



CANADA

House of Commons Debates

VOLUME 136 • NUMBER 122 • 2nd SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, September 26, 2000

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, September 26, 2000

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to table, in both official languages, the government's response to two petitions.

* * *

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP) moved for leave to introduce Bill C-497, an act to amend the Federal-Provincial Fiscal Arrangements Act (prevention of private hospitals).

She said: Mr. Speaker, it is my pleasure to introduce this bill on the prevention of private hospitals for first reading. The bill is in response to growing health care privatization and, in particular, to the threats posed to universal public health care by Alberta's bill 11.

The specific purpose of the bill is to control the entry of private for profit hospitals into our public system. It amends the Federal-Provincial Fiscal Arrangements Act to provide that provinces be financially penalized if they allow public funds to be used for the provision of insured services in private for profit hospitals.

The bill ensures that the principles of medicare and the spirit of the Canada Health Act are absolutely and unequivocally reflected in the letter of the law and that the federal government is equipped to respond immediately and effectively to any attempt by a provincial government to permit private for profit hospitals.

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

PETITIONS

TREASURY BOARD

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, treasury board employees and certain female dominated groups are receiving pay equity adjustments as a result of the application of section 11 of the Canadian Human Rights Act.

As a result of this these petitioners are asking parliament to empower and direct the treasury board to release funds allowing the office of the auditor general to meet this obligation in a manner that is consistent with the settlement made to affected groups under treasury board.

[*Translation*]

ST. LAWRENCE RIVER BANK EROSION

Mr. Gérard Asselin (Charlevoix, BQ): Mr. Speaker, pursuant to the standing orders, I have the honour to table in the House a petition signed by a number of the constituents in the riding of Charlevoix.

The bank erosion problem along the St. Lawrence River is becoming more of a concern for the environment and for public safety. The petitioners are calling upon parliament to intervene in order to have the federal government delay no further in restoring the bank protection program in order to stop the erosion of these banks.

• (1010)

[*English*]

HEALTH CARE

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to present yet another petition from constituents about the critical state in our health care system in Canada today.

This is part of a series of petitions whereby thousands and thousands of Canadians have called upon the government to take immediate action to ensure the complete, not partial, restoration of transfer payments for health care, and to take strict, serious and definite measures to prevent further privatization of our health care services to ensure that the principles of medicare and the spirit of the Canada Health Act are alive and well and guide us for the future.

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ORGAN TRANSPLANTS

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, I have the honour today to present two petitions. The first one deals with the gathering of organs at death for transplant.

The petitioners make a very important point that the unavailability of organs for transplant and the long wait needed for transplant results in long periods of suffering and compromised recoveries for transplant recipients.

The petitioners call upon the House to enact legislation to allow for the automatic gathering of organs at death for transplants.

HEALTH CARE

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, my second petition relates to our health care system. The petitioners are concerned about the state of our health care system.

They call upon the government to stop the for profit hospitals, the privatization of our health care system, to restore, as has been indicated already, the complete restoration of funding necessary for a good health care system, to implement a national home care program and a program for prescription drugs. This is something that seriously affects many of our seniors and many people on low and fixed incomes.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

Mr. Derek Lee: Mr. Speaker, I rise on a point of order. There have been discussions among all parties in the House and I believe you would find consent for the following motion: That the recorded divisions scheduled to take place today at the end of government orders be taken today at 6.15 p.m.

The Deputy Speaker: For the clarification of the Chair, does the hon. member mean the bells would ring at 6.15 p.m.?

Mr. Derek Lee: Mr. Speaker, if the divisions took place at 6.15 p.m., I believe there would be a 15 minute bell. With the lack of precision, I could withdraw my request for the consent and the motion and raise them later.

GOVERNMENT ORDERS

[English]

MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION ACT

The House proceeded to the consideration of Bill C-14, an act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba, as reported (without amendment) from the committee.

SPEAKER'S RULING

The Deputy Speaker: There are four motions in amendment standing on the notice paper for the report stage of Bill C-14, an act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba.

[Translation]

Motions Nos. 1 through 4 will be grouped for debate, but will be voted on as follows:

- a) the vote on Motion No. 1 will apply to Motion No. 2;
- b) Motions Nos. 3 and 4 will be voted on separately.

I will now put Motions Nos. 1 through 4 to the House.

● (1015)

MOTIONS IN AMENDMENT

Mr. Claude Bachand (Saint-Jean, BQ): moved:

Motion No. 1

That Bill C-14, in Clause 6, be amended by replacing line 29 on page 2 with the following:

“6. A right or claim provided for by both the Flood”

Motion No. 2

That Bill C-14, in Clause 6, be amended by replacing line 48 on page 2 with the following:

“only in accordance with the Agreement except in respect of any treaty right or claim arising from such a right, including any treaty right or claim arising from the Flood Agreement, in which case the Flood Agreement shall prevail.”

Motion No. 3

That Bill C-14 be amended by adding after line 6 on page 3 the following new clause:

“7.1 Nothing in this Act or in the Agreement shall be interpreted as affecting, abrogating or derogating from the existing aboriginal rights or the treaty rights of the first nation or of any member of the first nation.”

Hon. Raymond Chan (on behalf of the Minister of Indian Affairs and Northern Development) moved:

Motion No. 4

That Bill C-14 be amended by deleting Clause 14.

* * *

[English]

BUSINESS OF THE HOUSE

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, further to my remarks earlier and consistent with the discussions among all parties in the House, I think you would find consent for the following motion. I move:

That the recorded divisions scheduled to take place today at the end of Government Orders be taken today at 6.15 p.m., with the bells commencing at 6.15 p.m.

The Deputy Speaker: Does the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

[Translation]

MANITOBA CLAIM SETTLEMENT IMPLEMENTATION ACT

The House resumed consideration of Bill C-14, an act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba, as reported (without amendment) from the committee; and of Motions Nos. 1 to 4.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, it gives me great pleasure today to speak to the bill concerning the Norway House Cree.

This bill was debated at length in committee. The motions we are considering today were suggested by a number of aboriginal groups who would very much like to see the word "right" included in the bill, and I will explain why.

When one person says to another "I have the right to do that", there is undoubtedly a law somewhere to back him up. There may be a law, but there may also be court decisions. People before me

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decided to clarify certain matters with the various courts. Only then can anyone claim to have a right.

There is much talk of legal issues nowadays. Canada is facing tremendous problems where its aboriginal peoples are concerned, particularly with respect to the issue of rights.

I am one of those most frequently criticizing the government for its lack of political courage. In other words, in managing the native question, the government draws on legislation that is over one hundred years old. The only way the government has come up with to resolve the native issue is to cling to this law and try to speed up negotiations on land claims and self-government.

Some native people feel things are not moving fast enough. Naturally, there are grey areas in this legislation. It is really not surprising that a law dating back over one hundred years is no longer up to date or applicable or is at least hard to apply.

Native people were not satisfied with this law. They launched appeals in the various courts. Naturally, a number of these went as far as the supreme court, and this is the subject of my remarks today. I know I have only ten minutes, but there are a number of motions, and perhaps I will be able to return to finish up on the legal course all of that followed.

At the moment, things are happening at Burnt Church specifically as the result of a decision by the supreme court, which recognized certain native rights. It also recognized certain government rights over resource protection and so on.

• (1020)

There is often a problem when it comes to interpreting supreme court decisions. Unfortunately, except for Bloc Quebecois members, there are not many people who are siding with the aboriginals and recognizing that they have certain rights. This is why when aboriginal groups appear before the standing committee on aboriginal affairs to discuss a bill such as the one before us, one of the first points they raise, one of their primary concerns, is precisely the respect for their rights, including aboriginal rights.

This is why these motions are before us today. As I said earlier, we must understand the whole legal process and how aboriginal titles and aboriginal rights have changed. A number of decisions deal with aboriginal rights, but a pioneer in this area is definitely a Nisga'a named Frank Calder. Incidentally, I take this opportunity to salute my Nisga'a friends who may be listening to us, although it is rather early in British Columbia.

Just last week, I travelled to the home of the Nisga'a people for the inauguration of the new Nisga'a government building. It was nice to see how proud the Nisga'a were to finally have a building in which they will now be able to exercise a number of rights which, until now, were not recognized as theirs.

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There have been pioneers, not only regarding that building and not just Frank Calder. Frank Calder was not only the inspiration for the building but also a landmark figure in creating a more precise definition of what a native right is. He deserves credit for this. The Calder decision dates back to 1973, when the courts for the first time recognized the existence of aboriginal title for the occupation, possession and use of ancestral lands. At the time, I know that the government lawyers were saying "Hold on now, there is another thing, the royal proclamation of 1763 in which His Majesty sent out the word direct from England that the lands could not be taken possession of without agreements with the aboriginal people". The court went further than that, however. It said that what was involved was something other than the royal proclamation, something other than the treaties. Even if there had been treaties, there were some rights that perhaps were not included in them. This went beyond the Indian Act, as I have already touched on briefly.

That statute dates back close to 120 years. Its application today cannot be described as perfect. That is normal. Societies change. In the last 120 years, both white and aboriginal societies have changed. Imagine if we insisted here in parliament on hanging on to 120-year old legislation in all of the areas we deal with. This would, I think, be extremely awkward and it would be very difficult to apply legislation now that dates back 120 years.

The decision said that the royal proclamation of 1763 was not the basis for a decision and that it was not a treaty matter. It must be kept in mind that not all crown lands are covered by treaties. The Indian Act was not the basis for a decision either. The supreme court therefore found a concept: long-term occupation.

A native nation had to be able to prove long-term occupation. This is when discussion of an ancestral right from time immemorial began. Indeed, the court also recognized that these people were here before us and accordingly enjoyed specific rights. The Calder decision started opening things up in this regard, even though the supreme court did not define title as such. It said proof had to be established of long-term occupation, but that title certainly did exist. However, the court did not define it more than that.

Matters had to wait until 1984 with the decision in Guerin. This decision established that the government had a fiduciary duty, that the native peoples enjoyed a special land entitlement and that it was inalienable.

• (1025)

Therefore, in another instance, the court recognized the government's fiduciary right and its fiduciary duty.

This has caused many problems since then. I give as an example the decision in Marshall and Burnt Church with all that is happening there as a result at the moment. The government is caught in a dichotomy, in a state of incoherence, where it is obliged

to defend Canada's interests. But it is a trustee and must protect the interests of the native people. This situation is causing some pretty significant problems.

Unfortunately, what we have seen in recent years is the government focusing less on its fiduciary obligation and more on its other obligations. This is one reason why the Department of Fisheries and Oceans is now seizing lobster traps, taking the view that the aboriginal fishers are completely in the wrong. One day, we will have to find a way to reconcile the legal concept and philosophy of the rights of whites with the rights of aboriginals. This will take time.

I see you indicating that I have one minute left. I had intended to speak a little longer, but as I said, I will come back to this for the second group of motions.

In short, I hope that members will support the inclusion of the issue of rights in the bill. This is important to aboriginals and it costs nothing. We will be told that it is included in section 35 of the constitution—this is an argument the government often uses, and it may be true—but what does it cost the government to include this motion which the aboriginals really want to have? It costs absolutely nothing.

I will be pleased to speak to this issue again for the second group of motions.

[English]

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I am pleased to be here today. We will be supporting the amendments as noted in the order paper. The member from the Bloc and myself both put in similar amendments to the bill with similar concerns being the reasoning behind the amendments.

As the member from the Bloc indicated, these amendments do not cause any greater cost to the Government of Canada, except maybe the cost of honest to goodness intent to see whether or not the government is truly committed to acknowledging the treaty rights of aboriginal people.

These amendments were suggested by Chief Matthew Coon Come at committee. At that time he was grand chief of the council of Crees in Quebec. I want to take this opportunity to congratulate Chief Coon Come on his election to grand chief of the Assembly of First Nations.

We are at the stage of implementing the northern flood agreement because the government has, for decades and decades, failed to follow through on agreements reached with aboriginal people, whether it be treaty agreements or otherwise. As a result we have another piece of legislation before us to ease things along and get things moving. There was never any intent from the Norway House

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first nation or any other supporters of the bill from the first nations side to abrogate any of their treaty rights. That is why I think it is extremely important that we ensure those rights are in the bill.

Clauses are common in many kinds of legislation. Section 35 of the Constitution Act guarantees aboriginal and treaty rights. Legally, no bill passed by parliament can violate these rights. However, just to make sure there is no doubt, it is common to include clauses like these to explicitly guarantee the status of aboriginal and treaty rights. When we think about it, it is common sense. It avoids the costly legal fees that could be involved if first nations or their members have to go to court to uphold section 35 rights.

• (1030)

What we have seen in the past is that the action of the government is to constantly take different groups to court to fight for rights they already have. We are dealing with scarce taxpayers' dollars, and for the government not to make an effort to settle these disputes out of court and not to be serious in their negotiations is quite unconscionable. Certainly in first nations communities money can be better spent. I do not understand it.

Including these amendments shows a commitment by the government that it will make an effort to settle these if there is no intent to take aboriginal people to court to uphold their treaty rights. It is better to be clear that the aboriginal and treaty rights are absolute rather than leave any possible doubt and have the courts sort it out.

These amendments have broad support from the people who supported Bill C-14, or as it was previously introduced, Bill C-56, as well as from those who opposed it. One of the major concerns raised by the opponents of the bill was that it might undermine treaty rights conferred in the northern flood agreement.

At this point I want to acknowledge that many people out there, including a former Indian affairs minister, saw the northern flood agreement as a modern treaty. As a result, there is real concern that any change to that flood agreement will change those treaty rights. It is extremely important that we ensure this is not the case.

With regard to consultations with representatives from the Norway House Cree Nation, the first nation this directly affects, the government of Norway House does not intend that this bill will change their treaty rights in any way, shape or form. Ensuring that these amendments are in the bill solidifies that. Those who worry that this bill might unintentionally affect treaty rights also support the bill.

The people from Cross Lake First Nation, those most closely related to the Norway House First Nation, certainly in an area with a lot of familial ties over the years, do not support this bill. They do not want this. They want to adhere to the northern flood agreement as it was signed a number of years ago but never adhered to. The

people of Cross Lake First Nation have the right to make that decision for themselves, just as the people of Norway House have the right to make this decision for their first nation.

I urge the members of the Liberal government to support these amendments and make this bill acceptable to the people of Cross Lake and others who are concerned about the treaty implications. As parliamentarians we have a duty to uphold the constitution of Canada and that includes aboriginal treaties under section 35. I truly hope that the government will not vote against these amendments because it will be a signal to aboriginal people that the Liberal government does not respect their treaty rights.

I want to state again that our party will be supporting these amendments and this bill. We have concerns. I was at committee and listened to a number of concerns raised within the first nations over the vote on this issue.

Quite frankly, I too have concerns over the conduct of some officials of the department of Indian affairs. It left a perception out there that things were not being done up front. I was upset with the evasiveness of some of those officials who spoke to the committee about this bill. At points I almost felt like I was being misled as a member of the committee of the House. I do not think this is appropriate for government officials, but that is a problem with the department of Indian affairs. It is not the problem with this bill and it does not affect our support of the bill in any way. We can deal with those things through other areas. I hope we will start to deal with all first nations people in an upfront way.

It is clear to me too that the majority of the people of Norway House support this agreement. There were questions. In most agreements and discussions you have opposing sides. There were those who did not support it, but the chief and council who were representative of this bill and getting the message out there were pretty much the same chief and council who were elected after the vote had been taken. I accept that as an indication that the majority of people of the Norway House Cree Nation support the decision of the chief and council and support this bill.

The bill has been a long time in reaching this stage. It has been popping up since the time I came to the House of Commons in 1997. It is time that we put this issue to rest for the people of Norway House, but in doing so we must ensure that we do not risk the treaty rights of first nations people.

• (1035)

I also want to comment on one point from the committee, when I think the House certainly failed first nations people and in doing so failed all Canadians. There was an opportunity to take this issue, the whole discussion on the bill and these concerns, to the people most directly affected, the people of Cross Lake and Norway House. The committee failed to take the committee hearings to that

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area. As a result, there will always be some misunderstanding and some feeling that they were not fairly represented.

That is a small thing that committees of the House can do, to take the issue to those most affected, and it is something we should do. I want to voice my displeasure at the government, quite frankly, because let us face it, the government controls the committees. Let me point out that in the future maybe we can avoid some of the situations we see ourselves in if the government makes an effort to actually go to the people of Canada to get their feelings. It should go to the first nations and let them have a say on what is going to be affecting their lives.

[*Translation*]

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Mr. Speaker, I am pleased to rise to address the amendments to Bill C-14, an act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba.

This bill includes two parts. The first one deals with the Norway House Cree Nation, while the second one seeks to facilitate the implementation of the land claim agreements in Manitoba, including the ones on future land claims.

Many aboriginals affected by this legislation were concerned about their aboriginal and treaty rights. The Manitoba northern flood agreement was signed in 1977 by Manitoba, Manitoba Hydro and five first nations of the province. That agreement was reached following the flooding of land used by first nations. It listed the conditions for compensating first nations affected by the flooding of their traditional land. It is not for me to say whether this agreement is considered to be a treaty, or if it will be in the future.

The first amendment seeks to protect treaty rights, should the Manitoba northern flood agreement be considered to be a treaty some day. The problem I see in supporting this amendment is that it would protect any right or claim resulting from the agreement. The key word here is the term right.

The word right is not defined in the Manitoba northern flood agreement. In this bill, this is not a problem, because there is a definition of right or claim in the Manitoba northern flood agreement. If we introduce the definition of this term, I believe that would allow some new interpretations and would broaden the scope of the bill.

Another amendment, the second one, also includes the terms right and claim. Primarily, its intent is to ensure that the Manitoba northern flood agreement continues to be the document that takes precedence in compensating the Cree of Norway House.

In this bill, the comprehensive implementation agreement would also take precedence over claims by the Norway House Cree. With the amendment, the Manitoba northern flood agreement would be amended as far as rights and claims are concerned. This therefore reinforces the protection of treaty rights and the original conditions of the Manitoba northern flood agreement.

I can understand the reasons for demanding protection of treaty rights, as in the case of the first amendment, but I do have difficulty with the idea of introducing a term that is not defined. As I have said, the term right is not defined in the Manitoba northern flood agreement.

[*English*]

Furthermore, the people of Norway House Cree Nation voted in a referendum to accept the terms of the master implementation agreement. While we heard from a number of concerned Norway House members about the process used in the referendum and their fears that they will lose rights afforded to them by the northern flood agreement, the fact remains that treaty rights are constitutionally protected. Discussions about the accuracy of the referendum were never completely explained, which means that one has to accept that the people chose to accept a resolution to a claim that is more than 20 years old.

• (1040)

It is the Norway House Cree Nation that should ultimately make decisions regarding compensation for their flooded land. They chose to accept the terms of the master implementation agreement and, with the constitutionally protected treaty rights, they should be in a position to finally realize the compensatory benefits afforded to them by the northern flood agreement.

Amendment No. 3 would add another clause to the legislation dealing with the Norway House Cree Nation and the master implementation agreement they signed in December 1997. This amendment would provide a security feature to the legislation to ensure that nothing in the act or the master implementation agreement is meant to “abrogate or derogate from the existing aboriginal rights or treaty rights of the first nation”. That is a quote from the amendment.

While this amendment has some merit since it is meant to protect aboriginal rights, these rights are already protected in the Canadian constitution. This legislation should be a positive move for the Norway House Cree Nation. Their members voted to accept the terms of the agreement and the chief has recognized the benefits of the agreement for the band members.

The PC Party supports legislation that allows first nations to become more self-reliant and financially independent. This legislation does exactly that. It will provide funds to be managed by a trust fund on behalf of the first nations. We support the legislation

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because of the positive advantage it provides to first nations in Manitoba but we do have reservations regarding the amendments.

Mr. Derrek Konrad (Prince Albert, Canadian Alliance): Mr. Speaker, I am glad to speak to Bill C-14, the Manitoba claim settlements implementation act. I was in Manitoba when the dams were being built. I was a surveyor and flew many miles over that country in a helicopter on my way to and from work. It is an interesting country and it was an interesting job.

Many aboriginal people in that area were deprived of some pretty nice land, particularly along the river. It is good land, but farther back it contains a lot of muskeg, so the land they lost was among the best. This bill will bring some finality to the issue and will put some money in their pockets so that they can get on with their lives. It is important. Not only is it some money, it is some land to make up for what they lost. It is land of equal value. I see from the bill that it will take about four times as much land to equal the value of what they did lose.

There were many questions raised by many people about the process used to get approval for the flood agreement. Most of those questions were never adequately answered. They were not answered in the community or in committee. It seemed to me that the Liberals spent a lot of time trying to hush up the issue and hurry this bill through. They spent a lot more time on procedural matters and objections to the list of witnesses than many of us in the official opposition and other opposition parties wanted to hear from.

We had more correspondence on this than anything I have seen since I came to the House. Members of the committee received a binder that is probably four inches thick and is filled with letters, briefs and presentations that have been made on this issue over the years. In the length of time we had to look at this bill, it was impossible to do a proper assessment and analysis of the entire situation. Also, the people most affected by this legislation were never really heard from when it was brought to parliament. That is not right.

The first agreement that was signed was so loose and open-ended that it gave rise to absolutely every kind of interpretation. It was not capable of being implemented due to its open-ended nature. Simply to bring some closure to the matter, the government trampled on the rights of a lot of people and overlooked due process.

• (1045)

People should not be deprived of their land without due process, and once deprived through legislative means they need to be adequately compensated. Those rights are available to all Canadians under expropriation acts, whether provincial or municipal. Certainly that right has to be there as well for Canada's aboriginals. They simply cannot be deprived of land and rights just because it

happens to suit the political agenda of the party in power at the time. We are not overly happy about many of these things.

We notice the insertion of the word right. I am not sure, given recent court decisions, that the insertion of this word adds anything or that leaving it out will detract from anything. To that extent I agree with my colleague from Churchill. She had it about right there. The courts seem to be playing more and more of a role. It seems the Canadian public, the Canadian government and the Canadian taxpayer are being governed by our courts, much more than by the people who were elected, not appointed, to make the laws. We need to look after that.

Some of the questions I have about the transfer of land in fee simple to the band concern private ownership. Let us remember the bill has two parts. There is also a treaty land entitlement part to the bill. I and my colleagues doubt that any individuals will be able to exercise private property rights over any of that land. It will have to be always dealt with in common.

People who have appeared before our committee have said the lack of private property rights by natives over aboriginal land is one of the biggest barriers to economic development for those people, not just as a group but as individuals. The head of the First Nations Bank is one of those people. The head of the Business Development Bank of Canada is another individual who believes there need to be private property rights for individuals to make any headway in society, and that the communal style of owning property, which means lending institutions have no way to take collateral, is one of the biggest drawbacks to economic development for aboriginals.

These things were never addressed in the legislation. The government had an opportunity to get to work on these types of things.

The treaty land entitlement process does make up for shortfalls in Indian reserves that were established and surveyed at the times the treaties were signed, and it is a fairly generous settlement at that. Individuals will not benefit from it; simply bands will benefit. Many times that means the leadership gets most of the benefit, not the band members.

I have had aboriginal people come to my office in the riding of Prince Albert, I have had people telephone me at home, and I have had people contacting me by phone, letter, e-mail, fax, or whatever in my office in Ottawa, saying they want to be able to exercise private property rights. They would love to get a square mile of land somewhere, anywhere, maybe with some lumber on it so that they could do some logging, build a home, start to farm, or something like that.

Can they do that under the bill? Nothing doing. They are absolutely kept out of the mainstream of the Canadian economy because of legislation such as this and attitudes such as those on the

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other side, which deny Indian people the same rights that are available to every person in the House.

There needs to be a process to allow native people to take possession of their hopes. I recently spoke to a man on a reserve who had been given six months to get off the reserve and out of the house he lived in. He had been married to an Indian woman. The band said "We need this house for band members. You are not a band member". His wife had just died and he got a letter from the band saying "You are out of here". Is that the way to treat Canadians, aboriginal or otherwise? I do not think so.

The lack of rights available to people living on reserve is a scandal and needs to be addressed. While the bill does some good things locally for the people in making redress for land taken from them, it is a far cry from the kind of legislation we need to introduce to ensure that aboriginal women have the protections they need.

• (1050)

I am sure that woman would not have been happy to know her husband was told "You are out of here". Fortunately he had daughters who were willing to look after him and took him in, but here was a man who was capable of living independently. He was not that old. He was forced to live with his children or else leave his home and his friends. That just does not work.

Under the legislation the federal government will fund Indian bands to undertake land selection studies. In Saskatchewan, where the treaty land entitlement process has been in business for some time, too many bands have been spending too much money doing studies and not enough buying. If any farmer were to spend that kind of money on studies, he long since would have been into bankruptcy, out of business, and working for a living.

There needs to be some accountability for the money that is transferred and held for these people. Certainly we will be watching that. I am sure we will be taking phone calls on that same issue over the years. We intend to form the government, and we will be making certain that this money is well spent on behalf of Canada's Indian people.

Mr. John Finlay (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I have listened with great interest to my colleagues' comments. Having worked with most of them on the aboriginal committee, I know from whence they come and I know they are genuine in their statements.

However, we are dealing with a separate piece of legislation that has the purpose of making an agreement with the Norway House Cree so that they can get on with the business of running their community, of getting the land they are entitled to and the compensation they have been denied by a long and cumbersome process that started in 1977.

This is, in miniature, what my colleague from Saint-Jean talked about regarding the Nass Valley. I too was there the week before last to honour the opening of the new legislative building of the Nisga'a, who worked for 120 years to get to that point.

The bill deals with an agreement made with the fourth of five first nations affected by the Manitoba northern flood agreement. The reason we have this agreement is that the other one does not work very well, because it allows for the kind of thing my colleagues across the hall have deplored. It allows for confrontations in court. It is costly and inefficient.

In order to get around this stumbling block, the parties, including Manitoba, Manitoba Hydro, Canada and the northern flood committee, have come up with a way of negotiating an implementation agreement with each first nation individually.

The first part of the bill deals with compensation for the Norway House Cree Nation, which is situated 450 kilometres north of Winnipeg. There are over 5,000 members, and nearly 4,000 of them reside on reserve. As my colleague from Prince Albert has said, and he was involved in the surveying, the best land along the rivers was flooded. These people are in need of land to compensate for that loss at about four to one. As my colleague from Churchill said, the chief and council have agreed with the bill.

One of the reasons rights are not mentioned is to get around the very problem of making this a treaty, which it is not, and maintaining it as an agreement, which it is. This, in line with "Gathering Strength", our aboriginal action plan, moves the agenda forward.

• (1055)

If we accept this motion to add that word then we are back to square one. We are back to pre-Royal Commission on Aboriginal Peoples days. We are back to Chief Justice Hamilton's comments about certainty in inalienable rights and aboriginal rights. If they are not clearly defined we get into trouble. We are not trying to define them in the bill. We are saying there is a problem. These people deserve compensation. We will compensate them according to the bill.

The second part of the bill affects more first nations, particularly Manitoba first nations, potentially all Manitoba first nations, in that it aims to facilitate the addition to reserve commitments under a variety of existing and future Manitoba claims settlements. While the most significant of these commitments at present are to the 20 Manitoba first nations covered by the 1997 Manitoba treaty land entitlement framework agreement, other first nations in Manitoba will also derive benefits under part 2, relative to other existing and future settlements.

It is imperative, in order to move the agenda on, in order that the first nations of Manitoba can get the support and the freedom to act they need, that these amendments be defeated. If they are not we

will go back into a very murky situation that existed 22 years ago. That is not progress for the native people. It is not progress for the government. It is not progress for the country. It is a lack of progress.

There is no danger in this act to any first nations treaty rights, aboriginal rights, inherent rights or any other rights. The bill rights a wrong, an overdue delay in settlement with the Norway House Cree. It makes further settlements with the other bands in Manitoba much easier to accomplish because people have to sit down and agree on what they need, how much they can have, where the land is, add it to the reserve, et cetera. As Chief Gosnell said in the Nass Valley, confrontation is not the way to go. Consultation, agreements and negotiation are the way to go. That is when everybody gets the most value for their efforts, the government and the first nations. I urge the House to deny these motions.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, I am pleased to rise today to speak to Bill C-14. I was involved earlier in the agreements that derived from the Manitoba flooding of the 1970s. In the last parliament we had Bill C-36 dealing with the Split Lake Band, Bill C-39 dealing with the York Factory Band, and Bill C-40 dealing with the Nelson House Band. This is now the fourth bill dealing with five bands. We only have the Cross Lake Band that is currently not addressed by new legislation and is still subject to the Manitoba northern flood agreement of 1977.

