind of comment, and it could. The use of this information could be very helpful but it might also be misused.

However, that is not my major concern with the legislation. What is my concern is that it will take away the assurance of the confidentiality that was given to these people. They were promised that their information would be treated with confidence and would be kept secret.

That brings me to the point that the legislation introduces the principle of retroactivity. We have legislation in 2005 that is supposed to apply to a law that was passed in 1910 and a census

collected under that legislation. In other words, this kind of legislation means that something that was illegal, which is to divulge information, is no longer illegal. It is now legal to release information that was confidential. It was illegal to do it then, but with retroactive legislation, it suddenly becomes legal. That does violence to my sense of justice.

To accede to such action is to deny the assurance of safety and certainty of legislation, the basis on which persons plan their futures, make investments and provide for their families. There is absolutely no stability in a government that operates on the basis of caprice and variation of its legislation.

It is not that much different than a country that invites certain companies to make huge investments, or to drill for oil and gas or to build factories. The government suddenly says to the companies that they will build the factory and they will be subject to taxes and licensing requirements. In turn the companies say that this is fine, that they can live with that. They will pay their taxes and they will pay at a certain rate.

Lo and behold, the companies establish themselves, they recognize their cash investments, they recover the investment and begin to show profits. The next thing they know, the government looks at this and says that they are making too much money. The government changes the law and charges them for the money they are making in our country.

● (1925)

Why would anybody want to invest in a country that has that kind of attitude? I do not think that is consistent and I do not like that principle.

In the 2006 census, the persons completing the census would have a choice. I agree with that portion of the bill. In question number 53, the individual is asked, “Do you wish this information to be released 92 years from now?”. The person can answer yes or no. However, there is another complication in section 53. I want to read that question. It states:

The following question is for all persons who usually live here including those less than 15 year old. If you are answering on behalf of other people, please consult each person.

My question is, how does one consult with a two-year-old, for example, about the question? Why is this an issue? Let us read question 53. This was approved and gazetted on April 16. The question is:

Does this person agree to make his/her 2006 Census information available for public release in 2098 (92 years after the census)?

Yes

No

How could a responsible person who is completing a questionnaire on behalf of a child, commit a child, who does not understand the nature of the implication of such a question, to a position many years in the future? To me that is pretty serious. Personally, I do not believe anyone should be able to commit anyone else, especially a child, to such a position.

Government Orders

In conclusion, therefore, I find it very difficult to support this bill in its present form. I will introduce an amendment to the bill when it appears before the committee. The amendment that I will propose has something to do with an item that was mentioned by my hon. colleague from Edmonton—Leduc. He indicated clearly that some of the information found on tombstones was legitimate and I agree with that. Some of the other information, one example of which I read into the record just a moment ago, should be deleted. The amendment will be proposed to the committee to that end.

Primarily, my objection lies with the retroactive provision in the legislation. Unless there are incontrovertible reasons why retroactivity must take place to preserve the life or some other special situation of a person or group, retroactive legislation should not be passed in the House.

• (1930)

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, I listened with great interest to my colleague and with some disappointment.

It seems to me that not just a modern state but even states past, because our censuses go back a long time, for better or for worse depend on statistics, and I suspect generally for better. Statistics Canada is not only renowned in this country, but renowned around the world for its role in the design of censuses, in the design of other collections of information and in the confidentiality which is associated with our censuses.

My colleague read out the different instructions from different censuses. He read out from the major censuses and the partial censuses as though they were both the same, which they are not. Every 10 years we have the major census and in between we have the minor censuses which are administered in a very different way.

The member made the point that they are different over time, and so they absolutely should be. Every time there is a full census or a partial census, there should be discussion of the design of the census, of the questions that are asked and of the nature of the confidentiality for a particular question or whatever it is.

Decades ago one might have been asked, "Were you ever a slave or were any of your family slaves?" I must confess if my family were slaves, I would be rather proud of the fact that I am standing here today as a non-slave. On the other hand, I think for the nation at that time to have that information was very important. People from slave families had particular needs or perhaps particular demographics. Maybe they were getting older or maybe there were young people coming up and because of the stigma associated at that time with their family having been slaves, this was a serious problem.

I would have thought the common denominator over a long period of time is that the design of the censuses should change and that this House should be involved in that. Statistics Canada should be as transparent as possible with that and the nature of confidentiality of key questions should always be discussed.

A really good example of the value of censuses is the fact that the Canada pension plan at the present time is the only pension plan in the world which is demographically sound. The plan is good for the next 40 years.

My question to my colleague is this. In the modern era what are we talking about? Not only have the questions changed over time, and so they should, but the way the information is processed has changed. It is collected differently and it is processed differently. Does he not believe this should be the common denominator and every census should be as up to date as possible in that sense?

Mr. Werner Schmidt: Mr. Speaker, the answer is yes. However, that is not the issue. At no point in my speech did the hon. member hear me make a criticism of the points he made. What I was criticizing, and will continue to criticize, was the retroactivity of this legislation in the face of a guaranteed confidentiality and secrecy given to the information.

The information collected today is different from one section to another is true. A lot of it is used for planning. The government uses it to plan for educational programs, for agricultural programs and for other programs.

For example, I notice that special census forms are put together for farmers and that is done for planning purposes. The interesting thing is the farmer who completes that information today can say that he wants the information released 92 years from now or not. Should the government have access to that information now? Yes. Are the instructions clear that this shall be used for government planning purposes? Absolutely.

What is not clear is this information was to be held in secrecy and confidence and the legislation destroys that. I object to that.

• (1935)

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I want to continue with the question to which the hon. member for Peterborough had been pointing us. It is a very important subject.

My familiarity with this issue is one that is connected very strongly with my constituents. I know the hon. member has received perhaps hundreds, perhaps even thousands of petitions citing the interest of his constituents.

Has the hon. member taken the time to perhaps plumb the expertise of his constituents and those who have discussed this matter with him to ascertain whether there is anybody who would not support the legislation? Has he encountered large numbers of people protesting in his riding?

I understand the point he is making. I think the support for this bill is almost universal. People have taken a very strong interest in the issue, not just demographers but those in the past for very good reasons. I find it very difficult to accept that members of Parliament are taking a position which may be very much diametrically opposed to the intentions of their own constituents. Could the hon. member could enlighten the House as to what his constituents are saying of this bill?

Mr. Werner Schmidt: Mr. Speaker, I would be happy to respond to that. If there was ever a group of constituents who like honesty and stability and who want to feel secure in the legislation, it is the constituents in Kelowna—Lake Country. They would like to believe that a promise made is a promise kept and they believe that this legislation denies the promise that was earlier given to these people.

Government Orders

There is a group of people who want genealogical records and we want to give them those genealogical records but we do not need to release everything that is in here and that is precisely what my amendment to the committee is going to be. We should not have a omnibus type of release that allows this to take place. It would be selective information that is released, information that is readily available on tombstones for example, there is no problem with that whatsoever. That should be released.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank my colleague from Kelowna—Lake Country for raising an issue that I have not heard before and which, frankly, gives much cause for concern and has actually changed the way in which I am viewing the legislation. The idea of introducing a precedent of retroactivity, passing legislation retroactively, would be worrisome to me to the point where it would trump the benefits that we have heard touted about the bill today.

I would like the member to expand on what leads him to believe that this could have the effect of retroactively changing laws. Perhaps to simplify it, this retroactivity would be like changing the speed limit and passing out speeding tickets for people who drove that stretch of road last week under the speed limit as it was at the time. Could he expand on this fear that we may be establishing a precedent of changing legislation retroactively?

Mr. Werner Schmidt: Mr. Speaker, I certainly hope it would not set a precedent but I know enough about how things operate in the judicial system and in the House that someone, 5 or 10 years from now, would come into the House and say, "Remember when in 2005 we passed retroactive legislation and it is now enforced". I do not like that kind of precedence and, in fact, I oppose it.

The example the hon. member used about retroactively fining someone who broke the speed limit, that is a possibility but I do not think it is very realistic. However the example I gave in my speech had to do with changing the licensing requirements or changing the taxation with regard to a particular industry that was given the assurance that these were the conditions that would be provided as it does business.

I am sure the hon. member for Winnipeg Centre knows only too well that when a lease is struck for a particular building, a piece of land or commercial enterprise very often if one knows that inflation is going to take place, then there is an escalator clause so adjustments can be made. However this should be told in advance rather than retroactively by saying that these were the conditions but, guess what, we do not like them any more.

That is a very bad precedent and a bad example to set. We should amend the legislation in such a way that we can preserve the sensitive information but, at the same time, meet the intent and the purpose of some of the historians that they want to meet.

• (1940)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, on behalf of the NDP caucus and the people of the riding of Winnipeg Centre, I am pleased to enter into the debate on Bill S-18 dealing with the census information.

Before I begin my presentation tonight, I would like to expand a little bit on what my colleague from Kelowna—Lake Country was talking about. I am of the same view as he. Just because an

agreement is 100 years old does not mean it is stale-dated. It does not have an expiry date unless such expiry date was freely spoken to at the time or was entered into the original deal. The analogy we could use is the government's treatment of first nation's treaties. Just because they are 150 years old and just because they contain language that we have a hard time accepting today, or some people do, does not mean that they had some kind of expiry date or sunset clause, unless there actually was a sunset clause.

I am concerned as we enter into the debate. It is a good graphic illustration of the advantage and the benefit of reasonable debate in the tone that we have seen tonight and it gives us pause to reflect on the complexity of what we are being asked to do here today. What would seem like a pretty simple and straightforward issue is anything but that.

I, for one, have had hundreds of representations to my office in the form of faxes, phone calls and petitions tabled with me from people who can see no good reason that they should not have access to all of that information from the census data prior to 1911, or at least in that grey area of 1901 to 1911.

However when we look at the competing interests here, the legitimate interests of historians, statisticians and genealogists, whether people are doing it as a hobby or as a career, their legitimate interests in knowing this information is compared with the absolute right to privacy that we uphold to the very end of our being in the House of Commons. It is a conflict. It is a tension between two competing interests that cannot be viewed lightly.

Looking at this issue in the larger sense, I would ask, first, for my colleagues to consider and to pass judgment on whether or not it is appropriate that the bill should be coming from the other place. I feel strongly that were there the political will, it is almost abrogating our obligations, our duties and our responsibilities to have not dealt with this issue in the House of Commons from the House of Commons.

The government could have introduced the legislation through the House of Commons rather than through the Senate but it chose not to. This is fundamentally wrong for a number of reasons, not the least of which the Senate is not an elected body. We are the elected legislators and lawmakers and the federal jurisdiction in the House of Commons. I just wanted to preface my remarks with that one observation and criticism. It should be originating here. It should be a bill that begins with "C" for Commons, not "S" for Senate.

Much has been made of the idea of whether or not a promise was made. Was there a guarantee in perpetuity of privacy? I find it hard to believe that was not at least frequently promised to people given the people the Government of Canada statisticians were enumerating.

Government Orders

I try to think of the context of 1901 to 1911 in the prairie provinces where I come from. One million immigrants arrived at the train station at the corner of Portage and Main to begin a new life. I believe that was in 1906 alone. My numbers could be off but we will recognize a massive influx of immigrants, many seeking refuge from persecution in parts of the world where people's privacy was not guaranteed and information was used against them. Many of these people would probably be reluctant to have an official from the government in their new-found country asking very personal questions about them, their background and their history

● (1945)

I would imagine that to get the information we needed to plan the opening of the west, I think government had a right to know who was who, where they were going and their background but one can imagine the reluctance of people to be forthcoming with that information. One can also imagine the guarantees or the promises made to these new Canadians, these immigrants, that they should not worry, that they could trust the government and that any information they gave would be confidential, private and for government use only.

In other words, I can imagine a scenario where those promises were made at pier 21 in Halifax, at the train station at Portage and Main or in Edmonton, whatever the dropping off point was, where individual enumerators, which is what they were called at that time, would ask these questions and then commit, at least sometimes, that the information would be forever secret.

Now that is a contract that we are entering into and we have to be cautious when we break faith with people. At the very least, it would be a breach of trust if not an absolute breaking of a formal contract. Any contract, treaty, compact or agreement, as I say, is in fact binding and time does not wear that down or change it.

My house was built in 1911. I would like to think if I owned that house for another 50 years that nothing would happen to my title on that house, that it would not expire and somebody would not view that as something that is expendable.

It is a commitment we make and the promise kept, I would think.

The bill has many complexities. It is intended to deal with the census after the one conducted in 1911 and it proposes two things. First, it proposes that the records from census between 1911 and 2001 be released after 92 years. Second, it proposes that records from the 2006 census onward be released if the individual confirms on the census form that his or her personal census information can be made publicly available after 92 years.

That is what the legislation seeks to achieve but some of us still have some fundamental problems with the way Statistics Canada and the Liberal government have been managing census taking in its larger context.

First, I am uncomfortable with the very recent idea that the Government of Canada would contract the record keeping out to an outside third party, and not just any outside third party but the leading American military contractor in the United States, Lockheed Martin, which would be in possession of our confidential census data.

If we are talking about the right to privacy of people from 1901 to 1911, let us think about that in the context of the right to privacy of Canadians who sent us here a lot more recently than that, like last year. Their personal private information would be in the hands of an American firm subject to the patriot act in the United States, where it is more or less like martial law, where one's confidentiality and privacy is non-existent. This concerns me very much and, frankly, any legislation to amend the census legislation and the statistical gathering from the Liberal government concerns me if its commitment to our privacy is so cavalier and shallow that it would risk our personal information being held by an American corporation subject to the patriot act. That is not defending the interests of Canadians very aggressively. I speak to this with an added concern coming from Manitoba.

The Conservative government in Manitoba in the 1990s thought it would be a cost efficient measure to contract out the gathering and the database of the Manitoba health insurance. It believed that it would be a cost efficient measure if it contracted out all my confidential medical records. Well, it did, and a new firm was created and it built a big office building downtown.

● (1950)

Then, because this was the era of corporate mergers, this data collection agency that held all of our confidential health records was sold to an American company, which promptly moved our Manitoba health records to Dallas, Texas. Now, all of my confidential medical information and that of my family and everybody in the province of Manitoba is located and stockpiled in Dallas, Texas, again subject to this patriot act, whereby the confidentiality of Canada's most private information may in fact be compromised and breached.

That is a concern. I would have thought that the current Liberal government of the day would have learned a lesson from what happened in Manitoba. We do not want our confidential information subject to the patriot act and we should be actively taking steps to avoid that. I am a little suspicious when the current Liberal government tells us that "we are in charge of the census and we are here to help", and when it tells us that it is here to protect us by moving this amendment to the way it gathers statistics and census information, if it is going to subject us to this risk of having our privacy compromised.

I want to speak a little more on the range of options that have been put forward today. We have heard some very good ideas. I think some of them are being aired here for the first time publicly by those who seek to amend this bill. We do not seek to slow down this legislation, but I too am a little suspicious about the lack of priority this bill has been given by the government. I am wondering how committed the government is to solving this longstanding problem we have if it keeps introducing the bill at a stage of Parliament where it consistently dies on the order paper.

Government Orders

Were there the political will to really see this bill through to fruition and royal assent, one would have thought the government of the day would have introduced it a little earlier in this Parliament. Some of us have pretty good reason to believe that when we leave here on June 23 or thereabouts we will not be coming back. An election will be triggered or called sometime prior to the Gomery report being tabled. We might not get a chance to ever deal with this bill at committee. We certainly might never get a chance to get it to third reading or report stage in the House, because the legislative agenda is chock full of things that the government is prioritizing to try to force through whether that is Bill C-38 or the budget bills.

For all that the Liberal government is trying to garner some support by paying lip service to this complicated and thorny issue, it does not seem to me that there is a legitimate commitment to seeing this bill pass the stages necessary to actually give any satisfaction to the statisticians, the genealogists and the historians. It makes me wonder. I guess I could be convinced otherwise, but somebody would have to show me some evidence that there is a legitimate commitment to this bill being passed.

We can look at other jurisdictions. I often find it helpful and useful to look at other jurisdictions that have dealt with a similar problem. I note that in the 2001 Australian census of population and housing about 50% of the respondents chose to have their information released in the future. If in fact this bill were to go through, from 2006 on there would be an optional nature to this. We could check a box and say that we do not mind if 92 years from now some historian wants to look at our personal information. About half of Australians agreed to that. On a similar question in New Zealand, about 60% of the population there indicated on their forms that their information could be released after 100 years.

That gives us an indication of other Commonwealth countries. I think we would probably find about the same reaction here were we to test Canadians. It will be interesting to see what the result will be.

I was here in January of 2003 when the Government of Canada announced that it would need to clarify the Statistics Act to resolve this issue and it released the 1906 special census records.

The 1906 census was taken only in Manitoba, Saskatchewan and Alberta, I think because of the massive influx of immigration to those provinces in that particular year. I do not have the information here, but if memory serves me that was one of the peak years for the great land rush to open the west. The advertisements went out all over Europe, including eastern Europe, to attract settlement and to open up the west.

• (1955)

As I referred to earlier, most members of Parliament were getting deluged with representations at their offices. It is significant to note that in January 2003, in partial response to the overwhelming interest that had been indicated, only very limited information was released. It is called tombstone information: name, age, address, sex, marital status and origin. There was none of the sensitive information that people may be concerned about, not like our personal medical records, those records of mine in Dallas, Texas.

I think we have found that this was not enough to satisfy most of the researchers, who found themselves without the information they needed. They were still left with great gaps in the history.

With that many people arriving in the prairie provinces that year, we can imagine the number of current residents in the prairie provinces whose lineage and genealogy are interrupted. There is a big gap. They do not really know exactly, I suppose, by census data at least, where their family tree went. They can trace it back easily to that point, but then there is a great interruption. That is what is giving a lot of Canadians cause for concern. There is a legitimate thirst for that knowledge for all of us.

It goes beyond curiosity. When one's people fled persecution in other countries and sought refuge here in Canada, that was a traumatic event in the history of one's family. There is a legitimate appetite for that kind of information. I have heard that since the advent of the Internet, genealogy is one of the fastest growing hobbies, so to speak. People really like being able to do it and obtain that knowledge.

When Bill S-18 makes the censuses after 1911 available after 92 years, it will take an active, informed part in deciding the use of one's own personal information. My point is that Canadians will be taking an active and informed part, because we all have the right to decide for ourselves if our information should be made publicly available in the future. It is a decision. It is a choice we are going to have to make. I will have to give it some thought myself. I do not think I will simply automatically check that box. The erosion of privacy rights is of some concern to me.

The point I would like to end with is that because Canada is a land of immigrants, perhaps our appetite for knowing our history, who we were and where we came from, is even more acute than in other countries where it is not so much the case. In the prairie region, I think it is even more interesting to those of us whose ancestors go back to this great influx, this last great frontier where the massive settlement drives took place.

On behalf of those people in the riding of Winnipeg Centre who want that information and who thirst for that information, I hope that we in the House of Commons can see fit to find a way to balance those competing interests and let that information be accessible. That is my hope. If reasonable heads prevail, and there does appear to be a fair amount of goodwill in the room tonight, so very ably chaired, there is optimism for progress on this contentious issue.

• (2000)

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I listened quite closely to the member for Winnipeg Centre, as I always do when he is speaking in the House. I was glad to hear how he finished off his comments, because for quite a while I was not really sure if he was willing to support this legislation or not.

I understand the member's longstanding debate about the Senate, but I take some slight exception to that. Legislation coming from the Senate is certainly worthy of debate in this place. It is not the Senate's fault that it sends legislation to us; it is the government's fault. This legislation should have been tabled a long time ago. I would like a little more explanation of that.

Government Orders

I would like to give the hon. member an example. Let us look at the 1831 census in Nova Scotia and the Church map. Mr. Church, who actually did the census and drew the maps of the area at the same time, would hire an individual, quite often a young child who knew the neighbourhood and knew all the individuals. They would go by horse and wagon in those days and actually name off all the individual houses, draw them on the map and put down their census information. That has been a great source of information for genealogists in Nova Scotia and of course for the rest of the country as well.

But why on earth would we worry about the 1911 census or the 1901 census? What information is in there? What difference is it going to make 100 years after the fact for someone to be able to look up their personal family information, how many children were in the family and what the resources were?

I realize the census is more complicated today and there is a bit more information, but once we are dead and gone it really is not going to make that much difference to us, so surely we can amend this legislation. Surely we can support it. I agree with the fact that the government has not done its job, but it does not mean that this information should not be passed.

Mr. Pat Martin: Mr. Speaker, I certainly share the frustration of my colleague from Nova Scotia on that point. When I was first elected I was less sensitive to the issue, because I was already being inundated by people who were very concerned about the 1911 census. Like him, I was confused about why this was such a burning issue when there were social issues of basic needs not being met and cutbacks to social programs. I was wondering what would encourage people to write to their members of Parliament with such enthusiasm over something as seemingly insignificant as the 1911 census.

The fact is that some of these are fundamental points of natural justice. They were raised by some of the member's own colleagues in the Conservative Party. Just because a contract or a commitment made is now 100 years old does not mean that it has a shelf life, that it is stale dated and does not have to be honoured. If these guarantees were made in perpetuity, can we now retroactively change them just because it is 92 years later?

My colleague should know that censuses taken after 1901 did contain statutory provisions of confidentiality. In collecting the information it is likely the enumerators probably did, at least in some cases, guarantee confidentiality in perpetuity. These are trusts. It is a breach of trust to violate a commitment of that nature just because it is 100 years later.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I hear the hon. member for Winnipeg Centre and I just heard the member for South Shore—St. Margaret's in Nova Scotia. I am quite astounded that during a period of time in which this nation saw one of its greatest growth periods we would allow information on that census to simply be otherwise destroyed and committed to the ash heap for perpetuity.

The importance of families, of understanding our nation and of being able to provide information about where our family comes from is so vital to so many in this country. I know that it is not just a question of genealogists who have been asking for this, but it is clear to me that they have spent a considerable amount of their time trying

to encourage members of Parliament to look at the significance. Once we allow this information to be destroyed, it will be destroyed forever.

I think we have to look at the greater purpose for the census in that period of time. To me, it seems important. It would be counter-intuitive to our nation to take so much valuable information and simply render it useless or remove it simply because we are holding fast to an idea of confidentiality for which, realistically, there can be no application since no one from that period of time, with very limited exceptions, is alive today.

Considering that there may be people within the hon. member's riding who want this, as well as people right across the country and the numbers of people we have heard from, would he not agree that the interest of this generation in understanding a little more about our past supersedes the somewhat technical question about whether or not there is a question of confidentiality?

• (2005)

Mr. Pat Martin: Mr. Speaker, I do not think this lessens the duty and obligation of the government one bit. The way my colleague phrases it, he seems to imply that this information is wasted because no one may use it. That is not the point.

The Government of Canada may have access to it and use it for its own actuarial assumptions, or even historical tracking of growth periods or ethnic diversity. The point is should it be made public, should it be open to anyone who wishes to see it?

The information is not wasted. The information is not lost. It exists for the exclusive use of the government of the day. The question remains, should that information from 1901 to 1911 be released when it did contain statutory provisions of confidentiality? The enumerators of the day told people that it was confidential information. They were dealing with people from areas of the world who may have been reluctant to share that information because they had fled from persecution and had a distrust of government, a healthy and warranted distrust of government, I might add. They were guaranteed confidentiality and in some cases in perpetuity.

Do we want to turn our backs on that just because the promise is 100 years old?

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, first of all there have been some remarks in passing disparaging Statistics Canada. My first question to my colleague is, does he not agree that Statistics Canada is arguably the best such organization in the whole world? I mean that in all seriousness and in the confidentiality legislation, the way that it prepares for each census.

Mr. Speaker, you and I have been here for some time. I can honestly say I have received certainly hundreds if not thousands of missives on this matter from my riding. I have presented petitions on this matter from my riding. Never once has anyone contacted me with respect to not releasing this information. I understand the theoretical argument about the confidentiality, but I never have.

Government Orders

My second question for the member is, what sort of proportion has the responses been that he has received? I have never received a missive in the eight years that we have been trying to get this legislation through. I have not received anything from anyone who did not want this information released.

Mr. Pat Martin: Mr. Speaker, I certainly share my admiration for the statisticians at Statistics Canada for the work that they do and their reputation internationally.

I wish I could ask a question of my colleague, because it boggles my mind why the government wishes to contract out the important work of the data information side of Statistics Canada to Lockheed Martin, an American military merchant of death, we might call it. That is what we call it in the peace movement. Why would Lockheed Martin be in charge of our census data? If my colleague has such great confidence in his own bureaucracy and the good work it does, why is there this urge to privatize and contract that work out, especially when it makes that information liable to access by the patriot act in the United States?

• (2010)

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, as many know, this year Saskatchewan and Alberta are celebrating their centennial as provinces. There have been and continue to be numerous events to mark this occasion. It is a time when residents of these two provinces take time to pause and reflect on the past 100 years of struggle, survival and prosperity.

At the dawn of the 20th century a great multitude of immigrants flooded into western Canada in a period which was later dubbed the Laurier boom. Outposts which once stood sparsely populated were transformed into bustling, vibrant cities. My home city of Saskatoon saw its population swell from barely over 100 in 1901 to an astonishing 12,000 a mere decade later.

We look at those early settlers who abandoned all they had known and ventured into the great unknown with a dream of a better life, those first players in the extraordinary epic of hope that is the story of these two great provinces, and we salute them. Who were these pioneers? Who were these women and men who pushed endurance and stubbornness past all limits of reason to build the cities, towns and villages of Saskatchewan and Alberta? What are their stories?

Regrettably, until a few years ago those questions could not be fully answered because of the federal government's steadfast refusal to release the 1906 special western census. In June 1906 then Prime Minister Wilfrid Laurier, sensing the phenomenal growth of western Canada was bringing with it a new, distinctive society, took the unprecedented step of commissioning a special census exclusively of the population and agriculture of the western provinces.

For many years access to this information was restricted from the general public. The government argued that the 1906 census was completed under the assumption that information given would remain confidential in perpetuity, and that this commitment should be honoured. Many responded to this line of reasoning by asking a simple question: Would we not be breaking an even greater commitment if we did not let the complete stories of those early settlers be told?

Most reasonable people, taking into account the decades that have passed and the immense historical significance of the information within it, were inclined to support the release of the 1906 census data. A few years ago the federal government relented and permitted the release of the 1906 special western Canada census.

People like Bill Waiser, a history professor at the University of Saskatchewan and a board member of Canada's National History Society, have used this information to discover more about the histories of the families that settled and built our province. Mr. Waiser remarked shortly following the release that it was "a wonderful bonanza. I can go look at the 1906 special western census and highlight a few individuals from different parts of the province and make them part of our story".

That brings us to the issue we are here today to debate, Bill S-18, an act to amend the Statistics Act.

This legislation centres around those very same issues that surrounded the debate on the release of the 1906 western Canada census. Bill S-18 will permit unrestricted access to personal census records after 92 years for each of the censuses between 1911 and 2001, and as a result, authorize the immediate release of the 1911 census records.

Moreover, Bill S-18 will mandate the inclusion of a confidentiality clause in all future censuses. This will require all Canadians to be asked directly if they consent to the public release of their personal records after 92 years. If they do not expressly consent to the release, the information will remain confidential. Furthermore, should a citizen change his or her mind on the issue, the option of applying to Statistics Canada to change his or her status will be made available.

This might appear on the surface to be a very straightforward issue, and indeed portions like those dealing with the inclusion of a confidentiality clause are. But other portions, like those dealing with the release of earlier census data, have brought forward a clash between competing values comparable to the debate surrounding the release of the 1906 census data.

On one hand we have those who argue that releasing such information would violate the privacy rights of those who completed the survey. This line of reasoning suggests the principle of confidentiality, implicit or explicit as it was during the time of the census survey, trumps all other considerations.

• (2015)

Underlining this viewpoint is a genuine concern for the privacy of those affected Canadians who submitted to giving personal information in a census because it was a government sanctioned survey which they believed would never be released to the general public. In other words, it was a promise of perpetual confidentiality. Indeed, even today the vast majority of participants in a census would likely consider their information to be protected and would strenuously object to their responses being released without their clear consent.

Government Orders

Moreover, with regard to many of the past censuses, such as that of 1911, it is not possible to contact the participants and seek their approval for the release of information at present or at a later date. Accordingly, proponents of this argument recommend we pursue a course of action that protects the confidentiality of the respondents and restrict access to the census data.

On the other hand, we have those who submit that releasing this information is necessary to our country. Much like the successful argument for the release of the 1906 census data, they argue that this information should be available to the public in order for Canadians to construct a better picture of their collective past. For aside from simply showing information on selected individual Canadians, it is argued that censuses in their entirety reveal the social history of our country.

Canada's genealogists, historians, archivists and family historians have repeatedly urged this House to take action and allow greater access to census records. The lack of access to these records has especially frustrated the efforts of numerous Canadian families trying to piece together their own personal family histories.

Without access to the invaluable information provided by census records, many Canadians may be robbed of ever discovering the complete stories of their ancestry, depriving not only themselves, but also future generations of family information.

Mr. Speaker, I failed to tell you that I am sharing my time with the member for Saskatoon—Humboldt.

This line of reasoning also suggests that privacy concerns of respondents are lessened with the passage of time. This assertion is supported by the conclusions of an expert panel convened by the federal government in the early 1990s.

The panel concluded that the perspective that the release of historical census information, even after 92 years, violates the fundamental principles of personal privacy is at odds with the view that the passage of time or death of an individual diminishes the privacy rights of that person, a view that is also enshrined in the Privacy Act. The commitment to confidentiality of census data was not intended to last indefinitely. The panel's view is that the passage of 92 years is sufficient time to allay concerns regarding individual privacy.

Bill S-18 attempts to find a balance between these two lines of reasoning and seeks a compromise between these conflicting interests. While it would release data from previous censuses to the public, it would ensure that Canadians had the opportunity to control the release of their personal information in the future.

Canada will join other jurisdictions such as the United States and the United Kingdom in providing access to historical census records in a manner that is respectful of the privacy rights of its citizens. Consequently, I am inclined to support this legislation and have it go to committee for some serious review of privacy concerns.

I note that this legislation and the compromise it seeks is not only supported by Canada's chief statistician, Ivan Fellegi, but also by the Canada Census Committee, the Canadian Historical Association and the Association of Canadian Archivists.

Considering the 2006 census is quickly approaching, I would urge that this legislation be passed in order to allow Statistics Canada sufficient time to communicate to Canadians of their confidentiality options under which the next census will be taken.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, it is rather interesting, with all the talk of an election and the tension around it, that this bill should come up at this time. This bill was one of the first issues that came before me when I was running as a candidate in the last federal election. I had just been nominated and I do not believe the election had even been called yet. Yet lobbyists for this legislation in its old incarnation were out beginning to lobby and trying to push and influence candidates in order to get their views on the record.

I must admit that at that time I knew absolutely nothing about the issue. I had never really considered it and never really thought about it, but it proved to be one of my best learning experiences and it continues to be one of my best learning experiences. It taught me that it is often these seemingly little things that are the most important to voters and to electors. I know I am not the only member of this House who has had intense lobbying on this issue.

In many ways this is the first issue I began to deal with on which I did not have strong preconceived views, having run and, as we all have, staked out our respective party positions prior to getting involved even in our nominations.

That also goes a little to the nature of the bill, having listened to the debate from all sides here tonight, that the concerns seem to be cross-party. They do not seem to be historical or ideological disputes. It was interesting to listen to some of my colleagues from the NDP saying things very similar to the things that I will say later and things that my fellow Conservatives have also said.

However, it is very important that I put on the record my views here for a variety of reasons. This bill will be coming to the industry committee, assuming of course it passes second reading in the House. We want to have a thorough and thoughtful review of the legislation in committee and invite witnesses who will help us understand it better and make proper adjustments, amendments, et cetera.

This has been one of those debates where we have really started to learn the history of the legislation with a little interaction among members. I had not thought of some of the concerns brought up by previous members. This debate has actually been helpful in formulating my own response to the bill, both how I will deal with it here in the House and later on in committee.

I want to lay out some of the ideas and questions I have on this bill before we take it to committee, so that witnesses and interested parties could begin to interact and answer those questions prior to coming to committee. I want to go through what I see as both for and against this legislation. Unlike many other pieces of legislation that have come before the House, I am not 100% for it or 100% against. How I will vote at third reading will depend in general on what comes out of committee. Let me state some of the reasons why I intend to vote for this bill at second reading.

Government Orders

However, I want to run through a few of the things and raise them as questions for people to answer in the future. These include some of the problems and some of the advantages of this legislation that we may have to deal with and that need to be answered very possibly through amendments.

The most severe concern I have is that this legislation could cause adverse future reactions. We all know that the dead cannot speak for themselves, but anything that affects the past, that affects previous generations, will affect the thinking of the living and current generations here. I am somewhat concerned that if we pass a piece of legislation that will have too broad a scope, as far as going back into past historical data, that we will again get a lack of cooperation from certain elements in society. It might be for personal, ethnic, cultural or religious reasons. We do not always know and this would unfortunately have the potential to skew data.

● (2020)

We talk about the various ways to solve this, but we do not want to be in a situation where we are a very small group in society that is somewhat afraid to answer questions honestly under the worry and assumption that this could some day be used against them. There are things that may seem ridiculous to the general population, things that may not be understood or even heard of, but to very small groups it may become very important, even this census genealogical data.

There is a situation between adherents of the Jewish faith and the Mormon Latter Day Saints faith over how previous data census from genealogy is being used in the application of their religions, their ancestors et cetera. I am not choosing sides or whatever and I do not really understand what the conflict is all about, but it is important to note that for those two faith groups this is very important. It is something that should be thought through and dealt with in any broad legislation dealing with it.

The other major concern that I have in the negative on this one is that some of this personal information was promised a degree of secrecy. It depends on which lawyer we are talking to in terms of degree of secrecy or privacy promised. I took one of the parliamentary secretary's comments fairly seriously when he said it is only theoretical. That may be true, but the law applies to everyone and if there is just one case, we still have to consider that. We deal with practicalities and the good of the larger community, but we must remember that the law is for everyone. The law is not just for the majority or the minority. That is the principle that needs to be considered in dealing with not just this legislation but with all legislation. Those are my two major concerns in the negative.

I will be voting for this legislation on second reading, partially because restricting this data also restricts it from people to whom in many ways it belongs. My ancestors, not all of them but most of them, had already immigrated to Canada by the time of the first census. They came from eastern Europe. There are various other things involved, health and so forth, not just the personal genealogy. We have to consider those things as well in that people want access basically to the records of their own family and so forth, so that needs to be balanced. Again, that may be balanced out with various amendments in committee.

This is a bill which I generally support. There are some privacy concerns. Some answers over the years to various questions in the

census data may not always be what we want revealed, even for future generations because our ancestors' information is something that we may want to keep private to a degree. That is a real concern. There are both pros and cons to this legislation. Even though I may generally say that I am in favour of the legislation, I do think it needs to be reviewed thoroughly and clearly in committee.

I would like to hear again a more definitive answer on whether or not the promise of privacy, the covenant or however we wish to term it, was made to people when they were answering and filling this out. I would like a more definitive legal answer because we seem to get the typical lawyerspeak and it is very hard to get an absolute answer to that situation.

Generally, I am in favour, but it needs some adjustments. It needs a thorough look in committee. We cannot just rush this through in one or two sessions of the committee. We should have testimony from witnesses and genealogical groups, and a thorough review of all questions that have been conducted in previous censuses of Canada. The census is a very important document. It is part of our public record. We need it for history. We must also respect the rights of each and every Canadian. The abuse of the rights of even one Canadian is the abuse of all.

While I respect the theoretical versus the practical balance of arguments, I think we need to look at ways to ensure that no data whatsoever is abused by this legislation.

● (2025)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I would like the hon. member to explain how the bill he just talked about will improve the daily lives of Canadians in a tangible way. I listened to his speech, but I would like him to explain the concrete application of this bill.

● (2030)

[*English*]

Mr. Bradley Trost: Mr. Speaker, one of the things that has often been put to me by the genealogical community is that the connection to the past and to family is a very real and practical thing. I can trace my own ancestry to about the 1600s in the Black Forest of Germany and through Danzig on the Mennonite side of my family tree, et cetera. That is for many people a very real and positive thing: the sense of family, the sense of community, and the sense of belonging.