Specifically Bill C-14 deals with Norway House. I had the experience of going to Norway House in the summer of 1995 as part of my party's task force on aboriginal affairs. We were trying to develop policy at that time.

• (1100)

I well remember the charter flight from Winnipeg to the airport at Norway House. We had made arrangements previously with some women from the Norway House community to meet us at the airport. There were several members of parliament from my caucus. The first words that came out of one of their mouths was "Congratulations, you have now been at Norway House one more time than our chief has this year". That was actually the forerunner and the first clear example in my mind of the way in which aboriginal women were making decisions. When they are dissatisfied with the way their community is being run, they will do something about it. That is one memory that is etched in my mind.

The 1977 Manitoba flood agreement was laced with problems. It did not become a very good document to implement a lot of the necessary things to address the huge displacement of community lands. There were new hazards for residents of the communities because of the change in the waters and water levels. Resources were displaced. A whole new way of life had to be put in place because the flooded lands had changed the way the water oriented

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communities had operated up until that time. Clearly no one could reasonably argue that compensation is not an important part of this whole agreement.

We have supported all of the compensation agreements. We have been very consistent in doing that in Bill C-36, Bill C-39, Bill C-40 and once again today we are supporting Bill C-14. We have actually debated this since June 1994. That was the first set of debates.

I will just give an idea of what happened when the flooding occurred on the Nelson and Churchill rivers along with the Lake Winnipeg regulations project. Almost 5,000 hectares of reserve land belonging to these five first nations were flooded as well as over 200,000 hectares of non-reserve land that was traditionally used for hunting and trapping.

In the 1970s when the flood agreement was put together, it was very loosely worded. With these agreements now, not only is implementation better served, but we have clearer questions of how liability will be addressed. The project proponent, Manitoba Hydro, now essentially has the ongoing and unanticipated future liability. I think everyone would agree that is just and proper as it is the major proponent for the project.

There are some interesting elements to these agreements. In many ways we should be looking at these as enlightened things that we can build into future agreements.

The fee simple lands that are being transferred are not necessarily being transferred into typical reserve status. This will give the bands a lot more flexibility and opportunity to deal with those lands in a way that will not necessarily involve all the bureaucracy of the department of Indian affairs.

• (1105)

On the transfer of moneys, the compensation package, the moneys are going into a trust arrangement that will necessarily have an accountability function built in which I think is highly appropriate. We know for example that under the Liberal government the accumulated deficit of native bands across Canada has gone from \$130 million to over \$300 million. That lack of accountability is something to be avoided. This arrangement avoids that lack of accountability.

Those are the main points I wanted to get across. A couple of other things are worth pointing out.

The fee simple lands held by the respective native corporations are held outside the normal encumbrances of the Indian Act. They are also subject to property taxation. Any business originating from these lands is also taxable. In addition, individual band members may appeal under the Manitoba arbitration act if they are unsatisfied with band decisions which affect them personally.

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We have some new thinking here that is worth putting under a microscope a few years down the road to see what real changes it has brought about. My suspicion is that this will lead to some good changes in the way governance is applied within these communities.

I urge my colleagues to support this legislation.

[*Translation*]

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 1 stands deferred. The division on this motion will also apply to Motion No. 2.

The next question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 3 stands deferred.

The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Deputy Speaker: I declare Motion No. 4 carried.

(Motion No. 4 agreed to)

The Deputy Speaker: The House will now proceed to the taking of the deferred recorded division at the report stage of the bill. Call in the members.

And the division bells having rung:

The Deputy Speaker: The recorded division stands deferred until 6.15 p.m. this evening.

* * *

• (1110)

[*English*]

CRIMINAL CODE

Hon. Hedy Fry (for the Minister of Justice) moved that Bill C-17, an act to amend the criminal code (cruelty to animals, disarming a peace officer and other amendments) and the Firearms Act (technical amendments), be read the second time and referred to a committee.

Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is a pleasure for me to speak to Bill C-17 which is an omnibus package that proposes amendments in a number of areas of the criminal code.

In a nutshell, these amendments will improve the criminal law in a number of areas, such as tougher laws to protect animals from cruelty, better protection for peace officers acting in the line of duty, and improvements to respond to concerns from firearms businesses with respect to the administration of the firearms system. Other amendments will provide greater procedural safeguards to persons with disabilities who are victims of sexual exploitation.

[*Translation*]

I would now like to focus on the parts of the bill amending certain current provisions of the criminal code having to do with cruelty to animals. These amendments have attracted considerable public interest and I will start with them.

[*English*]

For over 10 years humane societies have been asking ministers of justice to improve and strengthen the law on cruelty to animals. Humane societies are established by provincial legislation and have the statutory mandate to prevent cruelty to animals, to relieve animals in distress and to educate the public about animal cruelty and welfare.

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Many humane society officers are designated as peace officers and have the power to investigate and lay charges of cruelty under the criminal code. These are the organizations that are largely responsible for administering the criminal law and provincial laws in this area. These are the people who know when the system is not working and they in fact told ministers of justice for over 10 years that the system was not working as well as it should.

Let us be clear from the start about what cruelty is. Cruelty is about the infliction of unnecessary pain or suffering on animals. It is the causing of avoidable pain, the causing of pain for no reason or through extreme neglect. Society rightly abhors such conduct. Who would choose to harm an animal if they did not have to?

Cruelty to animals is not about the appropriate standard for animal care in various specific contexts such as farming practices or slaughter methods. These activities are directly regulated by specific laws and regulations both provincially and federally and are understood to fall outside the criminal law. Our law recognizes that animals can be used for a variety of purposes to satisfy certain human needs if they are treated humanely and with respect at every stage. That is what Canadians expect.

After reviewing this area of law, the minister and her department consulted with the public and interested groups in September 1998. We sought their views on the modernization and strengthening of the current laws. The response was really quite significant and took us all by surprise.

Thousands of Canadians wrote in and signed petitions telling us that they wanted animal abuse treated more seriously. To this day the Department of Justice continues to receive many letters every week, sometimes hundreds, applauding the government for introducing this bill.

I would also like to note that support for modernization and tougher penalties came from national and provincial veterinary associations and from many provincial attorneys general. Members of the House may be interested to know that last November, just weeks before the bill was introduced, the Ontario legislature passed a resolution with all party support that urged this government to strengthen our laws on animal cruelty, to do the very thing that Bill C-17 does.

The Ontario government continues to be very interested in stronger animal cruelty laws. As recently as last week Solicitor General Tsubouchi, who had previously written to the minister and urged the government to strengthen the animal cruelty laws, continued to emphasize the need for stronger penalties against cruelty to animals at the launch of the Ontario Society for the Prevention of Cruelty to Animals Violence Prevention Week.

What has all these organizations and individuals concerned? If I may, I will remind members of the House what cruelty is and how it happens all too frequently in the country.

Across the country dogs have been beaten with hockey sticks and golf clubs, thrown off balconies and dragged behind cars. Cats have been mutilated, burned, tied to railroad tracks and left for oncoming trains. Animals have been trained to be aggressive and forced to fight each other to the death for entertainment and economic profit. I need not horrify members with further gory details.

• (1115)

In some, but by no means all cases, charges are laid. Even where charges are laid, prosecutors often choose not to proceed in all but the most extreme circumstances. In the rare cases where a conviction is obtained, the penalties range from a small fine to, on rare occasions, a brief stint in prison, typically a few days or weeks. Canadians think we can do better than this, that we can prevent some of these acts with stronger deterrents and tougher penalties.

However, all members should know that it is not only the animals that will benefit from such measures. Canadians are perceptive and they realize a society that cares for its animals also shows more respect and compassion for its people. They know already that the people who abuse animals may already be doing the same or worse to the people in their lives. It is common sense, if people are never made to account for their violence, that violence may be more likely to escalate.

Simply put, violence is violence. A person determined to cause pain and suffering often does not care who or what the victim is. Animal cruelty is another form of violence in our society. If we do not treat it seriously then we fail to tackle the problem of violence in all its aspects.

As I mentioned, there is also a particular correlation between animal cruelty and domestic violence. This is supported by a growing number of studies involving battered women which show that a clear majority of their batterers also abuse pets in their home. They also show, sadly that around half these women report that they stayed in the abusive household longer than they otherwise would have out of fear for the safety of the pet. Animal abuse clearly figures into a larger pattern of violence and abuse.

Animal abuse in the home can also have a devastating impact on children. We all know of the natural bond that children form with animals. A child that witnesses its beloved pet being beaten by a parent will be psychologically traumatized. That child may well be more likely to be abused if a parent is abusing a pet. There is also data that suggests that children could be more likely to grow up committing violent offences themselves, imitating what they witnessed their parents do at home. If a child manages to avoid a life of crime, he or she may suffer from learning problems and social and developmental difficulties.

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If we take the issue of animal abuse seriously, if we make a reasonable effort to identify and punish it, we will stand a better chance of preventing violence and other forms of mistreatment with respect to human beings.

[English]

With that background I will briefly outline the main features of the amendments relating to cruelty to animals. One thing the amendments do is modernize and simplify the law. The law right now is confusing and incoherently organized. The basic structure is a result of piecemeal amendments to 100 year old provisions. There is overlap between sections, and outdated distinctions are built into the law.

Bill C-17 will modernize the language of existing offences, eliminate archaic distinctions and provide uniform protection for all animals. It also proposes a rational and coherent set of offences, for the first time distinguishing between intentional cruelty and cruelty by criminal neglect. The person who loves his or her animals but has too many to keep well fed commits a different kind of crime than the person who senselessly brutalizes an animal. In short, the amendments will make the law more logical and easier to use by law enforcement, prosecutors and judges.

The main thrust of the amendment is penalty enhancement. Even the most heinous and barbarous act today carries a maximum six months in prison or a \$2,000 fine. It is little wonder that the police do not often expand their limited resources on cruelty charges. I have heard time and time again from Canadians that penalties must be higher to deter this behaviour and to denounce and punish those who simply will not abide by societal standards.

The bill would give prosecutors more choice on how to proceed, based on the seriousness of the circumstances. In really serious cases the prosecution can proceed by indictment and the maximum penalty will be five years in prison. It takes a strong statement from parliament to get some people to understand that cruelty will not be tolerated and to get cases brought before the courts.

The five year maximum penalty is appropriate for this offence. It is important to remember that the maximum penalty is reserved for the most serious crimes committed by the worst offenders.

I invite members to compare this penalty with that for assault, which also has a maximum penalty of five years. Assault can be committed simply by spitting on someone or pushing someone who did not consent to be touched. If bodily harm is caused in the course of an assault then the maximum penalty jumps to 10 years. I certainly think it is appropriate to have the same maximum sentence for torturing and mutilating an animal as that which exists for simple assault.

● (1120)

Another sentencing measure in the bill relates to the court's power to prohibit an offender from owning or having care and control of an animal subsequent to a conviction. Right now the courts can order a convicted offender not to own or possess animals for up to two years.

It is commonly felt, including by some judges, that the two year maximum is too short. Prohibition orders can be very effective by preventing future harm without being overly punitive. Even some provincial animal welfare statutes are stronger than the criminal code and let the court decide what time is appropriate. The bill will therefore give courts the much needed discretion to fix the appropriate time limit on prohibition orders.

Another new sentencing feature is the power of the court to order the convicted animal abuser to repay reasonable costs to the humane society that cared for the animal in question. Restitution orders have the potential to greatly assist humane societies in fulfilling their statutory mandates to care for abused animals. These organizations receive little public funding but they play a vital role in taking in and caring for animals. Humane societies should be reimbursed the reasonable costs they expend in performing this valuable function.

Restitution orders are also a valuable sentencing mechanism because they help instil a sense of responsibility in an offender by holding him or her accountable for the damage or injury the crimes have caused.

With regard to what kinds of acts constitute crimes, the bill carries over existing offences and actually eliminates a few offences that overlap with others. Bill C-17 strengthens the law in many respects but actually creates only two new offences. It will be an offence to brutally or viciously kill an animal. Assuming that a person has a legitimate reason to kill an animal, right now the law places no limits on the way in which animals can be killed. The law only requires that unnecessary pain or suffering not be caused in the course of a killing, but a quick and painless killing is not necessarily synonymous with a humane or acceptable one.

For instance, it is not acceptable to kill an animal with explosives or to leave it to be run over by a train, even though the animal may die instantly. These things actually happen. Killing an animal in a particularly brutal or vicious way is a special kind of crime which may in fact be just the sort of conduct that causes the greatest risk to society. It reveals the most depraved and sadistic intent. Evidence shows that many serial killers acquired their taste for killing by practising on animals.

[Translation]

All members of the House should support this measure, which is aimed squarely at brutality and which gives the police and the

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courts the tools they need to arrest and punish these individuals, who may be extremely dangerous.

[*English*]

The bill also introduces a new offence of training an animal to fight other animals. Certain acts related to animal fighting are already crimes in Canada but are very hard to prosecute. Humane society investigators rarely come across a fight actually taking place. The training of fighting animals, dogs and cocks in particular, is cruel to those animals and sometimes to other animals such as kittens which may be used to train dogs to attack and kill.

The people who engage in this activity train dogs to be aggressive and deadly. Although it is not seen by most of us, there does seem to be evidence of active cock fighting and dog fighting rings in Ontario and British Columbia. This new offence will provide investigators with a new tool in their efforts to identify and shut down this insidious practice.

These are the main features of Bill C-17 as it relates to animal cruelty. The bill responds to what can only be called overwhelming public support and interest in better legal protection for animals from unnecessary pain and suffering. The government is pleased to make these amendments to recognize that animal cruelty is a crime of violence and should be taken more seriously than it has been for the sake of the animals and for our communities.

Some members may not know that the government has heard a number of concerns from certain groups representing farmers, hunters and animal researchers. They are concerned that these proposals, the way they are currently drafted, are vague and imprecise and could therefore impinge upon their businesses or livelihoods. I take this opportunity to thank these groups for having shared their concerns and their ideas with members of the minister's staff and Department of Justice officials at numerous meetings over the course of the spring. Such interventions are a helpful part of the law reform process.

As an aside, I point out that hunters and farmers are in fact vocal supporters of strong animal cruelty laws. The overwhelming majority of farmers, hunters and others who use animals do so responsibly and humanely and in accordance with the law. They are among the first to denounce those who fall below acceptable standards. The concerns heard relate to uncertainty about the interpretation of certain words and the application of the provisions.

In my view some of these concerns are based on a number of misunderstandings about the legal impact of the amendments and fail to recognize the existence of fundamental criminal laws, rules and principles which are not written in the criminal code. It is not difficult to understand, if lawyers and judges can disagree about the

interpretation of some laws, that other Canadians may also be reasonably uncertain.

• (1125)

It is important for members of the House and for those concerned to remember that there are already laws against cruelty to animals, laws which our courts have interpreted and applied time and time again. The bill does not create a new regime where none existed before.

Aside from changing penalties the bill makes only very slight changes to the law we already have. The criminal law has never been used inappropriately to target the humane treatment of animals in normal human activities. This is because the law and the courts already recognize that there are many valid reasons for the use of animals and that those reasons sometimes require the animals to suffer or be killed. The bill does not change that. In short, what is lawful today will be lawful the day after the bill becomes law.

The Minister of Justice is determined that the criminal law be clear and accessible to everyone, not just to criminal lawyers and judges. It has been said before that our criminal laws already recognize the humane treatment of animals in the course of legitimate and normal activities such as farming, hunting, fishing and animal research. As parliamentary secretary I would like to assure those involved in such activities that the government will include a statement in the bill to that effect when it is before the Standing Committee on Justice and Human Rights.

At committee all concerns can be discussed in greater detail. We are prepared to make sure that if further clarification or modifications to the principles of Bill C-17 are required so as to improve the law and more clearly set out its objectives, we will make them. We can work together to produce a law that everyone is happy with and can support.

While I have devoted the bulk of my remarks to the cruelty of animals component of Bill C-17, I want to speak to another proposal in the bill which responds to concerns related to police safety.

The bill will create a new offence of disarming a peace officer. Every member should support this measure. Police officers are required as part of their duties in investigating crime to enter situations that are potentially dangerous. That danger can be suddenly increased tenfold if a suspect grabs the officer's weapon. Suddenly there is a life threatening situation. In fact we are told by the Canadian Police Association that the taking of an officer's firearm has sometimes resulted in the murder of the officer. We are pleased to report to the Canadian Police Association that the government has responded to its concerns on this very important issue.

The names Scott Rossiter, Michael O'Leary and Aurele Bourgeois may not be familiar to members of the House. They were all shot with their own police weapons. Rossiter, a constable from

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Ingersoll, Ontario, was shot by a suspect in 1991. Constable O'Leary and Corporal Bourgeois were disarmed in the course of trying to arrest two kidnappers in 1974. The offender then shot the two policemen. I will not comment further at this time except to say that if proof of the need for a specific offence of disarming a police officer is needed, these three examples provide that proof.

These are the highlights of this omnibus package. The government is committed to ongoing review of the criminal law and to the maintenance of effective legislative measures to protect society and its members. As part of this effort the legislation contains a series of other measures to address concerns about the legislation, adjust offences and punishments, modernize the statute and correct oversights enacted in previous legislative initiatives.

We will continue to monitor the legislation and bring forward further changes as the need for them becomes apparent. I look forward to the support of all members of the House for this important criminal code omnibus legislation.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, it is a pleasure to stand in the House to speak to Bill C-17. I have several concerns with the bill which as the official opposition we are obligated to bring forward.

One of the issues facing us in this bill, among other bills brought into the House of Commons, is the fact that it is basically an omnibus bill. It contains many changes. Some are technical amendments. Some affect the Firearms Act. Some affect the criminal code, and so on and so forth.

We have talked about this numerous times in the House of Commons. Once again I advise the government that when bills are brought into the House it would be far better if they were simpler, more understandable bills, each dealing with an issue that can be tackled as an issue isolated unto itself.

The items directed for change are good changes. I will go through what I agree with and what I do not.

• (1130)

As my colleague opposite indicated, there is obviously reason for concern among some groups. He also indicated that those concerns were not that serious and that there may be some misunderstandings about the bill. The fact is, if the changes and aspects of the bill are unclear, he knows full well what will happen. The lawyers and the legal industry will get it and once again our legislation will be developed in the courtroom.

It is important to understand that we have to make changes to the legislation in that area. We will be looking for these changes in committee. If we do not receive those changes or at least clarifica-

tions so that the legal industry does not play with this in the courtrooms, then my opinion on the bill may very well change.

At this point there are three main provisions in the bill. The first is that it amends the criminal code by consolidating animal cruelty offences for brutally or viciously killing an animal or abandoning one. It will no longer be a property crime. I do not think there is much disagreement in the House as to whether or not that is necessary. It certainly is in this day and age. We have seen time and time again where cruelty to animals seems to go unattended to by the courts. It has been basically a misdemeanour up until now. I commend the government for that action. I agree with it.

The bill also creates the offence of disarming or attempting to disarm a peace officer. I wish this would have been a subject unto itself in legislation because there is more to this than just that aspect of it. However, I commend the government for that aspect of the legislation, as it is truly necessary. I know the police forces and peace officers appreciate this kind of action coming from the House of Commons.

The amendments to the Firearms Act are incorporated by expanding the class of prohibited handguns that are grandfathered and modifying the employee licensing requirements. I think that as well has been accepted and taken with a fair bit of understanding and appreciation.

Let us look at what is really new in the bill under those three categories. The bill raises the penalty for intentional cruelty to animals from the current six months to five years. That is an upward limit. There is no minimum penalty, which in a way is too bad. I think minimum penalties also enhance legislation, not just maximums. When we go into the courts of this land, maximum penalties are seldom applied.

I might add, however, that in my long time spent looking at issues such as conditional sentences, I have seen many cases where women have been sexually assaulted and their attackers have received conditional sentences, sentences of much less than the current sentence the government is proposing for cruelty to animals.

I should say to the government that when we look at it from that perspective, I would suggest that the government should go back and look at conditional sentences. It should try to take the action whereby violent offenders cannot get conditional sentences. When we look at it in perspective, with cruelty to animal bills everyone will understand and appreciate that there has to be some kind of comparison for the time and the crime.

The current legislation lifts the cap on the fine, which is currently at \$2,000. I do not think the legislation as I understand it identifies whether or not there is an upward limit to that or whether the dollar values of the fines are open. We will be asking the

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following question when it comes to committee: is the level of fine open-ended or designated? I would like the parliamentary secretary's comments on that.

• (1135)

There is a potential for a lifetime ban from owning an animal for those convicted of cruelty to animals. I like that. I think it is about time that we set some standard in this country. I can recall case after case in British Columbia where people have mistreated animals. In fact sometimes many animals have been mistreated in one place, not just one animal. These people have had more animals within their care shortly afterward. That was wrong. In one case that I recall, it was the second time around for an individual in British Columbia when he was again caught by the SPCA for brutality to animals.

Those found guilty of cruelty to an animal now have to pay the bill for the vet services to treat the animal. This is a great move. However, I want to put some relevance back into this and into other legislation. In this case we are holding responsible an individual who has been convicted of being cruel to animals for the cost, for the responsibility of trying to fix the situation by fixing the animal.

When we talk about the Young Offenders Act, for instance, we say "Where it is applicable, why not hold parents accountable for the damages caused by the young offender?" The government virtually panics when we talk about this. Yet if an animal has been hurt, the government turns around and says that it will hold the people responsible for its injuries. Consistency in the House in government legislation would be more appropriate, and the government should look at that.

The bill acknowledges that animals have feelings and are deserving of legal protection from negligence or abuse, which I think we can agree with.

It is a separate criminal offence to take away or to attempt to take away a police officer's weapon and it is punishable by imprisonment, to a maximum of five years. I agree with that, but I think minimum sentencing should be put into the legislation. I know that historically in our courtrooms the minimum sentences come out of those kinds of convictions. I would not like to see legislation like this go to waste. If such a situation does occur, and it does occur, as my colleagues across the way said, it should not go to waste on a conditional sentence, on a suspended sentence or on a one year sentence. I would suggest to the government that it put a minimum in place.

The legislation will adjust employee licensing requirements in order to better reflect appropriate firearms safety training for employees who handle restricted and prohibited firearms as opposed to non-restricted firearms. I think that is good as well. I do not think there would be much argument with that.

Who likes the bill? It would be difficult to find any pet owner who would disagree with it. The SPCA and organizations like that have been long awaiting such legislation. I am sure the police will be happy. Cruelty to animals should have been a crime some time ago. It is good to bring in this legislation on the eve of an election, but I doubt very much if it will receive royal assent before the election. Let us just hope that when the government brings in a useful bill like this we go all the way with it before an election takes place. The police will get more protection, which they need.

Who does not like the bill and why? It is the job of the official opposition to find out who does not like the bill.

• (1140)

The groups that have approached us and said they do not like this bill include: Fur Institute of Canada, Canadian Outdoor Heritage Alliance, Ontario Federation of Anglers and Hunters, Western Stock Growers Association, Ontario Farm Animal Council and Canadian Property Rights Research Institute. Why do they not like the bill? My colleague across the way has alluded to the fact that some groups are unhappy. I think that is the case in this situation where we have to register wider unhappiness, go to committee and give these groups some assurance that they will be protected.

While the parliamentary secretary did say "Yes, they are protected. There have never been any problems before so there will not be any problems in the future", he has already said that there are some misunderstandings about the bill. I know from past and personal experience that when this gets into a courtroom the legal industry will have a field day with it unless it is made clear.

Let us look at the concerns. The genesis of the changes to the cruelty to animals legislation is to no longer treat cruelty to animals as a property crime. The new provision would move cruelty to animals to part V of the criminal code under sexual offences, which would be renamed sexual offences, public morals, disorderly conduct and cruelty to animals.

Animal cruelty provisions are currently contained in sections 444 to 446 of part XI of the criminal code. This section of the criminal code protects a person from being convicted of an offence if he acted with legal justification of excuse, colour or right. Agricultural groups, anglers' and hunters' groups, and the Fur Council of Canada want cruelty to animals to remain in sections 444 to 446. They fear that by moving the cruelty section to sexual offences it will make it easier for them to be prosecuted. They argue that those who lawfully and legitimately harvest animals for business will not be protected if the cruelty section is changed.

I am no expert on that aspect of the criminal code and, thankfully, I am not a lawyer, but as a layperson in the House of Commons and as opposition justice critic, I know that when those issues go before the courts it will one day be the case of an

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individual harvesting animals who will say "I told you so way back when. Why did you not make it clear?" Therefore, we will be moving an amendment at committee stage to have animal cruelty provisions maintained in sections 444 to 446 or to make the necessary changes to section 182(1) to comply with the concerns of farmers, hunters, agricultural groups, the fur trade and others who harvest animals.

I would like the parliamentary secretary to take note of that. I would appreciate the parliamentary secretary getting back to us to determine whether or not he feels the scenario I have laid out in the House of Commons is applicable and accurate.

The second point on the cruelty to animals section of Bill C-17 that causes concern is the amendment to the bill that proposes to take out the words wilful and wilfully as a defence if a person is charged. This would make prosecution easier but not proper in many instances where one is involved in the legitimate slaughter of animals or the raising of animals for legitimate use or harvesting. If the words wilful and wilfully are removed, this would leave the requisite of criminal intent for animal cruelty undefined and thus would leave legitimate animal harvesters in jeopardy.

• (1145)

I almost sound like a lawyer. Heaven forbid.

We will be moving an amendment at committee stage to ensure legitimate individuals involved in animal operations are not unduly subject to criminal intent. In all seriousness I would suggest again to the parliamentary secretary that the issue be looked at, because unless we are satisfied that this issue is not a legitimate concern, and at this point we are not, we will not be moving ahead with the bill.

A third part of the bill that causes legitimate animal operations concern is the amendment which proposes that criminal intent for animal cruelty can be simply civil negligence. Agricultural groups would like to see the terms wilful neglect or marked departure from the exercise of reasonable care maintained, not something like civil negligence, which could be used to prosecute farmers trying to carry out normal farming operations and cattle management, et cetera.

Mr. Speaker, you will hear more today about that aspect from people who are farmers. They can put much more practical conversation into the bill because they live with these concerns day in and day out. These are not concerns of just one or two farmers; these are concerns of farmers within associations and of the associations themselves.

We will introduce an amendment at committee stage to ensure there is recognition of the need to protect legitimate farm operators from prosecution.

The fourth part of Bill C-17 is of concern. Under what is called animal care provisions, the bill proposes convictions when there is any pain, suffering or injury to an animal. Currently the criminal code prohibits unnecessary pain. It is only common sense that removing the word unnecessary could open up a whole area for conviction. As some have pointed out, putting a worm on a hook could become a problem for fishermen. This is unrealistic and too open to interpretation to prosecution.

One has only to look at one's own interpretation of what is realistic and unrealistic. When we talk about unnecessary pain, animals cannot really identify unnecessary pain. That is determined by individual people. The concern, and rightfully so, of these groups is whether or not their operations will be questioned by many others about what is unnecessary pain. Will it next be that farmers, hunters and anglers are in courtrooms defending themselves, at very large expense, on the question of unnecessary pain?

In committee we will move an amendment to re-establish the word unnecessary to protect anglers and others who are conducting a sporting activity. I know the government will want to avoid this by saying "Do not worry, trust us, this has never happened before". However, when the government opens up a new bill for amending legislation, the slate is basically clean and we start off at a new day. When such words as unnecessary pain are removed or reintroduced, the question comes up in the courtroom.

• (1150)

The fifth area of concern is the provision in Bill C-17 which states that anyone who kills an animal or, being the owner, permits an animal to be killed brutally or viciously, regardless of whether the animal dies immediately, is guilty of a criminal offence. This part is very subjective and is open to too much latitude. This part is ambiguous and must be defined more clearly. We will move an amendment in committee to remove any ambiguity in this area.

I do not think this in any way, shape or form is paranoia on behalf of any group. These are legitimate concerns.

One thing I opened with is the difficulties and complexities with omnibus bills. There are many things in the bill we support, but because of the ambiguity and the size of the bill, rather than us right up front saying great job, good job, there are some complexities in the bill that some groups are concerned about.

I would ask the same thing as my colleague the parliamentary secretary asked, that all members of the House work together in committee to make sure that these concerns are taken care of. Let us not leave it to the courtrooms of our country. It has never been an acceptable way to do it.