I am not quite sure how effective genealogists are, but I am told that for certain people who are adopted and so forth, it could lead them to trace back and find out even more about their families. To me that is one very practical application of it: the sense of family and the sense of belonging. That would be on the positive side of the ledger for this bill.

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

Government Orders

Some hon. members: Question.

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

Some hon. members: Agreed.

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

The Acting Speaker (Mr. Marcel Proulx): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Industry, Natural Resources, Science and Technology.

* * *

[*Translation*]

REMOTE SENSING SPACE SYSTEMS ACT

The House proceeded to the consideration of Bill C-25, an act governing the operation of remote sensing space systems, as reported with amendments from the committee.

Hon. Joe McGuire (for the Minister of Foreign Affairs) moved that the bill, as amended, be concurred in at report stage.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Marcel Proulx): In my opinion the yeas have it.

And more than five members having risen:

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

And the bells having rung:

The Acting Speaker (Mr. Marcel Proulx): The vote will be deferred until tomorrow at the end of government orders.

* * *

[*English*]

FISHERIES ACT

The House resumed from June 6 consideration of the motion that Bill C-52, An Act to amend the Fisheries Act (terms and conditions of permissions, leases and licences), be read the second time and referred to a committee.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, it is an honour to rise to speak to Bill C-52, an act to amend the Fisheries Act. I would like to state that I will be splitting my time with the member for Wellington—Halton Hills. The member has

always had a great interest in the fishery and will bring some very vigorous and intelligent comments to this debate, to which I am sure the government will be looking forward. It has been some time since it has had much vigorous and intelligent debate of its own.

This is an important and serious bill. I think the government expected that we would look the other way, that the bill it would enter through the back door, be approved and give the present minister of the day and future ministers quite responsible powers, powers that they have not had in the past. They would receive these powers without a comprehensive and introspective study of the Fisheries Act. It would allow the government to perhaps open the door to an abuse of the process and an abuse of the power of the minister.

The bill deals with section 19.1(6) of the Statutory Instruments Act and with Government Motion No. 15, which the Minister of Fisheries brought it in on June 3. It needs to be read into the record:

That, given the importance of the fisheries in Ontario and the introduction of Bill C-52, An Act to amend the Fisheries Act (terms and conditions of permissions, leases and licences) by the Minister of Fisheries and Oceans which addresses the concerns of the Standing Joint Committee on the Scrutiny of Regulations, and pursuant to Standing Order 124 and subsection 19.1(5) of the Statutory Instruments Act, the resolution of the Standing Joint Committee providing that subsection 36(2) of the Ontario Fishery Regulations, 1989 be revoked, presented to this House on May 9, 2005 in its Second Report (Report No. 75 – Disallowance), not be adopted, and that this matter be referred back to the Standing Joint Committee for further study.

Had the motion passed, we would have given the minister the right to lay criminal charges with the idea that there would be a little clause of change that would need to be made for the minister of natural resources in Ontario.

Members of Parliament were misled, if I could go that far, that this was a little housekeeping job simply to address the importance of regulatory change in Ontario. That is not the case. It changes the Fisheries Act across the country, from coast to coast to coast. It gives the minister powers to lay criminal charges that the minister did not have prior to this.

We understand the importance in any regulatory regime of enforcement, of being allowed to lay charges. We also understand we have an act that is 137 years old. It desperately needs revision and renewal and we have nothing to do that.

I would plead with the government side and with the Minister of Fisheries and reasonable people to review the Fisheries Act, to dust off those dusty pages which no one has looked at for over 100 years and be prepared to bring constructive change. Let us look at a regulatory regime with the ability to lay charges. However, do not do it under the guise that somehow we have this little problem in Ontario with the minister of natural resources and it needs to be addressed.

● (2035)

Frankly, that is not the way to seek consensus. It is not the way to come to opposition parties and work in a progressive and comprehensive way toward making regulatory change. It was an excuse, "Let's just fix this little thing and don't pay attention to the details". Frankly, there are a number of us in the House who are paying attention to the details.

Therefore, I move:

Government Orders

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

"this House declines to give second reading to Bill C-52, An Act to amend the Fisheries Act (terms and conditions of permissions, leases and licences), because the principle of the Bill is flawed in that it violates the principles of law by permitting public officials of the Government to create a regime which could result in severe fines or imprisonment or seizure of property that have not been specifically authorized by an Act of Parliament."

I would hope all my colleagues would realize that when we talk about a regime which results in severe fines, imprisonment and penalties that should be authorized by an act of Parliament. The amendment clearly speaks to the difficulty we have with the bill, the fines, imprisonment and the enforcement.

• (2040)

The Acting Speaker (Mr. Marcel Proulx): The amendment is in order.

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, whatever time I do not use, I will share with my colleague from South Shore—St. Margaret's.

In speaking to Bill C-52, I support fisheries conservation. My riding of Wellington—Halton Hills has the Credit River and the Grand River, two of Ontario's heritage rivers running through it. The Grand River is world famous for its fly fishing. The Grand River Conservation Authority has done much in recent years to rehabilitate the river and ensure its use for future generations.

I also take the opportunity at every chance I get to go up to Algonquin Park and fish. Two summers ago I went down the Nipissing River. I made sure I purchased my Ontario outdoors card first and caught some brook trout in that river. Therefore, I am a big supporter of fisheries conservation.

However, Bill C-52, an act to amend the Fisheries Act, is a short bill hiding a major flaw and a major problem for the government. There is a bit of a historical perspective.

Before 1950, regulations did not come under parliamentary scrutiny. At the time, the size of the government was such that it was not required. However by 1950 the growth of regulation and the growth of government required legislation to be brought in place to ensure that the regulations had some oversight and in 1950 the regulations Act was introduced.

However, a flaw with that was the act did not provide for executive accountability and for ministry accountability back to Parliament for the regulations that were put in place.

Subsequent to that, in 1970 the government introduced the Statutory Instruments Act. This act provided for Parliamentary oversight of the regulations that the ministry or the executive had put in place.

Subsequent to that, in 1978 the statute regulations act was introduced which covered those parts of the consolidated regulations and those regulations enacted prior to 1971, I believe, to also fall under parliamentary oversight.

As I said initially, Parliament has oversight for regulations. However, Bill C-52 circumvents that. This is not about the fish or the fishery. There is a bigger principle at play here. This is about the improper use of delegated powers of the government to create

offences that have not been approved by Parliament. Conviction for these offences could result in large fines or even imprisonment.

The problems of the bill are about the reluctance of the government to bring forward new legislation and a new Fisheries Act in this minority Parliament.

The problems of Bill C-52 came as a result of the Standing Joint Committee on the Scrutiny of Regulations that examined regulation 36(2). It did so in its second report which was presented to the House on May 9, and it recommended the revocation of this regulation on the grounds that the regulation created an offence that exceeded the authority found in the Fisheries Act.

The committee found that this regulation violated three principles or three criteria that it had set out.

First, the regulation is not authorized by the terms of the enabling legislation, in this case the Fisheries Act, and it has not complied with any conditions set forth in the legislation.

The second criteria it violated was that this regulation imposed a fine, imprisonment or penalty without express authority of having been provided for in the enabling legislation.

The third criteria it violated was that the regulation amounts to the exercise of substantive legislative power properly the subject of direct parliamentary enactment.

• (2045)

For these three reasons, the committee rejected regulation 36 in its report tabled in the House on May 9.

As a result, the government had to react, and react quickly, to ensure that it had its way. The government, in an attempt to block the revocation of regulation 36, produced Bill C-52.

Before I go into my critique of Bill C-52, let me quote from one more finding in the report presented by the committee on May 9 to this House. It concerns the regulation that the committee recommended be revoked. This is the heart of the matter, both in the regulation that was going to be revoked and in the bill that this government has introduced. The report stated:

To summarize, the purpose of section 36(2) of the Regulations is to make it an offence to contravene the terms and conditions of a licence. In section 78 of the Act, Parliament has provided that only contraventions of the Act and the regulations are to constitute offences. If Parliament had wished contraventions of licence conditions to constitute offences, it could, and no doubt would, have so enacted. Section 36(2) is nothing more than an attempt to treat contraventions of licence conditions, which are administrative requirements, as if they were contraventions of legislative requirements. Regardless of whether this is characterized as creating an offence or not, the requisite clear and explicit enabling authority for such a provision cannot [be] found in the Fisheries Act.

As I mentioned, in response to the committee's finding, this government very quickly introduced Bill C-52, which, I might add, is an extremely short bill that contains only two clauses. The first clause allows the government the authority to enforce compliance with a licence under section 4 of the Fisheries Act. The second part of the bill allows this government to not undergo parliamentary oversight. The second clause in this bill exempts this bill from oversight under the Statutory Instruments Act. This is a roundabout way for this government to circumvent parliamentary oversight.

Government Orders

This bill does not address what is fundamentally at heart here, that is, the inadequacies of the Fisheries Act. Indeed, this bill will simply prolong the life of this legislation, the life of a statute that is badly in need of revision. It keeps major reforms out of this minority Parliament.

I have read and heard of concerns from certain people about the revocation of regulation 36 and this bill. In particular, the Ontario Minister of Natural Resources expressed concern about his ability to enforce the sustainable fishery. We too share these concerns. I share these concerns. However, this is not to be addressed in Bill C-52, not in a very poorly crafted bill that circumvents parliamentary oversight by not allowing the Statutory Instruments Act a purview over this amended section of the Fisheries Act.

This government has failed to introduce modern fisheries legislation and this bill is far too vague and far too encompassing and sweeping for us to support. With Bill C-52, the Minister of Fisheries and Oceans is trying to slide through Parliament an amendment to the Fisheries Act that would allow the jailing of fishers who might fail to meet a condition attached to a licence created by the department.

● (2050)

In principle, we are not against toughening penalties or fines for those who are found in violation of fisheries legislation. Indeed, I am not against jail terms for those caught polluting or damaging our fisheries or our environment. However, I believe that this should be done through legislation. It should not be done through regulation. The big principle here is that Parliament should be making these decisions concerning fines, penalties or imprisonment, not the minister through orders in council.

In conclusion, let me note that I find it highly ironic that while this Prime Minister has talked about the democratic deficit it is exactly legislation like Bill C-52 that circumvents the democratic will of Parliament. While many people who are watching this or who will read about this later may find the points nuanced and may find these points to be finer, I do believe that this is at the heart of the problem. That is, the democratic will of Parliament, the democratically elected members in the House, not only should have oversight of the regulations but should have a say in crafting legislation that would enforce penalties, fines and imprisonment. It should not be the minister through regulation and orders in council who does it.

I would like to move a subamendment to the motion. The member for Calgary Centre-North will second my motion. I move:

That the amendment be amended by adding the word "unelected" after the word "permitting" and before the word "public".

● (2055)

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I listened closely to my colleague. At the beginning of my comments I read for members some of the findings from the Standing Joint Committee for the Scrutiny of Regulations. My colleague mentioned section 36 of the regulations.

The scrutiny of regulations committee was basically saying to the Ontario Minister of Natural Resources that the minister did not have a clear understanding of section 36(2) and that his interpretation was wrong. The committee went on to state:

Disallowance of that section may change the manner of enforcing compliance with terms and conditions of licences, but would certainly not affect in any way the ability to impose such terms and conditions.

More clarity is needed in this process. This is just another example of the Liberal government saying to us that it really needs to do something about the Fisheries Act, but it is not willing to have a thorough debate in Parliament and make the consecutive changes that need to be made. This is another example of the Liberal government trying to slip something in through the back door. Perhaps no one will be watching, thinks the Liberal government, and it will be able to move on and give the minister unprecedented powers that he has not had in the past but in such a way as to avoid the parliamentary process.

Mr. Michael Chong: Mr. Speaker, my colleague is indeed correct. The committee found the concern of the minister unwarranted in that the regulation would have been more appropriately crafted if it had said that people who violate the terms of their licence would have their licence revoked. That would not be beyond the bounds of the statute, the bounds of the Fisheries Act.

The heart of the problem was that regulation 36 went beyond this. It said that if people violated the terms and conditions of their licences, they would be subject to penalties in the act, such as fines and other penalties. That violates a fundamental principle, that of Parliament delegating authority to others to make subordinate laws.

The committee's first report, tabled on October 21, 2004, stated that it has responsibility to ensure that "the appropriate principles and practices" are "to be observed...in the drafting of powers enabling delegates of Parliament to make subordinate laws". The problem is that the act allows the department or the minister to enact regulations concerning the creation and revocation of licences, but not fines and penalties around violating the terms and conditions of those licences.

If the minister wishes to exercise his authority in that area he needs to come to Parliament to have the Fisheries Act amended to allow for fines and penalties in the event that the terms and conditions of licences are violated. That is the heart of the problem.

Not only has this government very hastily brought this legislation forward to address this problem of regulation 36, but it has also, in a very undemocratic and unparliamentary way, exempted this particular amendment to the Fisheries Act from the Statutory Instruments Act, which I think is a very circuitous way of preventing parliamentary oversight. That is why we will oppose this bill unless it is amended.

● (2100)

Mr. Greg Thompson (New Brunswick Southwest, CPC): Mr. Speaker, I look forward to hearing my colleagues as the evening goes on in terms of the bill before us. We have heard some interesting arguments.

When everything is considered, Bill C-52 is a bill that has been around this place on at least a couple of other occasions. It was first introduced as Bill C-33 in the 37th Parliament.

Government Orders

The minister likes to suggest that the bill is only a technical amendment and, in one sense, it is a technical amendment. It is a very short bill with only a couple of paragraphs in it. It is a technical bill in nature but it would grant the Minister of Fisheries and Oceans the power to make decisions concerning terms and conditions of licences and permissions without the need for consultation of any kind.

My colleagues are absolutely correct when they talk about circumventing Parliament without any parliamentary oversight. The bill would give the minister powers that we are a little bit concerned about.

It would give the minister sole discretion without the checks and balances that we would normally expect in a bill. In other words, Parliament, basically, would lose control. All the control would be exercised by the minister and we know what happens in government when ministers are allowed a free rein in terms of what they do and how their department behaves. For that very reason we are proposing amendments to the bill and we would only support the bill if these amendments were approved by the House.

The Department of Fisheries and Oceans could be doing many things but it is not. We have heard some of that here as well. We do not have to look very far in any of our constituencies across the country that have a fisheries component in them to recognize the difficulties in our fisheries.

Today, for example, a story came off the CBC network about the red tide in the shellfish market. In other words, we are talking about a red tide that creates a toxic algae, a difficulty that makes it almost impossible for harvesters of clams to make a living. The shellfish industry is in difficulty and we know this a recurring phenomenon just about each and every summer. It is now occurring in New Brunswick and in other parts of North America as well.

If the department wants to do something, we are suggesting that it take some action to support some of our clam diggers where a little bit of money could make the difference in terms of compensation for fisheries that are shut down through no fault of the fishermen, in this case, clam diggers.

One of the points raised today in the media is that the state of Massachusetts, which is also suffering because of the red tide, in other words shutting down its shellfish industry, has come up with money for those fishermen. They are down at the bottom of the totem pole in terms of the pecking order in the eyes of the present government.

One might argue that if the government wanted to do something it should assistance of some of those fishermen who need help, much as we did in the cod fishery. We came in a little too late. The industry was in a state of collapse so the government had no option but to do something to help out those fishing families. I am suggesting it should do the same thing with our clam fishers.

● (2105)

The other point I want to make is that the government has done a number of things right in the fishery. I was pleased when the minister announced funding for some wharves in New Brunswick Southwest of about \$5 million in the last few weeks on some much needed

work on infrastructure. Our fishermen absolutely need wharves to do their work, in other words, to fish.

This is not all negative but, as members know, there is always more to do and more work has to be done and we are encouraging the government to do some of that. If we are going to spend resources, let us spend it on the fishermen and in a way that would be beneficial to them, not in a way that would give the minister an arbitrary power in terms of the actions that he can take against fishermen in terms of their licences and the responsibilities of those licence holders.

That issue was brought out in a weekly newspaper back home, the *St. Croix Courier Weekend* edition by Dick Wilbur who writes the Fisheries File, the article he writes every week in that paper. He was talking to the member for Delta—Richmond East. When the member for Delta—Richmond was speaking to this particular reporter this is what he had to say about Bill C-52:

—the bill would empower bureaucrats to attach terms and conditions to fishing licenses having the force of law would have the effect of undermining the accountability provisions in the Fisheries Act legislation that has stood the test of time.

That pretty well sums it up in terms of what it would do.

In all fairness, Mr. Wilbur went to department officials to get their take on the issue. Of course when one is speaking to a senior official in the Department of Fisheries, one can only expect one thing, for them to support the legislation and they do. They dismiss what our member for Delta—Richmond East had to say but the interesting thing is that the member for Delta—Richmond East is a fisherman and when he speaks in this House on those types of issues he knows what he is talking about. He is not talking as a lawyer or as a journalist. He is talking as a fisherman, someone who has witnessed the Department of Fisheries and Oceans and how it can, from time to time, overstep its jurisdiction. In this particular case, we will be giving the department more authority to do that without any parliamentary overview.

Another area I want to touch on in terms of enforcement is the need for enforcement when enforcement is required. None of us would dismiss that and, as some of the members mentioned, we have a Fisheries Act that is over 130 years old and it has to be updated, but it has to be updated in a responsible manner and in a manner that respects the rights of individual fishermen.

Some members in the House will probably remember a bill I introduced two or three Parliaments ago entitled the fisherman bill of rights. It was a private member's bill that came to this floor and received quite a bit of support on both sides of the House but, unfortunately, it was never passed.

● (2110)

What we do not want to see impeded are the so-called rights that fishermen enjoy, rights that are not legislated, such as the right to get in their vessels and catch fish. We do not want to see those rights restricted by the fisheries department.

Government Orders

When we really take a look at the department on both coasts, one of the difficulties in terms of enforcement is simply the lack of resources to do enforcement. In some parts of the country the department does not have moneys in its budget to put fuel in its boats to enforce what it is supposed to be enforcing.

We also do not have enough fisheries officers to do the job. We witnessed it on the west coast and have seen that happen time and time again with some of the off shore fishing that we see. There is a lack of enforcement because there is a lack of resources for the department.

If the minister is arguing that he has to strengthen the act and give himself more powers, we would argue that the minister should simply have the money to do the job the act entitles him to do now. Again, he needs the money to do that and we need the fisheries officers to do their jobs. Unfortunately, that is not happening. It is not a case of us picking on individual fisheries officers. That is not the point at all because they have a job to do and, in most cases, they do it very well, but they need the resources to do it. If we do not have enough manpower in the field the job cannot get done. A change in the regulations or a change in the act will not do that.

I will leave it at that and maybe my colleagues have some questions. The bottom line in all of this is that it is a power grab by the minister and we believe the fishermen and the industry would not be well served by it. It is a bill that we cannot support.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I would like the opportunity to ask my colleague some questions about his speech.

Would the member agree with me that it is a worrisome trend in this Parliament and in the previous Parliaments under the auspices of the Liberal government, a pattern or we could even call it a trademark motif of the government, that virtually every piece of legislation it puts in place grows and adds to the arbitrary authority of the minister? The arbitrary powers of the minister are almost always enhanced by a bill. We never see those powers limited by any legislation.

In this case, Bill C-52 was made necessary because it became known that the minister had been setting regulations for years as it pertained to the fisheries in Ontario with no statutory authority whatsoever. We could view the bill as a way to further augment and enhance the powers of the minister to make it at least legal that he does set regulations.

I would ask the member to comment on two worrisome trends. The first one is the urgency and, seemingly, the goal of the Liberal government to enhance the arbitrary unilateral powers of ministers. The second one is the regulatory regime, setting regulations, leaving the details out of legislation and leaving it in regulations where they can be arbitrarily and unilaterally introduced by the minister.

Do either of those trends ring familiar with the member and is he concerned by those trends?

• (2115)

Mr. Greg Thompson: Mr. Speaker, we have mentioned that a number of times tonight. Basically it is circumventing Parliament and puts too much arbitrary power in the hands of the minister. That is the point we are attempting to make here tonight.

I see no reason why that would have to happen. In practical terms we are looking at a fishery that if we had the required number of fisheries officers out there today, I think they have the power under the present legislation to do their job. We simply have to give them the resources to do that job.

We could argue that changes have to be made. I believe the member would be correct in that. I believe they have to be scrutinized by Parliament. The key is that Parliament would have some control over that. The power to make changes would not simply be in the hands of the bureaucrats.

We are talking about arbitrary power being exercised by the minister on the advice of his bureaucrats. My feeling is that we should go cautiously on this.

My colleagues on this side of the House have introduced thoughtful amendments. They would add some clarity and certainty to the bill. I would suggest that those are the types of amendments the member from Winnipeg would most likely support. Hopefully the government members would support them as well.

We want the Fisheries Act to work. We want enforcement to take place when rules are being broken, but we do not want to give the minister unlimited power or the reporting mechanism to Parliament ceases to exist.

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, my friend from New Brunswick Southwest and my friend from Winnipeg Centre have identified the real problem in the bill. The bill avoids parliamentary scrutiny. Very briefly I would like to show how the system works now. I think it works very well.

This was a British Columbia sports fishing regulation amendment. It actually came into effect on May 30, 1995. What is interesting about it is that the particular regulation amendment was gazetted in the *Canada Gazette*. As part of that gazetting a regulatory impact analysis statement was included. That impact analysis statement gave a description of what the bill did. In this instance it was to license people to fish for shellfish. It talked about the alternatives to the bill as well in this regulatory analysis. It talked about benefits and cost. It dealt with the benefits and the cost.

In the conclusion of the regulatory analysis it talked about the consultation. In this particular instance the consultation was with the sports fishery advisory board. It recommended that this regulation be put into place.

It went on to say that the regulatory change was republished in the *Canada Gazette*, Part I, on March 11, 1995. It was republished so that the public could comment on the regulatory change. It was noted that no comments or representations were received at the time, which is fine.

The bill met with approval; people did not feel it necessary to comment on it. Then most revealingly it gave the names of the bureaucrats who were responsible for the new regulation and whom to talk to.

That is a pretty open process. That is the kind of process we on this side are talking about that we think is appropriate. It opens up government and allows the light of day to shine in and does not give licence to some to act in any manner they may wish.

Government Orders

I wonder if my colleague would care to comment on that open process that is in place now and if that meets with his approval.

• (2120)

Mr. Greg Thompson: Mr. Speaker, I totally support Parliament's role in this whole process. What the member is saying in very technical terms is that the power of Parliament will be subverted and it will then go from a level of scrutiny by Parliament to the bureaucrats and the minister. At the end of the day, obviously it is the minister's signature that will make the difference on advice from bureaucrats.

What we are speaking of is arbitrary power. The checks and balances one would expect to have in any Fisheries Act simply will not be there. We have seen many examples in the House of bad behaviour on the part of the government simply because of those unlimited powers. Political masters are telling the public servants what to do and they simply go out in a blind rage and do it. That is the type of thing we do not want to see exercised under the Fisheries Act.

Our argument is a very simple one. Allow Parliament to scrutinize the regulations and do not give excess powers to the minister and the bureaucrats. It is a very simple message and one which we are hoping the government will listen to. As I pointed out, there are many examples of where that has been abused in the past. We should try to minimize those abuses of power in this place. I am afraid that if this bill passes without those amendments, we are basically heading in a direction that we have seen other departments move in, much to the displeasure of most Canadians.

We have an opportunity to make it right in the House. I am urging all members to support the amendments brought forward by my colleagues. If that happens, most fishermen will be happy. The department will have the powers it needs but will also have the oversight of Parliament, something that we do not want to lose, nor do I think can we afford to lose.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, there may be some confusion regarding exactly what we are talking about. Although it is a minimal change, it is about what the shift in power is. In fact, it may be exactly the opposite of what some of the members opposite believe.

The basic issue is that fishing licences have to be enforced. I do not think anyone would disagree with that. Fishing licences have to be enforced so that we can protect the fishery. If commercial or other fishermen did not have to live up to their fishing licences, there would be chaos in the fishery. The fishermen and the fisheries organizations have made that quite clear to us.

The parliamentary committee for the scrutiny of regulations has said that this enforcement cannot be in the regulation because it leads to penalties and there cannot be penalties in a regulation. It could at any time eliminate that ability of the enforcement and it would be totally justified. It is a proper parliamentary procedure. The fact is that people have to follow their licences. Otherwise there would be chaos. This is what fishermen and anglers are so worried about and it is why they want us to make this change.

There is the jeopardy of losing control over enforcing licences. The way it has to be done legally is to put it in the act. As members know, the act comes under the scrutiny of Parliament. Regulations are determined by cabinet and acts are determined by Parliament. Parliament actually has more control with this change.

The hunters and anglers and the anglers' associations are very worried because of this parliamentary procedure and that this particular enforcement is in the regulation where it is not valid, as opposed to being in the act. There could be chaos in the fishery and they are urging us to move ahead on this issue.

I will quote some letters. The first one is from the Ontario Federation of Anglers and Hunters. Members from Ontario will know how huge that organization is and its expertise and how long it has worked on protecting the fisheries. It states:

On behalf of the Ontario Federation of Anglers and Hunters (O.F.A.H.), our 78,500 members and 640 member clubs across Ontario, I am writing to express our strong support for Bill C-52, An Act to amend the Fisheries Act (terms and conditions of permissions, leases and licences)—

The bill appears to be a straightforward attempt to deal with a procedural issue raised by the Standing Joint Committee for the Scrutiny of Regulations, and once passed, will ensure that the Ontario Ministry of Natural Resources continues to have the authority to enforce the regulations applying to commercial fishing licences. For the over one million licensed anglers in Ontario, it is critically important that the regulations and the enforcement of these same regulations by provincial authorities, is supported and allowed to stand. Otherwise, the current protections for the \$2.5 billion a year sport fishing industry in Ontario will be useless, and render the Province impotent in terms of being able to govern the species of fish taken, the amount taken, the type of gear used, and the time frame and location of that activity. This in turn will also jeopardize the work of thousands of individual anglers and angling clubs who have invested a huge number of person hours and hundreds of thousands of dollars in running hatchery and stocking programs on the Great Lakes and inland waters.

We urge you in the strongest possible terms to quickly move forward with the legislation, and trust that your colleagues on both sides of the House will recognize the importance of the bill and vote accordingly.

I am hoping that those members connected to the industry and who understand how it works and know the importance of it will see that there is a legal remedy to enforce fishing licences. I hope that members, such as the member for Bruce—Grey—Owen Sound, will step up and make sure that this case is made and that the concerns of people in the fisheries are heard. This is the simple change of the locus of the regulation which says that fisher people have to follow their licences. It moves it from a regulation where it is not legally valid because it includes penalties into the act where people will definitely have to enforce it. Of course it is still under the scrutiny of Parliament because all acts are under the scrutiny of Parliament. That can be changed at any time.

• (2125)

The second document I want to quote from is a letter from the Ontario minister of natural resources to a number of Conservative MPs, putting these principles on the table again, a simple change, to make it is legal to enforce fishing licences and to ensure it stays legal so there is no chaos in the fishery. It will still be under the scrutiny of Parliament because it is an act of Parliament.

He states:

Further to the debate that took place in the House of Commons on June 6, 2005, regarding Bill C-52, An Act to Amend the Fisheries Act, I would like to take this opportunity to address some of the issues that I understand you and your colleagues raised during that debate.

Government Orders

I understand that during the debate, it was implied that I did not understand the nature of subsection 36(2) of the Ontario Fishery Regulations, 1989, since I mentioned in my letter of April 14, 2005 to [the Minister of Fisheries and Oceans] that disallowance of section 36(2) would impair the ability to impose terms and conditions of licence. I would like to point out that the intent of my April 14 letter was to indicate that, while conditions can indeed be specified in fishing licences, without the ability to enforce the requirement to comply with these conditions of licence through prosecutions, the enforcement tools at our disposal would be inadequate. Conservation of the resource and proper conduct of the fishery requires a broad range of adaptable enforcement tools that include prosecution.

I understand that it was also suggested in the debate that civil servants could impose any kind of conditions without restriction. Conditions are an integral part of the licence and a vital component of the management of the fishery. However, subsection 36(1) of the Ontario Fishery Regulations, 1989 specifies the conditions that may be imposed in a licence.

The conditions are only a very limited number to start with, and are set by officials under any circumstances before or after the act goes through.

He goes on to say:

These include such matters as the waters from which fish may be taken; the species, size and quantity of fish that may be taken; and the fishing gear that may be used. These conditions all relate to the management and control of the fishery and the conservation and protection of fish.

We require compliance with licence conditions to ensure conservation of the resource and proper conduct of the fishery. While in principle it may appear that cancellation of a licence can be used as the only tool to enforce compliance, in practice it is inadequate. It would be analogous to trying to enforce highway speeding infractions only through cancellation or suspension of a driver's licence. In addition, under Ontario's process a commercial fishing licence cannot be suspended or cancelled until after a hearing before a hearing officer who makes a recommendation that I must consider. The current process can take time and the licence can only be suspended or cancelled for the remainder of its term.

Under a prosecution for a violation of a condition of a commercial fishing licence, there is the flexibility to seek a penalty appropriate to the circumstances. For example, one might seek a lesser penalty for a first time offender than a repeat offender. The size of fines can vary. Other penalties, such as forfeiture are also available. The cancellation of licences is not a flexible tool. The cancellation cannot be tailored to the infraction. It would mean that a person committing a minor infraction could see his or her licence cancelled. That remedy could threaten their livelihood and so must be used only in appropriate circumstances.

As the Minister, I take my responsibility for conservation of the fishery resource in Ontario very seriously. My ability to enforce compliance with licence conditions solely through suspension or cancellation of a licence is unrealistic from an operational perspective. Failure to maintain the ability to enforce terms and conditions on commercial fishing licences could very well put this significant resource at risk.

In summary, the minister who deals with fisheries and the anglers and hunters associations that are well versed in fisheries simply want to ensure that licences can be enforced. An all party committee has determined that it is not legal to have them enforced the way they are right now. It is in jeopardy because it is in a regulation. To be legal, it just has to be put into the act.

● (2130)

Acts are under the scrutiny of Parliament so there is no more authority for the minister. Perhaps there is less because Parliament can scrutinize that regulation. Remember, we are talking about is a regulation that says one has to abide by one's fishing licence.

Whether it is in an act that Parliament can change or in a regulation that cabinet enforces, I do not think it makes a lot of difference. Everyone agrees with it. It will be under the scrutiny of Parliament but it will protect the fishery which I am sure every member of Parliament wants to do. I am sure every parliamentarian wants fishing licences to be enforced.

It was determined that this technical change was needed, to the credit of the an all party committee of this Parliament. It recommends that we make it legal to enforce the fishing licence. It would be removed from a regulation where it is not valid, because we cannot have penalties in a regulation, and it would be moved into the act where it would be valid. Nothing will change, but it will legally continue to protect the fishery as everyone would like and it will not be at jeopardy.

● (2135)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, we have just watched the member for Yukon, the Parliamentary Secretary to the Minister of Natural Resources, dance around and skirt the salient issue here. I think the member must have missed the point completely. The Minister of Fisheries has been unilaterally and arbitrarily putting conditions on licences when he had no statutory authority to do so. He has been doing it for years. It makes one wonder who is driving the bus around here. Who is minding the store in the Department of Fisheries if this kind of irregularity has been the norm for years. It was up to the Joint Standing Committee on Scrutiny of Regulations to catch the irregularity. That is the real story of the day.

My colleague has a nice yarn and it was kind of a soothing, melodic flow to the diatribe he shared with us, but it had nothing to do with what is fundamentally wrong with the Department of Fisheries as managed by the Minister of Fisheries. He has been unilaterally and arbitrarily setting the conditions of licences for the fisheries in Ontario with no statutory authority whatsoever until we pass this bill to do so.

How my colleague can explain that irregularity? In the larger context, how can he explain this pattern, trend and obsession of the Liberals to grant even more unilateral authority to ministers in virtually every piece of legislation they have introduced since I have been a member of Parliament for eight years? It is a trademark motif of the Liberals to take power away from Parliament, to bastardize democracy, to minimize our participation and control of our legislation and to shift that authority incrementally, bit by bit, to ministers, giving absolute power to them.

Maybe the member for Yukon in a little more honest way could give us a response to those legitimate concerns that we are trying to address here tonight.

Hon. Larry Bagnell: Mr. Speaker, I have a great deal of respect for the member. I might be happy to debate the issue he raised at some other time. Right now we are speaking about a single line regulation that says fishing licences have to be enforced.

I want to keep on that topic because I am pretty sure his party is supporting the bill. The member for Sackville—Eastern Shore spoke in favour of it last week. I think from what he said he was supporting the bill. We simply want fishing licences to be legally enforced.

I have never had my words and speech described as melodic and free flowing. I cannot take credit for that because those were not my words. They were words of experts in the field to whom I defer, of ministers whose whole careers have been in dealing with fisheries. There are anglers and hunters. I think one particular organization has 78,500 people who are interested. They have their professional legal resources who want this regulation to be made legal. I want to keep this very simple. It is simple to change the act without discussing the larger philosophy of where decisions should be made. I would be happy to do that at another time.

Just to recap, there is a regulation right now that says one has to follow one's fishing licence but that is illegal because penalties are involved. To the credit of an all party committee of Parliament, it figured that out. We are at jeopardy of being unable to enforce fishing licences. We simply move that one line, which says that one has to abide by one's fishing licence, into the act. That is why fisheries ministers, hunters and angler associations want to make this legal change so we can continue to enforce fishing licences.

• (2140)

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, my friend is wrong on several counts in his speech.

First, he says that parliamentary scrutiny would continue over the bill. However, if he reads clause 10(2) of the bill, he would understand that is not the case. It states very clearly:

For greater certainty, those permissions, leases and licences—including their terms and conditions—are not statutory instruments for the purposes of the Statutory Instruments Act.

In other words Parliament really does not have too much to say about the bill.

Second, he also suggested somehow or another that it would be impossible to enforce the Fisheries Act if this amendment went through. Let me again quote from the scrutiny of regulations committee report. It was talking about disallowance of section 36. (2). It states:

Disallowance of that section may change the manner of enforcing compliance with terms and conditions of licences, but would certainly not affect in any way the ability to impose such terms and conditions.

The third point I would like to make is the member opposite attributed some concerns to the Ontario minister of fisheries and to Ontario Federation of Hunters & Anglers. In brief, he suggested that without licence conditions the minister could not regulate the species taken, the amount of fish taken, the gear used, the time for fishing and the location of fishing.

I would suggest that is simply wrong. If we look at the Ontario fishery regulations, those regulations quite clearly deal with those issues now. They talk about species taken, the amount to be caught, the location that the catch can be made and so on. The regulations in place already cover those issues.

However, as my friend from Winnipeg Centre is saying, what the government is trying to do is to avoid scrutiny of Parliament and make these regulations in secret without the benefit of gazetting so there can be public input and without the benefit of scrutiny of regulations examining those regulations to determine if they are in compliance with the intentions of the act.

Government Orders

Would my colleague care to comment on those issues?

Hon. Larry Bagnell: Mr. Speaker, in relation to the first item, when we move the regulation that fishing licences must be a force to an act, we increase the scrutiny of Parliament because Parliament has control over an act, and ever so more in a minority government. Regulations are approved by cabinet.

In relation to what could be imposed and how it could be imposed, what the minister of natural resources of Ontario said was that this could limit the types of penalties available to him such as the cancellation of licences. This could not lead to the flexibility of the penalties under the present system.

On the last item, the member was correct. I think he may have misunderstood what I said. He listed a number of items related to fisheries and he thought I said that they would be not be under control of licences. However, I was listing a specific number of items that were under the control of licences and regulations could be made. That will not change. Changes to the old system or the new system will still be made by the same people. It is limited to that small subset of things that the member mentioned and with which I was in agreement.

• (2145)

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Speaker, I have a question for the Parliamentary Secretary to the Minister of Natural Resources. He mentioned in his speech that this is a technical bill designed to solve a problem that was identified by the Standing Joint Committee for the Scrutiny of Regulations, which I sit on. Although there is a little truth to that, let me read what the committee said when a similar bill was introduced in the 37th Parliament. It stated:

Our acknowledgement that the amendments included in Bill C-43 would resolve the Committee's objections to the legality of the relevant regulatory provisions does not imply an endorsement of those amendments particularly as regards the proposed section 10(1), which impose a legal duty to comply with the terms and conditions of a licence, we can conceive that some parliamentarians might object to subjecting such non-compliance to penal sanctions that include imprisonment. To deprive a citizen of his liberty on the ground that the citizen has failed to abide by requirement imposed by a public official in the exercise of an administrative power, such as a term or condition of licence, could be thought undesirable as a matter of legislative policy.