There you have it, Mr. Speaker, some suggestions and comments, some ideas on legislation that goes a long way in my mind to helping with a serious problem in any country, and that is cruelty to animals, and with another problem, that of protecting our police.

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One area that has to be looked after is the area of insecurities and concerns of those who feel this legislation may draw them into a nightmare in the courtroom. I am sure the government does not want that. I am sure my colleagues want reassurance that it will not happen.

In one way I would like to say to the government, not a bad job after seven years in office. It is not a bad job considering that an election will probably be called before this bill gets royal assent. Perhaps we can bring this bill in after the election without the complexities the government has put into it.

On two fronts of the bill I commend the government. However, I do insist that the insecurities of those who have legitimate concerns be dealt with in committee. There will be a very tight scrutiny of the bill there.

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, at the outset I ask for the consent of the House to split my time with the hon. member for Churchill.

The Deputy Speaker: Does the House give its consent for the hon. member to split his time?

Some hon. members: Agreed.

Mr. Gordon Earle: Mr. Speaker, I am pleased to address Bill C-17. The bill amends the criminal code with respect to cruelty to animals, disarming a peace officer and other amendments and makes technical amendments to the Firearms Act.

At the outset I would say generally that the NDP is opposed to omnibus legislation. The matters contained in the bill have been lumped together and have very little in common. They deserve to be dealt with as separate pieces of legislation. Having said that, however, the bill deals with very important issues and we will be supporting the bill.

• (1155)

As has been indicated, the bill amends the criminal code by consolidating animal cruelty offences into one section and introducing new offences for brutally or viciously killing an animal or abandoning one. It creates an offence for disarming or attempting to disarm a peace officer. It also makes a number of technical amendments. The bill also amends the Firearms Act by expanding the class of prohibited handguns that are grandfathered and modifying the employee licensing requirements.

I want to dwell upon a couple of very important points in the bill. I will leave some of the other points to my hon. colleagues.

Cruelty to animals is certainly a topic of concern for a lot of people. The changes to the criminal code dealing with cruelty to animals stem from a public outcry over a large number of highly publicized cases involving animal abuse over the past few years.

The hon. member opposite mentioned a number of these incidents in alarming detail.

As a result, animal welfare groups, humane societies and the public have been calling for tougher measures to protect animals and punish abusers. The justice department issued a discussion paper entitled "Crimes Against Animals" in 1998 and received thousands of responses from the public.

While some might view cruelty to animal provisions as a low priority, we are fully aware that studies have shown an alarming connection between animal abuse and other forms of serious violent offences, in particular domestic violence. A significant percentage of those who are violent toward animals later perpetuate violence against people. It does not take a lot of in-depth knowledge to understand why that is the case.

When we see a lack of appreciation for life, no matter what the level of that life may be, it certainly has an impact upon society. Children who are used to, who become used to, or who are not admonished for cruelty to animals will certainly grow up with an attitude that it does not matter if they hurt a living entity.

It is sad to see in our world today a lot of desensitizing as to how we relate to fellow human beings. We see so much violence on television. We watch some of the TV programs. It is amazing the degree of violence we can see being perpetuated through TV, through movies, and even now through a lot of the video games that children play. There are games played where people shoot, kill or harm individuals. One may say it is just a game, but I think it is slowly creating an atmosphere where children become insensitive to harming one another.

Look at what is happening in wartorn countries around the world. We see situations such as Sierra Leone, where children's arms and legs are amputated. I often ask myself how one human being can be so cruel to another human being. I am afraid that people who harm animals and who are insensitive to the pain that animals feel are capable of doing the same thing to fellow human beings.

It is very important that the issue be addressed. The proposed amendments on animal cruelty will raise the maximum penalty for intentional cruelty to five years in prison and will not set limits on fines. It is important to have a serious penalty for such an offence.

It will give judges the authority to order anyone convicted of cruelty to animals to pay restitution, such as veterinary bills and shelter costs, to the animal welfare organization that cared for the animal. It will prohibit anyone convicted of cruelty to animals from owning an animal for however long the judge considers appropriate. There are some very serious penalties for a very serious

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offence. Another very important aspect of the legislation that merits some comment is the disarming of a police officer. We know that the job of a police officer is a very important one. It is a job that a lot of people would not want, yet we look for our police officers when we need them. These people often put their lives on the line in the course of duty. A police officer may have to stop a car on a busy highway. When the officer moves up to the car he or she may end up facing death because the driver has a firearm and is out to harm them. There are many situations of domestic violence where police walk into a situation and their lives are literally put at risk.

• (1200)

The legislation concerning the disarming of a police officer is very important and significant to the well-being of our police officers. It will create a new offence for disarming or attempting to disarm a police officer and will set the maximum penalty for that at five years imprisonment. This is intended to highlight the seriousness of the offence and is supported by many policing organizations across the country, including the Canadian Police Association, which lobbied strenuously for this particular provision.

The NDP supports this provision. We feel it is important to support those who put their lives on the line for society, including police officers, firefighters and people in our armed services. These people are not appreciated in the way they should be and this legislation goes one step in moving toward the proper appreciation for this kind of function.

I am very pleased to stand and support the legislation and the underlying principles that are involved in the kinds of amendments that have been proposed. Those principles underscore our respect for life and for living entities, whether they be animals or human beings. The respect for the role of the police officer is necessary if we are going to make this the kind of society in which we want to live.

When police officers perform their duties, their side arm is a very important tool. It is not necessarily one that they would use on every occasion, but it is something that they have been trained to respect and have been given proper instructions on how to use it. It is a necessary part of their equipment in law enforcement. When someone attempts to disarm a police officer, it puts them at a very serious disadvantage. They cannot deal properly with the situation they are faced with because they are busy worrying about trying to keep that firearm out of the hands of someone who is probably going to use it to the disadvantage of the police officer.

These principles are very important. The NDP stands in support of this legislation and urges all hon. members in the House give their support to it.

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my colleague for Halifax West made a point of addressing specific areas of the bill. When we discussed how to proceed with bringing forward our thoughts and concerns on the bill, it was interesting to note that we had to look for a way to tie all of the different aspects of the bill together. One of the things that has been stated by many members is the concern about all of the different issues that have been brought together in this one bill.

For parliamentarians and Canadians who want to address an issue, who want to see where it is and what legislation is there, it is much easier to go to a bill or legislation that applies specifically to the issue. This bill combines an act to amend the criminal code, cruelty to animals, disarming a police officer and technical amendments to the Firearms Act. This reminds me of the old *Sesame Street* rhyme "Which of these things belongs together, which one is not the same". I tried to see how we tied them all together. I guess we can in the fact that they deal with the Firearms Act. We talk about disarming a police officer, and we might use a firearm to shoot the animal. This is the point we are at with this bill.

Once again the government has failed to be open with Canadians, simply by mushing a lot of things together when each of these areas warrants discussion in its own right. Disarming of a police officer certainly warrants legislation which specifically deals with that area, to make sure that it gets dealt with properly.

• (1205)

Without question the amendments to the Firearms Act, because of all the other things that have happened out there and the bad feelings over the firearms certification and registration program, give an uncomfortable feeling to the people who were not totally satisfied with that piece of legislation. Concerning the issue of cruelty to animals, there is concern that this legislation is going to impact on areas that it is not intended to. I hope that is clarified when it goes to committee.

When it goes to committee, it is important that the committee and this House ensure that Canadians have the opportunity to be involved in the discussion that happens. If that means going into areas of the country where there is a major concern about the issues we are dealing with in the bill, then we have to do that.

It was previously mentioned that there is concern that the bill will apply to areas of legitimate hunting and trapping practices. Hunters, trappers and those in the fur trading industry are concerned. They are in an area that has been targeted for years by animal rights protesters. There is concern that this bill will have an underlying motive of attacking their livelihood. They need to know for sure that such is not the case. To do that means allowing them to have a say at committee. If that is not the intent of the bill they need

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to have that concern alleviated. If it is the intent of the bill, then it needs to come out in an upfront manner.

It is my understanding it is not the intent of the bill at this point. When it goes to committee, as I said, we will weed things out to find out exactly where it is at. However, it is important that Canadians and the ones affected specifically by this bill get the opportunity to have their say and have their fears alleviated.

In other words, the bill can leave no misunderstanding as to its intention because it has a grave impact on the fur industry, on the hunters and trappers and also on the farming industry. Although we know that the practices are done in the most humane way possible, there are always those out there who do not believe that animals should be killed in any way, shape or form for food or whatever other uses there may be. If there is any risk that their livelihood is going to be threatened, they need to be able to have a say in this.

There is another area—because this is mashed together—that is extremely important to comment on. My colleague mentioned it. I know there are small changes taking place under sexual offences, public morals and disorderly conduct and small changes that define the terms child and illegitimate child. Once again, would it not have been more forthright to have these listed separately so that they would be recognized?

I find it disrespectful in all areas of this bill to mush everything together. I believe when we spend time in this House we want to be forthright with Canadians, we want to make sure things are clear and we want Canadians to understand the law and respect it. By introducing omnibus bills like this Canadians have less and less respect.

Again, the changes to the heading of Part V of the criminal code which are being replaced by the following and by having all of these sections fall underneath it is not representing the legislation as it truly is and is misleading to Canadians. The one thing that we can surely do is be clear with our legislation and be clear with the laws so that Canadians can respect the justice and the laws in this country.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased to rise and take part in this debate on behalf of the Progressive Conservative Party. I must say I have listened intently to all speakers on this bill. It has been a useful exercise to hear the various perspectives.

I think we would find almost to a person that the legislation will receive a great deal of support. However, one overriding issue in the government's decision to bring in this legislation is the fashion in which it has chosen to do so. As the previous speaker, my colleague from the New Democratic Party, indicated, this is really a cross-threaded bill. It is a bill that mixes issues that really do not belong together. Not to diminish at all the importance of this, I cite, as an example, that the only way in my mind that I can tie this

bill together would be to suggest that somehow a person wrestled an unlicensed gun away from a police officer and used it to dispose of an animal in a cruel fashion.

• (1210)

These issues do not fit together in any semblance. Therefore, the bill should be divided and put into a more proper perspective, one Canadians would understand and appreciate in a more real way. In my submission, it diminishes the importance of these individual issues to try to force them together and to force Canadians and parliamentarians to contemplate them at the same time.

The consolidation of the current criminal code with respect to the cruelty to animals provisions, which are put in place by the bill, are certainly those that are needed. They are needed to modernize the current law as it pertains to this aspect of justice. It is something that has emotional and visceral reactions from those in the private sector.

Obviously, there are concerns, which have been touched upon, that the bill might go too far in its definition of cruelty. I hope to touch on those issues with respect to a balance and the counter-arguments that have been brought forward by those in the hunting, fishing, angling and farming vocations. It may go too far in the responsibility that is attached, for example, to property owners. However, that is not to say that these issues cannot be addressed and ironed out at the committee, which is the proper and just fashion in which to do so. I say that, somewhat tongue in cheek, on the understanding that the committee will be given an opportunity to really debate and to put forward reasonable amendments that the government will be amenable to.

We know that has not been the case most recently. We saw an example of a bill, perhaps the most important bill in this session, being jammed through the committee without any discussion whatsoever or without any opportunity by opposition members to bring forward amendments. It will leave this place on a rocket. It will be pushed through with closure. While the government House leader used to stand on his desk and rail like a banshee against the prior government, he is now using these same tools, which were so offensive to him when he was in opposition, to do the same thing, only worse. The only real examination of the youth criminal justice bill will occur in the other place. It is encouraging to see that members of the reform alliance and the Bloc are so appreciative of the work that will be done in the other place and I look forward to their support.

Turning our attention to Bill C-17, the amendments to the criminal code will remove the reference to "illegitimate child" and ensure that the evidentiary protection afforded to other victims who testify at trials is also provided by some of the changes. Amendments with respect to persons with disabilities who have been victims of sexual exploitation are very important and practical

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changes. The Conservative Party is entirely supportive of these amendments.

With respect to the Firearms Act, the expansion of the class of recently prohibited handguns that are grandfathered and the changes to clarify the licensing requirements of employees in the firearms business are practical changes that are necessary and that arguably should have been in place in the first instance. Again, I hearken back to my earlier comments on what that has to do with cruelty to animals. What does it have to do with respect to changes to definitions in the criminal code? There is real confusion in the bill.

An omnibus bill is a hybrid that brings in several aspects of legislation that have no tie-in. What it does, in effect, is force divisions among all parties with respect to their ability to support certain issues, because there is no relation.

The cruelty to animals aspect is perhaps what is most prevalent and most controversial about the legislation. The Department of Justice reviewed provisions in 1998, and a consultation paper entitled "Crimes Against Animals" was distributed to allow groups and individuals to suggest modifications that would be required to deal effectively with cruelty to animals. No one in his or her right mind would oppose or in any way try to delay provisions that would protect harmless animals, in most instances, animals that are either in the wild or in captivity. These provisions in essence bring about a greater recognition, through the criminal code by sanctions, that this is something that society will not tolerate. This is an action that is abhorred and is certainly not acceptable.

• (1215)

It is, as was alluded to, something that changes the attitudes with respect to animals being deemed as property. The reasoning is of course that it is now recognized as a common symptom of a deeper mental illness. Individuals who involve themselves in cruelty to animals, as hon. members know, very often go on to involve themselves in other types of crime perpetrated against humans and property. It is seen as an escalation when a young person who is abusive to animals later goes on to commit crimes against other children and adults. There is an escalation of criminal behaviour when people start by abusing animals. There is mounting scientific evidence that verifies this link between animal abuse and, often, domestic violence and violence against other humans.

The public, the police and many interest groups have been calling for more effective federal legislation and federal law to deal with cases of animal abuse. There are numerous examples, too numerous to cite and often too heinous in their description, that verify and justify a change in the legislation.

Currently in cases such as we have seen, under the old provisions an offender could receive only six months in jail or a \$2,000 fine. I would suggest that this is an inadequate response given the gravity and sometimes the symptoms and specific facts of a case. The old provisions did not truly express denunciation of and deterrence for those involving themselves with cruelty to animals. There was also a provision to have a ban on the ownership and possession of certain animals. That as well could be increased.

In this country we know there are still a lot of instances of animal fighting taking place. There are instances of animals such as racehorses and greyhounds used for racing being treated poorly in their confines.

Mr. Speaker, as a person who has followed criminal law, you well know that having legislation here sends an important message that raising the ceiling of the reaction of the criminal justice system will in fact change the attitude. It expresses the government's and the public's non-acceptance of cruelty.

The Minister of Justice has explicitly linked animal abuse to rape and to child abuse, citing U.S. studies which pointed out that those who torture animals are more likely to involve themselves in similar cruel activities. I agree with the minister. There is mounting evidence that this type of mindset has to be disavowed. Serial killers such as Jeffrey Dahmer, who brutally dismembered humans and even practised cannibalism, abused animals as a child, so again there is some suggestion that this type of mindset develops very early. Increased sentences with an increased response from the criminal justice system is something that the Progressive Conservative Party would support.

The sentencing changes, depending on the charge, are anywhere from two years' imprisonment to a maximum of five years when the crown proceeds by indictment, or six to eighteen months or a fine of not more than \$2,000 when it is a summary charge. This is certainly more representative of a deterrent type of response.

Further changes also involve payment of additional costs incurred for the care and convalescence of an animal. Payment would be made to any individual or organization that cared for the animal and would include such things as veterinarian's bills and shelter. Again, this is a direct correlation between the harm done and the person who perpetrated the offence. It brings about greater accountability and greater direct responsibility and, I would suggest, is more demonstrative of condemning the action. It gives the person a greater understanding of the harm done. The same principle is behind restorative justice. It is a more personal connection between the offender and the unlawful act. These are positive steps, which our party supports.

However, we need to study the bill closely at committee so that we do not in some instances potentially criminalize farmers, hunters, trappers or fishermen engaged in their normal way of life.

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Presently the bill is loosely worded in some of the provisions. Some of the amendments that will be required would tighten this up and would make it more operable in a practical sense.

● (1220)

Under the proposed legislation farmers feel that they could be prosecuted for common practices such as branding or dehorning of cattle. Castration of cattle would be another element we will have to discuss at the committee.

Some anglers are convinced that fishermen could be charged with regard to tactics including baiting. This proposed legislation would surely be a real impediment to fishermen who need to bait hooks in order to catch fish.

The Canadian Jewish Congress has expressed worry that Bill C-17 might interfere with Jewish ritual slaughter methods.

Biomedical researchers are worried that their work might also lead to criminal prosecution.

There are instances that we have to turn our minds to. That discussion should properly take place at the committee.

Some of the groups have requested that the language in the legislation be clarified, particularly with interpretations of phrases such as these I am quoting from the bill: "unnecessary pain, suffering or injury" and "brutally or viciously" killing an animal.

They want some protection from other practices. I am quoting some examples from the correspondence that I received, such as: identification, medical treatment, spaying or neutering; provision of food or other animal products; hunting, trapping, fishing and other sporting activities conducted in accordance with the lawful rules relating to them; pest, predator or disease control; protection of persons or property; scientific research unless the risk of injury or serious physical pain is disproportionate to the benefit expected from the research; and finally, training and disciplining of an animal.

There certainly is a great deal to contemplate when we are considering this legislation. Poisoning of an animal or using a mousetrap, potentially, not to put too fine a point on it, is something we have to consider when putting provisions into a criminal code that could cause serious ramifications for an individual. It is the same sort of thing as creating any kind of new offence.

That leads me to the point with respect to changes to the Firearms Act. We know now that as of December 1 law-abiding citizens who have properly licensed themselves, who have properly licensed handguns in the past, who have been through training sessions and who have done everything in accordance with the law,

would become criminals simply not by licensing a long gun. We have to be very careful when we go down the path of criminalizing ordinary citizens. That is without getting into all the other ludicrous aspects of this long gun registry, which is costing hundreds of millions of dollars and will not affect dangerous crime at all.

The existing legislation touches as well on some traditional practices of hunting, fishing and farming. Yet they do not fit into the category of mean-spirited violence. It is imperative that animal cruelty legislation be clearly designed to target only those who engage in brutal practices against animals.

The justice minister has been contemplating an amendment that would exempt farmers, hunters and animal researchers from the bill. A change is certainly needed to provide legal security for lawful practices of animal related professions.

One must consider the genuine need for clarity and progressive legislation in this area. It is careless legislation that endangers individuals and that is something that I think most Canadians find very disheartening. It is obvious that little consideration was given to the broad effect of this bill and the impact it may have on certain professions. Discouraging as well is the lack of foresight, in that this bill was brought forward in an omnibus fashion and it deals with many other issues that confuse these important issues.

The elements of the bill that touch upon disarming of a police officer have also been given a fair bit of discussion and contemplation. I would suggest that this is one aspect that is very straightforward. It is one that has the enthusiastic and overriding support of police across the country and of many groups. I know that Grant Obst, the president of the Canadian Police Association, Dave Griffen, the executive director, and supporters of the association, who were here on the Hill this past weekend participating in the police memorial service, are very enthused that the government has chosen to bring this legislation forward. It is something they have lobbied for. It is something that they feel will have an immediate impact.

● (1225)

It goes without saying that it is very important to give specific recognition in the criminal code with regard to a person in an agitated state trying to take a weapon from a police officer. Any time there is a firearm or a weapon involved there is the imminent chance of bodily harm; there is the imminent chance that a person could lose his or her life. If a person chooses to try to disarm a police officer, for whatever reason, there is grave danger afoot.

We know that oftentimes a police officer using a weapon is doing so in the gravest circumstances, in order to try to de-escalate or control a situation. There is grave danger and harm when a person

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tries to interfere with a police officer, either by taking his weapon or by interfering in the use of a weapon by a police officer.

The Progressive Conservative Party is very supportive of this particular legislation. It is something that we feel is necessary to send a strong message to the public and a strong message to those who would engage in that type of serious, dangerous conduct. Police officers themselves, I think, will receive some comfort in knowing that it is a bill that will give specific recognition to that offence in the criminal code.

If officers are deprived of their weapons or are unable to carry out arrests effectively, it very much interferes with their important work. This new section does define weapon for the purposes of subsection (1) as “any thing that is designed to be used to cause injury or death to, or to temporarily incapacitate, a person”, and would include such things as firearms, obviously, and pepper spray and batons. It is deemed a hybrid offence. It has a maximum penalty of five years imprisonment and the crown of course can elect to proceed by indictment or by summary conviction.

As I alluded to, the president of the Canadian Police Association, Grant Obst, and his organization initiated this process and have been leading the proposed movement to bring about this specific offence. They “welcome the introduction of this new law and encourage its speedy passage by parliament”. Those are very supportive sentiments. Those sentiments are shared by the Progressive Conservative Party. We will be supporting this aspect of the bill.

Although the government could certainly do more for police, particularly in the areas of funding, speedy passage of legislation as it pertains to criminal gangs and organizations, and the seizing of stolen property, I would suggest that this is an important, practical response to a need that exists, a response to a void that exists in the criminal code.

There are other amendments that I spoke of earlier with respect to the definition of child. Removing the negative and unnecessary connotations that stem from the term illegitimate child is something that I think is certainly politically correct but it is also something that is important to those individuals born out of wedlock who have carried this unfortunate moniker.

With regard to sexual exploitation of persons with a disability, adding this to the criminal code is a specific recognition in language. Again, it is something that I feel is important not only to the legal community but to those who for reasons not brought about by themselves find themselves deemed persons with disabilities who are in the court system and are faced with these types of designations. I feel that victims of sexual exploitation will receive and should receive the same evidentiary protections that are

afforded to others. Again, this is a very practical and common sense amendment that takes place in the criminal code, one we are completely supportive of and embrace in this legislation.

The technical amendments for the firearms are straightforward. They deal with licensing requirements. I think the employees and businesses that deal with these regulated items are supportive of this for the most part. It is legislation that should have and could have been included in the original bill, as unpopular as that bill was. This aspect was left out. For employees who handle or could handle firearms or prohibited or restricted weapons or prohibited devices of any kind, it brings about, in the course of duty, requirements for being authorized and licensed with respect to restricted weapons. These proposed amendments set out similar licensing requirements that pertain to others who handle firearms.

Again I would suggest that although it is necessary, it is certainly an indication that the government was somewhat negligent in its initial drafting and that it is backpedalling on other aspects of the bill.

• (1230)

We have seen now that the government is extending the dates with respect to the fees associated with licensing. The legislation is something that will continue to be contentious and could well wind up as an election issue in the coming days or weeks when the Prime Minister and his spouse decide to pull the plug.

Overall we are supportive of most aspects of the legislation singularly. However, we are forced to deal with them jointly in the legislation because of the manner in which it has been brought forward. As I have indicated in my remarks, there are very positive and very practical elements to all of this. It is just unfortunate that the government has chosen to bring about legislation in this way and to do so in such a fashion.

One might also question the priority given to the bill. This is not to diminish the importance of any element of the legislation, but we also have important legislation that would offer tax relief and legislation aimed at bringing about or trying to fulfil a promise the government made seven and a half years ago to redraft and rework the youth criminal justice act. That simply has not come about because the government does not like to compromise.

The government does not like to work with the opposition even when there are reasonable requests and reasonable efforts made to improve government bills, or ideas that originate on the opposition side as we have seen in many instances. The government's response is usually not to embrace those ideas but to reject them in the first instance, and then in a very Janus faced fashion turn around and call them its own. We have seen that happen on many occasions. That is the Janus-like persona of the government.

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We have seen it on free trade. We have seen it on the GST, privatization, helicopters, and the Pearson airport. The government said one thing in opposition. Then, lo and behold, when it was rewarded by the electorate for making these statements it crossed the floor, formed the government and reversed itself, swallowed itself whole and condemned the very ideas it purported to support when in opposition.

This is something for contemplation by the electorate, something that no doubt will be discussed and debated during the course of a campaign. Although I do not hear much hue and cry from the opposition to rush headlong to the polls, it is quite obvious that the Prime Minister feels it is to his optimum advantage at this time. Therefore, with his persona, he is very quick to use that advantage.

Canadians will have to assess whether it was necessary. They will have to assess the timing of it. They will also want to assess his record. They will want to assess what accomplishments he can point to in his government's mandate in the short time it has been here, just over three years since the last election.

The bill has provided the impetus for Canadians to hear from members of the opposition what they think of the legislation. Also it is an opportunity to talk generally about the government, its mandate, its priorities, and to assess whether those priorities are in line with those of Canadians who are suffering at this time because of problems with health care and in the education system.

My colleague from Madawaska—Restigouche talks often about student debt, individuals with seasonal employment situations who are struggling to get by and to feed their families, and individuals across the country who find themselves mired in the justice system because the wheels of justice turn so slowly.

Perhaps there will be more time on other occasions to discuss these greater issues, but at this time the Progressive Conservative Party looks forward to dealing with the bill at committee level and dealing with the other issues in a more comprehensive fashion at some time in the near future.

Mr. Bill Gilmour (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, I am pleased to speak to Bill C-17, an act to amend the criminal code regarding cruelty to animals, disarming a peace officer and other amendments, and technical amendments to the Firearms Act.

We have heard a number of people in various parties talk about this omnibus bill. We have had this before. The government will introduce a bill with some good points, some points that require discussion, and some points that we do not agree with. Then people have difficulty understanding what is the issue since there is such a grab bag of different subjects.

• (1235)

In this bill disarming a police officer is lumped in with cruelty to animals. It would be far easier if we could get a very straightforward bill dealing with one issue. We could then discuss it, deal with it and get it through the House. When it is such an omnibus bill containing a grab bag of different issues it is extremely difficult because there are some good and bad points and it is either yea or nay.

We agree with the Firearms Act refinements. We agree with the disarming of police officers issue. They are good points. The government should be commended for putting them in the bill. These are issues that people have been crying for for years to be dealt with. Police officers particularly have been wanting the legislation in place. I agree with it. However, by lumping cruelty to animals into the bill the waters get muddy because there are no clear definitions.

We hope we can get the bill into committee where we can discuss it. Most of us agree that cruelty to animals is simply not on. We have read the stories of the puppy mills. We have heard of 50 or 100 cats being in one house. Obviously we disagree with that. I have seen horses and cows in some barns where they are slowly growing up to the roof because the manure gets two and three feet high and people do not clean the barns. We clearly do not want to put up with that.

The difficulty occurs when it gets into ordinary agriculture practices like branding, dehorning and hunting. The definitions in the bill have to be laid out specifically for hunters and fishermen. What about aquaculture? The legislation is so loose that we need to step forward in committee to bring forth some clear and solid definitions. We need some tight legislation that lays it all out. Let me take trapping, for example. Leghold traps were banned. We have humane trapping. Perhaps that is in the bill; perhaps it is not. We need to have that cleared up.

When people abuse animals is it the start of a chain of events? Do they start by kicking a dog? Five years later are they kicking a person? Fifteen years later are they kicking their wives? Psychologists say this progression exists. We need to look at it. If cruelty to animals is the beginning of a long chain of events, it has to be stopped.

We have talked many times about wording in legislation. Often the government will leave it very loose. This is extremely dangerous because we are leaving our laws open to interpretation by the courts. We have an option as parliamentarians. We can leave it loose to be interpreted by the courts, or we can tighten it up and say what we mean. In that way we as the elected people in the House would say the way it should be. We are the elected officials. We should deal with the legislation, make it concise and make it tight so there is not a lot of room for the judicial system and it knows exactly what parliament means.

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That is what we need. The bill is fuzzy in terms of agriculture. What is abuse? What is cruelty? What is a regular practice? Unless it is clearly defined we will leave it up to the courts again.

• (1240)

This is not where we want to be. This is not where the Canadian public wants to be. They want parliament to run the country, not push it off to the judiciary.

In closing, we agree with a number of parts of the bill such as the firearms aspects, but there are a number of concerns in the cruelty to animals area we wish to discuss. We would like to get the bill into committee, call witnesses, hear from the experts, see how tight is the legislation, and deal with it at that time.

Mr. Dale Johnston (Wetaskiwin, Canadian Alliance): Mr. Speaker, I listened to my colleague speak about the cruelty to animals aspect of the legislation. Certainly I agree with his assessment that those who inflict cruelty on innocent, defenceless animals should be dealt with.

However, I am wondering about the definition of what causes pain and suffering. Would my colleague like to comment on the concern I hear from people in the agricultural community I represent that common practices with livestock, such as dehorning and castration of bulls and branding for identification, may be construed as cruelty to a defenceless animal?