That seems to be the crux of the issue. It is not just a technical change. Yes, it solves the legality of the problem, but there is still the underlying fundamental policy issue. Is it fair and right for somebody to be subjected to those penalties because of a condition that a bureaucrat has laid down? I would appreciate the member's comments on that.

Hon. Larry Bagnell: Mr. Speaker, this is a different issue, but I agree with the member that it is an issue that should be debated and discussed as to what is appropriate in the regulations, but it does not change under the new system or the old system. Officials still make them and they are still accountable to the minister and the minister is still accountable to Parliament. He can be called to task. Whether it comes through regulations or an act, he is still going to be called to task if he is doing something inappropriate in his department in regulating a fishery.

Government Orders

I agree with the member. That would be a great debate to have and that debate can be had under the present system, which may be illegal, or under the new system, which will be illegal. The minister is still accountable to Parliament for what happens in his department. I know the opposition will ensure, if something is inappropriate, that it is raised in Parliament, which is why we are here.

Mr. Peter Van Loan (York—Simcoe, CPC): Mr. Speaker, this is a debate on a bill that is intended to give the government new powers to act in a way that is essentially unaccountable. This is a matter of great concern to us.

The issue that is being addressed is the Ontario freshwater fishery and that is of course a matter of great interest to my constituents in York—Simcoe which surrounds Lake Simcoe. What is interesting is that this issue only came to light and became a serious problem on May 5 of this year.

The government responded immediately with legislation that is quite dramatic and quite draconian to deal with that. Yet, there are other issues that have been affecting the freshwater fishery in Ontario for years and years. The government has had at its disposal the power to act by regulation for years to resolve those issues but it has not done so.

Why is the government so hasty to accumulate unaccountable powers while failing to exercise those very powers already at its disposal that would address the serious problems in the freshwater fishery? By that I mean the impact of alien invasive aquatic species on the aquatic environment and the freshwater fishery, all of which are suffering because the government will not act and exercise those powers that it already has.

A perfect example of that, the very fishery the bill purports to assist, can be found not just in the Great Lakes but in the Great Lakes basin including Lake Simcoe with regard to those invasive species. In fact, the failure of the government to act has become so serious and so drawn out that I have taken the step of submitting a private member's bill to protect our aquatic environment against invasive species named the Canadian ballast water management act.

Invasive species are a problem for the fishery, but they are also a problem for the ecosystem and the balance in the ecosystem in general. Related to both of those things, there are economic problems resulting from both the impact on the fishery and the environment. It is a major problem in the constituency of York—Simcoe, particularly because of the fact that it is a horseshoe around Lake Simcoe.

One can go from communities at one end of the constituency at Port Bolster, through Petrolia, Jackson's Point, Roach Point around to Keswick, over to the other side of Cooks Bay to Lefroy and Bell Ewart and to Alcona, and around Big Bay Point all the way along the shore of Kempenfelt Bay. This is the coastline, including the coastlines of a series of islands as well, that we have on that freshwater fishery of Lake Simcoe and that freshwater resource.

Much has changed with Lake Simcoe and the surrounding watershed since I was a young boy. I remember playing on the farm in the streams flowing into Lake Simcoe and playing at Willow Beach not too far away from where I live. A lot of what has happened in those changes has been the introduction of those

invasive species. As I have said, the government could have acted on that front through regulations that are already available to it, but it has failed to do so.

Since the failure of the government to act, we have seen the introduction of numerous invasive species, far too many to list, but the media stars among those invasive species are well known. The zebra mussel and more recently the quagga mussel have made their way into Lake Simcoe and the round goby is right around the edges of the lake including the surrounding waterways such as the Pefferlaw Brook. Those are species which started in the Great Lakes and have spread directly through various vectors into Lake Simcoe.

Those invasive species upset the balance of the ecosystem. Because they are not native to the area, they do not have any natural predators. That allows them in many cases to be extraordinarily successful in their competition for resources with native species. In fact, in some cases they are predators on those native species. As a result of that competition and predation, the introduction of the non-native species can effectively squeeze out the native species that have been part of that ecosystem, in some cases for tens of thousands or hundreds of thousands of years, and alter it forever.

• (2150)

Where does a lot of it come from? The primary source, authorities agree, is through the ballast water of ocean going vessels that will end up in the Caspian Sea or the Black Sea, in freshwater ports or brackish water ports and they will take on ballast water there. In the process of taking on ballast water they will take on numerous aquatic life, whether it be animal, plant or other kinds of lower forms of life.

Those life forms can survive a trip across the ocean. When those vessels arrive in our shores, in the Great Lakes and elsewhere, and ballast water is discharged, they get introduced into that environment. There is the potential to regulate and act on this, but in Canada our rules on that remain only voluntary.

I know that the Liberal government likes to pretend that the track record of the government is good on the environment, but the fact is we fall far short of what even the Americans do. There are not too many members on that side of the House who hold out that the Americans are a sound example of environmental leadership.

On the issue of invasive species and on so many other issues, in fact, the American regulations and rules are stricter than those we have in Canada. Canada is failing the environment under this government.

On aquatic invasive species, not only do the Americans already have stricter ballast water rules, there is currently legislation in front of the U.S. senate and the house of representatives to provide for even stricter and more advanced regulations. All along this government dithers and fails to act.

I ask why in that context is it suddenly seeking to acquire other new powers that are unaccountable and in many cases extraordinary, involving discretion that could be exercised by officials and by the minister? Yet it will not exercise ones to address problems that we really know about, that are right there today.

Government Orders

What is the history? It is a problem that has been raised. It has been known as a serious problem since 1986 when the zebra mussel first arrived. It has been raised regularly by the International Joint Commission and by the Great Lakes Fishery Commission since 1988. When they put out a joint report in 1988, that is when we first began to see real action take place. Those two commissions called upon the United States and Canada to act.

The then Conservative government, in retrospect, had a very well earned reputation on the environment. In fact, a recent report done by a group of Canadian environmentalists rated that Conservative government, from 1984 to 1993, as the most environmentally protective and progressive government in Canada's history.

That Conservative government acted on that issue and introduced almost immediately, less than a year later in 1989, the first voluntary ballast water management guidelines in the world. It was unprecedented. That is what we call leadership and it was leadership on the environment. Guess what? That was the end of leadership because it was not too long before there was a change of government and we have seen for the past 12 years no action since that 1989 initiative.

As I said, in the interim, the Americans acted in 1990 with legislation, in 1996 with legislation, and now they have mandatory enforceable ballast water regulations, but in Canada there is no action.

That is why we need to have changes brought in. That is why I have submitted a private member's bill that hopefully will address that. However, the government could act right now. It does not have to wait for that bill to become law. It has the powers right now through the regulations in which it is failing to act even as it is seeking another new power grab for regulations.

I mentioned that the International Joint Commission, which governs the Great Lakes and the boundary waters between the United States and Canada, was the first to call for ballast water guidelines. It has called for it repeatedly, it should be added, and so has the environmental commissioner. The government has the power to act but has not.

If I look at the environmental commissioner's report of 2002, what did the commissioner find? The commissioner found that the federal government was ill-prepared to counter the threat of invasive aquatic species despite its commitments. There was no federal policy, no recognition in the department, and no plan to coordinate federal action to counter the environmental economic and social impacts of invasive species. The government was doing little to prevent the arrival of additional invasive species. It has a record of inaction.

• (2155)

When we talk about Liberals in action, it really means Liberal inaction. That is what we have seen for 12 years.

In 2002 the environmental commissioner repeated her call:

The federal government has not responded effectively to invasive species that threaten Canada's ecosystems, habitats, and other species. It has not identified the invasive species with the greatest potential to become established in Canada's ecosystems—

Nor has it determined the pathways by which they arrive, said the commissioner. The government has had that call made again and again. In fact, I believe the fisheries committee has just once again reported on the failure of the government to act on this and has again called on the government to act, but it still has not happened.

The environment is crucially important. Our ecosystems are crucially important yet we are not seeing them given the priority they need. Instead, the government is looking for new ways to penalize, in effect, the rights of those who seek to enjoy that environment, who seek to enjoy the fisheries. It is doing that rather than worrying about protecting the fisheries to make sure they are actually there for the long term, to make sure there is something to regulate. I know of course that it is the government's preference to regulate and penalize rather than actually preserve the resource and make sure it is there, but that is what it should be doing.

Let us take the example of the round goby. It is one of these invasive species. It is one of those species native to the Caspian Sea and the Black Sea. Now it has arrived in North America and has spread throughout the Great Lakes and the waterways.

The round goby is a highly adaptive invasive species and very aggressive. It increases in numbers very quickly and spreads geographically very quickly. It will compete for food and for habitat with the native species, in particular, in Lake Simcoe, species like the perch, the smallmouth bass and the walleye. It will actually prey upon the eggs and the young of those other native species and further enhance the competition and squeeze them out.

Unlike a lot of the native species, it will spawn not once a season but several times per season. Of particular import is the fact that it thrives in bad or poor quality water. It can survive in those harsh conditions. At a time when the environment is in decline because of the failure of the government to act, and in a whole bunch of ways, that creates even more opportunities for the spread of these invasive species.

We have seen it now on the shores of Lake Simcoe in the creeks leading right up to its edge. It will soon be there. In fact, there was a derby this weekend that was under a special scientific permit, a goby derby, whereby folks were encouraged to actually go out and fish to see if they could capture them, the hope of course being that they would not find them. Unfortunately, many were captured in the surrounding waterways. Fortunately, there were not any in the lake yet but that is perhaps only a matter of time.

As we know, in Lake Simcoe the fishery is important, but it is based on the environment. The environment is important for the people there because there are thousands who draw their drinking water from Lake Simcoe. There are thousands for whom it represents their recreational playground and their very own backyard, figuratively but in many cases even literally. It plays a role in recreational fishing during the summers and ice fishing for recreation in the winters, but more important than those economic reasons and those reasons that are anthropomorphic or important for people is the fundamental importance of the environment, the balance in the ecosystem that has to be maintained.

Government Orders

As these invasive species multiply and begin to take up the room that has been previously enjoyed and lived in by the native species, we also risk seeing a biodiversity loss. It is not just a question of balance. There is actually the very real risk of the loss of species, forever changing what we have seen and what we have enjoyed in that local environment.

When I look at a bill like this one that is being put forward by the government, I can only say this. Why the dithering for a decade on the things that really matter yet the instant action on the things that, from my perspective, look more like they were designed to protect the rights of bureaucrats to act unaccountably rather than to actually protect the environment?

For years and years this government has been asked to act by every credible environmental organization, by non-partisan organizations, by the International Joint Commission, by the environmental commissioner, by Parliament and by the House of Commons fisheries committee. It has failed to take any steps to do so. The government races off within days or weeks to address other issues while the issue of aquatic invasive species continues to languish.

● (2200)

I cannot understand this failure to take into account the importance of our environment. I cannot understand the deliberate and wilful ignorance and the damage being done to our environment.

For me and for my constituents, the priorities are clear. My constituents want to see a real commitment to protecting that local ecosystem in Lake Simcoe and to ensuring that it is treated as part of that Great Lakes basin.

That is another issue. There has been funding to worry about the environment of the Great Lakes, but for some reason the government has failed to apply that same kind of funding to Lake Simcoe even though it is at the centre of the Great Lakes basin. Even though those are waters that are part of the watershed and discharge into the Great Lakes and represent a very significant source that is at environmental risk, the money is not there.

That is a decision made by this government. It treats Lake Simcoe differently. It ignores the fact that it is a critical part of that Great Lakes water basin. The government ignores the potential it represents. Properly husbanded it is a positive asset, but also, if allowed to deteriorate and decline any further, it has the potential to destabilize and damage the health of the rest of the Great Lakes into which it flows.

I look at the record of the government on the issue of the freshwater fishery and the state of the health of the Great Lakes basin, in particular that of Lake Simcoe, and I look only with sadness.

I encourage the government to respond to the private member's bill I put forward as quickly as it has responded to this particular issue in the freshwater fishery and to actually do something after a decade of dithering to exercise the powers that are already there to protect our freshwater lakes from further damage by the regular introduction of new invasive species.

● (2205)

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my colleague from the Conservative Party has mentioned the situation with possible invasive species coming into lakes within Ontario. I would hope that he is also aware of a situation being faced in Manitoba. States in the U.S. are diverting water, which will cause the risk of invasive species coming into Manitoba's largest lake, Lake Winnipeg, thus risking the fisheries as well as the lake in general within Manitoba.

I am curious to hear if he or his party has a position on what the U.S. is doing by diverting water into Lake Winnipeg and jeopardizing one of the greatest lakes in Canada.

Mr. Peter Van Loan: Mr. Speaker, with the way North American waterways work, we do not even need to have that kind of diversion for the species to spread. They can be spread simply through recreational boats that get transported from one lake or waterway to another. They can be spread by those who travel on those boats or through other pleasure craft or other ways of travelling about.

The bigger problem is the fact that those species come from overseas. Once they are here, a small measure like that, while it may be significant, will not be sufficient to protect against the spread of invasive species. They have to be stopped at the most critical and most significant vectors and points of entry. We have had continual evidence from every authority that the major source of the invasive species is the introduction of ballast water from overseas, where the species are indeed genuinely non-native.

The red goby is a perfect example. It was perhaps only introduced on one occasion in one spot in the Great Lakes, yet it has spread all over North America, without water diversion. Water diversion is not necessary. Whatever impact that may have, the spread of invasive species is far more aggressive and far more dangerous than that. That is why we have to look to address it right at the root of the problem with serious, enforceable and mandatory ballast water management rules.

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I agree with my colleague from York—Simcoe on his criticisms of this government's very hastily crafted and ill-conceived bill, and more particularly, on how this government has failed to address the real problem facing fisheries across Canada, such as those in Manitoba and Ontario, that is, the degradation of the watersheds and the Great Lakes due to the decline in water quality and the invasive species.

Ontario is home to the greatest freshwater fishery in the world. The Great Lakes are home to some of the best freshwater fisheries anywhere on the planet. The government has done absolutely nothing over the last 12 years to address ever increasing declines in water quality and the threats to native species such as those posed by invasive species.

There are heritage rivers in York region, Simcoe County and Wellington County, all across southern Ontario: the Grand River, the Maitland River, the Saugeen River, the Thames River, the Don River, the Credit River and the Humber River. In northern Ontario, there are the French and Spanish Rivers. All these rivers and their watersheds and all of the Great Lakes that these river watersheds feed into are under threat. I include in that Lake Simcoe.

Government Orders

There is a lack of resources in the Department of Fisheries and Oceans in Ontario to address some of the problems facing our watersheds. We do this with very short-sighted vision, because these watersheds provide the drinking water for 13 million Ontarians. The damage to these watersheds, which is a direct result of lack of attention from this government, is absolutely unfathomable to Ontarians.

Yet the government can rush through a flawed bill such as Bill C-52 just like that. I cannot understand why the government would have the resources and the political will to rush through a bill like Bill C-52 without addressing the real problems facing Ontario's watersheds and watersheds across the country.

My question for my colleague from York—Simcoe about Bill C-52 concerns why this government is putting forth such a flawed piece of legislation. Why is the government allowing regulations that would be created under Bill C-52 to be exempt from parliamentary oversight and the Statutory Instruments Act? It seems to me to be a tack very similar to the one the government has taken with the \$9 billion in foundations. Those too are not subject to parliamentary oversight or to scrutiny by the Auditor General.

In much the same way, the government is exempting itself from scrutiny under the Statutory Instruments Act with this bill. It is another example of the command and control style of executive management best typified by the government instead of Parliament being allowed the legislative and parliamentary oversight. Could my hon. colleague comment?

• (2210)

Mr. Peter Van Loan: Mr. Speaker, the member for Wellington—Halton Hills has put his finger on something that I know in my past life as a lawyer and in my academic studies in law school we spent a lot of time on. It is the concern about discretion in the administrative process.

By that we mean when we take the power to make decisions away from those who are accountable, meaning Parliament, a provincial legislature or a municipal council, and put that decision making power into the hands of unaccountable bureaucrats and officials and those against whom there is no right to appeal the decisions, those who we do not have a right to see true accountability for the decisions that are made, that is a slippery path.

When society becomes increasingly sophisticated, which, unfortunately, is all too common, it is something that becomes very common when government becomes big.

The government has been growing at a rate of 10% a year. Is it any surprise that as the public service grows and the cost of program spending grows that we see the spread of unaccountable discretion in the process where unaccountable, faceless, nameless bureaucrats make decisions, such as in the area for which I am the critic, Human Resources and Skills Development Canada where every day the lives of thousands of people are affected by decisions made by civil servants acting entirely on their own discretion and applying their own judgments?

What happens is that when the process occurs it is not just inequity and unfairness. It is also an invitation to political interference. We saw that happen in the sponsorship scandal and

with the former HRDC scandal because then people could plead their case for special treatment. If they were well connected politically and if they knew the right people, suddenly the special treatment came forward.

When that is all hidden by depositing it at a level beyond the scrutiny of the public, the voters, and it is put in the hands of faceless, nameless officials who do it quietly with a phone call from the minister's office, or in their own discretion and judgment based on their own biases, prejudices or personal appeals, who knows what, then bad things happen.

If we think about the places in the world that have a lot of corruption, countries that we like to think of as banana republics or third world dictatorships, that is what is happening. That is when officials take to themselves the power to make decisions, to give out licences and to impose conditions on licences and in the process extract favours from those who are seeking the licences and permissions.

Anyone who has ever tried to do business in a place like Russia today will say that that is the kind of thing they encounter from officials at every step of the way. Why? It is because those officials have the ability to make decisions in their judgment and with their discretion that affect the livelihoods and day to day well-being and survival of people trying to start businesses or trying to get by, trying to do the things they want to do in a society that they otherwise thought would be free.

It is important that this decision making power not be vested in those who are unaccountable but rather that there remain parliamentary oversight, that there is responsibility, that there is accountability and that when decisions are made people are responsible for them.