In order to carry out these operations on farm animals, we have to restrain them in such a way that the operation can be done and the brand is readable. In the part of the country I come from the hot iron brand is still very much a legal way of identifying our livestock. It is the one permanent method that works. Ear tags and such things are ways of identifying cattle as well, but even the application of an ear tag on an animal may be construed as cruelty to animals under the bill. I am extremely concerned about that and would like to voice the concerns of constituents that have talked with me in this regard. Would my colleague like to comment?

Mr. Bill Gilmour: Mr. Speaker, my colleague has had representation from people in his riding. I suspect most members in the House have heard the same representations as well as different concerns about different aspects.

My colleague made an excellent point. This matter has to be dealt with in committee. We need to hear from the agricultural groups. Different representations need to be made.

What happened in the past? Let us look at the Inuit. Let us look at what we have done to their livelihood by the change in the fur industry. It changed a whole way of life. If we act in a knee-jerk fashion in terms of this legislation, if we act without knowing the full impact of the legislation, we can change the lives of our agriculture people.

I agree with my colleague that we have to get the experts and all worker groups together. If a common practice for farmers sounds nice to people living in Toronto or Vancouver, we may want to have a second look at it since people in the cities tend not to understand what goes on in rural areas. A knee-jerk reaction may end up doing great harm to the hunting, farming, trapping and fishing.

I cannot stress more that the bill has to go to committee to be well analyzed. Experts will appear before the committee to describe the ramifications of the different parts of the bill.

• (1245)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I am honoured to stand in the House of Commons to speak to Bill C-17. I echo some of the comments made by previous speakers who decry the system of having an omnibus bill that covers a whole bunch of things. It always reminds me of being offered a bowl of pudding that has a little gravel in it. It is nice eating the pudding, but when one chews on a piece of gravel it hurts.

There are a number of things in Bill C-17 that quite obviously need substantial change, substantial improvement. In the end, as is the process in this parliament and by this Liberal government, we will have the task of voting yes or no on a bill containing a number of things. It will then be thrown back at us in a very negative way, because we voted against the bill for a completely different reason.

With an election coming up, one cannot help but think the worst twist will be put on some of the things people do in the House in order to try to discredit them. That is very unfortunate. The Canadian public, the people who vote for us, should certainly have the right to know about these issues and should know our stand on them. We should not have accusations thrown at us. If I vote against the bill for such-and-such a reason, it is not fair of my critics to turn around and say "Well, here is a person who voted against this" and then name one of the really good things in the bill.

For example, I do not think one should normally be opposed to provisions that prevent a peace officer from having his firearm taken from him or her. If, in doing his or her job in maintaining the peace, a policeman or policewoman gets into a scuffle with and is disarmed by an individual who is committing an offensive act, the particular individual should be eligible for a charge of disarming a police officer. Yet if I vote against the bill because of other offensive clauses then in the next election campaign probably one of my critics will say the RCMP should not vote for those guys because they do not support their keeping their firearms. That really clouds the issue and unfortunately does not serve the Canadian public well. Nor does it serve parliament well.

I wish we could have a greater clarity or that at least the government would have some openness to accepting some amendments to fix things up. It is our party's intention to propose a

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number of amendments to the bill in order to correct some of the anomalies in it.

By the way, speaking of firearms and officers being deprived of them, I wonder whether the federal government would be guilty of a crime if the bill is passed. The bill says it will be unlawful to separate a police officer from the weapon the police officer has in order to do his or her job of protecting the peace and maybe arresting a person. It just so happens that the attorney general's department is already disarming these people.

It happens that very close to my riding, just about a mile or so outside the boundary of my riding, is a federal institution, the Edmonton institution. I have had some representation from people who work as guards at the Edmonton institution. They are being disarmed while they take dangerous offenders out on day parole. They are not permitted to take their arms with them while they are trying to protect the public from harm by a dangerous offender. The offence an ordinary citizen could be found guilty of with this law, which we support, is an offence that is already being committed by the attorney general's department in our maximum security prisons. That is just not acceptable. We would all agree that our peace officers should be allowed to use arms in their work, especially if they are trying to control a convicted offender who is dangerous to the public. To say that somehow the public safety is increased by disarming the police officer just does not make sense to me at all. The bill does not address that question. I am just using it as an example.

• (1250)

In the bill there is a very great curiosity with respect to cruelty to animals. There are already provisions with respect to wilful cruelty to animals, but the bill proposes to move the section that covers cruelty to animals to the same section of the criminal code that deals with sexual offences, public morals and disorderly conduct.

It just so happens that nowadays sexual offences, public morals, and disorderly conduct are areas in which, statistically speaking, it is easier to make charges stick than it is in some of the other areas. There is a concern that by just having this in this section perhaps Canadians who are charged under these offences would have greater difficulty defending against unfair charges.

The objective in our justice system should be, but I am not sure that it is under this government, to make sure that those who are in fact guilty of a crime are so found and that an adequate deterrent punishment is meted out to them. If a person is not guilty of the crime with which he or she is charged, if our justice system is working correctly the charges should be dropped or the person should be found not guilty. Hopefully that person could go on with his or her life, having established his or her innocence. That would be the objective in an ideal world.

We all know that in the give and take in a court trial sometimes the truth is actually somewhat muddled in order to make a point as, I might venture to say, is sometimes done in the House.

It is interesting that a word is being taken out, a very important word. Words are so important in giving definitions. In the old code one would be guilty if one wilfully caused cruelty to animals. The word wilfully is being withdrawn. That raises many questions that we need to have answers to.

It is one thing for an Archie Bunker type of guy to come into the house and kick his dog as he opens the door. That is wilful. However, what happens if he walks in and does not see the dog and accidentally hits it? Is he still charged with having kicked the dog? No longer was it wilful according to the act, but he did kick the dog. That is true. He cannot say truthfully "No, I did not kick the dog", but the fact of the matter is, he did not see the dog so it was an accident. I know that should be a valid defence and hopefully it would be kicked out. The fact of the matter is that with the word wilful having been removed all of that is put into doubt.

I do not think we should go down that road. It is a dangerous road because it makes it more difficult for an innocent person to defend himself or herself against a charge for an act that in fact was accidental.

• (1255)

It is interesting also that other definitions are changed in subtle ways. It used to be that persons could be held responsible if they owned an animal or if they had charge of it, as in when they were transporting it. It seems to me that according to the bill it could apply now to any animal at all that crossed a person's path.

I had a very interesting occurrence in my riding earlier this spring. I was driving along a major highway and there was a big truck behind me. It was not a semi; I think it was probably a farm truck. As I was driving along, lo and behold I saw ahead of me a mother duck with six or eight of her little ducklings start to cross the road. I faced a real dilemma right there, because I am one who would not in any way wilfully harm any animal. Of course these little ducklings were so cute besides. It is always difficult when one looks at a mother and her little children. I faced a dilemma. Do I jam on the brakes and risk having the truck run into the back of me, or do I just carry on and run over this mother duck and her little ducklings?

The story has a happy ending. I was able to slow down. I flashed my lights so that the truck behind me had fair warning. I gauged it so that I would not slow down so rapidly that the truck behind me had no capability of stopping before he was into my back end. I just judged it as well as I could and slowed down as much as I could, giving the trucker as much warning and as much distance as possible. Fortunately mother duck, seeing us bearing down on her and her family—

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An hon. member: Mother Goose.

Mr. Ken Epp: No, it was mother duck. She said to her children “We had better wiggle our tails and get out of here”. With that they put it in hypogear and away they went. I was able to move over to the shoulder to give them a little space. The truck behind me did not have to do that. All their little lives were spared.

That of course is the object. What we are dealing with in the criminal code is people who do not have a built-in care and compassion for life, whether it is animal life or human life. That is what the criminal code is about. If all of us cared about each other, we would not need the criminal code. We would not need a codification of what happens if a person beats someone up, if someone is brutally assaulted or killed. We would not need those codes because people would not do it. Obviously the purpose of the law is to restrain those who do not have that built-in moral code and who would act on their own accord wilfully against other forms of life.

I will digress for a second. One of the definitions is that an animal is, according to these amendments, to be defined as a vertebrate or any animal that can feel pain. I guess we have a bit of a question there. One of the things I remember doing when I was a youngster is going fishing with my dad. I do not do it any more now. I do not have any time and I have lost interest in it. Many people either make their livelihood by fishing or do sport fishing.

I remember when I was a youngster we went down to a little lake south of the place where we lived. Every once in a while my dad would reward us for working hard on the farm. He would say “Tomorrow we will take a day off and go fishing”. The first thing we did was go out to the garden and dig up some worms. I remember it well. The object was to have a little pail of live worms in dirt, and off we went to the lake.

• (1300)

I hope you do not mind my relating this story, Madam Speaker. It is rather gruesome.

When we got to the lake, we put those poor little live worms on the hook. We impaled them on the hook. I do not know whether the poor little worms are animals capable of feeling pain. I did not hear any of them scream, but I have never heard a worm scream in any case. I do remember that the tail wiggled when we impaled the head end on the hook so maybe there was a response to pain. We know that a worm is not a vertebrate, but it is an animal that can probably feel pain. According to the definitions in the bill, the question is, should a person who goes fishing be charged with cruelty to earthworms?

Speaking of earthworms, I remember that when I was a biology student in high school and university we dissected worms and frogs. We all did that. It is part of learning how the physiology

works. We took them apart to see their different parts and to learn about the different bodily functions. We all know that medical students do this extensively in order to become good at what they are to do, which is to help us when we have an illness or injury.

Is that a cruelty? I can imagine some people saying it is pretty cruel to anesthetize a frog into oblivion so that it can be used as a research tool. Let us go one step further. How about the animals that are used in live research? Monkeys are used to duplicate some of the illnesses that befall human beings to see whether various treatments work on them. Rats and guinea pigs are used, as are other animals. Is that cruel or is it not?

Certainly we do not support being wilfully cruel to an animal, but to use an animal for legitimate scientific and medical research surely cannot be wrong. It is an advantage to us in the human realm. By taking out the word wilfully we have opened up a large question. Even with the word wilfully one could have argued that perhaps this was cruelty but now it makes it worse. We should not be getting into the area of making it more difficult for people to do legitimate scientific research even though there are arguments to be made for treating these animals very humanely, as humanely as possible. I agree with that because it is not always humane.

When I see the phrase that the animal is one that can perceive pain, I am reluctant to give this example, but I think I must. We have that very sad case in Canada that a human is not considered a human until it is fully born. One really needs to ask whether in late term abortions of human beings, that unborn human, one minute before it is naturally born, is capable of perceiving pain. In my opinion, there is no cover in our criminal code against that criminal offence any longer. That is perhaps an error that is of considerable consequence.

Madam Speaker, you have given me the signal that my time is up. I am certainly not finished talking about this topic. There are many other areas to discuss but I close by appealing to the Liberal government to change the way it works in committees. I appeal to the government to give careful thought to and actually assent to the amendments we will be bringing forward to correct some of these anomalies. Doing that would make the legislative process work so much better on behalf of Canadians.

• (1305)

Mr. Dale Johnston (Wetaskiwin, Canadian Alliance): Madam Speaker, I was very interested in my neighbour's speech. Our constituencies share a boundary so I know that his constituents and background are somewhat similar to mine.

I was very interested to hear him say that the words wilful and wilfully have been removed from the bill. Anyone who wilfully inflicts pain or suffering on animals, whether it is wilful or whether it is through negligence, should suffer some sort of punishment because they ought to know better.

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I listened to other members today who talked about the possibility that those who abuse animals and treat them badly are also likely to be the sort of people who abuse and treat human beings badly. I agree. I think there is a correlation between the two. I also think that wilful neglect, damage or even neglect because a person did not know any better should be penalized.

I would like my colleague to expound on how he feels about livestock producers who fail to adequately care for and feed their livestock and therefore cause them to emaciate and die of starvation. I would like him to comment on another practice. Where he and I come from rodeos are a big thing in the summertime. Does the use of animals in a rodeo constitute neglect or wilful harm?

Mr. Ken Epp: Madam Speaker, my colleague raises a number of important questions.

Certainly I would concur with him 100% that if a person wilfully causes discomfort and pain to an animal just for the sake of causing the pain, it is very serious. I would suggest that the person needs not only punishment from our criminal justice system but we should also arrange for that person to get psychological and perhaps even psychiatric help. There is something wrong with a person who gets his or her jollies by inflicting pain on an animal or another human being. There is a deep psychological problem there.

With respect to what I call the normal use of animals, and I am talking about farmers and, to a certain degree, animals that are used in entertainment, in circuses and rodeos and so on, I do not think the animals in those contests endure any greater pain than do our athletes in the Olympics in most instances. They run, jump, kick and do whatever they have to do.

Having grown up on a farm, I have seen horses without a rider engage in races. They love doing it, especially the little colts. Many of us have seen that. They will take off and run to the other fence to see which one can get there first, just like kids do. There is nothing wrong with our getting enjoyment out of that, certainly within the context of humane treatment.

A number of years ago I spoke to one of my friends who owned a very large pork operation. He owned little piglets. The building had several wings; it was like a hospital or a factory. There was a breeding section and a maternity section. The little guys moved through the different wings in the building, down to the end where they came to the finishing wing, after which they were hauled into the truck and taken off to market.

● (1310)

One critic said it was a cruel way to treat those animals. He responded by saying "These animals are treated better than a lot of humans. I give them total care. Their house has air conditioning,

mine does not. It has temperature and humidity controls. They have balanced and very healthy diets. If they have an illness, at great expense to myself, I have a veterinarian on call 24 hours a day who gives them better care than does the health care system in Saskatchewan".

We need to remember that this is part of the food cycle. It has always been thus. I do not think we can turn it around. Certainly, as my friend does we can provide for those animals, treat them humanely, and cause them absolutely no unnecessary suffering. It was the first time ever that I had actually seen a guy pet his little pigs. He took good care of them. As I say, it is part of the reality, and from thence comes the bacon to go with our eggs.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Madam Speaker, the hon. member for Elk Island is a veteran member of the House. He has given a very interesting speech with very interesting answers to the questions, but a question still remains in my mind. I would like him to clarify.

How do we define cruelty? It is a relative term. For some people some things are not cruel whereas for others they are. There are cattle farmers whose livelihood depends upon killing animals for meat and other purposes. There are other activities such as sports, the circus or rodeo, which are simply for the sake of fun but which cause pain, suffering and injury to animals.

How would the member define cruelty? Would he agree that it is a relative term and that it is not defined in the bill at all?

Mr. Ken Epp: Madam Speaker, again it is a question that is almost impossible to answer. What is cruelty?

I am not into this at all but I understand there are some people who experience pleasure in pain. There are special names for them, sadists and masochists. The line between pain and pleasure is really blurred there. Like I said, I am not into that at all but I can see where there would be a pretty lively debate on whether or not something is painful.

I grew up on a farm in Saskatchewan. Dad used to get us up early in the morning. When the sun came up, he would say "The Lord put the sun in the sky as a light for us to work. It would be a shame for us to waste it". We got up early in the morning and worked until late at night. We were hot and sweaty and had chaff all over us. Someone who has never worked under those conditions just does not value a shower at all. There is nothing compared to the pleasure of a shower at the end of a day like that.

In a way it was painful. It was hard work. Sometimes we hurt at the end of the day from the physical exertion we had put out. Nowadays there is a lot more mechanization in farming. It was painful, yet it was pleasurable.

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Of course the courts are going to have to rule on whether something is cruel to animals. As I said before, I have actually only been to a few rodeos in my life. The only one I wonder about is the calf roping. Sometimes it looks like they get jerked pretty good, yet I have never ever seen one having to be taken off in a truck. They always survive. They seem to be built for it.

My own opinion would be that most rodeos and circuses are well within the bounds of treating animals humanely. That is my own opinion. We need to keep it all in balance. As I said before, in all cases wilfully causing an animal pain is not permitted.

• (1315)

Just in passing, one more example is the training of animals, whether it be dogs or horses. Anyone who has ever done this knows it is done by a combination of reward and punishment. A small amount of pain is inflicted on the little dog who does his doody-doo where he is not supposed to do his doody-doo. Eventually he learns and becomes a trained dog, and we like him. As long as he does his thing all over the house, we do not like him. We all experience a bit of pain in that regard.

Mr. Dale Johnston (Wetaskiwin, Canadian Alliance): Madam Speaker, as usual, my colleague from Elk Island has been very insightful and rather entertaining. I expected when he was telling us about coming down the road and seeing the mother duck that he could actually hear her say to her little ones “duck”, but I guess he left that part out.

The other day I was driving home in broad daylight on a country road that was not very wide. There was some extremely tall grass in the ditch. A deer jumped out of the ditch and I collided with it. It was totally an accident. I am sure I inflicted some pain and suffering on that deer. I am also convinced that the deer inflicted some pain and suffering on me, because I had to repair the automobile afterwards. I had to do it quickly before my wife inflicted pain and suffering on me, because it was her car.

I am looking at the bill and I am wondering if I might be guilty of inflicting pain. If someone had come along they would have seen me strike that deer. I frankly did not see the deer leave, because it rode up over the front end of my wife's car and landed behind the back door. By the time I got the vehicle stopped and got out of the car, the deer had vanished. Although I was not going very fast, it does take a few seconds to get the car stopped. I was not able to assess whether it limped away or whether it bounded off, but I am quite sure that at 60 kilometres an hour, which was about the speed I was travelling, striking a deer with a car that weighs 4,000 pounds would certainly inflict some harm on it and some pain, maybe even break some bones. I do not know.

Under the bill, would I be guilty of inflicting pain on that animal? That is one of the reasons it is so important that we keep the words wilful or wilfully in the bill.

There are many other aspects to the bill. It also deals with the disarming of a police officer and technical amendments to the Firearms Act. I frankly do not have any argument with that. I think that the disarming of a police officer, if it has not been in the code all these years as a specific crime, certainly should have been. We have to give our police officers the tools to do their job. We must respect our police officers for the job they do. Anyone who attacks a police officer should suffer the full wrath of the law. I am also talking about trying to disarm the police officer, take away his firearm.

I have no problem with the technical amendments to the Firearms Act. They seem fairly reasoned and commonsensical. On the other hand, other aspects of the bill lack that elusive quality of common sense.

Coming from a farming community, I see all sorts of things. Normally our livestock producers take the very best care of their livestock. It is in their best interest to do so because this is their livelihood. This is their living. Occasionally we hear reports on the radio or on the television stating that in such-and-such an area several head of cattle, hogs or whatever had to be humanely disposed of because they were in such a bad state of emaciation from lack of feed or they had been hauled in a truck that was so cold they had frozen spots on their carcasses. That is an offence that absolutely should be punished. There is no rationale whatsoever for causing undue suffering to defenceless animals.

• (1320)

Therefore I am making the case that wilful negligence should be taken into consideration, whether it is inflicting wilful suffering and pain or whether it is done through lack of knowledge or lack of attention. If someone knew or should have known those conditions would bring suffering and pain to an animal, livestock, pet, cat, dog or whatever, it would be very difficult for them to defend their position in a court of law. Those individuals should in all instances be found guilty of cruelty to animals.

I mentioned earlier agriculture and rodeos. I certainly do not support blood sports such as dog fighting, rooster fighting, or bear baiting, the old idea of putting a bear in the ring to kill dogs or turning dogs on the bear simply to entertain people who watch the fight. None of that makes any sense to me whatsoever.

We have to differentiate that from a common practice in the agricultural industry that is absolutely necessary. Farmers do not neuter their bull calves simply because they want to inflict pain and suffering on them. They do it for a very practical reason, which is that the animals fatten better and it makes them more docile. It also plays a large role in the genetics of the cattle herd. Farmers select the bulls they want to add to the gene pool of their livestock and simply neuter all the ones that do not measure up to a certain standard. That is a common practice, as is the practice of hot iron branding of cattle for identification purposes.

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I know of one instance where a friend of mine who is a cattle buyer bought a load of cattle or two. He was marshalling them at a custom feedlot. He continued to buy cattle until he had a certain number and then find a buyer. He also put together orders for people who had asked him to pick out a certain amount of a certain type of cattle.

Unbeknownst to him, this feedlot was suffering from real economic stress. One day he went there and found the sheriff had actually seized the feedlot and all of the contents therein, including the cattle my friend had bought. I do not know whether my friend had a premonition or what, but he had undergone the old western practice of putting a brand on these cattle before he put them into the feedlot. When the sheriff asked, "How can you prove you actually have cattle in here that belong to you?" He said "They have my brand on them". The sheriff released his cattle to him immediately. Cattle could be identified perhaps with a tattoo and it might stand up, but an ear tag would not.

• (1325)

While we are talking about tattoos and ear tags, do they inflict pain and suffering on the livestock? If they do, would putting an ear tag or a tattoo in the ear of an animal, which is a very common practice for purebred animals, inflict pain and suffering and make one guilty of a crime under this act? Those are all questions we have to ask.

I would like to see the bill go to committee. I would like to see it amended to reflect some of the common sense and some of the practices that are common and have been acceptable for hundreds of years.

At every auction market in the country and at every rodeo there are representatives from the humane society who are there to supervise. Those people would be great witnesses before the committee because they have seen what is acceptable and what is not. They have a very good idea of an acceptable practice and a practice that would constitute cruelty.

I would like to see all the amendments we have put forward adopted by the committee. They would answer some of the concerns of farmers, hunters, agricultural groups, those in the fur trade, people in the rodeo and the circus business, and others.

Every year the Calgary Stampede takes place. There is usually a protest following or during the stampede that says the roping of cattle is unnecessary cruelty and all the rest of it. There is a long way between the catching of a calf at the end of a lariat rope and cock fighting. Cock fighting is a brutal sport in which two roosters fight until one of them is dead. To me that is a senseless and cruel sport that has no place in modern society. I agree with those people who oppose it.

Wilful neglect is certainly deserving of harsh punishment. It is absolutely unacceptable. From an agricultural point of view it just

does not make any economic sense not to take care of livestock. Neglect of farm animals, where they are not properly fed or not properly bedded, is not only against the law and should be against the law but is also a very stupid economic move. If one is with the condition that one does not have the feed or the bedding to properly look after livestock, then they should be sold. There is a ready market for any livestock and they should be sold to someone who will take care of them.

Still in the livestock and farming vein, there is one clause of the bill I would like to quote from. It says anyone who "kills an animal or, being the owner, permits an animal to be killed, brutally or viciously". I wonder what brutally or viciously killing means. Does it mean if one shoots them it is brutal and vicious and if one tickles them to death it is okay? I do not understand that at all.

If one kills a human being, is it brutal and vicious? I think so. Gophers, which are properly known as the Richardson's ground squirrel, dig up meadows and generally cause havoc with the turf. One could shoot them with a .22 or, worse yet, use a leghold trap. As we kids used to do in school days at recess, one could go out and drown them by pouring water down their holes. Perhaps we were guilty of cruel and unusual punishment with those poor little ground squirrels, but are those things all considered to be "brutally or viciously" killing the animals?

• (1330)

The bill goes on to say that anyone who "kills an animal, or being the owner, permits the animal to be killed, brutally or viciously, regardless of whether the animal dies immediately", is guilty of a criminal offence. My concern is that I own livestock. The whole purpose of the livestock is to create protein, meat, for customers. To do that, since we have yet to discover a way to eat animals alive, animals have to be killed in some way.

Even if the animal dies immediately, we are guilty of a criminal offence, and even though we did not do it. I guess we hire professional hit men to kill our steers so we are still guilty of consulting with and getting somebody else to carry out our foul deeds. Even though the animal dies immediately, we are guilty of a criminal offence.

I shudder to think of how many times I have been guilty of that, because we have sent literally thousands of animals to the slaughterhouse. The animals die immediately, I think. I am not sure, but I am pretty sure that they do. They are immobilized, the butcher opens the carotid veins in the neck, the animal is bled and dies almost immediately. As soon as the carotid arteries are opened the blood pressure goes to zero and the animal is for all intents and purposes dead immediately.

However, that does not matter. I am still guilty under this legislation. That is a terrible deficiency in the bill. I hope that the committee will move to amend this or to remove any ambiguity in

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this area so that the person who raises chickens for a living will be able to have the chickens killed and processed. We had chicken for lunch today. I wonder how that got here. It got here because somebody killed the chicken, I hope not brutally or viciously, and I hope immediately. I hope somebody did not have to go to jail because we had chicken for lunch.

That is the kind of common sense I am talking about, which is absent in the bill and which is absolutely vital to the bill. We cannot stand to have this kind of ambiguity. We must have more clarity. The bill as it is now will cause a tremendous amount of anxiety in the agricultural community. It has already, in my opinion.

While the bill is not in the form that I would like to see, I want it to be on the record that I am a pet owner and a livestock producer and I pride myself on taking good care of my livestock. My animals are well fed, with good access to a good water supply. In cold weather I keep them bedded. We give them the very best obstetrics we can if they have difficulty calving; we do everything we can to assist them, including giving them Caesarean operations if need be, to save the life of one or the other and sometimes both.

As far as our pets are concerned, we have a little white Maltese dog that we keep in the house. She is our pride and joy. Our children grew up and left and we needed something to mother, so we got a puppy. I would not do anything whatsoever to make life uncomfortable for that little dog. Frankly, anyone who would be an abuser and should be dealt with as an abuser, whether he does it through neglect or wilful harm. I want to be extremely clear about that.

• (1335)

I support the idea that animals have a purpose in our lives. Pets have a different purpose than farm animals, obviously, but a lot of pets on the farm are also working pets, like stock dogs. We have had stock dogs on our farm that were an absolutely essential part of our operation and saved us many steps.

While I am not pleased with the bill in its present form, I am prepared to give it tentative support to get it into committee in the hope that it will be amended to reflect the common sense suggestions I have put forward today.

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I want to commend the hon. member for his speech. He addressed many concerns that many of us feel and that many of us have heard about from a number of organizations.

There are a couple of questions I would like to ask the hon. member.

I have concerns about how far this is going to go. We know that we use mice and rats in experiments in regard to health issues.

Should that be looked at with regard to this bill? That is of some concern to me.

Also of great concern to me is the fact that there are two parts to this bill, one with regard to cruelty to animals and the other with regard to the disarming of a peace officer. Why would the government bring in legislation that mixes those two together? That has created a lot of concern. If someone were to disagree with part of the bill, the opportunity is there for somebody else to say that they disagreed with the legislation on the penalty for disarming a peace officer. It worries me. I do not know if we can call it cagey or crafty that a government would try to introduce a bill that has to do with cruelty to animals and throw the disarming of peace officers into the same piece of legislation. I can see no sense in this.

Could the hon. member address this as to whether or not he has heard any of these same concerns?

Mr. Dale Johnston: Mr. Speaker, I welcome the questions from my colleague from Okanagan—Shuswap.

It would be my hope that the use of medical or laboratory animals would be an acceptable practice, provided of course that they are treated humanely in the course of the experiment. We all know that because of laboratory animals there have been huge advancements in medical science. I would think that the benefits would vastly outweigh the fact that these animals have to undergo experiments. Would I support having that covered and clarified in the bill? Absolutely I would. I think it would be of the utmost importance.

The second question my colleague asked is why there is this omnibus sort of bill, why they are mixing apples and oranges. It is not my place to impugn motives to the government, but if I were the suspicious type I would say that perhaps it has been done this way in order to set a bit of a minefield for the opposition, such that if the opposition finds something insupportable in the act and votes against it, all of the above simply become fine points. What will be kept on the record on the government side is that a certain party or a certain individual did not support strengthening the cruelty to animals act.

• (1340)

Of course, that is all speculation. Everyone knows very well that I am not one who would impugn motives to any person or any party in the House.

Mr. David Chatters (Athabasca, Canadian Alliance): Mr. Speaker, it is unfortunate that we are having this debate this afternoon without the participation of the government side because I would dearly love to put some of my questions to government members. Unfortunately we cannot do that because they do not seem to be responding.

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This discussion we are having on what constitutes cruelty to animals is very curious. I cannot help thinking that given the government's access to the best legal minds in the country, the government could, if it wished, solve some of what appear to be inconsistencies in the bill.

Certainly one of the inconsistencies I note is that even under the existing act we seem to be wilfully participating in acts of cruelty to animals. We have heard of a number of instances. I think rodeos were mentioned. I can think of many more. A number that I have witnessed come to mind. For example, traditionally, for hundreds of years, in Atlantic Canada we have prepared lobsters by dumping them in a pot of boiling water. That seems to me, in my prairie vision, to have some degree of cruelty.