We have had countless scandals in the time that the Liberal Party has been in government and yet no minister has ever resigned or taken responsibility. It is always the work of somebody else, some nameless, faceless parallel organization, some officials acting unaccountably.

We had the parliamentary secretary come to us today and say that was a good thing, that was the way things should work and that everyone thinks it is all right for regulations to be made unaccountably and without authority because that is what is needed to make things work.

I do not think that is the way we need to have things to make them work. I think things work best when people are responsible and there is accountability. We do not get that out of this legislation.

• (2215)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to have an opportunity to join the debate on Bill C-52 on behalf of my NDP caucus colleagues and the people of Winnipeg Centre.

Mr. Speaker, I intend to split my time with my colleague from Burnaby—New Westminster.

Government Orders

Bill C-52 found its origin when the scrutiny of regulations committee virtually stumbled across the fact that the Minister of Fisheries and Oceans had been setting regulatory conditions of licensing without any statutory authority to do so. It begs the question: Is this the way the government has been running the DFO for the last decade or more? If that is true, it explains the absolute mess the fishery is in from one coast to the other.

A number of speakers who have spoken tonight have listed a myriad of grievances about the mismanagement of the fisheries from one end of the country to the other and the middle in the great freshwater fisheries such as we enjoy in my home province of Manitoba.

Lake Winnipeg is the fifth largest lake in North America and is home to the largest surviving freshwater fishery in North America and is valued at almost \$30 million American per year. I am very concerned that inaction on the part of our federal Liberal government may sound the death knell for that important economic engine for the province of Manitoba.

As of July 1 of this year, the United States intends to divert, by inter-basin transfer of water, the dirty polluted water from Devils Lake, North Dakota into the Cheyenne River, into the Red River and flowing north into Lake Winnipeg. If Bill C-52 were to grant regulatory authority to the minister, I hope he would use whatever authority he might have to intervene on behalf of the people of Manitoba to counter this egregious breach of Canadian sovereignty, an environmentally disastrous move of the wholesale inter-basin transfer of water from polluted Devils Lake, North Dakota ultimately into Lake Winnipeg.

Let me explain some of the frustration that Manitobans feel. Not only is this a catastrophic move environmentally, but as far as diplomatic relations between Canada and the United States are concerned, this single unilateral action by the United States could be the death knell of the boundary waters treaty of 1909, an international instrument that has proven critically important in protecting the interests of both signatories to that treaty from the unilateral actions of the other.

The International Joint Commission, of which the House I am sure is familiar, deals with complaints regarding the boundary waters treaty. Both parties have to refer an issue to the International Joint Commission and the Americans have refused to do so. It is a diplomatic slap in the face to have them say that they will solve their flooding problems in Devils Lake by cutting a channel and diverting all that water into Lake Winnipeg.

One of the serious problems that comes to mind with this is the invasive species aspect. At least one well-known parasite exists in Devils Lake called the *gyrodactylus hoffmani* which is a flat worm that parasitically attaches itself to the gills of channel catfish, minnows, et cetera. No environmental assessment has done on the Devils Lake diversion and so the scope and magnitude of this invasion by this species is unknown.

The scale of the spread of it is unknown because we are talking an inter-basin transfer here and the drainage basin that flows into Lake Winnipeg is most of western Canada. It is from the Rocky Mountains to Hudson's Bay essentially. This drains into all of

Saskatchewan and most of Alberta. A great deal of the northern country in Nunavut directly to our north flows down and toward Lake Winnipeg. That same parasitic invasion could flow the other way and infect vast regions.

• (2220)

Not only that, in recent years the Americans, as do Canadian prairie farmers, have been overloading their fields with chemicals and pesticides to such a degree, and the wetlands have been drained, that a lot of this runoff goes into Devils Lake.

By the cruelest of ironies, the Americans have chosen Canada Day to turn the tap on for this diversion of water into Canada and when they do, an extra 40,000 pounds of phosphorous water a year will be going into Lake Winnipeg. It is bad enough that we already have our own agricultural contaminants going into Lake Winnipeg from Canada but we also have mercury, sulphates, nitrogen, diammonium phosphate, some of the popular fertilizers. All of these nutrients will be flowing into Lake Winnipeg seriously compounding the algae problem that exists there already with floating algae beds that are acres in size. The U.S. army corps of engineers has ignored the well-being of Canada in digging this diversion.

We had a similar problem in 1977, called the Garrison diversion, where the Americans again wanted to solve their water drainage problems by diverting through Garrison. They had a plan to divert their water north into Canada to follow the drainage into Lake Winnipeg. With a great deal of protest we managed to stop that.

We have tried everything this time. I personally went down with Lloyd Axworthy when he was the minister of foreign affairs to meet with senators and congressmen in Washington, D.C. and implore them to reconsider the disastrous and catastrophic idea of the inter-basin transfer of water. They simply accepted our representations to them, acknowledged that it was a serious environmental threat and then said, "If it ever comes down to doing what is best for North Dakota and what is best for Canada, we will do what is best for North Dakota. Don't let the door hit you in the ass on your way out". Essentially, that was all they would do for us.

Now we are desperately urging Canada to use every diplomatic measure possible to appeal to the Americans to block this catastrophic move. Our Minister of Fisheries and Oceans has a role to play. Surely there is a joint interest, an international element to the Department of Fisheries. There always has been, whether it is offshore with our fishing limits or, in this case, the interprovincial and international flow of water that can have a devastating effect.

However one of the most frustrating things is that reason and logic do not seem to penetrate this barrier we are getting from the Americans. Even their own research shows that by diverting this water they will lower Devils Lake by 1.5 inches per year. It has risen three feet in 10 years. They will devastate the largest freshwater fishery in Canada, possibly, all for the sake of making their water levels static and dropping it by 1.5 inches per year. At what cost?

Some day we have to start looking at ourselves as global citizens. We cannot let this arbitrary 49th parallel be the place where reason stops. That is simply not progressive thought and there is no future in that way of thinking.

Government Orders

When I see Bill C-52 and I think of the pattern of unilateral and arbitrary powers that the government likes to give ministers and the lack of respect for Parliament when it squirms things away, it reminds me of a saying that the devil is in the details of any piece of legislation.

The government has put all the details into the regulations and very little of the specifics into the legislation. We rarely get to debate all the facts surrounding a piece of legislation in this House of Commons. We end up debating the shell or the outline of a bill but the regulatory changes, where the real meat and potatoes are, remain the exclusive domain of the minister to introduce at a later date.

In this case, we are appealing to the government to become seized of the issue of the crisis that is looming in the Devils Lake diversion and use whatever arbitrary powers that it has granted this minister to intervene on our behalf.

• (2225)

We are at the eleventh hour. The clock is ticking. July 1 is almost here. The U.S. Army Corps of Engineers is about to turn on the faucet and flood Lake Winnipeg with a bunch of invasive species and chemicals that we do not want or need. It will be the end of an era for Manitoba tourism and fisheries. It will be the death knell for Lake Winnipeg.

I urge my colleagues to please help us address this issue. I certainly implore the government to use whatever is in its power to help us save Lake Winnipeg.

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, I fully support the comments of the member opposite on the Devils Lake issue. What we have is a government which is prepared to get tough on fishermen in a very arbitrary way, yet refuses to get tough on our neighbour to the south when our watersheds are going to be devastated by environmentally irresponsible actions on the part of the U.S. That has to be troubling for us all. I can assure my friend across the way that he certainly has the support of members of the Conservative caucus on steps that could be taken to address that most important issue.

I would like to get my friend's comments on a couple of items with regard to Bill C-52. The first is that we asked the Library of Parliament if it would investigate whether there was another area where government had used regulations or statutes in the same way as it is doing with Bill C-52. In fact, it was only able to find two other statutes where there were similar provisions. One was with regard to regulating nuclear facilities and the other was airlines. In both of those instances, the industries are governed by public regulatory tribunals and not by secret regulation, so they do not apply.

The Library of Parliament, in essence, was not able to find similar statutes where bureaucrats are allowed to add terms and conditions to a licence that could lead to jail time or forfeiture of fishing equipment and so on. I am wondering if my friend is aware of any.

The second point to which I would like to draw my friend's attention is something that he addressed in his interventions. I found that very intriguing. In the process of developing regulations, under the Statutory Instruments Act, the cabinet at committee is presented with a review of the proposed regulation. The regulation must be

examined to ensure that it is authorized by the statute pursuant to which it is to be made; that it does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made; that it does not trespass unduly on existing rights and freedoms, in other words, that it is not in violation of the Canadian Charter of Rights and Freedoms; and that the form and draftsmanship of the proposed regulation are consistent with what is expected.

There is some real scrutiny on any regulations that proceed under the normal process, a process which Bill C-52 intends to ignore.

I wonder if my friend would like to comment on the process involved in the Statutory Instruments Act, as well as the inability of Parliament to find similar situations.

• (2230)

Mr. Pat Martin: Mr. Speaker, those are very useful questions. It was helpful to me to learn some of the tests that exist with the creation of regulations. I fully agree that any new regulatory regime should meet those basic standards.

I would be very concerned that Bill C-52 seeks to bypass that methodology, those tests that were put in place for very real and important reasons. This is another example of how we are encouraging the arbitrary authority of unelected individuals instead of meeting the tests of scrutiny, by the scrutiny of regulations committee at least.

I am also very concerned to learn that the bill contemplates vesting this authority in bureaucrats to set conditions of licensing. This is not a matter for unelected officers, especially when penalties are associated with violation of the conditions of these licences. This goes far beyond the ordinary and acceptable scope of any bureaucrat. Frankly, as a member of that bureaucracy, I would not want that authority or that responsibility that comes with it. That should be vested in the legislative branch of government and not the administrative branch of government.

Bill C-52 is riddled with flaws. It is a continuation of a disturbing trend that we have noticed, a motif that we have recognized to be the characteristics of the Liberal government, a disrespect for Parliament and a penchant for vesting ministers with absolute arbitrary authorities. It is a worrisome trend that we should discourage every time we can.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank the member for Winnipeg Centre for sharing his time with me.

This is an extremely important issue, not so much the amendments that I will read into the record shortly, but the whole issue of the fisheries across the country, including in my province of British Columbia. What we have seen is the systematic mismanagement of our fisheries which has had huge repercussions on communities throughout British Columbia, up the coast of British Columbia and up the Fraser River as well.

I would like to touch briefly on what Bill C-52 does. My colleague from Winnipeg Centre was very clear about the fact that it is just another sign of the mismanagement by the Liberal government when it found that it did not have the ability to assure statutory compliance with the terms and conditions in the Fisheries Act.

Government Orders

Bill C-52 adds the following new section 10, entitled "Compliance with terms and conditions":

(1) Every one acting under the authority of a permission referred to in section 4 or of a lease or licence issued under this Act shall comply with its terms and conditions.

(2) For greater certainty, those permissions, leases and licences—including their terms and conditions—are not statutory instruments for the purposes of the Statutory Instruments Act.

As my colleague from Winnipeg Centre mentioned, very clearly this is another side of the mismanagement in the fisheries that we have seen with the Liberal government.

I would like to talk about the fact that this is what we are considering in the House when there are so many other extremely important issues to deal with as a result of the Liberal government's inability to deal with fisheries issues and to take into consideration the impact of fisheries in places like British Columbia and all across the country.

The commercial fishery in British Columbia is responsible for maintaining about 15,000 jobs in communities throughout the province. Revenues across the province were about \$358 million in 2002. We are talking about a significant industry in British Columbia, but what have we seen from the Department of Fisheries and Oceans? What kind of effective management have we seen?

I would like to read into the record portions from two reports that recall the mismanagement of the Liberal government with respect to fisheries. The first is the 2004 report of the Commissioner of the Environment and Sustainable Development. This is what was said:

Overall, we are not satisfied with the progress made by Fisheries and Oceans Canada in responding to the recommendations we made in the three previous audits in 1997, 1999, and 2000. While many stocks are abundant, some Atlantic and Pacific salmon stocks are in trouble. We continued to identify significant gaps in managing risks.

The Department has not finalized the Wild Salmon Policy, which would set out clear objectives and guiding principles. The policy would also bring together biological, economic and social factors—for fisheries and resource management, habitat protection and salmon enhancement.

There are shortcomings in information on salmon stocks and habitat and scientific knowledge on the potential environmental effects of salmon aquaculture and aquatic ecosystems.

There are weaknesses in regulatory approvals, enforcement, and monitoring of salmon aquacultural operations. This includes approving aquaculture site applications, assessing cumulative effects, and monitoring salmon aquaculture operations to prevent harmful destruction of habitat.

There has been inadequate coordination between federal and provincial governments in managing fish habitat, undertaking research, approving aquaculture site applications, and sharing information.

I would like to read into the record comments made by the Pacific Fisheries Resource Conservation Council:

The federal government's capacity to conserve and scientifically manage the Pacific salmon fisheries continues to be eroded.

● (2235)

This was according to the annual report of the Pacific Fisheries Resource Conservation Council. The report notes that Fisheries and Oceans Canada has been focused on dealing with budget cuts when it should be directing its attention toward managing this valuable resource. It questions the government's capacity to do an effective job in areas of enforcement, habitat protection and restoration, salmon enhancement, research and stock assessment. It also calls for

the department to open its management to public scrutiny about the effectiveness of its choices.

The issue is we effectively have report after report that condemns the Department of Fisheries and Oceans for its mismanagement, in this case of Pacific salmon stocks. Very clearly the issue of the mismanagement of the fisheries has not been adequately addressed by the government.

We have a couple of paragraphs in Bill C-52 that are, in a sense, the government's initiative on fisheries. At the same time, communities along the coast in British Columbia and in the river areas are being sorely impacted by the mismanagement of the government.

The B.C. NDP caucus, my colleagues, including the member for Nanaimo—Cowichan, the member for Skeena—Bulkley Valley, the member for Burnaby—Douglas and the member for Vancouver East have been standing front and centre on these issues. We have been fighting to ensure that the Department of Fisheries and Oceans plays an active role in fighting to ensure our fisheries can recover from the years of Liberal mismanagement.

I would like to mention two key points in the last few months. First, in mid-December both my colleagues from Burnaby—Douglas and Skeena—Bulkley Valley called for a judicial inquiry into the collapsing sockeye salmon stocks in the B.C. Fraser River.

Of the two million Fraser sockeye that were expected to reach their spawning ground in the spawning period last fall, fewer than 500,000 returned. In a very real sense, what we are seeing is a catastrophic fall in spawning. We anticipated two million Fraser sockeye and instead we saw fewer than 500,000. That is why the members for Burnaby—Douglas and Skeena—Bulkley Valley called for the judicial inquiry to absolutely ensure that we were aware of the fall in the stocks and of the catastrophic implication of Liberal mismanagement in the fisheries.

Another initiative the British Columbia members of the NDP caucus undertook last month was to call for a release of the Department of Fisheries and Oceans report on the results of sea lice tests that were conducted in the Broughton Archipelago. That is a very well known area north of Vancouver Island, an exceedingly beautiful area of British Columbia and of the country.

The sea lice tests that were undertaken on wild salmon in this area were not released prior to the provincial election. British Columbians had the right to have all the information in hand. Instead, to the shame of the Department of Fisheries and Oceans, that the information on the impact of that culture on wild salmon in the Broughton Archipelago was not released.

We have some clear issues on which we have stood front and centre, issues that we have raised in the House. We are exceedingly concerned about the mismanagement by the Liberal government of fisheries, particularly the Pacific salmon fisheries in British Columbia. The impact on communities across British Columbia is enormous. When our resources are not effectively managed, it has an impact on communities throughout the coastal region.

Government Orders

What concerns me most about the debate this evening is the issues that are not being brought forward by the Liberal government. Resource allocation is not being addressed. The mismanagement of the fisheries is not being addressed.

• (2240)

British Columbia members of the New Democratic Party caucus as well as our fisheries critic, the member for Sackville—Eastern Shore, will continue to stand in the House and fight to ensure that our resources, our fisheries, are better managed and that we do justice to communities throughout British Columbia.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, I enjoyed listening to the hon. member. I agree with him when he says that the fisheries critic has a great interest in the fishery and has done a lot of work. In fact, he sits with us on the fisheries committee. On many issues he along with others on that committee work closely together for the good of those involved in the fisheries in the country.

We are dealing with the subamendment, although we have got away from that. However, according to the government, the main motion is only a minuscule one, a two-liner that will solve all the problems. We have found it will create a tremendous number of problems in the country.

When we talk about rules and regulations, from the member's experience and involvement in his own region, how many rules and regulations does he see in the fishery that negatively affect the people trying to make a living in that industry?

Mr. Peter Julian: Mr. Speaker, there is a whole variety of issues. It is not just the regulation that exists. It is the lack of action, particularly from the Liberal government, that has harmed most extensively the Pacific salmon fishery and the commercial fishery in British Columbia. As the hon. member knows, in many other areas as well we see the dithering of the government refusing to take action even in the midst of very clear indications that it needs to take action.

There was the catastrophic fall in the Fraser River sockeye spawning. Estimated numbers for sockeye salmon spawning last fall indicates to what extent we talk about a virtually catastrophic impact. While we anticipated two million spawning salmon, only 500,000 appeared. Very clearly action needs to be taken. When action is undertaken by the government, it is slow. Unfortunately it is virtually insufficient and there is a great deal of dithering prior to even a decision being made.

In answer to his question, yes, there are issues around regulation. However, in my mind, there are even greater issues around the lack of action that the government takes to address these critical issues, in this case the Pacific salmon fishery and the commercial fishery in British Columbia.

• (2245)

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, I am pleased to speak to the subamendment to Bill C-52. I have enjoyed the debate in a way that I have not enjoyed some other debates recently. Whenever we start talking about fish, people's emotions very often come into it. Even though we have had some people with a background in the legal fraternity who have become quite involved in the debate tonight, I find it very satisfying to be

sitting between two people with a legal background and two away from our fisheries critic from Newfoundland and Labrador. Being from British Columbia, I have a riding with a very strong fisheries component and influence.

This has been a great debate. We have learned quite a bit. One thing we have learned is that the government in this legislation specifically is trying to put a very bad patch on a flat tire. If it succeeds in what it is attempting to do, it only will have a blow out again. This is not the way to create a regime where we ask people to enforce a licence, to fine people or put them in jail on the basis of no statutory authority and we do it by declaring that the words in the bill do not constitute part of the Statutory Instruments Act.

This is the worst kind of an ad hoc emergency, short term, evasive, unprincipled way to approach this issue. Unfortunately, this has become a philosophical way of life for some of the senior management at the Department of Fisheries and Oceans. It exhibits itself in the way they manage the department.

If we go to the crux of the issue, it is all about enforcement of the fishery. How do we enforce the fishery? Presumably we do it through the act and then we do it through regulation. Administratively, we do it through the licence process.

We know the Department of Fisheries and Oceans has been remiss in its enforcement of areas where it has a very clear responsibility and authority. I will only talk about British Columbia because that is what I know the best for the purposes of example.

We had a Fraser River sockeye fishery that was being prosecuted by people, with no enforcement being carried on portions of the river. That was a deliberate decision by some people in the bureaucracy. There was no political will to give it what they really needed, which was police backup because of the fact that it felt threatened. This is all a matter of public record. We know that enforcement did not occur. This contributed in a major way to the collapse of that fishery.

• (2250)

While that very lack of enforcement was happening, we had enforcement officers in Johnson Strait boarding boats and fining them because they did not have the log filled out for that day. This is the kind of lack of appropriate priority setting that we see over and over from the department. This comes from a department which controls virtually every aspect of the livelihood of the commercial sector of the fishery.

That direct control requires parliamentary scrutiny and parliamentary approval if we are going to avoid the pitfalls of having the bureaucracy or junior officials carry out vendettas. It would put recipients of licences at the mercy of some entity that is not palatable. This already happens to some extent and is very problematical. There are no end of things that could be scrutinized in the system.

Government Orders

Recently, a fisherman who had been part of developing a new fishery, what is called an emerging fishery. Because he had been partaking in the experimental end of it, everything on the form that he filled out to indicate that he was eligible for a licence in this new regime of licensing, everything pointed to him being eligible. An employee of the Department of Fisheries and Oceans accepted the fee and it was only several weeks later that the applicant learned that there had been a judgment that the boat did not have a certain kind of licence in a certain timeframe and therefore did not qualify. That was based on the way the form was filled out and not the actuality. The judgment was that the form was controlling everything despite the fact that when the form was accepted, it all looked okay.

Here is an individual who is now not licensed in a fishery he helped develop through no fault of his own. One would assume that there would be a fairness test and an appeal, and that this would be a very easy thing to overcome. It just so happens that an emerging fishery is not eligible for appeal to a tribunal. The rules are not clear that there is any appeal and so presumably it could be ruled either way that there is an appeal or there is not an appeal.

I have certainly made my representations and to date it has been quite a few weeks without a response. In the meantime, time marches on and fishing seasons come and go, so this is probably becoming an academic question. These questions are not academic when somebody's livelihood is at stake. Over and over again, every aspect of fisheries policies, fisheries regulations, and fisheries licensing has everything to do with whether a person is able to make a living or not in the commercial sector.

● (2255)

We must ensure that what we are doing is appropriate and in the long term interests of the fishery, not just to ensure that our commercial harvesters are treated appropriately but to ensure that conservation and every other aspect of the fishery is being considered under a system that is open to scrutiny and has parliamentary oversight when appropriate.

We have had a real problem with the priorities of the fisheries department. We have witnessed the collapse of the Fraser River fishery and this was not the first time for the sockeye runs. We have seen places like Smith Inlet where we have had runs decimated. There is no longer any real attempt to even monitor what is truly going up the rivers and what is happening there. It was a major salmon resource in the mid-coast of British Columbia that for a generation or more has now been largely left to its own devices and abandoned, and it is not doing well at all.

We have seen extinctions of runs with no explanation. We have seen a lack of commitment from this administration on what really gets many people involved in the fishery which is salmon enhancement and our whole approach to habitat improvement and our hatchery system.

We have had over a \$4 million cut to that program in British Columbia and Yukon. This is a program that enlists thousands of volunteers. I am not sure what the latest number is but I read that it is in the tens of thousands of people who volunteer their time on the west coast of Canada to do work in this area. A small program that has not risen in cost to the government is now being cut back because of so-called overspending some years ago, making many

people very unhappy. There has never been a satisfactory explanation.

We know that the fisheries department is now divided between those who support these expenditures and those who are trying to grab part of that budget for their own because they are so stretched for funds. The sharp pencils in Ottawa are quite happy to let that game play itself out because in the meantime they are controlling the agenda. We have a situation where the public expectation of what the department should be doing and could be doing is quite different from the reality.

What happened in this latest round on the Fraser River is a perfect example. The fisheries office in the Fraser Valley was responsible for much of the enforcement in that area, but it was not happening. The people in the Fraser Valley were not hoodwinked in any way. They knew that the department lost its will, its ability or desire to enforce the rules on the Fraser River, and so they were not under any misunderstanding at all. That is consistent with the sort of elusive and ad hoc, unprincipled approach that the department was taking as to how it conducted business.

● (2300)

I started off by talking about the importance of this whole enforcement regime. The government can change the words. It is only trying to put a patch on a flat tire, but it is also trying to find a way to make its enforcement band-aid even easier from an academic, theoretical standpoint. It all means nothing if one is not prepared to do any of the enforcement.

We had cuts to the number of enforcement people on the west coast and we had a huge move to put enforcement people in Alberta, Saskatchewan and Manitoba. That was several years ago. We are now at the point where that experiment turned out to be a bad idea. They really frustrated landowners in Alberta, Saskatchewan and Manitoba with this overzealous behaviour that rocked generations-old practices, carried out a whole bunch of counterproductive things, and attacked the basic premise that people who own private property had some say over how they were going to cultivate their land and so on.

Now we have the government retrenching those very people who they shipped out, but it is not translating itself into an improvement on enforcement efforts on the coast. We are still not getting the resources. This essentially means that once again what many view as a priority activity of government becomes an activity of government that government sees as non-essential and one that it can easily and largely dispose of, so this is not a happy time.

We have first level fisheries personnel who deeply care about the resource. They involve themselves in the community. They involve themselves with the people who are users of the resource. They provide an interface with the public and they are not governed by a clock. They deeply care about the resource.

We have members of the public in the very same category. I talked about the thousands of people who volunteer. We have school children with a deep appreciation of the wonders of the fisheries resource. They take school days, and go out and see what is going on. We have rural communities with a deep attachment and sometimes this is very much an economic question as well.

Government Orders

We have some of our coastal communities that have become quite dependent on the commercial recreational sector that occurs in the summer time. Those communities are feeling quite vulnerable to the actions of the Department of Fisheries and Oceans as well because if they choose to suddenly cut the activities of the local hatchery, this can have a devastating effect.

We have deep concerns being expressed by all of the communities on northern Vancouver Island within my riding regarding the behaviour of the Department of Fisheries and Oceans.

• (2305)

This has also been expressed through the aboriginal fishing groups in my riding, sometimes as an association. Sometimes on a personal level I have been approached. It is easier for them to talk to me; I can be the bearer rather than them.

What we have with this bill is a political and bureaucratic situation that is a failure of the public interest. I welcome any questions.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the member for Vancouver Island North has given us a very knowledgeable speech on this subject and on the Bill C-52 subamendment, which I believe is what we are talking about now.

I know that my colleague actually comes from the industry. I often wonder what it would be like if we actually had a minister of fisheries who was in fact a fisherman. What a novel concept that would be. What a refreshing change it would be to have somebody with that personal experience actually running DFO.

I took note of the comments my colleague was making on the subamendment to Bill C-52. He both introduced it and summarized it by saying that it was about enforcement in a primary way. I believe that was his opening remark.

I can share with my colleague that I once built a house for a scientist who worked at the Pacific biological research station at Nanaimo. He was studying groundfish and the aging of groundfish. I asked him why. He said it was so that we know what age is the right time to harvest them and what would be too young and should be thrown back.

I said to him that it was 1985 and he was just then studying the appropriate age of groundfish and what time we should be harvesting them, and I asked where they had been for the last 50 years when we were talking about enforcement. That was just basic science that they were doing; it was elementary level science. As a lay person not in the field, I was shocked to learn that.

My question is about another project. I am a carpenter by trade. Another project I worked on was up in Alice Arm in Kitsault, B.C., where we were building a new molybdenum mine. We built all the houses for that new mine.

We talk about lack of enforcement, but I can personally attest to what it was like the day that mine opened up and the effluent and the tailings started dumping into Alice Arm. We could see the cloud, the plume in the water. As we flew over, we could literally watch that plume of effluent drive all the life out of that very narrow fjord-like inlet to the sea 80 miles down. It literally sterilized Alice Arm. The mine is now closed. I do not think Alice Arm has ever recovered.

I have a question for my colleague. If this is all about enforcement, in his experience where has the enforcement been? Where has the responsibility been over all these years when travesties like the experience at Alice Arm were taking place in his own general region of the country?

Mr. John Duncan: Mr. Speaker, I appreciate the comments by the member for Winnipeg Centre, but I think he has me confused with another member. I was not a fisherman in my previous life. I think he is confusing me with the member for Delta—Richmond East.

I do come from a resource background. I was a forester. I worked in the woods and with fisheries personnel as a consequence. I lived in coastal communities and overlapped many times at the local level with the commercial and recreational fishing sectors and of course participated in all of that.

The whole question of what we know about our fisheries resource I found very interesting, because indeed, what we do not know about so many biological things is amazing. I have a somewhat biological background. My father had a biological background. One of my brothers is a carpenter, like the member, and the other one is a geneticist. The geneticist deals with biological things too. It is just amazing what we do not know.

One of the things that the biological station in Nanaimo did determine is how long some of these groundfish live. Some of the ages are absolutely incredible, well beyond what anybody comprehended. That affects the rate at which we want to harvest them, because we want to make sure we have a sustainable resource. If these mature fish are 10 years old, maybe one-tenth could be taken on an annual basis, but if they are 50 years old that is a whole different ball game. In some cases, that is what the station staff were finding out.

In terms of the member's environmental question, I think that is an important question. There are several long since abandoned mines in British Columbia. There is one in my constituency, but there are others on the coast and in the province that are continuing to create acid runoff, which is putting heavy metals and other things into the rivers. This has created a situation that has basically sterilized some river systems. The most well known example is at Britannia on the way up to Squamish and Whistler from Vancouver. One can see the bottom of that river course.

Some of them actually would not be all that expensive to fix, but the original mining ventures are long since gone. The federal government is saying that they are not its responsibility and the province is saying the same and nothing happens. I think we need to change that approach. Surely to God if something is killing the fisheries resource there should be some joint federal-provincial way to deal with those sites, especially when we can prove there is a cost effective way to do it.

• (2310)

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, the issue at hand here is about the ability, so to speak, of the Ontario minister to enforce the regulations that have been put in place. Of course the scrutiny of regulations committee made it clear that there was still an ability to enforce the regulations. It may take a different form, simply, but it is still there. I think that is an important aspect of the issues we are dealing with.

Government Orders

The minister in Ontario would have us believe, of course, that he is not going to be able to regulate the fishery on a whole host of issues. We do not buy into that. We are concerned that regulations that are going to be put into place by a bureaucrat could result in a fisherman doing jail time, being the recipient of a very large fine or in fact losing his vessel. We find that particularly offensive.

The point I would like to make is that the Ontario minister has a couple of options available to him. He can continue to impose terms and conditions on a licence and may employ licence sanctions as a means of censure. That is there in the act and he is able to do that. Nothing in the disallowance report or in the committee's report would have prevented that, so he has that ability to impose terms and conditions on a licence by means of censure. In other words, he can withhold licence privileges for a day or simply seize the licence.

The alternative is that he can develop and seek passage of regulations to replace the existing licence conditions. That is another option available to him. Of course to me that is the obvious choice. It is the choice I would like to see because it is the most open choice and it is the choice that allows for public scrutiny of what is happening. That does not mean to say we are going to catch every incidence of bad legislation or bad regulations being brought forward, but that does mean to say the opportunity is there for members of the public to make comments if they wish.

To me it is this whole notion of the public having a say in this process that is important. As well, this notion that somehow these bureaucratic regulations could result in jail time is what I find particularly offensive. I wonder if my friend would agree with that.

● (2315)

Mr. John Duncan: Mr. Speaker, I certainly do agree with that. It goes a little bit further. When we end up with a set of conditions that somehow have to do with a permit, a licence or the granting of permission to do something from the government or from a crown corporation, because I have seen examples of the latter, very often the first recipient is so happy to receive that permission that he or she will actually accept almost any constraint because the first big hurdle is to acquire that piece of paper.

Very often, that first holder does not hold it very long. The holder passes it on and then the person who ends up with it actually has to put it into practice or live with it, but finds out that it is a huge problem and the original holder is long gone. Not only are there no checks and balances from the public at large when we do not have gazetting and scrutiny of regulations, but we very often do not even have scrutiny by the first person receiving it, because his or her objective is to get it and transfer it as quickly as possible to someone else.

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, it is a pleasure to address this particular issue again tonight. It is an issue of considerable concern back home. One of the difficulties we have had in British Columbia is the whole notion that somehow or another the management of the fishery was out of our control, that decisions were being made on which people did not have the ability to make proper comment and that decisions being made were simply onerous and at times expensive for the fishermen involved.

Let me give the House an example. Our problem today is with the ability of the government to put conditions on a licence and then to impose sanctions on that condition. The sanctions, as we have suggested, could involve fairly substantial fines, time in jail or the seizure of the vessel and fishing equipment. Those are all significant penalties for breach of a licence condition. The problem with licence conditions is that we fail to provide the proper scrutiny for those regulations.

I just want to walk through the process. The Fisheries Act is the big Kahuna of the management of the fisheries. It is the body of law from which all the other authority derives. It advises the minister of his responsibilities and obligations and so on. It limits the responsibilities the minister has and it defines them very clearly. For example, in section 43 of the Fisheries Act, it states:

The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and in particular, but without restricting the generality of the foregoing, may make regulations—

It then goes on to list a whole host of regulations:

- (a) for the proper management and control of the sea-coast and inland fisheries;
- (b) respecting the conservation and protection of fish;
- (c) respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;
- (d) respecting the operation of fishing vessels;
- (e) respecting the use of fishing gear and equipment;

The list goes on. It is fairly precise and yet at the same time it is open-ended and it does give the minister a fair amount of latitude to operate.

However, once that is said, in making the regulations that will apply to the fishery, the minister has certain steps to follow. To begin with, he has to provide a committee of cabinet with those proposed regulations which would then be subject to some scrutiny. That scrutiny is fairly well outlined in the Statutory Instruments Act.

For example, in the Statutory Instruments Act it suggests that there must be an examination of the proposed regulations. It states that the regulations must be presented in the usual way in both official languages and so on and then it states:

3.(2) On receipt by the Clerk of the Privy Council...the Clerk of the Privy Council, in consultation with the Deputy Minister of Justice, shall examine the proposed regulation to ensure that

- (a) it is authorized by the statute pursuant to which it is to be made;
- (b) it does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made;
- (c) it does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights;
- and (d) the form and draftsmanship of the proposed regulation are in accordance with established standards.

● (2320)

It is fairly onerous, if we will, as regards the kinds of oversight that are carried out before that regulation comes into effect.

If the bill is acceptable by cabinet, what happens next is that the bill is gazetted, printed and then comments are invited from the public.

Government Orders

I have an example from October 1, 1998 of regulations amending the fishery general regulations. It lists the regulations. As we go down through the document, we come to a regulatory impact analysis statement. The minister is required to provide this regulatory impact analysis statement. It first describes the regulations and then goes on to suggest what alternatives may be in order. It talks about the benefits and costs of the particular regulations that will be there so that this thing is not just thrown out without those safeguards. It then talks about the consultation that took place, the compliance and enforcement that would be required and that would include the fines. It then gives the contact person in the Department of Fisheries and Oceans.

Let me give an example of when we simply have licence conditions attached to a licence.

All of these requirements under the statutory regulations and, in particular, this regulatory impact analysis statement are foregone. They are not part of the process.

For example, on the gillnet fishery on the west coast, gillnetters are required by law to have a revival tank on the vessel. The purpose of the revival tank in the Fraser River fishery, for example, is if any coho are caught the coho, which we are not supposed to capture, are to be put into the revival tank and maintained there until they are fit to be put back in the water and then their survival would be ensured. That is the purpose of the revival tank. That, on the surface, makes sense.

However the government has done this by licence conditions and it really has not looked at the impact of this. These revival tanks cost somewhat better than \$1,000 for the average tank. For a fisherman who last year only fished 39 hours and maybe only made \$3,000 or \$4,000 with his licence, \$1,000 is a lot of money. The worst part of it is that fishermen are required to have that revival tank on their vessel in July and August when there are no coho in the river.

We have a case in British Columbia now where a fisherman was charged for not having a revival tank on his vessel in July simply out of spite. The bureaucrats were upset with this fellow because he had been protesting some of the actions of the department and was not satisfied with it so the bureaucrats used this section. They told the fisherman that because he did not have his revival tank in operation they were going to take him to court and march him through the process. They told him that under the terms and conditions of the licence he had to have the tank in operation whether it was needed or not therefore he would have to pay.

That is the kind of outrageous authority that I do not think we should be giving these bureaucrats. I do not think that is what is called for and I do not think it is what Canadians want or expect.

• (2325)

I think the Ontario minister and, unfortunately, the Ontario Federation of Anglers and Hunters were in receipt of communications from the federal minister about this particular bill. The minister put the fear of God into not only the Ontario minister but the Ontario Federation of Anglers and Hunters and all but told them that if these regulations were not in place and the committee's disallowance report went ahead, the government would not be able to manage the fishery and it would be over. It would have to shut the fishery

down because it would be impossible to manage without being able to attach conditions to a licence. The government said that in the absence of licence conditions the commercial fleet would be unmanageable, it would not be able to control the species taken, the amount taken, the gear used, the time for fishing and the location of fishing.

In fact, the Ontario Federation of Anglers and Hunters said, "otherwise the protection currently in place through regulation for the \$7 billion a year sport fishing industry will be unable to address the species of fish taken, the amount taken, the type of gear used and the timeframe and location of that activity".

Unfortunately, that is not the case. For example, the Ontario fishing regulations talks about restrictions. No. 16 states:

No person shall engage in angling within 25 m of a cage in which fish are held for culture or a pound net.