I have also witnessed a religious process of slaughtering animals that has existed in this world since biblical times and before. In my view, it certainly constituted wilful cruelty to that animal.

Yet under the existing act, these things are never prosecuted. There never seems to be a willingness to prosecute. The only thing I can see that the original act contained was a necessity of criminal intent, which protected those groups or those people participating in these things. That criminal intent is removed in this new act, which in my view lays open to prosecution all of those groups that participate in these things we talked about. I would like the member to respond to that comment, if he would, please.

Mr. Dale Johnston: Mr. Speaker, I too am quite concerned that we are not hearing from speakers on the opposite side. Members opposite drafted the bill and should be here to defend it. Their non-participation and indeed their ambivalence to this whole thing perhaps could be interpreted in a couple of ways.

Maybe they think the legislation is so great that there is absolutely no way it could be improved upon, although I do not know how they could get that idea, because every one in the House who has spoken on it so far today has suggested improvements to the bill. Perhaps they are so ashamed of it that they just want it to slip through the House like a dose of salts, with nobody noticing it. Otherwise why is someone from that side not responding from time to time?

The other question my colleague raises is the one about wilful intent. I spoke to that at some length during my remarks but I would not mind actually expanding on that just a little. He talks about the ritual slaughter of animals by certain religious groups, which absolutely does date back to the time when history began to be recorded.

• (1345)

We have customs whereby the native people are still allowed to carry out their whale hunt. The Inuit are allowed to kill a certain

amount of whales by harpooning them. I wonder if that has been considered in the bill.

I keep going back to two points. We have to consider what has been accepted practice for literally hundreds of years. We also have to be very cognizant that whatever we put into the statutes has to be tempered with copious amounts of common sense.

Perhaps common sense is not something that is very easily divined. We can argue that what is common sense to my knowledge is not necessarily common sense to others and vice versa, but the generally accepted term of common sense should be applied in liberal doses to this particular act.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I am pleased to participate in the debate today, and I am pleased for a couple of reasons.

The first reason is that it gives me an opportunity to explain to the people out there in television land—I do not have to explain it to people in the House as they pretty well understand the strategy behind all these things—that we are once again seeing a bill that deals with some very questionable issues.

Along with that, some of the legislation that has been put forth does truly answer the need of our law enforcement people, which in turn answers the need for public safety. This has been combined with some much needed regulations in the gun legislation, which has been flawed for quite a while. This has been mixed all together and called an omnibus bill.

Like good children who take their medicine, if we sprinkle a little sugar on it they are supposed to swallow it and like it. I have risen in the House too many times to count to address a number of bills that come with a whole pile of things in them, some that make perfectly good sense as to why they are there and others that make no sense to me at all.

I cannot understand for the slightest moment what the disarming of a policeman has to do with cruelty to animals. Why are these two issues combined in the legislation? I want to support the particular part of the legislation which says that trying to disarm a policeman will be a criminal offence, and it should be a serious one. That is a good part of the bill. However, we also have to deal with another section of the bill regarding cruelty to animals. There are so many questions that need to be answered it is not even funny.

There is no definition with regard to what is meant by so many statements. Am I supposed to warn my five year old grandson when he goes fishing that somebody might be watching him as he puts a worm on his hook? According to the legislation that possibility exists. There is nothing in there that says a chicken farmer who raises chickens for the purpose of harvesting them for food for the public is allowed to trap or harm a weasel that might be trying to destroy some of his chickens.

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Nothing in the legislation explains what is considered to be cruel. Believe me, I certainly do not condone the abuse of a pet in any form or fashion. That should never be allowed and, as far as I understand, it is not allowed today. Charges can be brought against an individual who exercises these kinds of abuses.

• (1350)

However, the bill clearly does not set out what is an intentional, unreasonable act of abuse upon an animal for no other reason than maliciousness. There is nothing in the bill that says that the chicken farmer or my grandson will not be responsible for hurting or causing pain to an animal that is being used for the purpose for which they use them.

Why are those things mixed up? I am really surprised there is nothing here to seriously address child pornography. Why not mix that in with all this? Why not take some other issue that the government slides around and stick it in there to make it look good? Is that the reason we have this particular section stating that it is a criminal offence if someone tries to disarm a peace officer? Is it to make the other sections of this flawed bill look good? Or, is it to make me look bad for not supporting a bill because of certain aspects of it, even though I want to support it because of other aspects of it?

It makes no sense to me that grown men and women who are supposed to have at the heart of the reason for being here, one of their most elemental duties being to provide protection and safety for the citizens of our country, would put together an omnibus bill of this nature that has good little aspects, silly little aspects and unexplainable little aspects in it. It makes no sense to me at all.

Grown men and women have put together a document that is all over the map, so we will be asking for some amendments. We want some things in here that will clearly define animal cruelty for the farmers and harvesters of animals who earn a living doing what they do. According to what I see as written, it could be very dangerous to these people in their activities and could cause a lot of grief.

There are some really good reasons why someone would brand an animal but it is painful. If members do not believe me they should come out to Alberta sometime. I will take them to a branding party and show them that it is painful.

Mr. Speaker, I do not know whether you go fishing, but if you catch one on your little hook and you plan to take it home to eat because it is good for your diet, do you let it flop to death or use a stick to club it on the head? You would probably club it on the head. Wait a minute, Mr. Speaker, the way the bill is written it could be construed as cruelty to animals. I would be the last one in this place, Mr. Speaker, to want to see you toted off to court so a judge could decide, on behalf of all these brilliant ladies and gentlemen who put these documents together, whether or not it was against the

law because these people cannot put something together that clearly defines what it is they mean.

I think the intent of the bill, particularly the intent on cruelty to animals, is good. I think it is well-intended. However, surely most of the people in here have a brain bigger than the fish that I was talking about. Surely their brain ought to operate a little bit to know that the bill needs some clarification. Surely the government members would not want a group of people hauled off to a court so a judge could decide for these wonderful people what it is they are trying to say in a bill. Why can they not say what they mean? Why can they not clarify the bill? What does it mean? I read it and the meaning is not there. It does not clarify whether a farmer will be charged because he dehornes. Dehorning is painful. Clarity in the definitions is not there. It will take some amendments to do it. It will be tested in committee when amendments are brought forward to make it a better bill, to make it a bill with a little common sense and allow people to understand what the intent of the government is.

• (1355)

To the member on the government side who is doing all the heckling and yelling about what the bill does, I am afraid it does nothing at all. It is not clear at all. What would we expect from a Liberal government except unclarity? What would we expect from a Liberal government except high hopes that a document will be placed before a judge some day so the judge can once again decide for Canadians what the law will be and what it will not be. The Liberals do not have the courage or the intestinal fortitude to make the kind of laws that say what they mean.

They are doing a fine job at jumbling them all up. They jumble them all up so no one can point the finger in their direction and say that they are not doing their job very well. They are not. Believe me, Canadians of today recognize how the government deals with justice and they do not like it. I can understand why.

STATEMENTS BY MEMBERS

[English]

THE PARLIAMENT BUILDINGS

Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.): Mr. Speaker, we will have the occasion tomorrow outside the Chamber to reflect back on an incident which occurred during the 12th Parliament of Canada. On the night of February 3, 1916, the former Centre Block building burned to the ground. One of the few remaining artifacts to survive the blaze was the Victoria Tower Bell

which continued to chime the hour until the stroke of midnight that February night.

I am happy to announce that a restored monument incorporating the bell will be unveiled tomorrow, September 27, at noon behind the Library of Parliament, facing the Ottawa River.

The Canadian Bankers Association has generously contributed financial support for the refurbishing of the bell monument and to have it prominently displayed for the many tourists who visit Parliament Hill.

I invite you, Mr. Speaker, and all my colleagues here to attend the ceremony and to learn about this fascinating event in our parliamentary history.

* * *

CHURCHES

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, beginning in 1883 the social reformers in the government and the churches developed a system of residential schools across Canada for native children.

The common wisdom of the day was that these were necessary for resocializing native children to integrate them into non-aboriginal world. For some the experience was beneficial. For many it was painful and harmful.

The Canadian Encyclopedia, page 2007, tells us that:

From the 1890s till the 1950s the government tried constantly to shift the burden of the schools onto the churches, whose members made donations, and the students, whose labour was a contribution.

Today's government is doing the same thing, attempting to place its responsibilities on the backs of the parishioners of the churches. Many of our churches face financial ruin by this callous action of the government.

I call on the Minister of Justice to acknowledge the responsibility of the government for these failed social policies and ask her to stop dragging the churches into the courts as third parties to evade her own responsibilities.

* * *

• (1400)

[Translation]

LIBERAL PARTY OF CANADA

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, I am very pleased to welcome two new members to the big Liberal family: the hon. members for Shefford and Compton—Stanstead. After much reflection, they have decided to join the ranks of the

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Liberal Party of Canada. I congratulate them for responding to the wishes of their constituents in this way.

When I was elected in the 1995 byelection and again in the general election in 1997, my constant message was this: let us not divide the federalist vote. As a continuation of that message, I am delighted to welcome my two new Liberal colleagues. The federal Liberal team is strengthened by their presence, and the entire Eastern Township region will reap the benefit.

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ANNE MONTMINY

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I would like to express our warmest congratulations to Anne Montminy of my riding for her bronze medal win at the Sydney Olympics in the 10 metre dive. This is the first time Canada has ever won a medal in this event.

This exceptional honour could not have gone to a more accomplished or more likeable athlete.

[English]

Anne Montminy is a wonderful human being and an example to our youth everywhere. It took untold courage and perseverance to come back from the setback in Atlanta in 1996 and reach the very top of world excellence in Sydney. Anne deserves our warmest thanks for her courage and her class and our very best wishes in her new career as a lawyer.

[Translation]

I thank Anne Montminy.

* * *

[English]

LARYSSA BISSENTHAL

Mr. Ovid L. Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, today I rise to congratulate a great Canadian. Laryssa Bissenthal of Walkerton, Ontario again captured bronze at the Olympic Games in Sydney, Australia. Laryssa is the daughter of Dave and Carolyn Bissenthal of Walkerton, Ontario.

We in Bruce—Grey—Owen Sound and Walkerton are proud of Laryssa. She has made us proud for the second time in a row. I say to Laryssa: "You are a great Canadian. We are proud of you and you are great for all the young people of Canada".

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SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, the federal government is exposing taxpayers to a risk that could cost hundreds of millions of dollars.

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Pope & Talbot Lumber Company is suing under NAFTA because of what it says is unfair treatment in its amount of softwood lumber quota. The government is refusing to provide background documents to explain how its softwood quota was established. Without these documents the NAFTA tribunal is more likely to decide against Canada.

The government must demonstrate that favouritism and political considerations did not influence quota decisions. By agreeing to the 1996 softwood lumber agreement and then setting up a secret and flawed administration, the government has invited this NAFTA challenge. The softwood agreement has already cost Canadians billions. It is time for the government to demonstrate that it has nothing to hide.

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[Translation]

CANADIAN HOT AIR BALLOON CHAMPIONSHIP

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, this summer, the Canadian Hot Air Balloon Championship was held as part of the Saint-Jean-sur-Richelieu Festival de montgolfières M. Christie.

Denis Unsworth, a pilot in my riding, turned in a brilliant performance to win the prestigious event.

With its great technical complexity, this championship is the pinnacle of hot air balloon competition and Mr. Unsworth led the field of a dozen Canadian participants.

He is also Quebec champion, and turned in his winning performance aboard the *Fierté*, which sports the colours of the fleur-de-lis. He is the first pilot to win the Canadian championship for the third time.

In 2002, Mr. Unsworth will take part in the world championship in Châtellerauld, France.

On behalf of the Bloc Québécois, I am proud to pay tribute to Mr. Unsworth, the Canadian hot air balloon champion, and wish him good luck at the world championship in 2002.

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[English]

GARY O'DWYER

Hon. Christine Stewart (Northumberland, Lib.): Mr. Speaker, I rise today to acknowledge the hard work and commitment of Mr. Gary O'Dwyer. Mr. O'Dwyer is a noted teacher at St. Mary's Secondary School in Cobourg and is one of 12 teachers nationwide to be nominated to receive the 2000 Governor General's award for excellence in teaching Canadian history.

A national award, it recognizes teachers for their dynamic and innovative approach to teaching Canadian history. Mr. O'Dwyer

started a speakers forum at the school 16 years ago allowing students to interact with noted speakers from around the world.

Through dialogue and debate in class, touring outside the class, students have experienced and participated in dynamic discussions of such topics as war and peace, the holocaust, religious intolerance and international development issues.

• (1405)

National leaders and more humble participants, including victims of history, have been part of Mr. O'Dwyer's well-respected speakers forum. Notable to me was the cold war era meeting of the Soviet Union and American war veterans discussing war and peace. Eye-opening, mind-opening experiences all.

* * *

TAXATION

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Mr. Speaker, we are all aware of the tax free transfer of the mysterious \$2.2 billion trust which was transferred to the United States on behalf of a wealthy, well-known family. This family received a tax free coupon from the government saving them \$800 million in taxes.

The government is not only refusing to open the books on this questionable transfer but it is using taxpayer money to delay the courts from looking into this matter.

Two levels of court have ruled that a trial should be held into the merits of this questionable transfer. The auditor general believes that this transaction may have circumvented the law on capital gains and has been unable to obtain minutes of secret meetings which were held to permit this dramatic loss of tax revenues.

Who is the government trying to protect? What is the government trying to hide? Where has the money gone? Why does this government insist on helping their rich friends?

MPs are sent to Ottawa to seek the truth and speak the truth. When will taxpayers get the truth?

* * *

[Translation]

CANADIAN ALLIANCE

Ms. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, once again, there is dissension in the ranks of the Canadian Alliance. Unlike their leader, members of his party feel that simple possession of marijuana should be decriminalized.

The party's critic, who is now drafting the party's justice policy, supports decriminalization for simple possession of less than 30 grams of marijuana.

*S. O. 31**[English]*

This is the sort of issue that clearly demonstrates to Canadians the confusion that reigns in Her Majesty's Loyal Opposition. I am sure the leader of the Alliance will continue to allow confusion to reign on this and other issues during the next election not for policy but for political expediency.

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ABORIGINAL AFFAIRS

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, unfortunately Liberal aboriginal policy persistently defaults on treaties and written agreements. On the west coast, a group of young aboriginals feel they must occupy the fishery minister's office to protect aboriginal rights on the east coast. In Alberta, the Lubicon struggle to resolve their longstanding claim. In Quebec, Domtar logs on unceded land. In the Yukon, fees are imposed on permits and licences, even though 16.4.10 of the claims agreement clearly prohibits this. From coast to coast to coast the divide between aboriginal and non-aboriginal Canadians is widening.

If we are to repair this breach it is imperative that we honour the existing treaties right now.

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*[Translation]***ASBESTOS**

Mr. Jean-Guy Chretien (Frontenac—Mégantic, BQ): Mr. Speaker, today in Montreal, communities in the Asbestos and Theftord regions are launching a pro asbestos movement. This dynamic organization will act as a counterweight internationally to the anti asbestos lobby, which for a number of years has been lowering the value of this product, with its exceptional qualities.

I congratulate the workers who initiated this movement and its spokespersons, Laurent Lessard and Rolland Beaulieu. I also wish them considerable success in the many projects they have planned, including a visit to Geneva in support of Quebec City and Ottawa, which are appealing the decision of the WTO on France's ban on asbestos.

I invite the Council of Canadians and the NDP, which oppose Ottawa's appeal in this matter, to follow the activities of the pro asbestos movement. Their position makes it clear once again how little they know Quebecers and how incapable they are of defending their interests.

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MERCAZ

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I would like to offer my most sincere congratulations to a charitable

organization in my riding, Mercarz, on its annual food drive aimed at fighting hunger and poverty.

Since 1993, Mercarz has provided food, clothing and household articles to new immigrants and low income families.

The last drive was a success. Thanks to the generosity of the people in our riding and the help of some 100 young people, over 15,000 non perishable items were collected.

* * *

*[English]***EMPLOYMENT INSURANCE**

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Mr. Speaker, seasonal workers may not find a comfortable home with either the Liberals or the Reform Alliance.

● (1410)

The Liberals are bragging about a \$12 billion surplus, of which about half belongs to the workers and employers. EI dollars are not going to the unemployed who desperately need help.

Yesterday the member for Calgary—Nose Hill revealed her party's position on low income seasonal workers when she said "Seasonal workers already earn a comfortable income".

I would like to present some figures. In 1996, before the Liberals slashed the EI program, 75% of seasonal workers in New Brunswick made less than \$10,000 a year. Is the member saying that \$10,000 a year is a comfortable income?

The Liberals were well aware of these figures before they chose to slash the EI program. How can they justify their cuts knowing that 75% of seasonal workers in just one province were already living well below the poverty line?

* * *

ABORIGINAL AFFAIRS

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, one of the most difficult issues facing Canadian society is the litigation concerning aboriginal schools. It brings the Government of Canada, a number of major churches and aggrieved aboriginal complainants into the courtrooms of the nations to settle one of the most vexatious issues of our time.

The courts, however well-meaning, are among the least qualified forums for settlement and reconciliation. At the end of the day, if it ever comes, a lot of money will change hands, a small number of lawyers will do very well, the complainants less well, the churches will be bankrupt and our society diminished.

Oral Questions

There will be no healing in the lives of the complainants. The money will dissipate with alarming rapidity and the healing so necessary in the lives of litigants will happen outside the courts, if at all.

Courts by definition exaggerate the distance between litigants, exaggerate lines of hostility and protract issues. It is the nature of the beast and, arguably, the last place to deal with the issues.

I call upon the Government of Canada to follow the lead of South Africa and set up a truth and reconciliation—

The Speaker: The hon. member for Fredericton.

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BRAIN TUMOUR FOUNDATION OF CANADA

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, next month is the designated Brain Tumour Awareness Month in Canada. Brain tumours are located at the control centre for thought, emotion and movement and their effects on an individual's physical and cognitive abilities can be devastating.

Whether benign or malignant, a brain tumour can leave its recipient visually impaired, hearing impaired, overcome with seizures or even paralyzed. Each year 10,000 Canadians are diagnosed with a brain tumour and more than 100 different types have been identified.

Improving the outlook for children and adults with a brain tumour requires research. Since 1982 the Brain Tumour Foundation of Canada has raised \$1 million. On behalf of all members, I commend the Brain Tumour Foundation of Canada for their good work on behalf of all Canadians.

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AGRICULTURE

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, like many farm families across Canada, Ontario grain and oilseed producers are suffering because of record low commodity prices, poor weather and inadequate support from the federal government.

In the past, Ontario farmers have received some relief from foreign subsidies from the market revenue insurance program. Created in 1991 to address specific income problems caused by U.S. and European subsidies, MRI is the best safety net program for many grain and oilseed producers in Ontario.

However, the integrity of the MRI program is threatened by the federal government's insistence that the remainder of the \$112 million in federal funds previously contributed to the MRI account be refunded after this crop year. This early termination stands in stark contrast with the new federal-provincial safety net program which extends to 2002-03.

Given this government's weak record on farm support, what guarantee can the Minister of Agriculture and Agri-food give Ontario farmers that their market revenue insurance program will remain viable?

* * *

ATLANTIC CANADIANS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I want to inform the House and all Canadians that I am not a lazy maritimer.

The recent comments by John Mykytyshyn of the Alliance Party, a senior policy advisor, as well as the comments yesterday in the House by the hon. member for Calgary—Nose Hill, demonstrates what the Alliance Party thinks of us in Atlantic Canada.

I, my colleagues and all elected representatives who serve the over 3 million Atlantic Canadians, many of whom have moved to other parts of Canada, wish to inform the leader of the Alliance Party and the Alliance Party itself that we are not only some of the finest people in the entire country and in the entire world, we are also caring and sharing people as well.

It is about time the official opposition realized what truly great people live in Atlantic Canada.

ORAL QUESTION PERIOD

• (1415)

[English]

TAXATION

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, this is the day. If the Alliance motion passes to reduce gas taxes then the charge of tax on gasoline will be reduced by 3.3 cents per litre.

Without referring to any of the excuses of last week, why will the Prime Minister not agree to a gas tax break for Canadians?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is the Chrétien believing very much in responsible government. I have said and have repeated many times that we are looking at all the options.

We are not sure that the option of a reduction in tax will be passed on to consumers. We have to make sure that if we move, we move to make sure that those who we want to help are helped. We may choose another way.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, that is what we thought, no action at all.

Oral Questions

On September 14 the finance minister, when talking to the Toronto Board of Trade, was quoted as saying that high marginal tax rates in the country are a burden on middle class incomes.

It has also been recorded by the World Economic Council on Competitiveness that interestingly over the last year the United States has moved from second to first place in terms of international competitiveness. Ireland has moved from tenth to fifth place and Canada has dropped. Will the Prime Minister change his high tax policies which continue to be a drag on our economy?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have worked very hard on the reduction of taxes. There were some measures two years ago and some last year. Some came into force in July. We have also reduced the capital gains tax. We are doing it step by step.

Here is what one person said about the most recent federal budget: "I am saying this live and on television: We give credit to the Minister of Finance and the federal government for some of the good things in that budget. I give them full credit for some of the good things they did in terms of reducing income taxes for all Canadians. Good for them". The Leader of the Opposition said this in Alberta on February 29.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Prime Minister continues to be transfixed with my record and I am excited about that. There is another record we need to talk about.

It is estimated by the Council on Business Issues that the Canadian government lost approximately \$350 million in revenues as a result of brain drain. If the Prime Minister will not reduce taxes to keep young Canadians at home, will he at least reduce taxes to keep his own revenues at home?

• (1420)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have replied to that. We are very active in making sure that young Canadians have opportunities in Canada. It is why we created the Canada Foundation for Innovation which is helping people in research and development. We have created the chairs of excellence which are a model to the world.

We are making a lot of effort. I could go on and on about other initiatives of the government. It is a very simplistic notion that a tax cut would cure all the ills of the nation. It is very naive.

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, it would certainly be a great start, that is for sure. Let us look at the government's tax record and the Prime Minister's record on letting his government backbenchers vote freely.

The hon. member for Lac-Saint-Louis said that he and his colleagues are "typecast as if we are all stupid—we are just supposed to be voting machines". That is from a government member.

The vote on the gas tax is tonight. I would like to know from the Prime Minister, honestly, if he is going to make his caucus feel stupid again.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, talking about a free vote, I remember a person in the House by the name of Jan Brown and another by the name of Jim Silye who were kicked out. The hon. member for Esquimalt—Juan de Fuca was demoted after he disagreed with his party's position on Bosnia. We can ask the hon. member for Langley—Abbotsford who disagreed with his leader.

Mr. John Nunziata: Did you forget about me?

Right Hon. Jean Chrétien: I would like to say that some are very much in favour of reform in the House. In 1993 the Leader of the Opposition chaired the Special Select Committee on Parliamentary Reform in Alberta—

The Speaker: Order, please. The hon. member for Edmonton North.

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, I hear echoes in the back of the Chamber from the hon. member to York South—Weston.

Let us look at hepatitis C. Let us look at child pornography. Let us look at the GST. There is a long list of what is—

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Edmonton North.

Miss Deborah Grey: It is noisy, Mr. Speaker. Let us look at hepatitis C. Let us look at child pornography. Let us look at the GST and the pathetic record of the government when these issues have come on the floor of the House of Commons in the past.

The Prime Minister has forced his backbenchers to vote his way, even when it meant facing their constituents and themselves in shame. The vote is tonight. What will it be? Freedom or shame?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, some are for reform of the institution. The chairman of the committee in Alberta in 1993 recommended this. Listen to this. Perhaps we should have this here. He recommended that committees should not be allowed to issue minority reports.

In the House last week he was challenged by the Minister of Finance to permit his party to vote for the amendment of the hon. member for Pickering—Ajax—Uxbridge and he did not give freedom to his members to vote for this motion.

*Oral Questions**[Translation]***YOUNG OFFENDERS ACT**

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Justice has said 17 times in this House that her young offenders bill guaranteed the flexibility needed to enable Quebec to act on its choices.

Does she still maintain that her bill has the flexibility to enable Quebec to continue operating as it has done in the past?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Yes, Mr. Speaker, in fact I do.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if the minister's claims are true, how does she explain the fact that she had to amend clause 60.1 of the bill with respect to crimes of violence for young people aged 14 or 15 other than to give Quebec greater latitude?

• (1425)

In other words, will she admit that without this amendment Quebec would not have the flexibility it needs to apply the law in accordance with its own objectives? She had to amend it because there was no flexibility. She ought to do likewise with the rest.

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the government has listened to the many witnesses who appeared before the committee in relation to Bill C-3.

In response to that we introduced a number of amendments. Let me reassure the hon. leader of the third party that those amendments have three purposes: to decrease complexity in the legislation, to increase clarity, and to increase flexibility to all provinces and territories that choose to use it.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Minister of Justice continues, as always, to claim that her bill allows Quebec all possible flexibility to continue to apply the Young Offenders Act.

If this is true, why does the minister not agree to include a real right to opt out in her Bill C-3, so as to allow Quebec to continue to apply the Young Offenders Act, rather than absolutely forcing Quebec to use the repressive approach of Bill C-3?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, because in fact that which the hon. member suggested is not necessary. Within Bill C-3 there

is all necessary flexibility for the province of Quebec to continue to deal with youth justice issues in the way it does presently.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, no one in Quebec shares the minister's opinion on this.

How can she maintain a position which makes it impossible to solve the young offender problem in less than 30 minutes in this Chamber, particularly when she is being asked to put down in writing, in black and white, as part of her Bill C-3, what she has been telling us here in the House for the past 28 months, and what she has repeated 17 times in response to a question asked of her in this House?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in fact our youth justice legislation applies in all provinces and territories. As I have said before, there is sufficient flexibility in the legislation to ensure that the province of Quebec can continue to do that which it is presently doing in relation to youth justice.

* * *

THE ENVIRONMENT

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the federal Liberals are hiding out on water quality issues. On Toronto's insane proposal to cart its garbage to Kirkland Lake, they had an opportunity to launch a full federal environmental assessment but they took a pass.

Why did the federal government refuse to stand up for safe drinking water? Is it Quebec's drinking water it does not care about? Is it Ontario's? Is it first nations' drinking water it does not care about, or does the federal Liberal government just not care, period?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the province of Ontario carried out an extensive environmental assessment of the proposal of the Adams mine.

The federal government has recently received petitions asking that this be looked into. In accordance with the law, I have given the task to the Environmental Assessment Office to look at the questions raised and report back to me so that again in accordance with the law I can make a decision as to whether or not to proceed.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, speaking of garbage, the minister's answer is pure garbage. It is bureaucratic crap. What is the minister—

Some hon. members: Oh, oh.

The Speaker: Order, please. We are moving to very strong language. I ask the hon. leader to please be very judicious in her choice of words.

Oral Questions

Ms. Alexa McDonough: Mr. Speaker, I will certainly withdraw the words, but I will not withdraw the request for the federal government to get on with a full federal environmental assessment.

What is the minister waiting for? If the government will not launch a full federal environmental assessment of its own to get the job done, why does it not just post a sign "Polluted drinking water brought to you by your federal Liberal friends?"

• (1430)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I did not think that as a member of the House I would hear a leader of a political party refer to the laws made by parliament and this administration following the laws made by parliament in such derisory language.

The fact is the request has been made. The agency has been asked. When the agency reports in accordance with the law, I will deal with the report of the agency once again in accordance with the law. I will not countenance the recommendation of the hon. leader of the New Democratic Party that I should ignore my statutory responsibilities on a piece of legislation passed by parliament.

* * *

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, when asked four months ago, the Minister of National Defence denied that his government was planning to award a sole source contract to Eurocopter to replace our Sea King helicopters. Having reviewed the statement of requirement and letter of interest, it is now very clear that Eurocopter has a sizeable advantage over its competition.

Will the minister explain to the House why this entire process which he has put in place so clearly favours Eurocopter?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we are putting in place a fair, open and transparent process. On top of that we are going to save over \$1.5 billion from what her party would have inflicted upon us if we had proceeded with its particular proposal.

We are going through a period of time where we have asked the various competitive prospects to tell us about the letter of interest that we have put out and to tell us about the requests for proposals in draft form. We are awaiting their further comments on the matter. We will assess it at that time and determine if we need to make any changes. We all want to have a fair, open and transparent process.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, it is not fair and it is not open. I can tell you that.

It is obvious to anyone who looks at the maritime helicopter replacement program that both E.H. Industries and Sikorsky are out of the running even before the race gets started. The Sea King replacement specs prove that the Prime Minister is only interested in the Eurocopter Cougar.

Will the Prime Minister put politics aside for the sake of the military, make the bidding process fair and finally correct the mistake he made years ago when he cancelled the EH-101?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I said a moment ago, that cancellation is saving the taxpayers a lot of money. It is also getting us a better helicopter to meet our needs of today.

Furthermore what the government has adopted is a statement of requirement that was put forward by the Canadian forces, by the Department of National Defence, to make sure we meet the operational needs.

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FISHERIES

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, this morning in committee, fisheries officials made some startling admissions about the Miramichi lobster fishery. They admitted that lobster stocks are in serious decline. They admitted that the increased fishing had an adverse effect on conservation. What is most troubling is they admitted that they fudged catch numbers so that the minister could claim conservation was a priority.

Why are fisheries officials deliberately fudging numbers just to make the minister look good?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, we did have officials go to the fisheries committee but certainly that is not what happened at the fisheries committee.

They were there to inform them about the Marshall situation and the actions we have taken on enforcement. The lobster stock is doing very well. Fisheries are doing well. It is one of the best maintained fisheries that we have. We want to make sure that we continue to maintain that fishery so that our fishermen and all Canadians can benefit from that resource. We will continue to do that.

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, the minister ought to expedite the publication of the blues so that he can straighten himself up about what went on this morning.

The fact is the minister's officials also admitted that enforcement on Miramichi Bay was determined by their view of public opinion, not conservation or the rule of law.

When did perception and image become more important than conservation?

Oral Questions

● (1435)

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, once again the hon. member is making things up as he goes along.

Clearly the decisions we have made are based on conservation. Our scientists had a technical briefing and provided all the information as to the actions we have taken. Our actions are taken to make sure we conserve the resource. Conservation is our first priority. The hon. member should stick to the facts instead of making them up as he goes along.

* * *

[Translation]

BUDGET SURPLUSES

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, last week, the Minister of Finance refused to confirm the Bloc Québécois' forecasts putting the surplus at \$20 billion this year. The minister justified his refusal by saying that he was waiting for the opinion of the country's top economists.

Since Standard & Poor's, the Toronto Dominion Bank, the Royal Bank and all the others are anticipating a surplus of between \$18 and \$21 billion, is it not time for the government to tell the truth and to admit that we must have a debate now on how to properly use that money?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the debate is getting better all the time.

Two years ago, the Bloc Québécois asked for a mini budget because of a potential recession. Last year, it asked for a mini budget because of tax reductions. This year, it is because of a huge surplus.

As they say in baseball "Three strikes and you are out".

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, how could we not ask for corrective measures, when the Minister of Finance keeps fibbing and is off by 100% to 300% in his forecasts? We ask for corrective measures every year, but it is because the minister is not doing his job properly.

Instead of hiding behind budget forecasts that no longer make any sense, should the Prime Minister not table a mini budget that would include tax reductions, a temporary suspension of the excise tax on gasoline and corrective measures to the employment insurance program? These are the real issues, the real priorities, and the government has the means to take such measures. It must take action.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am truly pleased that the hon. member finds that things are going very well in Canada. I thank him for that.

I am very pleased to hear an opposition member say that the government is in a position to lower taxes and to take all sorts of measures.

I hope that, when we introduce bills to that effect, we will enjoy the support of the Bloc Québécois.

* * *

[English]

CORRECTIONAL SERVICE CANADA

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, for the last several days Canadians have had to witness news reports of the partying and other excesses that go on in our jails, especially as related to Karla Homolka and her friends. We asked the solicitor general to simply put a stop to it. He said he could not.

Will the Prime Minister, who purports to represent the people, please give a direct order to his solicitor general to put an end to these painful displays that we as Canadians have to watch, and that the families of murdered victims have to watch? Would he please simply give the order to put an end to this now?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Make no mistake about it, Mr. Speaker. I am not standing in the House to defend Karla Homolka. What I am defending is a system that works to protect public safety better than any other. Correctional Service Canada has a job to do. Offenders are punished and attempts are made to rehabilitate them. That is its mandate. That is what it is doing.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): It is amazing, Mr. Speaker, to see the Liberals applaud nothing happening to stop this. It goes on, whether we are talking about golfing, fishing or other activities that people in jail are allowed to do. We understand that drug users in jail are assisted in their drug and needle cleaning program by Correctional Service Canada, but diabetics—

Some hon. members: Oh, oh.

● (1440)

The Speaker: Order, please. I would hope that all members would want to listen to the questions. We listen to the answers. The hon. Leader of the Opposition may begin his question.

Mr. Stockwell Day: Mr. Speaker, my question is for the Prime Minister directly. There is the partying, the golfing and the fishing. Now we understand that drug users in our jails are provided with the ability to clean their needles and continue on with their own private drug program while hardworking Canadian diabetics must assume the costs of their own needle program.

Oral Questions

Will the Prime Minister put a stop to this in the jails and send the message to Canadians, to families and to young people that we believe in being law-abiding citizens and there are rewards for that?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, if my hon. colleague across the way is indicating there is a needle exchange program in the prison system, there is not.

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[Translation]

TRANSPORTATION OF MOX

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, in secret, unbeknownst to anyone, the MOX arrived in Chalk River, Ontario, where Atomic Energy of Canada Limited will be doing experiments.

How could the minister of natural resources say in this House that he was complying with the recommendations of Dr. Edwin Lymann, the director of the Nuclear Control Institute in Washington, who says that Transport Canada took none of his comments into consideration?

[English]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, there was an extensive public review period with respect to this particular project. That review period together with all of the other procedures that applied were in complete compliance with the Canadian Nuclear Safety and Control Act, the Canadian Environmental Assessment Act, the Transportation of Dangerous Goods Act, the requirements of the International Atomic Energy Agency and the requirements of the International Civil Aviation Organization.

We have the most stringent regulatory regime in the world to protect public health and safety in the environment and we intend to keep it that way.

[Translation]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, how does the minister explain the transportation of MOX by air over Canada, when American law prohibits the transportation of this highly dangerous product in American airspace?

Why do the people of Canada need less protection from their government than the Americans do from theirs?

[English]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, in Canada we follow the laws of Canada, not the laws of the United States of America. Our practices in this regard are

completely consistent for example with those that apply in Europe. MOX fuel has been transported in Europe by air since 1973 at the rate of at least six shipments per year. Obviously this is not out of the ordinary.

* * *

CORRECTIONAL SERVICE CANADA

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, while Karla Homolka is having a jolly good time in Joliette, Christopher Higginbottom who is serving 11 years in Warkworth for pornography and other sexual offences is currently being investigated for participating in a child pornography ring.

Can the solicitor general please explain to Canadians how it can possibly be that a child pornography ring is operating in our penitentiaries?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I can assure my hon. colleague that this is under investigation. Any activity like this that can happen when we are dealing with individuals in the penitentiary system is investigated and will be investigated.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, my question is for the solicitor general.

The whole country knows that the Liberals cannot manage. They cannot control drugs in prisons so they just give up. There is a trade in child porn inside the prison and they just wonder how it happens. The minister and his department have known of their management problems for years. In fact, the prisons seem to be con run.

In view of the deteriorating situation, what action has the minister taken? What will he do rather than just study it? What action will he take? Will he actually manage rather than limply monitor his responsibility?

• (1445)

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I thank my hon. colleague for giving me the opportunity to indicate that we now have ion scanners in every medium and maximum institution in the country, which is very important. Random searches are done on a regular basis and drug dogs are used frequently.

The most important thing to note is that from 1993 to date there has been a reduction from 39% to 12% in random tests. We are making progress and will continue to make progress.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, yesterday, the Minister

Oral Questions

of Human Resources Development confirmed that her questionable decision on the rules of eligibility and the number of weeks of benefits available to the unemployed in the Lower St. Lawrence, North Shore and Charlevoix regions created two classes of unemployed persons, those entitled to 21 weeks of benefits, if they have worked at least 525 weeks, and those entitled to 32 weeks of benefits, if they have worked 420 hours, depending on whether they were accepted before or after September 17, 2000.

Will the minister put an end to this unconscionable discrimination, which will force workers and their families to apply for social assistance?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me remind the hon. member yet again that in response to representations made by seasonal workers we are phasing in the changes to the employment insurance boundaries that reflect overall employment levels in those communities.

I also remind him that we have transitional funds available precisely for these workers to help them deal with the opportunities that may exist and to reflect their need for employment insurance.

The Minister of National Revenue and I are working in those communities and developing community groups to help us build new opportunities. I hope the hon. member will join—

The Speaker: The hon. member for Brampton West—Mississauga.

* * *

YUGOSLAVIA

Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.): Mr. Speaker, in recent days we have watched the people of the Federal Republic of Yugoslavia courageously participate widely in the presidential elections, despite facing an electoral process that may not be fair and free.

What is Canada's reaction to recent unofficial reports that the voters have elected opposition candidate Kostunica?

[Translation]

Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, we applaud the courage of all citizens of Yugoslavia, who turned out in massive numbers to vote, in a context clearly devoid of freedom and justice.

We encourage the Yugoslavian authorities to recognize the will of the people, and hope to see the Federal Republic of Yugoslavia rejoin the society of democratic nations.

[English]

As soon as a government committed to reform and reconciliation is in place we will initiate the removing of sanctions, ending the isolation of Yugoslavia and increasing assistance to support political and economic reform.

* * *

HEALTH

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, universality in health care does not exist. Tim Jeffries, a Canadian, was lying on an operating room table at the Peace Arch hospital in White Rock waiting for surgery to repair a broken ankle. However, when the medical staff learned that his health care premiums had lapsed, they refused to operate on Jeffries unless he came up with \$1,300 cash or a credit card.

Where was the Minister of Health to protect the principle of universality when Tim Jeffries was taken off that operating table?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, indeed we are there to protect the principles of universality.

The Leader of the Opposition expressed the fond hope last week that in view of the agreement for medicare renewal health care would not be an issue in the coming election. We are here to tell him that health care will be an issue in the coming election but perhaps not the way he would like to see it.

The issue will be whether Canadians support the Alliance approach of gutting the Canada Health Act, turning over all revenue to the provinces and taking Ottawa out of the position to enforce the principles. That will not happen.

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, under the minister's watch Tim Jeffries was left to be taken out of the operating room.

Tim Jeffries is not alone. It is estimated that 200,000 British Columbians are not covered. That is almost 5% of the population of that province who are not covered under that provincial health plan, which is a contravention of the Canada Health Act. What has the self-proclaimed defender of the Canada Health Act done? Absolutely nothing.

How could Canadians possibly believe that the minister will defend universality and the Canadian Health Act?

• (1450)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we will be there to do just that, but we would not be if we followed the policies of the Alliance. The Alliance would turn all the revenues over to the provinces. As the Leader of the Opposition said in his

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letter to the premiers, the Alliance would leave it to the provinces to interpret the Canada Health Act.

The Leader of the Opposition would give provinces the right to withdraw from all social programs with compensation. That would result in 10 different health care systems across the country. We would lose something that is part of the foundation of the nation. That will be an issue in the next federal election. Canadians will choose the Liberal vision—

The Speaker: The hon. member for Vancouver East.

* * *

CHILD CARE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the Liberal government takes the cake when it comes to broken promises to kids. Seven years of broken promises has produced exactly zero spaces for child care in Canada. The latest reports today show that these broken promises are now taking a high toll in terms of inadequate funding and undervalued work in child care.

I have a question for the Prime Minister. Why has the government abandoned its commitment to create quality and accessible child care spaces for seven years? Why have they not been created for parents and children?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, on the contrary, the investments that the government has made on behalf of our youngest citizens are quite extraordinary. We are celebrating an agreement made on September 11 among all leaders of the country where they put children first.

This government has identified \$2.2 billion that will be transferred to the provinces and the territories precisely to build new opportunities, services and accessibility for our youngest citizens. I do not know where the hon. member has been.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I do not know why the minister is celebrating. She avoids the question. She knows that the child tax benefit did not create child care spaces. Even in this recent agreement there is no binding commitment that will guarantee child care spaces.

The real issue is that at the end of the day the government is prepared to spend hundreds of thousands of dollars on political propaganda for ads, never mind the cost of running those ads, but not one child care space has been created. How does the minister justify that? Where is the celebration?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member does not have to listen to me. Perhaps she would rather listen to the NDP premier in British Columbia who said thank you to the federal government for

coming through with more money, not just for broader health care but for children.

What we are trying to do across the country, and particularly in British Columbia, is essentially build a better future for our children. It is important that we recognize that what happened in Ottawa this week is a very good beginning for doing the further work that needs to be done in this area. In British Columbia the money will be used for child care.

* * *

FUEL TAXES

Right Hon. Joe Clark (Kings—Hants, PC): Mr. Speaker, my question is for the Prime Minister and relates to the high cost of home heating fuels. The Prime Minister indicated today that there might be another way, an alternative to cutting the GST on home heating fuels.

Will the Prime Minister tell the House whether his government is now seriously considering the direct rebate to consumers such as was proposed by the member for Pickering—Ajax—Uxbridge? In any event, will he take action this week on either a rebate or the elimination of the GST on home heating fuels so that Canadians, particularly senior citizens, will not face the terrible burdens—

The Speaker: The Right Hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are looking at all the options. There are many ways. The Minister of Finance mentioned many options last week. We have always said that the best way to help consumers is to reduce income taxes, for example. It is a nice way to put money back into the pockets of all the people in Canada. We are looking at all the options.

The budget will come down in February. Some are suggesting a mini budget or a statement by the Minister of Finance. We are looking at all the options. The Minister of Finance will be back in the House this week and we are following the situation—

The Speaker: The Right Hon. leader of the Progressive Conservative Party.

• (1455)

Right Hon. Joe Clark (Kings—Hants, PC): Mr. Speaker, I know it interferes with the Prime Minister's golf game, but there are a lot of cold months between now and February and Canadians who are harmed by high home heating fuels cannot wait until February.

When will the Prime Minister take some action to help Canadians who need help right now?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not know why it took two years for the hon. member to decide to come to the House of Commons. He was probably playing golf when I was working in the House.

Oral Questions

It is not the level of the question. We are a very responsible government. When his government was in power there was a \$42 billion deficit that we had to eliminate. It is very easy for him to attack us today, but they left the country in a mess and we have restored the financial health of the nation.

* * *

[Translation]

FOREST PRODUCTS

Mr. Réginald Bélair (Timmins—James Bay, Lib.): Mr. Speaker, my question is for the Minister of Natural Resources.

Canada is one of the world's most forested countries. A total of 45% of its surface is covered by forest and we possess over 10% of all the forests in the world.

[English]

Canada is one of the world's biggest exporters of forest products. Will the government be proactive in defending Canada's markets as well as its reputation for quality forest products around the world?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, indeed we are being proactive right now and we will continue to be so in a great many ways.

One example is that I was in Europe about 10 days ago on behalf of the Canadian forest sector. I met there with the EU and with certain member countries dealing with issues like recycling regulation, wood packaging regulations, certification of standards and so forth, all to reduce market barriers and problems.

A strong and factual message about sustainable forest management in Canada is eagerly sought after in Europe and very positively received. We need the facts to back up our case. We continue to be aggressive in telling our story, and we will do that.

* * *

ABORIGINAL AFFAIRS

Mr. Derrek Konrad (Prince Albert, Canadian Alliance): Mr. Speaker, the Prime Minister likes to quote from old letters. He has written a few letters himself over the years. We have obtained the letter that the Prime Minister wrote to the Lubicon band just before the 1993 election. In it he said that the government should act swiftly to settle their land claim.

Today the Lubicon are so sick and tired of waiting that they are setting up a reserve right on the front lawn of parliament. The promise that the Prime Minister made in 1993 was never kept. Why did he make it? Was it just a political promise to win an election?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, as we sit here today the negotiations are ongoing with the Lubicon.

I also want the member to know that it takes other partners to come to the table to help solve issues that relate to the Lubicon and that in particular is the Alberta government. We are now negotiating with the Alberta government on land quantum.

If the member wants to be helpful, now that this will probably be his last question in the House since he lost his nomination, I would think that maybe he would want to help us with the issue of making sure Alberta deals with its land quantum.

* * *

[Translation]

GASOLINE PRICING

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the Canadian government is dragging its feet and refusing to introduce effective short and long term solutions in the gasoline price crisis which is affecting carriers and citizens alike.

My question is for the Minister of Industry. Are we to understand that the government's behaviour in this crisis has nothing to do with the fact that it itself holds shares in Petro-Canada, one of the three companies controlling 75% of the refining and distributing market? In other words, is it not in conflict of interest?

[English]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, no, not at all. The government is a very small minority shareholder in Petro-Canada.

We have indicated that we will dispose of that holding at the appropriate time, when it is in the best interest of taxpayers to do so, but there is absolutely no conflict of interest in the government on that point.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, yesterday, the hon. member for Calgary—Nose Hill said that seasonal workers already earn a comfortable annual income. Since the vote on my Motion M-222, nothing has changed with the employment insurance program.

● (1500)

Does the Prime Minister share the view of the Canadian Alliance member? If not, what is he waiting for to make the changes he is advocating to help Canadians? As far as I am concerned, whether it

is the Canadian Alliance, the Progressive Conservative or the Liberal Party, there is no difference at all.

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, clearly the hon. member thinks that the only solution for seasonal workers is more employment insurance.

As I have said time and again, if we find there are indications that we can be more efficient with employment insurance and that changes are necessary we will make them.

It is not that nothing has changed. The Minister of Labour and I have visited his community. We have community organizations working diligently and finding successful their work in providing and creating new opportunities for work for seasonal employees. I wish the hon. member would put some focus on that.

* * *

EDUCATION

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, yesterday the Minister responsible for Infrastructure said that the government priority was with water and air quality. She deliberately left out post-secondary education.

Why does the minister ignore the report by the Canadian Association of Universities and Colleges saying that there is a \$1.2 billion need for urgent repairs to universities? Will she put that money into educational infrastructure now?

[Translation]

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I remind the opposition member that, if we have an infrastructure program for municipalities, it is because the Federation of Canadian Municipalities asked for it, and so did the premiers of every province in Canada.

In that context, the government made it a priority for the whole country to have basic infrastructures that allow us to improve water quality and air quality for our fellow citizens.

I do not deny the fact that there may be other needs but, at this time, this is the priority that is—

The Speaker: The hon. member for York South—Weston.

* * *

[English]

PENITENTIARIES

Mr. John Nunziata (York South—Weston, Ind.): Mr. Speaker, my question is for the solicitor general. What is happening in federal penitentiaries is unconscionable.

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Clifford Olson raped and murdered 11 Canadian children. Yet while in prison he was able to have access to child pornography. He was able to enter an international poetry contest. Now we learn that he has been able to apply for and is receiving federal GST rebates.

Will the solicitor general immediately look into Mr. Olson's activities and put an immediate stop to this nonsense?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, it is my understanding that the offender is in a maximum security institution. I will look into the question my hon. colleague has asked me.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Sir Philip Bailhache, Bailiff and President of the States of Jersey.

Some hon. members: Hear, hear.

GOVERNMENT ORDERS

• (1505)

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-17, an act to amend the Criminal Code (cruelty to animals, disarming a peace officer and other amendments) and the Firearms Act (technical amendments), be read the second time and referred to a committee.

Mr. David Chatters (Athabasca, Canadian Alliance): Madam Speaker, I sat and listened to my colleague make his speech on the cruelty to animals act. He raised what I think was a very legitimate concern of cattle owners about protecting the age old practice of branding, dehorning and vaccinating cattle.

In the midst of his speech we heard the backbench heckling on the other side of the House, in particular the member for Bruce—Grey. That was interesting because Bruce—Grey is one of the greatest cattle producing areas of Canada. It is well renowned for feedlots and for the raising and producing of cattle.

It is curious the member would not come forward to debate the issue in front of the microphone. Far enough from the microphone he insisted that the act provides protection for cattle producers against prosecution for cruelty and pain inflicted upon animals during the dehorning process.

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Since my colleague made the presentation I obtained a copy of the act and reread it once again. I have read it several times, but I read it again in an effort to find where, even in the vaguest sense, there was some protection provided for the agricultural producer as the member suggested. I have not been able to find even the slightest or vaguest reference. I do not believe that reference is there.

Would the member comment on that and elaborate further on his concerns for the farmer and the cattle producer?

Mr. Myron Thompson: Madam Speaker, in the midst of all the efforts of the Liberals to jumble bills together and bring in different things the way they do, it is a bill that contains some really good stuff and some really confusing stuff. I have spoken about this in the past.

What they are doing is moving cruelty to animals out of civil law where it really belongs and into the criminal code.

• (1510)

These amendments would protect harvesters, cattlemen and other people who make a living raising animals. If these changes are not made, every law-abiding cattle owner and every law-abiding chicken farmer will be subjected to becoming a criminal under this act. That is the way it is. That is the way it exists in its present form.

They should do a little more thinking about what they have done by taking this out of the civil code and putting it into the criminal code. They should think a little more about the predicament in which they will put a lot of people. Instead of heckling so much, they should listen to what is being said. Then maybe they would not make the silly mistakes they constantly make.

I am beginning to think they are not mistakes. When one starts to jumble up an omnibus bill like this one, is there a purpose behind it? Is there a strategy? Or, is it just plain Liberal nonsense? I tend to believe the latter.

Mr. Jake E. Hoepfner (Portage—Lisgar, Ind.): Madam Speaker, it is a pleasure to rise in the House to ask a short question of the hon. member for Wild Rose.

Seeing that he studied the legislation, I am wondering if there is any protection for the farmer who gets kicked by a milk cow or kicked in the teeth by a horse. Who is looking after the interest of the farmer and the protection of these poor people?

Mr. Myron Thompson: Madam Speaker, apparently, as I see it, humans are totally excluded from the bill. Having received the back hoof of a milk cow once or twice in my life, I know it is pretty painful. It could be classified as pretty cruel.

I know what my hon. colleague is thinking. The people in the business of raising cattle, sheep and livestock and dealing with other animals know the difference between cruelty and what is proper.

The government should not be so quick to draw up criminal code legislation that gives us the idea that farmers and ranchers do not know anything and therefore it is up to politicians in Ottawa to do the protecting. My goodness, with all the lawyers from Bay Street we are facing a real problem. I am not sure they know which end of a cow the milk comes out of.

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Madam Speaker, I listened to the speech of the hon. member for Wild Rose. He raised a very interesting point with regard to what happens in the House when the government decides to bring in a piece of legislation.

It has the habit of introducing a part of the bill, which really has nothing to do with the rest of the bill, for the House to vote upon. When we try to separate a bill it absolutely refuses to do it. This bill is another example of what happens. I would like the hon. member to comment on that if he could.

This piece of legislation deals with cruelty to animals. Another part of the same bill deals with disarming peace officers. In no way can I make sense of this at all. It seems that we are trying to lump the disarming of a peace officer with cruelty to animals. It makes no sense to me or to a number of people with whom I have talked. If the hon. member could comment on that I would appreciate it.

Mr. Myron Thompson: Madam Speaker, there is only one person who could possibly explain it. I would like to hear a simple explanation as to why a bill dealing with cruelty to animals would be incorporated with a bill that says it is against the law to disarm a peace officer. I fail to see the connection.

There has to be some reason. For the life of me, I cannot possibly think of what the reason would be. It makes no sense to me at all. I am sure the question being asked by millions of Canadians across the country is: Why would the Liberal government do this kind of a thing? There must be a political reason for it.

• (1515)

If the government is trying to boggle our minds with confusion, it does not have to try so hard. It has been doing that for many years. I hope the voters wake up and realize what kind of an outfit is trying to run the show.

Mr. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, the Edmonton max is real close to my riding. It is a couple of miles outside the boundary. I talked to one of the guards. He complained that their guns are taken away from them when they go

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into Edmonton on escorted leave with some of the very dangerous criminals.

It is curious to me that the same government that would take weapons away from the guards would make a law which makes it against the law for anyone else to take a weapon away from a police officer. I wonder if the member could comment on that.

Mr. Myron Thompson: Madam Speaker, it will not take long to comment on that. That is a very, very good point. The government has taken away the weapons from peace officers who are escorting criminals from one penitentiary to another and at the same time we are making a law that says it is illegal to disarm a peace officer. Maybe someone should charge the government. The Liberals are a very confusing lot and it is time to get rid of them.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, I am pleased to speak to Bill C-17, which I could not describe as complex, because it is fairly straightforward, but rather as a bit of a mixture, since it addresses several different things.

It is, of course, an omnibus bill but, with these, we are more used to having changes to a number of things that are somewhat interconnected. Here we have different things. This is not a bill that strikes me as problematic; I would say it is an improvement.

I will quickly go over the range of points addressed by this bill. I am going to focus on one point in particular, the one I find rather more important, requiring more reflection and attention.

As we have been hearing since this morning, Bill C-17 addresses a variety of issues, the main and most important of which as far as changes are concerned relates to cruelty to animals. Its main aim is to group together the present provisions of the Criminal Code under one new section. I believe that it is a worthwhile step forward in dealing with animal cruelty. Just reading the amendments, we can see that this government is attempting to make some innovations in this field and to update the situation.

Nonetheless, there are some weaknesses or flaws in the bill. Improvements would have to be made. I believe that careful attention needs to be paid to the innovations the minister wishes to make by introducing this bill. It gathers into a single bill the various offences to be found here and there. The government now wants to concentrate them, and that is fine.

In addition, the whole issue of disarming officers of the peace is contained in the bill. On September 1, I met in Halifax the Canadian Police Association. Naturally, this subject came up for discussion, and statistics were provided to me, but I had gathered a

few of my own as a member of the Standing Committee on Justice and Human Rights.

In the province of Ontario alone, over the past 25 years, some 22 police officers have been gunned down with their own weapon. At the moment, the measures in the Criminal Code do not satisfy the police community.

• (1520)

If the police support these amendments, I can tell you honestly that I will not do battle, because in the end we will no doubt support the way they are drafted. In any case, we support the aim, which is to make disarming an officer of the peace an offence.

Then there is section 214 of the criminal code on illegitimate children. I could not believe that in the year 2000 we would find this in the Canadian criminal code. In my view, children have not been illegitimate for a long time. I would go so far as to say that there is no such thing as illegitimate children, since the child is the product of the mother and the father, and that is the way it is.

Therefore, I fully support the amendment in this omnibus bill to delete the expression illegitimate child which, in any case, should never have appeared in the criminal code. But at one time that expression reflected the moral standards of the day.

This omnibus bill seeks to increase the protection granted to extremely vulnerable people in society, namely the disabled, against sexual exploitation by adding a new category to the list of offences targeted by special evidence rules.

We must salute and, more importantly, support these amendments, which seek to help crown attorneys, among others, collect evidence to build solid cases.

Because the political will was there to amend some legislative tools to help collect evidence under certain circumstances, to help crown attorneys build solid cases, the Minister of Justice found a way—and I congratulate her—of bringing in amendments to the criminal code to facilitate the work of crown attorneys in the collection of evidence.

I am convinced that, in her department, and I am sending this message, there are public servants who could find an effective way to fight organized crime, to help crown attorneys collect evidence to build their cases and to provide them with all the necessary legislative tools.

In this bill, the minister shows her interest for a group we must protect, namely disabled people and those who are more at risk of being abused, people who may be less able to communicate evidence for reasons of accessibility and other reasons. It was therefore important and appropriate for the minister to include these changes in her omnibus bill.

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Finally, I do not intend to revisit an old issue here, but Bill C-17 proposes significant changes to the Firearms Act regarding the issuance of licences for handguns to employees and storekeepers. These amendments in the omnibus bill are very understandable. This is not very complicated. The purposes and the objectives of these amendments are understandable.

I cannot get too fired up about Bill C-17 because basically these are acceptable provisions that we must look at carefully. However, I do not give my blessing to all these amendments. Some serious work will have to be done, and that is how we have always proceeded in the Standing Committee on Justice and Human Rights. We will have to examine each of these amendments to the criminal code closely, because I think that they will very definitely have repercussions. The part of Bill C-17 which has perhaps got people talking the most, which has captured their interest, is the first part, which deals with offences under the heading of "Cruelty to Animals".

• (1525)

Upon reading the bill, I immediately had certain questions and concerns. I listened carefully to the explanations from the government side. I can say that, on the face of it, my many questions have not been answered.