No. 17(2) states:

A person who is angling from a boat may use two lines in the waters of Lake Erie, except in Rondeau Bay and the Inner Bay of Long Point Bay.

The Ontario minister is under the impression that the fishery cannot be managed without licence conditions. Well they do it in the regulations in Ontario already. That is just one example.

In No. 17(5) it states:

A person who is angling by trailing lures or baits behind a fishing vessel that is in constant forward motion created by muscle, motor or sail power may use two lines in the following waters:

- (a) the waters of the St. Marys River west of 83°45'W. in Division 17; and
- (b) the waters of Division 23, excluding

It goes on to list some exclusions.

In No. 18(1) it states:

—no person shall engage in angling through the ice with more than two lines.

In No. 18(3) it states:

No person shall engage in angling through the ice with more than one line in the waters set out in the table to this subsection.

The table is extensive. They are all doing things in the regulations which the minister in Ontario tells us that if Bill C-52 is not passed, they will not be able to do. Well they are doing it. It is just that these guys do not want to be bothered with open government and accountability.

The bureaucrats do not want to answer for the licence conditions that they put forward. Somehow they think it is okay for bureaucrats to put in place licence conditions which can result in imprisonment, large fines or the seizure of fishing vessels or fishing lodges if one is a sports fisherman, and I find that to be particularly reprehensible.

I responded to the Ontario minister of fisheries in a letter on July 8 in response to letter he sent to our fisheries critic on June 7. My friend, the parliamentary secretary for natural resources, read a good part of the Ontario minister's letter into the record. My letter read:

With respect, your response indicates that your office may not understand the objections of the Committee. The objection is not whether your Department's objective is wise from a policy perspective. Its sole concern must be whether s. 36(2) of the Ontario Fishing Regulations is authorized by the Fisheries Act.

That of course is the issue. I also told the Ontario minister in my letter:

Government Orders

Furthermore, you seek to have Parliament amend the Fisheries Act to give your Department the ability to launch such criminal proceedings against fishermen who might breach a term or condition established by your officials.

● (2330)

I went on to say that the scrutiny of regulations committee has already refused to endorse such a course of action. On April 14, 2004 it warned:

Our acknowledgement that the amendments...would resolve the Committee's objections to the legality of the relevant regulatory provisions does not imply an endorsement of those amendments.

Particularly as regards the proposed section 10(1), which would impose a legal duty to comply with the terms and conditions of a licence, we can conceive that some Parliamentarians might object to subjecting such non-compliance to penal sanctions that include imprisonment. To deprive a citizen of his liberty on the ground that the citizen has failed to abide by a requirement imposed by a public official in the exercise of administrative power, such as a term or condition of licence, could be thought undesirable as a matter of legislative policy.

I do not know of anyone on this side of the House who does not subscribe to that point of view. It is highly inappropriate for someone to end up in jail because he or she was not in compliance with a regulation that was put in place by a fisheries bureaucrat as opposed to a regulation which was authorized by this place.

The fisheries minister in Ontario is simply asking Parliament for an authority that it has never granted to departmental officials. It is worth underscoring that this authority that is being asked for is one that simply has not been allowed in other places. As I said earlier, the Library of Parliament could find only two instances where regulatory schemes or conditions to a licence would be sanctioned by someone other than Parliament and without parliamentary scrutiny. They were in the airline industry and in the nuclear industry, but there are public regulatory bodies that are overseeing those industries, and in fact, there is full public disclosure.

The parliamentary secretary was suggesting that parliamentary scrutiny would still be available, but section 10(2) contained in clause 1 of Bill C-52 makes it very clear that the regulations referenced in section 10(1) will not be subject to parliamentary scrutiny. That is a deep concern.

I suggested to the minister in Ontario that he has two options available to protect the fishery in Ontario. He could continue to impose terms and conditions on a licence and employ licence sanctions as an effective means of censure. In other words, he could withdraw the licence for a day or two days, or simply suspend the licence if that is his wish. That course certainly would be available to him, or he could develop and seek passage of regulations to replace existing licence conditions.

Certainly that is the route I would prefer to see, regulations to replace these existing licence conditions. We have this public process in place to oversee those regulations, to get public input and to ensure that not just the special interest groups are heard, and those special interest groups may simply be the commercial fishing industry or the sport fishing industry or some such other body, but to ensure that the public at large has the ability to respond. That is important.

Quite often, as my friends down the way have been suggesting, on these fisheries issues the public at large has a very real interest in

protecting the fishery because of the historical and cultural significance that maintaining a sustainable fisheries has.

Although the bill may be very small and does not quite fill a page, it is of huge significance. It is one that we certainly should not be supporting.

● (2335)

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, it is an honour to take part in the debate on Bill C-52. I listened carefully to my colleague from British Columbia on the whole issue of the Department of Fisheries and Oceans. I can certainly echo similar experiences in my riding of Dauphin—Swan River—Marquette of actions of the bureaucrats at the Department of Fisheries and Oceans.

Unfortunately, too many of these regulations force the department to operate in a manner that is unaccountable to anyone except itself. The people in my riding understand that the Department of Fisheries and Oceans has a relevant role to play in terms of environment enhancement to ensure that the fisheries remain intact in the future. There are huge bodies of water in my riding and fish are very important to the people who live there.

Unfortunately, because of the way the regulations operate they make a lot of people angry, sometimes because they do not understand the history of the riding and how real things happen. For example, the installation of culverts and ditches is always a sore point with the rural municipalities. Fisheries officers from who knows where, possibly from academia, usually inform the municipalities that they have to take the culverts out. They are not allowed to install them without studies, which incur costs. The same thing happens when bridges are being built. Engineering studies have to be done. It increases the costs for the rural municipalities.

We know that regulations tend to get out of hand. With Bill C-52 perhaps we need to look at less regulation and do away with some of the regulations that exist in the current legislation rather than add to the regulations. I would like to hear the comments of my colleague from the west coast.

● (2340)

Mr. John Cummins: Mr. Speaker, broadly speaking, there are two problems. One is the application of some of the existing regulations. Certainly on the issue of maintaining fish habitat at times I think the department is overzealous. There are farmers in the Fraser Valley who have created a ditch in the back of their property and all of a sudden that ditch becomes fish habitat because water flows through it for two or three months. The farmers are being forced to comply with regulations which prohibit farming within, I do not know, 30 feet of the ditch. It is this sort of thing. There is an overzealousness on that level.

On the other hand, my friend from Winnipeg Centre and others have raised the issue of Devils Lake in North Dakota. There is an issue where Canadian waters are going to be impacted by an action taken by our neighbour and the government is not acting vigorously enough to defend Canadian interests.

Government Orders

We can take a look at our oversight. Our fisheries department has not been enforcing regulations relating to aquaculture in a way that endears us to our friends in Alaska. They look at us and say, "You guys are impacting on our fishery".

The bottom line is that the Minister of Fisheries and Oceans has a fair amount of authority. He has the authority at times in a way that no other minister has. I think that is good in many respects. But the issue is, is that authority being applied in a judicious fashion? Is it being applied in an open fashion and in a fair way, so that when regulations are put in place, people have the ability to respond in a fair and open way?

In essence if the act is followed as it is written, they do. If this bill passes, they will not. The public will be precluded from having a say in the management of fisheries because, I will say right now that we have seen a growth in licence conditions over the last 10 years in the fishery. If this bill goes through, we ain't seen nothing yet. They will be using licence conditions for simply the management of every aspect of the fishery. The regulations that are in place will gradually fall into disuse. The only operative method of dealing with the fishery will be licence conditions. Essentially that is ruled by the bureaucracy and this place will have very little say in it.

To get any kind of a change will take some kind of majority consent of this Parliament, which will be almost impossible.

Do we need more licensing conditions or more regulation? In a sense, yes, but what we need to do is enforce what we have in a more vigorous way in some respects, but certainly in a more reasonable way in others.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, my colleague from Delta—Richmond East gave a very useful and interesting speech.

Would he agree with me from the tone and from the content of the speeches we have heard that the most worrisome thing about Bill C-52 and I think the reason the Conservatives put forward amendments is the whole thing seems to be shrouded in falsehoods and misinformation? My colleague cited the Ontario hunters and anglers who have been led to believe things that simply are not true in order to push forward the world view of the Liberal management of the fisheries.

Would the member expand a little on how the Ontario hunters and anglers and even the Sport Fishing Advisory Board and others seem to have been misled or sold a bill of goods about the impact of action or inaction regarding Bill C-52?

• (2345)

Mr. John Cummins: Mr. Speaker, the member has hit the nail on the head. The government has convinced the Ontario minister, perhaps working in conjunction with him for all I know, good Liberal brethren that they are. They have put inappropriate pressure on the Ontario hunters and anglers and have fed them a bill of goods about the bill. They have told them things that simply are not true.

We made it very clear that the kinds of restrictions listed in the letter from the Ontario Federation of Anglers & Hunters are matters which are currently regulated by the Ontario fishing regulations. In the last little while, the Ontario government has tired of the very public process of using the regulatory scheme to manage the fishery

and has said that it is much easier if it does it by licence conditions. That does not make it right and it is not right when a bureaucrat can put in place a regulation. Failure to comply with that regulation, as the government would like to happen in this bill, would see the full weight of fisheries enforcement come down upon the transgressor, including large fines, jail time, and/or seizure of vessels.

Those are problems the we face. The member for Winnipeg Centre has said very clearly this evening, that this bill is symptomatic of the kind of legislation we have seen come into this place over the last 10 years, and I find it very disturbing. I want to see a clear bill. I want to see it clearly define ministerial and government responsibility. I want to see the regulations flow from that, regulations that have been vetted by the public and regulations which everybody understands and to which they an opportunity to respond. I do not want to see these kinds of backroom deals that can be cooked up if this legislation goes through. It is not healthy for the resource because the public will be kept out of the loop. They will not know what is going on, and that is very problematic and something that I find very upsetting.

I want to thank the member for his contribution to the debate this evening.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, I notice we are rapidly running out of time. I am thinking about the people who have tuned into us all night, having missed a very good baseball game with Halliday pitching and missing Duffy's countdown. Perhaps we could have Duffy do a countdown on useless regulations that governments try to introduce.

I hesitated to get up because I thought some of the Liberal members would stand to defend their minister and what he was trying to do in this scenario, particularly when we have such knowledgeable fisherpersons like the members for Whitby—Oshawa and Saint Boniface. The chair of the finance committee might want some comic relief by participating in this debate in order to come down from the evening he had earlier. That is not the case so we will have to finish up with a few remarks.

The member for Winnipeg Centre said earlier that what the minister was trying to do was put conditions on licences with no statutory authority to do so. That is exactly what the minister is trying to do. The government was trying to pull a fast one and got caught.

This is not the situation that occurred last week when we suddenly had to rush a two clause bill out to the members with absolutely no background or explanatory notes. It was only upon a hurried request from members asking what it was all about that a briefing was given. Then we were told that it was absolutely nothing, that it was to correct a problem in the Ontario regulations to ensure that everything flowed properly.

On investigation, we found that was a long ways from the truth. This is only a two clause bill, but the ramifications of this will echo from coast to coast to coast. It gives the minister, as the member for Winnipeg Centre said, carte blanche to impose upon people involved in the fishery fines up to half a million dollars and jail time up to two years less a day, which he does not have the authority to do at present.

Government Orders

One of the things that has happened, in this cloud of confusion the government tried to create and the hoax it tried to pull on its counterparts in Ontario, is the minister seems to have vanished from the scene and left this to float, hoping it will go away. It has been around for a long time. It was not introduced last week when all the flurry happened. The bill has been on the go for 18 years. It was 1987 when this regulation first got the notice of people in Parliament.

On at least two occasions since then, bills have been introduced to try to correct this measure. One did not get beyond first reading and the other died when Parliament died. First, the government must not think it was very important or the majority of the members in the House did not think it was important to make this correction.

Right out of the blue, at the last minute because of pressure put on by the Standing Joint Committee on the Scrutiny of Regulations, the minister tries to make blanket changes without giving the facts involved. That is what I think upset most people in the House. If this had gone through unnoticed, every person involved in the fishery in would be in a much more tedious position than he or she finds himself or herself in at present.

● (2350)

Regulations always have to be reviewed, updated and changed, but they have to be done properly. The rule of law can never be overlooked in this honoured hall of operations, but this is what is being done here. The rule of law has been pushed aside and the minister, for his own sake, is trying to ram through a bill which certainly will be more detrimental than any effect of not doing it.

We wonder sometimes why the minister is not as concerned about other regulations. Why is the minister not concerned about overfishing regulations? We hear all kinds of platitudes. We do not see any action.

Why is he not concerned about the rules and regulations that surround quotas? That is a major one. As we speak here in the House about a regulation which should never have been brought to this place, back in the House of Assembly in Newfoundland tomorrow, and today for those watching back home, a debate will continue on the future of Harbour Breton, tied in with the future, perhaps, of Fishery Products International.

It is a very serious debate, a debate that has gone on for two full days, a debate in which the government will play a very important role, because the result will be determined on a large scale by what the government is going to do to assist people in Harbour Breton who have been put out of work by the closure of their fish plant.

The fish plant closed simply because the company that operated it, Fishery Products International, says it does not have product enough to operate all its plants so some have to go. Harbour Breton was the first on the chopping block.

The big question is, what do we have in the ocean in relation to quotas that could be made available to companies or to areas, whatever the case might be? Let us just say we mean quotas which could be caught by people involved in the fishery to be brought

ashore and processed by people involved in the processing end. The answer to that is simply that we do not know because there have been such great cuts in science that we have no idea, really, of what is available.

The set-up of the department, the regulations under which the department operates, basically gives large companies carte blanche to do what they want with a resource that we are told clearly by the minister, by government, is a resource belonging to the people. I have asked the question directly to the minister. Others have also. Who owns the fish in the ocean? The answer always given is, "The people of Canada own the fish. It is managed on their behalf by the minister and the Department of Fisheries".

I have been here five years. I have seen four different ministers of fisheries and I can say it does not give me any great consolation to know that these people are the custodians of our resource, because we have seen it completely and utterly mismanaged. We have seen it abused. We have seen it destroyed by foreigners and by our own people. We have seen it used for everything except what it is supposed to be used for, that is, the benefit of the people.

We are a country rich in resources, whether it be our fishery, minerals, water power, forestry, farming or tourism. We can go on and on. It is a country that is extremely rich. When we look at the small population of our country and the abundant resources, and when we realize that the economy basically is developed upon the development of these resources, why are all of us not very rich?

Why is every person who wants to work in the country not working? Because the "custodians" or the managers of our resources have not done a very good job in managing them. If only we knew what is available in the ocean and what is capable of being harvested.

● (2355)

If we knew when to harvest that resource and under what conditions the resource could be harvested, just imagine how much product could be brought into the various processing facilities around the country. Just imagine if we could eliminate the waste, catching the undersized, and the abuse in the fishery, the people of places like Harbour Breton would not be wondering about the future of their fish plant because they would not have time to worry. They would do what they did some years ago. They would be working round the clock.

The plant in Harbour Breton, by the way, just a few years ago was processing 30 million pounds of fish a year. At that time the value was roughly \$20 million. That was one small fish processing plant in one small rural community. We can imagine the contribution to the area, to the province and eventually to the country.

The Deputy Speaker: It being midnight, pursuant to order made earlier today, it is my duty to interrupt the proceedings on the subamendment at this time.

Accordingly, this House stands adjourned until later today at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 12 a.m.)

CONTENTS

Monday, June 13, 2005

GOVERNMENT ORDERS

Statistics Act

Bill S-18. Second reading	7009
Mr. Chong	7009
Mr. Rajotte	7009
Mr. Tilson	7009
Mr. Reid	7009
Mr. Boulianne	7010
Mr. Tilson	7011
Mr. Cullen (Skeena—Bulkley Valley)	7012
Mr. Tilson	7013
Mr. Julian	7014
Mr. Miller	7014
Mr. Bagnell	7015
Mr. Martin (Winnipeg Centre)	7015
Mr. Julian	7015
Mr. Tilson	7016
Mr. Chong	7017
Mr. Martin (Winnipeg Centre)	7017
Mr. Epp	7018
Mr. Martin (Winnipeg Centre)	7019
Mr. Rajotte	7020
Mr. Schmidt	7020
Mr. Adams	7022
Mr. McTeague	7022
Mr. Martin (Winnipeg Centre)	7023
Mr. Keddy	7025
Mr. McTeague	7026
Mr. Adams	7026
Mrs. Yelich	7027
Mr. Trost	7028
Mr. Sauvageau	7029
(Motion agreed to, bill read the second time and referred to a committee)	7030

Remote Sensing Space Systems Act

Bill C-25. Report stage	7030
Mr. McGuire (for the Minister of Foreign Affairs)	7030
Motion for concurrence	7030
Division on motion deferred	7030

Fisheries Act

Bill C-52. Second reading	7030
Mr. Keddy	7030
Amendment	7031
Mr. Chong	7031
Amendment to the Amendment	7032
Mr. Keddy	7032
Mr. Thompson (New Brunswick Southwest)	7032
Mr. Martin (Winnipeg Centre)	7034
Mr. Cummins	7034
Mr. Bagnell	7035
Mr. Martin (Winnipeg Centre)	7036
Mr. Cummins	7037
Mr. Kamp	7037
Mr. Van Loan	7038
Mrs. Desjarlais	7040
Mr. Chong	7040
Mr. Martin (Winnipeg Centre)	7041
Mr. Cummins	7043
Mr. Julian	7043
Mr. Hearn	7045
Mr. Duncan	7045
Mr. Martin (Winnipeg Centre)	7047
Mr. Cummins	7047
Mr. Cummins	7048
Mr. Mark	7050
Mr. Martin (Winnipeg Centre)	7051
Mr. Hearn	7051

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
PWGSC, Ottawa, ON K1A 0S5
Internet: <http://publications.gc.ca>
1-800-635-7943 or Local 613-941-5995

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5
Internet: <http://publications.gc.ca>
1-800-635-7943 ou appel local (613) 941-5995

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

**Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Publishing and Depository Services, PWGSC, Ottawa, ON K1A 0S5

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions et Services de dépôt, TPSGC, Ottawa (Ontario) K1A 0S5

**On peut obtenir la version française de cette publication en écrivant à : Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5**