Nor are the minister and the government members answering the questions that legal specialists, farmers or industries that work with animals have with respect to this part of the bill. This entire section will have to go over very closely in committee.

As far as the bill's provisions relating to cruelty to animals are concerned, there are some arguments on both sides. I will try to summarize them, and to reach a conclusion at the end.

Legally speaking, there is recognition of the importance of readjusting the provisions of the criminal code, but it seems the legislator has yielded to pressure from the animal defence people, imposing penalties that are judged too severe. This is a legitimate objection, looking at the penalties imposed on offenders.

The Barreau du Québec has issued an opinion on this part of the bill. It finds it shocking and inappropriate that these new provisions are to come under part V of the criminal code, "Sexual Offences, Public Morals, Disorderly Conduct and Cruelty to Animals", because there is a risk of reducing the importance of offences toward people.

The Barreau du Québec calls for the creation of a specific statute apart from the criminal code, or at the very least that these offences be grouped together in a specific section of the criminal code.

I believe that the objective of the Barreau du Québec is to ensure that the criminal code, which is relatively easily followed by an informed reader at the present time, does not become any more

complex than it already is. Hon. members will note that I have said "an informed reader". This is certainly not as easy a read as a novel, but there is a certain logic in the criminal code, in its structure and in the sentences, the way sentences are determined and so on. Adjustments would have to be made, but that logic would have to be retained. I think I am echoing the Barreau du Québec's position by saying that perhaps these offences ought to be grouped together in a specific section of the criminal code.

A reading of the bill will show that a definition of "animal" is given. I heard a member of the Canadian Alliance answer another member's question as to whether or not humans were covered by this law. This was not covered in the definition of animal, at least I hope so.

The definition satisfies the legal world. It is fairly clear. One wonders why the legislator put it in subclause (8) at the very end of the definitions. The definition of an animal should be put at the very start, ahead of the consequences of cruelty to an animal. This is normally the way it works; the definitions are at the start of a bill. I see no reason why it should be otherwise in a specific section of the criminal code.

This section should start with the definition of the word "animal" before proceeding to the heart of the matter, that is, who commits an offence, how it is committed and what are the offences involved, as in the bill.

The Barreau du Québec also said that the important point with this bill is the one concerning the means of defence made available to offenders. Lawful excuse, as provided in paragraphs 182.1(1)(c) and 182.1(1)(d), addresses concerns expressed by the animal industry, namely the context of an experiment or an accepted industry, be it for profit such as a slaughter house or recreational such as hunting.

However, having heard certain comments by the animal industry, we do not think this bill addresses their concerns. And rightly so. I will come back to this a little later on in my speech.

• (1530)

There is a new provision regarding the offence of failing to provide adequate care. Even the legal experts think that this offence should be dropped from the bill, because it is not based on any tangible evidence and thus runs counter to the spirit of the criminal code.

With no material evidence to go on, it will be very difficult to prove this offence beyond all reasonable doubt. Given the legal principle that there must always be a point to what lawmakers say—when I refer to lawmakers, I am of course not referring to the Minister of Justice—this means that if we include in the criminal code a provision for which it will never be possible to produce tangible evidence, we will never be able to use this provision, and

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lawmakers' work would be pointless, which goes against a basic legal principle. The House knows what I mean.

As for the reception of the legal community, it is quite favourable. The animal industry, however, has some serious questions. It feels that the earlier provisions in the criminal code have not really been reproduced, and that there are loopholes. Amendments should be made to the legislation to better serve this industry, whether it be lucrative or recreational in nature.

Some hon. members have referred to the farmers in their ridings. There are farmers in my riding also, and even wild animals in captivity. There are, of course, questions to be raised with regard to this bill.

The bill could easily be improved, if there were a certain political will. It is not a bill, at least as far as the Bloc Québécois MPs are concerned, that will have us tearing out our hair if the wording is not the same as in the criminal code.

The purpose of the bill is to improve and to update the approach being taken to animals, compared to the practice a few years ago. Hon. members will understand that the minister cannot be asked to reproduce word for word what was in the criminal code. It is being changed precisely because it did not correspond to everyday reality.

Nevertheless, there were certain things in the sections they want to do away with, including subsection 429(2) which refers to legal justification or colour of right to justify certain actions by the owner of an animal. These are not carried over into Bill C-17; there is nothing like them.

There is reference to "lawful excuse", but this is very broad. How are the courts going to interpret "lawful excuse"? As legislators, we must provide the courts with as much guidance for their interpretation as possible. We are not doing our job properly if we leave things the way they are. I believe what we mean by "lawful excuse" needs to be clarified.

We have heard some of the major questions raised by owners. Is the practice common among farmers with horned animals of removing the horns of the beasts considered to cause an animal "pain, suffering or injury"? Would the courts interpret it this way? This is not clear. The government should be clearer in its legislation.

For example, those who raise animals of prey trim their beaks, others cut the tails of certain animals. Does this come under the offence of causing "pain, suffering or injury"? Doubtless it does not. I think we should not give the courts any room for interpretation. Owners and farmers are quite right to have reservations, doubts and questions about these problems.

• (1535)

There is also the whole issue of researchers who use animals. People may oppose this, but medicines have been developed as the result of testing, in a prescribed manner, I concede.

We already have a code, which could perhaps be better structured, be better tracked to see what is done in the industry. Nor can animal research be completely prohibited and certain possible justifications for the people who are going to use animals not included in the bill. Thought should also be given to all the organizations for the defence of animal rights. I think that everyone is aware of their perhaps extreme position, but on the other hand there are researchers who use animals.

There is also the issue of criminal intent. I believe very sincerely that there should be more clarification on this in the bill.

All this is to say that we support the spirit of the bill, but a fair balance must be found between the purpose of the legislation and its usefulness. This is not the first bill the Standing Committee on Justice and Human Rights will be considering in order to find the fairest possible solution. Once again, it is not a very controversial bill as far as the Bloc Québécois is concerned.

[English]

Mr. Leon E. Benoit (Lakeland, Canadian Alliance): Madam Speaker, I think it is important that I rise today to speak to Bill C-17. First I will talk a bit about what the bill includes. It is one of those omnibus bills which includes things that should never be grouped together. I encourage the government to decouple the issues in the bill so that we are dealing with like issues only in one particular piece of legislation instead of such wide ranging issues.

In the bill we have issues ranging from cruelty to animals to disarming a police officer, to a whole group of miscellaneous issues including those under the Firearms Act. They are completely unrelated.

When many of us came here in 1993, particularly those of us in the Reform Party which is now the Canadian Alliance, we expressed concern, and we have expressed it many times since, about omnibus bills and the need for decoupling unrelated issues so that we could have debate on the particular issues before the House and could vote on a bill without having to vote against a bill because we could not support one part of it when there may be other sections that we fully support.

The government uses this tactic. The intent is to make it difficult for opposition members to vote against a bill because parts of it are difficult to vote against. This tactic is not reasonable for the government to use. I request that it break the bill down into three or more bills so that we could deal with it in a reasonable fashion and have debate on related issues. The most important part is that we could vote on issues that are at least in some way related. Unfortunately that is not the case with this piece of legislation.

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When we look at Bill C-17 it is hard to disagree with its stated intent, the main part of the bill, cruelty to animals. How many people would not support a piece of legislation which in a reasonable fashion protects animals against abuse? I do not think we would find one member of any political party in the House who would not support that. That is not the issue when we are dealing with this bill.

• (1540)

There are some areas of concern in the legislation. One part of the bill is the disarming of a police officer. I think we would find very wide support in the House for that portion of it. With some changes I think we would find that almost everyone in the House would support that portion of the bill. I cannot speak for everyone else, but that is what I have heard from the debate so far and from speaking to some people from other parties regarding the legislation. I think there is pretty wide support for that part of the bill.

There is an issue in the miscellaneous section which I think has been overlooked and to which we must pay attention and speak on today. I am referring to the issue of once again having the government expropriate property from Canadian citizens with no compensation. There is a section in the bill which does exactly that. It will expropriate property and cause people to destroy property so that it is worthless, with no compensation.

That stems from a deep rooted problem in the country that Canadians do not have the right to own property. There is nothing in the constitution that says Canadian citizens have a right to own property. It is an issue to which we have spoken many times since we have been here. I think it is an important issue to raise again.

It is all wrong. It is part of what is wrong with the species at risk act. In that piece of legislation property can be expropriated from citizens. The use of property could be denied. There may or may not be any compensation, but certainly the minister has made clear that under that piece of legislation there is no guarantee of fair market value compensation. It has been made very clear that there just will not be fair market value compensation.

In the species at risk act the problem arises from the fact that we do not have the right to own property enshrined in the constitution. It comes to the forefront. That is a big part of the problem in that piece of legislation, as it is in this one. I certainly cannot support that part of the legislation. I just do not believe it is proper for a government to expropriate property from individuals without fair market value compensation. That is exactly what would be done in the miscellaneous section of Bill C-17.

We have heard a Bloc member of parliament speak to the disarming of a police officer to some extent. Others will speak and have spoken to that issue, but I want to focus on the part of the bill that deals with protecting against animal cruelty. It is very clear

that probably there is not one member in the House who would not agree that we want to protect animals against abuse.

Many of us have pets. I am in Ottawa almost half the year. When I came here in 1993 my family replaced me with a miniature schnauzer named Lady. My family figured it was a pretty good deal, which kind of concerns me. The Liberals think it is a pretty good deal too. She is just such a sweet little dog, sometimes. Our family loves her dearly.

Many people have pets they feel that kind of attachment to. Who would not want legislation to protect against abuse of our pets and of animals we feel are very important to us. That is not the issue.

The issue is that in this piece of legislation there are flaws which have led to a concern expressed by hunters, anglers, farmers and ranchers in particular. I will refer to legal opinions which people from all these groups have obtained from their lawyers on this issue. They are concerned that as the legislation is written now it could harm farmers, ranchers, hunters and anglers in their activities. I will refer to that real concern.

• (1545)

Before I read from the first letter which mainly concerns farm animals, I would like to talk about the care farmers and ranchers take with their animals.

I have had neighbours on the farm who have complained that their wife or husband, the person who looks after the animals, cares more for the animals than they do for their spouse. That is kind of a farm joke. At calving time farmers are out there watching to make sure their animals give birth safely. They are out there in the middle of the night checking to make sure that calves are not lost, frozen or harmed in some way.

Farmers and ranchers take good care of their animals. Of course that is how they earn their living and there is a monetary reward for doing a good job, but also it is just because they care for their animals. They genuinely care for their animals.

I must express concern when we have a piece of legislation that seems to ignore that fact and does not seem to recognize that a vast majority of farmers and ranchers do an absolutely wonderful job. The last thing they would want to do is to inflict any kind of pain on their animals or to allow pain to be inflicted on them. Yet farmers and ranchers once again have to defend themselves against a piece of legislation put forth by the government. Bill C-17 could interfere in the way they look after their animals. That is a concern.

I am going to read from some documents. The first is from the county of Vermilion River No. 24. That county is very close to where I live in east central Alberta. The area has a very large number of cattle and other farm animals. Enough farmers and others have talked to the councillors about this legislation that they have taken the time to write to the minister about this issue. I was at

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meetings with the council on a couple of occasions where this issue was brought to my attention. I brought it to the attention of our caucus and members of other parties as well.

I am going to read the short letter from the county of Vermilion River to explain where it is coming from on this issue. It reads: "The County of Vermilion River No. 24 Agriculture Service Board recently reviewed the proposed changes to Bill C-17, under section 182 animal cruelty provisions. The Agriculture Service Board understands that the intent of the changes of Bill C-17 is not to alter the animal care practices currently being used by livestock producers throughout Canada. Presently livestock producers operate lawfully under a vast array of federal and provincial laws, regulations and voluntary codes of conduct. The County of Vermilion River No. 24 Agriculture Service Board does not condone the mistreatment of animals. However, the current wording of C-17 could put livestock producers involved in legitimate and lawful livestock production at serious risk of criminal prosecution. The County of Vermilion River No. 24 Agriculture Service Board would ask that amendments be made to Bill C-17 which would ensure the protection of law-abiding livestock producers from unfair criminal prosecution. The livelihoods of Canadian livestock producers are at stake".

The letter is signed by the reeve of the county, Peter Green. He also includes a legal opinion on Bill C-17, particularly dealing with the livestock cruelty provisions. It is an overview of their concerns. The briefing document, which includes comments from the legal opinion, was sent to the Minister of Justice.

The risks of the bill are listed. It states "leaving aside the government's best intentions, if Bill C-17 is left as it is", and therefore they acknowledge that the government has the best of intentions in this regard. They believe that, as do I. Leaving that aside, they said they have concerns about the risk to farmers, hunters, anglers and other people.

• (1550)

Farmers risk criminal prosecution for such common practices as dehorning, beak and tail trimming, castrating and hot iron branding given in the wording of 182.1(1)(a).

Meat plants which engage in religious slaughter risk criminal prosecution for not stunning livestock prior to killing, according to the wording. The second concern is slaughter for religious purposes and the process that must be followed to respect those religious beliefs. They have a real concern about those not being upheld as a result of the bill.

Biomedical researchers in food, cosmetics, medicine and chemicals risk criminal prosecution from procedures which result in any pain or suffering according to the bill.

Anglers risk criminal prosecution for even putting a worm on the hook as a result of the changes in the bill.

Hunters risk criminal prosecution for wounding or using a bow. Likewise trappers risk criminal prosecution for using live holding traps as a result of the legislation.

Those are the risks listed in the legal opinion. It is a long list. Practices which are considered to be perfectly normal could be altered and could be forced to be set aside as a result of the legislation. I do not think that is the intent the government had.

I am asking the government to look at these concerns and to fix the legislation. We will be more than co-operative in that regard. These concerns have been sent to the minister. We sent proposals to the minister. Several people have sent proposals to us which have also been sent to the minister. We do not want to make a political issue out of this. We want it fixed. That is why I am taking this very co-operative approach.

I do not want to go through all the other concerns that are listed. I believe that the concerns of farmers and ranchers certainly in our part of the country as expressed are legitimate. I think they have accurately identified real problems with the way the legislation is written. The legislation has to be either set aside or amended so that the hardship that could be forced on ranchers, farmers, hunters, fishermen and other people can be taken into account.

That is the letter from the county of Vermilion River. I will not read through all of these documents, but I want to read portions of a letter and a background document including a legal opinion sent to me by the Ontario Federation of Anglers and Hunters. This is not just a western Canadian problem; it is a problem right across the country. Farmers farm and ranchers ranch right across the country, but people also like to hunt, fish and take part in other activities which have been generally considered to be acceptable.

I think a lot of Liberals would find those activities to be acceptable. If they do not, then they should state that. They should say no, they do not agree that people should be allowed to hunt. They should say no, they do not agree that people should be allowed to trap. They should say no, they do not believe that farmers should be allowed to do things with their animals which they normally have done in the interests of good animal husbandry. If they do not believe that, they should come out and say it. If they do not believe it is right for certain religious groups to kill livestock in a way that is laid out by the religion of those groups, then they should come out and say that.

• (1555)

If it is not the Liberals' intention to interfere in normally accepted processes, then they should say, "Okay. We have made a mistake. We have a bad piece of legislation here, so let us fix it up". That is all I am asking.

I really do not think this should become a political ball that we throw back and forth. There should be co-operation on this issue. There is certainly co-operation from me and members of my

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caucus. I think members of the governing party will show the same kind of co-operation in this case. This issue is not one which would favour one political party over another. We are trying to protect the very people who could be harmed by the legislation should it pass.

I want to refer briefly to a couple of the things the Ontario Federation of Anglers and Hunters put forth in its letter. The letter states in part: "Make no mistake, an outspoken national animal rights organization has labelled Bill C-17 revolutionary and as such, Canada is poised to elevate the interests of animals in the law. The justice department officials themselves have recently made remarkable claims that the current law recognizes animals' interests. Let us repeat some of our major concerns on C-17". There are three concerns listed in the letter. "There is absolutely no need to move cruelty and care provisions from part XI to part V of the criminal code". I agree. It is important to note that moving those from part XI to part V gives animals a status that somewhat equates to people. I do not think that is generally accepted by Canadians.

Madam Speaker, I see you are indicating that my time is up. In summary, my family and I love our little dog Lady, and many times when we watch her play and interact with us we wonder just what she does know, but we do not believe that she equates to a human.

I have a concern when a piece of legislation appears to somehow equate a pet or other animal to a human. I agree with so many groups that have written to me saying that we must change that, put it back to the way it was. Let us work in a co-operative way to fix this legislation.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Madam Speaker, I rise on behalf of the people of Surrey Central to speak at second reading of Bill C-17, the government's proposed changes to the criminal code and Firearms Act.

This is a non-partisan issue. I have only heard Canadian Alliance members one after the other address the issue. Not a single member from the government stood to address this important issue. Perhaps they are not concerned about it and that is the way it is.

In any event the bill has three parts. The bill will first of all make it a criminal offence for anyone to disarm or attempt to disarm a peace officer without that officer's consent. Our nation's police associations have been calling for this. We in the official opposition commend the government whenever it listens to Canadians, which of course is a very rare event. In this case we in the Canadian Alliance are proud to support Canada's front line police officers. We will support this part of the bill and will work with the government to have it passed into law.

The second part of Bill C-17 amends the Firearms Act by expanding the class of prohibited handguns that are grandfathered and modifies the employee licensing requirements. The refine-

ments to the Firearms Act are pure and simple tinkering. They are only cosmetic changes.

• (1600)

The Canadian Alliance calls for a complete overhaul of the Firearms Act. We support the two amendments to the Firearms Act. However, if the government really wants to fix the Firearms Act, it will have to implement the over 200 amendments proposed by this side of the House at report stage and implement all of the amendments proposed by the standing committee on justice.

The third part of Bill C-17 is the Liberal government's proposed amendments to the criminal code, which will consolidate cruelty to animal offences. The Canadian Alliance is anxious to support measures that will protect animals in Canada. We Canadians love our animals, be they wildlife, pets, or birds, all of the little creatures that get cold and hungry in our winters.

In Surrey we have squirrels, alley cats, groundhogs, coyotes and birds in our neighbourhoods, co-existing with us. They make us and our children laugh. They tear at our hearts on a rainy day. We all feel sad, very badly indeed, whenever we hear about an innocent animal harmed by a human being. If it is an unintentional harm to an animal, we share the sadness felt by the person who caused the hurt to the creature, for that person feels very bad as well.

When a person is cruel to an animal, that person invites the wrath of the House and of all the powers we have in this place to come to the aid, the defence and the protection of our brethren in the animal kingdom.

On behalf of the people of Surrey Central, I am proud to participate in this debate to pass the part of this legislation that will fight cruelty to animals.

The weak Liberal government is proposing to place brutality to an animal, viciously killing an animal and abandoning an animal in one section of our criminal code. This bill proposes to no longer treat cruelty to animals as a property crime. The new provision will move cruelty to animals to part V of the criminal code, under sexual offences, which would be renamed "Sexual Offences, Public Morals, Disorderly Conduct and Cruelty to Animals". Animal cruelty provisions are currently contained in part XI of the criminal code. These sections protect a person from being convicted of an offence if that person acts with the legal justification of excuse or colour of right.

Agricultural groups, anglers, hunters' groups and the Fur Council of Canada oppose moving the offence. These groups fear that by moving the cruelty section to sexual offences, they may be wrongly prosecuted. They argue that those who lawfully and legitimately harvest animals for businesses will not be protected if the cruelty section is changed.

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The Canadian Alliance will be moving an amendment at committee stage to have animal cruelty provisions maintained in part V or to make the necessary changes to the criminal code to comply with the concerns of farmers, hunters, anglers, agricultural groups, the fur trade and others who harvest animals.

The Minister of Justice contends that individuals who conduct an agricultural business or one involved with animals are not affected by this legislation. The Liberals say that if one is not violating the criminal code as it currently reads in conducting their agriculture business, Bill C-17 does not change the way they conduct their business, whereas agricultural groups, the anglers, the hunters' federation and the Fur Council of Canada do not agree. They do not buy that.

• (1605)

Canadians are mistrustful of the Liberal government that has delivered so many broken promises such as the GST. A government is not judged by the promises it makes. Rather, a government is judged by the promises it keeps.

These Canadians, these fur traders, farmers and hunters, feel the bill goes much further than reflecting society's disgust with those who would abuse pets. They feel that this legislation is the precursor to further attempts to alter the way they currently operate their respective businesses. These three groups of Canadians have raised legitimate concerns about the impact the bill could have on their operations now and in the future.

I did my first degree, a B.Sc. in agriculture, with honours in animal sciences. From that point of view, I can understand their concerns. There is no reason why the Liberals cannot accommodate the interests of the stakeholders and the industry affected by the legislation. Why not?

The government should say what it means in its legislation. Canadians cannot accept that words in a media scrum or in regulations will take care of things. I have gone through a copy of the bill. It is only a few pages long but the regulations after the bill come as a big pile of papers. It is the regulations that control the intent of the bill. Sometimes the intent of the bill is different.

Canadians want clarity. Because these groups are concerned, the government should spell out for them in its legislation exactly what the government means.

Let me talk about penalties described in the bill. The bill raises the penalty for intentional cruelty to an animal from the current six months to five years. Also, the bill will lift the cap off the fine, which is currently \$2,000. There is potential for a lifetime ban from owning an animal. Those found guilty of cruelty to animals would be forced to pay for veterinarian services to treat the animal. The bill acknowledges that animals have feelings and are deserving of

legal protection from negligence or abuse. We hope that the new maximum five year penalty will be imposed. As in other instances, the minister has failed to put teeth in our law and propose minimum penalties. Hopefully the Canadian Alliance can have the Liberals fix this matter at the committee stage of the bill's progress through the House.

There is more work for the government to do. Like so many of their attempts to legislate, this is only half a job. They are botching the job. We want to support this legislation and at the same time we want it to be right. It is a good thing that we are here to hold the flashlight for this weak Liberal government that lacks vision.

The terms mentioned in the bill are not defined. The government, in one bill, is mixing various issues that do not have much correlation. The bill is like mixing apples and oranges. The bill is half cooked. It is like a bitter medicine mixed with a little sugar.

We will propose amendments during the committee stage that will attempt to clarify and bring consensus to the bill.

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Madam Speaker, I would like to ask the hon. member for his comments. We have concerns, but what about actual cruelty to animals? Could the member elaborate on where he stands with respect to animal cruelty? When animals are being injured in very inhumane ways, what does he think we should be doing in those cases?

• (1610)

Mr. Gurmant Grewal: Madam Speaker, I thank the hon. member for his question. It gives me the opportunity to express how I feel about cruelty.

I am a person with a very soft heart. At home when I have some insects such as spiders or flies in the house, I take five or ten minutes to catch them, put them in a container, carry them outside and let them enjoy nature's freedom.

I am quite tough on the issue of those people who are injuring animals or inflicting pain on animals. It is fun for some people but that is not the way we in the civilized world should behave.

Again, in this bill the definition of cruelty is not mentioned anywhere. For example, with respect to those people who fish, probably in the view of other people they are causing pain and suffering to the fish they catch, as a fish is a living animal, but those people enjoy it. Other people are complete vegetarians who do not eat meat at all. Another extreme is those who butcher animals.

I believe cruelty is a relative term. For some people something is cruel and for others it is not, but if there were a Liberal member speaking on this bill I would stand up and ask what the definition of

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cruelty is in this bill. Also, there are so many other terms that should be included in this bill. The sad part is that the government members are not giving any interest to this. At this time there is only one member listening to this debate. I wonder why the members are not showing an interest.

The Acting Speaker (Ms. Thibeault): I must remind the hon. member that we do not comment on the presence or absence of members in the House.

Mr. Bill Gilmour (Nanaimo—Alberni, Canadian Alliance): Madam Speaker, I would like to ask the hon. member for his views, because it is extremely difficult to find a line, on what we are going to have to do as legislators, between someone who is obviously cruel with a puppy mill or something, which most Canadians would clearly say is over the line, and the other side. On the other side, it may be a mousetrap, rat poison or an agricultural issue like the branding of cattle, which is a standard practice in the industry.

How does the member see us finding that legislative balance so that we end up with legislation that is firm and shows the legal system where we stand? If we leave it loose and open we know we are going to end up having the judiciary set the rules instead of Parliament. Perhaps the member could give us his views.

Mr. Gurmant Grewal: Madam Speaker, the hon. member's question is one that pertains to many other bills as well. Sometimes in the House we get one page or two pages of a bill. In this case, for example, we have only two pages of the bill, or if I may say so, maybe about eight pages of the bill. Certain things, which become very important, are not defined at all in the bill. No line has been drawn as to what means what, as to what the terms and conditions are. The government leaves it for interpretation either by the judiciary or in the realm of regulation.

I am chair of the scrutiny of regulations committee and I can tell the House that the regulations put forward by the government are a big mess. Some of the regulations that should not exist today have been in the pipeline for 25 years. Those regulations violate the terms and conditions of many issues. They should not exist.

• (1615)

However, those regulations continue because from time to time we and the committees have been stonewalled by the ministers, the departments and the government.

I believe that Canadians expect much more clarity and precision from the government so that when a bill comes before the House it shows that there is something really concrete in it. It cannot mix apples and oranges as it has done in this one and it has not defined many terms, conditions and definitions in the bill.

I believe that that is the way this is going. It is very unclear and very unprofessional. It shows that the government really does not

care about fixing things. Sometimes it just wants to get political brownie points and that is not fair.

Ms. Louise Hardy (Yukon, NDP): Madam Speaker, I want to take this chance to comment on this because in my riding the issue of cruelty to animals is the one which I have received the most mail on in my three and a half years as a member of parliament.

It is significant to mention that the letters are from trappers and hunters who support the legislation against cruelty to animals. These are people who have been targeted over the years and have been accused of cruelty and inhumanity. In fact, they are people who make their living in the most humane way that they know how and carry out their jobs in that manner. It is a very difficult living to make.

I also received letters of support for this legislation from other people. The thoughts that came through most clearly were people's true concerns that we use animals and take their lives so that we can live and eat, particularly in communities that live on a subsistence of hunting, fishing and trapping and when we do it that it be done with the regard for other lives in this world, not just our own and that people who live that way not do it cruelly and do it for reason. They also wanted people to know that they did not look at it as inhumane or cruel to animals.

I really wanted to bring it up because it is important to note that the support has come from young people, from old people, from first nations and from the conservation and humane societies in my riding.

Mr. Gurmant Grewal: Madam Speaker, it is a concern which is very near and dear to our hearts. We believe that humanity is one aspect.

I have been getting letters from my constituents as well. One was from a person who had been driving on a freeway behind a truck loaded with poultry. Some of the birds fell out of the truck, some had been put in small cages and it was hot. That was inhumane. We believe that is why we have this legislation.

We strongly believe in and support the intent of the government, but we are not comfortable with the way it has put things together in the bill.

I believe there is not one single Canadian who likes to see cruelty to animals. We all want the same thing. We want the objective to be achieved, but in a professional way so that we do not compromise the interests of our agricultural community, the animal husbandry community, the poultry farmers and other people who deal with animals on a regular basis.

The government should come up with a middle of the road approach whereby cruelty to animals is prevented while at the same time taking care of the interests of farmers, the agricultural community, hunters and others.

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Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Madam Speaker, I am pleased to talk about Bill C-17, the cruelty to animals legislation. As stated before, there are three sections of this act which I will touch on briefly.

One section would make it a very serious criminal offence to attempt to disarm a police officer. I think all members in the House will support that. It is a very positive concern. There are some technical amendments with respect to the Firearms Act. Again, we have no problem with that.

• (1620)

I am very supportive of legislation that makes it tougher for people who are cruel to animals. I will raise a few concerns in a positive way.

I look back at an incident that happened in Victoria when I was elected as an MP. It outraged the entire community. My riding is Saanich—Gulf Islands which is very close to Victoria. In this case, a person had been following a vehicle that stopped at a red light. They say it was road rage, but for no reason he took a golf club and almost killed the dog in the back seat of the vehicle which was in front of him because the vehicle was not moving. It was tragic.

He was charged under the current criminal code section 445. I remember the public was up in arms. To the credit of Judge Higinbotham of the Victoria provincial court, I thought he dealt with the matter quite appropriately. It was quite a severe sentence. I believe, if my memory serves me correctly, it was something in the order of 18 months because that was not acceptable behaviour within our society.

I also acknowledge that in the current sections with respect to cruelty to animals under the criminal code, I believe there is lots of room for improvement. Section 445 is the relevant section where if somebody does injure dogs, birds and other animals that person is guilty of an offence punishable upon summary conviction.

The government has recognized that we can improve these. I question whether it is appropriate to move this cruelty to animals section from property offences over to the sexual offences section in the criminal code. I personally do not believe that is an appropriate move although it is not the end of the world.

A sexual offence is one of the most intrusive invasions into one's privacy that one could ever imagine. That section should be left as a very serious section. I am not minimizing this at all but probably a better way to have gone would have been to tighten up these sections on cruelty to animals in the property sections of the criminal code.

The government has selected to go this way. We have heard the concerns of some people. They are worried about people who are in

the ranching and cattle industry. We have trappers, especially those people in the aboriginal and Inuit communities who live in the far north. A large part of their livelihoods is based on fishing. It is open for broad interpretation. I do not think anybody's intentions are misguided but there are some concerns as to how it will be interpreted at a later date.

If there is an opportunity, we will be putting amendments forward to hopefully tighten these up. I think it is in the interest of all Canadians. Quite often we see legislation that is left open and loose and is not defined as well as it could be. It ends in lengthy court trials, appeals which then go to higher courts to interpret the legislation. If we can do anything to rectify that before the legislation is passed that would be a positive step.

For example, there is the sealing industry. It has been open to debate for years. For sealers it has been their livelihood. It has been a way of life, both economically and culturally for a lot of people in Atlantic Canada. They use what is called a hackpic to club the adult seals over the head. Some might argue that would be a violation under this section of the act and some people would probably believe that it is, but there is lots of evidence to support that it is the most humane way.

As the member for Yukon stated, there are people from where she is from who are in the trapping industry. She stated that they try in the most humane way possible to carry out their livelihood and they have been doing it for years. We have to be cognizant of those situations.

• (1625)

There is room in the bill to make some of these improvements. I would have rather seen the sections that we are dealing with amending sections 444 to 446 in the criminal code, but that is not going to happen.

I want to impress upon people following this debate that it is an important piece of legislation. I am absolutely opposed to people who are unnecessarily cruel to animals. It is just not acceptable. It should be a criminal offence and people should be dealt with accordingly by the courts. That is not something that society is going to tolerate.

Possibly the concerns that we have will be addressed when we vote. To get some of these amendments through which we think will improve the legislation will be a positive step.

I am particularly pleased that the section on disarming a police officer is in the bill. I know some argue whether the two should be combined in one bill. I understand that. It probably would make some sense not try to combine everything in one bill rather we could have separate bills. I would have rather seen that section on disarming police officers with a lot of other sections in the criminal code which need improvement and which Canadians are waiting

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for, for example, property offences. There are many suggestions where we can improve on that.

Canadians are looking for changes to our criminal code where we put the rights of victims ahead of that of the criminals. There are many instances that suggest that we are not. I know the victims are very frustrated, threatened and feel they do not have a voice.

It is interesting that we are taking steps to make sure that interests of animals are taken into account and that we are bringing in tougher measures against people who are inhumane to animals. Again, that is a positive step subject to some of the concerns that we have.

It would have been much more acceptable had the government, since its election three years ago, chosen to deal with some of these other issues. We are in the process of debating the changes to the Young Offenders Act and will be voting on them very shortly. We are debating the Group No. 1 amendments at report stage. The government has done little more than tinker with the Young Offenders Act. It has done very little as opposed to its major overhaul of the section in the criminal code dealing with cruelty to animals.

I question the wisdom of the government on its priorities, which may be somewhat skewed, when it will not address these other concerns. We have put amendments forward to deal with these concerns. We think it will strengthen the bill. All members of the House, all 301 of us, are all opposed to cruelty to animals. All of us have heard horror stories. Society is not going to accept that type of behaviour and such people need to be dealt with.

It is to the government's credit that it has brought in the section with respect to the disarming of police officers. That is a very positive clause in the bill. Some may question whether this is the bill that it should be in, but regardless of that it has been brought in and I think that is a positive step.

Having said that, there are a few other areas that some of my colleagues have mentioned. They have done things such as imposing a lifetime ban on owning an animal. I guess that is subject to the interpretation of the courts. Some would question whether that is an appropriate use.

• (1630)

I want to say in the broadest terms that bringing in legislation that will let society and our courts be a lot tougher with people who are abusive of animals is a move in the right direction. There are some concerns. Hopefully they will be addressed and we can move forward, as we have some very positive amendments that will strengthen the bill, and not have to leave it to the interpretation of the courts at a later date.

[*Translation*]

The Acting Speaker (Ms. Thibeault): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for New Brunswick Southwest, CHST.

[*English*]

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Madam Speaker, immediately prior to coming to the House I was on the telephone with some people in my constituency and I was rather surprised by their lack of information.

The bill has come forward at the will of the justice minister. It is a bill that has been before the Commons for a period of time. I have attempted to get some information out to people in my constituency about it. However it is probably indicative of the kind of process the government gets involved in quite frequently. It takes a look at its idea of what is required in terms of legislation and then proceeds to do it. It does not take the time or make any effort to make people who will be affected by the legislation aware of the legislation.

I want to deal with the cruelty to animals provisions of the bill primarily, but I would also like to comment on the fact that, as has already been said in the House, this is an omnibus bill.

I believe it was Prime Minister Trudeau who, at least in my time, was the first Prime Minister noted by journalists as treating the House of Commons in a perverse way, rather disrespectfully. To his mind, the House of Commons was a rubber stamp that was required in order for him to be able to come forward with the kind of legislation he wanted for the House.

Unfortunately, following Prime Minister Trudeau and then through Prime Minister Turner, the new member for Kings—Hants, the former Prime Minister Brian Mulroney, and now the current Prime Minister, we have a continuation of the process. The bureaucracy, perhaps pushed by its perception of public opinion, and the cabinet, perhaps pushed by its perception of public opinion, although mostly rounded out and buffeted by the concept of political correctness, end up coming forward with pieces of legislation that in their judgment are essential.

This is, as I have stated, an omnibus bill. An omnibus bill basically combines all sorts of unrelated provisions. The only relationship the provisions in the bill have to one another is that they happen to come under the control of the justice department, hence the justice minister. That is the only connection between any of the matters in the bill.

Let us presume we have some serious concerns about the provisions of the cruelty to animals portion of the bill, I in particular, representing a dominantly rural constituency. We have

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agricultural producers who are involved in raising cattle and all sorts of other livestock. We have poultry farms and dairy operations. In addition, as it happens, I have probably the best big game hunting, certainly in North America if not in the world, in my constituency, it being right in the core of the Canadian Rockies.

• (1635)

There is a lot of concern on the part of people in my constituency, whether they are directly involved in the business of agriculture, where they are directly dealing with domestic animals, or whether they are hunting and fishing guides and people involved with animals in that way. With that as a background, let us presume that there are some concerns. I will be relating some of them in just a second.

It is difficult enough for a member representing a rural community such as I do, Kootenay—Columbia, to try to send a message to the Canadian people. I have given up long since trying to send a message to cabinet, because it does not listen anyway. I will try to send a message to the Canadian people, either through the broadcast of this debate or to those people taking the time to read *Hansard*, about the difficulties there are from an urban-rural perspective. That is difficult enough.

Then we have the complete disregard of the parliamentary process, which was started by Prime Minister Trudeau and continued through the successive prime ministers. We have the situation where governments then bring forward pieces of legislation such as the business about the removal of a peace officer's firearm and so on and so forth.

Who in the world could not support that? We look at that provision of the bill and say to ourselves "Are there not an awful lot of other provisions with respect to firearms and peace officers that we could be addressing in a more substantive way than the tinkering that is going on in this bill?" The provisions in the bill with respect to the firearms of peace officers are certainly supportable. It is just regrettable that the bill does not go far enough.

As long as there is the disregard of the government for the opposition and for the parliamentary process, as long as there is a continuation of this attitude on the part of the present Liberal government that treats the House of Commons as a rubber stamp, basically a situation is created of it being exceptionally difficult for an official opposition that is attempting to be responsible in bringing representations and concerns of their constituents, and indeed all Canadians, to the Chamber. It is exceptionally difficult for us to be able to make any separation or distinction between these two parts of this omnibus bill.

This is not picking fly droppings out of the pepper. This is not trying to get down to the minutiae. This indeed is a fundamental problem with the government, in continuing the policy of treating the House as a rubber stamp for legislation that they in their

wisdom have crowned and anointed and that has come from the bureaucracy.

That having been said, let us look at the provisions with respect to the criminal sanctions for actions against animals under the cruelty to animals part.

I have a summary from some people in my constituency who have looked at the bill. They have, for example, a concern about the definition of animal. The department argues that providing a definition where one does not currently exist will provide a narrower definition and at the same time provide added clarity. The new definition would include non-human vertebrates and all animals having the capacity to experience pain. The concern of some of the people in my constituency is that this marks a significant change by adding animals not traditionally considered under the law.

The clarification could cause enormous problems by extending criminal law to animals, including but not limited to free ranging wildlife, invertebrates, and cold blooded animals such as fish. Coupled with the move out of the property section, including a definition will serve as a first step in elevating the status of animals and giving all animals a standing in law. This indeed is new ground. This indeed is new territory for us to be going into.

• (1640)

We have taken a look at this piece of legislation, and as with virtually all the pieces of legislation the Liberals have brought forward in this parliament, there is one egregious flaw. The egregious flaw in virtually every piece of legislation the government brings forward is that there is not a sufficient preamble. If there were a sufficient preamble we could then work on the issue of parliament defining for the courts what is actually intended before this gets into a court of law.

I have many other concerns with the bill. I look forward to the bill going to committee where I hope many of the concerns of people such as my constituents can be brought forward. I hope the bill, which presently is just too broad-brush, will be able to be refined and defined. I also hope the government will take the time, energy and effort to see that people who will be affected by it are given more information.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Madam Speaker, we have heard quite a bit today, but I would like to ask my colleague from Kootenay—Columbia to elaborate a little more on one of the issues he touched on, the issue of the rural-urban split that seems to be part of the cruelty to animals legislation.

The parts of the legislation that deal with the disarming of a police officer and some amendments to the gun registry are things we can all support, but the fear that there is a rural-urban split, even if that does exist, should not be there. We must realize that there are

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codes of practice by which our livestock producers live and have lived. There are no better tenders of animals than they are because their livelihood depends on taking good care of the animals they raise for food for the rest of the world.

As we went through this process, quite a few letters supporting the bill came in from the SPCA organizations in different cities. We were also drawn to the other side by people in the agricultural community who were concerned about some of the aspects of the bill that could harm their practice.

Does the member feel there is a way the bill can be adjusted that would appease the concerns of the people on both sides of the issue? Certainly anybody who harms an animal should face full consequences, but is there any way we can make this work to keep both sides of the argument onside on this issue?

Mr. Jim Abbott: Madam Speaker, I would like to deal with the member's question in two parts. First, with respect to the rural-urban split, hard to believe though it may be, there are three, four, five, and six year old children in Canada who have never walked in a garden, have never seen carrots grow and have no idea where they come from, have never seen tomatoes grow and have no idea where they come from. All they know is when they sit down at a table with the food in front of them, there is a hot dog and there are buns or whatever the case may be.

The reality is there is a lack of understanding. I do not believe at all that it is an intentional lack of understanding, but there is nonetheless a lack of understanding by people who have not been involved in any way, shape, or form with the agricultural industry, whether it is fruit and vegetables or animals. There is a complete lack of understanding, a disconnectedness, in society. People simply do not understand where the food on their plate comes from.

On the vast majority of farms, farmers clearly understand the animals. The animals are not only their livelihood. They are the protectors. They are the people who are working with humane practices. It is those people who are most concerned about the bill because it has such a pet implication as opposed to a domestic animal implication or connection.

• (1645)

To answer the second part of my colleague's question, that is indeed what we are involved with in parliament and within the parliamentary process. When we get into committee we will have an opportunity to hear that. I would hope that the committee looking at this will take every opportunity to have input so that we make sure that the people who know and respect the agricultural animals they are tending will have an opportunity to have input into this bill.

I am sure that it would not be the intention of the government or any other government to see criminal sanctions against people who are in the business of rearing and slaughtering livestock so that we can indeed have food on our tables.

As I say, I am looking forward to hearing about the committee process. Certainly I am hoping the government is going to have a very broad brush so that we do not end up with a pet mentality applied to farmers.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Madam Speaker, in the introduction to my speech, I would like to read the title of this bill so that everybody who is listening recognizes exactly what we are up to here. Second, I will look at exactly what the implications are.

The act is entitled "An Act to amend the Criminal Code (cruelty to animals, disarming a peace officer and other amendments) and the Firearms Act (technical amendments)". Here we have a bill with very far-reaching implications.

If we look at the summary of the bill, we will recognize that the bill has indeed moved into areas that are very far-reaching and have implications not only for the present generation but also for generations to come. For instance, it amends the criminal code by:

- (a) consolidating animal cruelty offences into one section and introducing new offences for brutally or viciously killing an animal or abandoning one;
- (b) creating an offence of disarming, or attempting to disarm, a peace officer; and
- (c) making a number of technical amendments.

The intent being envisioned by the summary and also by the title of the bill clearly invokes and evokes a certain empathy. There is not one of us in the House who would not find ourselves very much in sympathy with and in support of what the bill is purporting to do.

In the introduction, I would suggest that the bill is rather far-reaching. In fact, many people would label a bill of this type an omnibus bill. An omnibus bill suffers from two kinds of characteristics. First, there is too much in it for people to really understand it all. Second, it is too general in some of its indications, so not enough attention has been given to clearly define or to give clear direction to what is intended. My hon. colleague talked about a preamble; in a bill like this one, a preamble is doubly important. Third, in certain other areas the bill is a little too specific in that it does not allow flexibility, which might otherwise be the case.

In principle, the bill is sound. Who in his right mind would not want to live in a society that is peaceful and orderly? Who in his right mind would not take offence that anybody should even dare to disarm a peace officer? Clearly we would not want that to take place. This bill brings that particular thing into focus by saying that it is a criminal offence and should not be tolerated in society. I

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think we would all agree with that. I certainly do. That principle is sound.

The other part of this legislation goes to the punishment of those who would cruelly use or abuse animals, both pets and other animals. I do not think any one of us would say that we are for being cruel to animals. Of course we are not. We do not want to be. It is ridiculous to even suggest that there are other creatures on the face of the earth and one of our purposes is to be cruel to them. We do not want to do that. This bill makes that a criminal offence. That is good. We can support those kinds of things.

Then we come to the business of saying that disarming a peace officer becomes an indictable offence and if that is the case then under certain conditions there will be an imprisonment of up to five years. When it is a summary conviction, which in technical jargon is slightly different, the maximum punishment is 18 months.

● (1650)

The big issue here is that it is a punishable offence and people who do these kinds of things ought to be treated with that kind of awareness.

There is another principle involved here. If we as a society want to live a peaceful, ordered life we must have people who from time to time protect us against those who want to disturb the peace, who do not want to have a decent lifestyle and want to interfere with ours. We need to equip these people. We need to protect these people. We need to give them the background and the information so that they can indeed provide for the peace, order and good government that we all want so much. I think we would all support this provision in the bill.

When it comes to the other part, the amendments to the firearms legislation, we ask ourselves, what is all this? When we analyze what the amendments are we discover that they are all very technical and could almost be interpreted as being cosmetic in nature. There is not much to offend there. However, the question then becomes, how will that actually change anything?

I guess it is necessary in certain cases because there is a grandfathering of certain things here. There is the training of employees who sell handguns. I think that is all very good. One could argue that it is just plain common sense. I guess the Liberal government thinks that common sense is so rare that it has to write it into legislation. If that is the case, then it is a good thing it is in here.

The other part of this, though, leads to something that I cannot resist. I must refer to the Liberals' Firearms Act, which they introduced here some time ago. It came in the form of Bill C-68. That particular piece of legislation is so badly flawed that if they really want to make a difference what they should do, at the minimum, is to take our 200 amendments that we proposed at

report stage and implement them. That would help make the legislation a little more meaningful.

Mr. Speaker, you know, the Minister of Justice knows, the Prime Minister knows, the RCMP knows and all the police officers know that particular piece of legislation is not working. It has not reduced violent crime. It has not come even close to being a reasonable implementation scheme. Already \$328 million has been spent. We were told it was going to cost less than \$100 million. It is well over three times that number now. We have to take a very caustic look at that particular piece of legislation.

I would suggest that we really have not given the firearms legislation appropriate attention in the provisions of this bill. In fact, we could go even one step further. Police associations in Canada are considering withdrawing their support for the legislation. So with regard to this piece of legislation and putting this little cosmetic change in there, while it does not cause us any problem, it does not deal with the more serious case of the firearms legislation.

I want to turn my attention to the provisions in the bill with respect to cruelty to animals. I want to focus on two particular aspects of this part of the legislation.

First I want it clearly understood by all persons in the House listening to me now that we really want to support the idea that people who are wilfully cruel to animals should be punished severely.

However, what the bill proposes is that it should delete from existing legislation the words "wilful neglect" and "marked departure from the exercise of reasonable care". When a person wilfully neglects an animal, that is being cruel to that animal. If that individual does not take reasonable care of an animal and departs from reasonable care, and does so in a very marked and obvious way, such a person should, in my opinion, be very severely chastised. No, they should be punished. This bill does that, but by removing words like "wilful" and "marked departure" it creates ambiguity and lack of clarity and allows for interpretations that really give inadequate direction to the people.

● (1655)

The other one has to do with "wilful" and wilfully being cruel to animals, directly. I know some young people who do terribly cruel things. I once saw this happen and it was awful. They wanted to kill this kitten. They put a string around its neck and threw it from the top of a barn and let it hang there. That is wilful cruelty and that should be punished.

There are penalties in this act, and I think the penalties show the severity with which we will consider these particular acts.

If we are really going to get serious about this, we have to recognize that certain amendments are necessary. As this bill now goes to committee, there are certain amendments that I would

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certainly encourage the Liberals to consider at that time. We will be moving an amendment, for example, to have animal cruelty provisions maintained in sections 444 to 446 or to make the necessary changes to proposed section 182.1 to comply with the concerns of farmers, hunters, agriculture groups, the fur trade and others who harvest animals. This falls outside the things that we talked about just now. We need to bring those things in so that it is clear and specific and all people understand.

Second, in another example of an amendment, we will be moving an amendment at committee stage to ensure legitimate individuals involved in animal operations are not unduly subject to criminal intent.

These amendments, and there will be others, quite a few of them, are necessary to make this bill do what it is intended to do.

I commend the Liberal government for the intention of its bill, but I would also remind it that we all agree on what should be happening here, and with the best of intentions, even a good bill can be improved by bringing certain amendments to it, which the official opposition will present. I would encourage the Liberals to please consider those amendments so that we can all live together in greater peace and harmony and have legislation that is even better than that which they have presented to the House.

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I was very interested in the comments of my colleague. Of course we are coming at it from very much the same perspective.

One of the things that seemed to be of greatest concern to the people in my constituency was the issue of the potential for there to be nuisance prosecutions.

For example, I have never been to a branding, where you bring in all of the calves from the range around May or so. There is really quite a wild event that goes on there. There is not only branding of the cattle, but the male species of the animal also undergoes another process that they probably are not all that crazy about.

There are all of these things that go on. In taking a look at some of the irresponsible actions that have been perpetrated against the people who are involved in responsible resource extraction and management, such as people in forestry and logging and that kind of thing in the province of British Columbia and indeed all across Canada, and some of the nuisance prosecutions that have actually occurred, whereby people who have been protesting have used every possible means to put over their particular point of view and perspective, I wonder if there is not the very real possibility that because of the apparent lack of definition within this bill we could end up with these kinds of nuisance prosecutions.

We could end up with that in regard to people who are deriving their income from providing an exceptionally valuable service to

the people of Canada by providing us with the livestock that becomes the bacon, the roasts of beef, the hamburgers, whatever the case may be. As we take a look at that process and at there being some nuisance people, might that not in fact be a concern that we really should be focusing on, particularly when this goes to committee?

● (1700)

Mr. Werner Schmidt: Mr. Speaker, I thank my colleague for raising that very valid issue. I did not raise it in my major remarks because I did not have time to do it. It gives me the opportunity to address the point of bringing together the urban-rural split to which the member alluded in his earlier remarks.

A number of pet owners say that they fixed their cat or dog. We know exactly what that means. This is precisely the same thing the member alluded to in his remarks. There is a distinct possibility of nuisance lawsuits, criticisms or whatever to be fostered. The act should be clear enough so that those nuisance assaults on the freedom of an individual, or whatever we might call them, are addressed and clearly taken outside the cruelty to animals provisions within the act.

That is exactly what our amendments will try to do. It would bring those kinds of issues to the attention of the government so that it could create legislation with which we can all live and actually make society better.

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, the member for Kelowna raised an very interesting point. Someone was telling me a couple of days ago when we were discussing this issue that people could not believe that calves would be castrated without an anaesthetic.

On the other hand people who are in the business very clearly and specifically understand how totally ludicrous it would be to administer a form of anaesthetic in the situation they are in, what would happen, and the havoc it would wreak in terms of the management of livestock. Clearly we are dealing with an egregious urban-rural split in understanding.

I am sure my colleague would agree with me that it puts all the more emphasis on the committee process to ensure that people who are at the committee have an opportunity to present both sides of the story. In addition, the government should undertake a very strong communication policy so that people understand what it is all about.

Mr. Werner Schmidt: Mr. Speaker, once again I find myself agreeing with my colleague. I would add one other dimension to it. I am referring to the process that is being used by the government to almost make the committee non-significant. The legislation has drawn to the attention of the House the real significance of the committee.

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We will be proposing some very substantive amendments to the legislation to uplift the importance of committees in the House and parliament. As a consequence, if the government will take that advice, the committees will feel good. Members in those committees will not have to whine like they did in the *National Post* this morning, and we will be able to live in a better world.

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, I will stick pretty close to my text so it will not be as entertaining as some of my speeches. We are speaking to Bill C-17. It is an omnibus bill, basically a bill encompassing many acts in the one bill. That is obviously problematic for many members because if we disagree with one aspect of the bill we are labelled as disagreeing with all of it. That is not our position as a party and I will be able to lay that out in some of my remarks.

Bill C-17 is an act to amend the criminal code, cruelty to animals, disarming a peace officer, other amendments, and some technical amendments to the Firearms Act. It is very far ranging and there is no linkage between any aspects of the bill.

In the justice department review of 1998 a consultation paper entitled Crimes Against Animals was distributed to allow groups and individuals to suggest modifications that would be required to deal effectively with cruelty to animals.

The reasoning was that animal abuse is now recognized as a common symptom of a deeper mental illness. Mounting scientific evidence links animal abuse, domestic violence and violence against people. The public has been calling for more effective federal legislation to deal with cases of cruelty to animals.

• (1705)

There are numerous examples of cruelty to animals. Several high profile cases, some of which have been mentioned already in the House and in the newspapers, happened this year. A year old rottweiler dog was dragged on a chain behind a pickup truck until its paws were torn off and bloodied. Also in May there was a case of a little pet pomeranian which was locked in a room. This small dog was kicked, punched, thrown against a wall and placed on a gas barbeque possibly while it was still alive.

Those are the types of horrific crimes we are hearing about more frequently. The perpetrators were young offenders, identities protected unfortunately. Currently in such cases an offender would receive only six months in jail or a \$2,000 fine and a two year ban on having animals. Who would know what young offenders would get? Maybe a slap on the wrist.

We still hear many cases of animal fighting, competitions for gambling purposes and greyhound dogs that are bred for racing but

killed once they become too old. Questions are being asked. Is there any protection for those animals?

The justice minister has explicitly linked animal abuse to rape or child abuse citing U.S. studies which point out that those who torture animals were more likely to do the same to humans. The case we have often heard is that of Jeffrey Dahmer who brutally dismembered and even practised cannibalism on his many victims. He abused animals as a young boy.

For these people increased sentences and fines are a good idea. We have to send a message. Depending on the charge, the sentence could be anywhere from two years to a maximum of five years imprisonment when the crown proceeded by indictment, or six to eighteen months imprisonment and a fine of not more than \$2,000 when the crown proceeded by way of summary conviction.

Presently the court could order prohibiting the accused from owning an animal or having custody or control of an animal. In Bill C-17 the court could also prohibit the accused from residing in the same premises as an animal. The maximum length of prohibition would also be changed from a maximum of two years to any period the court felt appropriate. In the case of second and subsequent offences it would be a minimum of five years.

In a further change the accused would pay reasonable costs incurred to take care of the animal. Payment could be made to any individual or organization that cared for the animal. It would include such costs as veterinarian bills and other shelter costs if they were obtainable.

There are other positive steps in the bill. We need to study the bill very closely at committee stage. We will be doing that through our justice critic to be sure that we do not criminalize, and this is important to remember, farmers, hunters, trappers and fishermen engaging in their way of life. Presently the bill is too loosely worded and our party cannot support that aspect of it. We have to tighten up the wording in that respect.

Under the proposed legislation farmers feel they could be prosecuted for common practices such as branding or dehorning cattle, an accepted practice in the beef industry. This is very problematic. Some anglers are convinced that fishermen could be charged for simply hooking a fish under the proposed federal legislation. This problem has to be addressed and hopefully will be addressed at committee stage.

The Canadian Jewish Congress has expressed worry that Bill C-17 might interfere with ritual Jewish slaughter methods. Biomedical researchers are worried that their work may lead to criminal prosecution as well. Some of these groups have requested that the language in the legislation be clarified. They are concerned with possible interpretation of phrases such as unnecessary pain, suffering or injury and brutally or viciously killing an animal.

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• (1710)

They want protection for practices such as identification, medical treatment, spaying or neutering; provision of food or other animal products; hunting, trapping, fishing and other sporting activities conducted in accordance with the lawful rules relating to them; pest, predator or disease control as we would not want to throw someone in jail for shooting a rat; protection of persons or property; scientific research unless the risk of injury or serious physical pain is disproportionate to the benefit expected from the research; and disciplining or training of an animal.

Our party position is clear that legislation is needed to punish those who intentionally abuse and neglect animals. Let us be sure of that. However, in targeting those who intentionally cause animal suffering, the legislation also leaves at risk those who practise traditional occupations such as farming, hunting, fishing and trapping. Those of us representing rural areas of the country can certainly relate to that.

We support other aspects of the bill. We recognize that the legislative section to protect against cruelty to animals is noble in its intention. This oversight makes Bill C-17 ineffective and dangerous to law-abiding citizens. Therefore the bill, if it remains in its current form, will not be supported by our party. We want some tightening of the wording.

The government has been scrambling to assure hunters and farmers that the bill is not intended to target them and that they need not worry about being jailed for their standard practices. However the current wording of the bill is too loose and criminal prosecution of members of virtually all animal related professions is a very real legal possibility under the provisions of the bill.

The existing legislation forbids the wilful causing of unnecessary pain, suffering or injury to an animal. The proposed bill would remove the word wilful. This change would make prosecution easier, putting livestock farmers at risk for carrying out their normal business.

In addition the criminal code currently prohibits unnecessary pain, suffering or injury of animals. With one of the new animal care provisions, however, conviction is called for when there is any pain, suffering or injury. The proposed change reveals unreasonable expectations. It is impossible for farmers, or animal producers more generally speaking, to protect their animals from any pain or injury. Additionally it is unacceptable to place farmers, hunters or trappers at risk of prosecution if any pain or injury occurs.

I believe legislation is needed to prevent needless animal pain and suffering. The graphic illustrations of animal cruelty I mentioned earlier should not be tolerated. The law should explicitly protect animals from this senseless violence. The traditional

practices of hunting, fishing, farming, et cetera, do not fit into the category of meanspirited violence. It is imperative that animal cruelty legislation be clearly designed to target only those who would engage in brutal actions against animals.

The justice minister has been contemplating an amendment that would exempt farmers, hunters and animal researchers from the bill. A change is certainly needed to provide legal security to lawful practitioners of animal related professions.

When one considers a genuine need for clear progressive legislation in this area, the carelessness of the Liberal government is dismaying. It is disheartening. It is obvious that little consideration was given to the effect the bill would have on many honest hardworking people who depend on farming and similar occupations for their livelihood. It is reminiscent of many pieces of legislation the government has put through. Not much foresight, work or consultation with the community has gone into it.

• (1715)

It is also discouraging that the government's lack of foresight could cause this bill which deals with many other issues to be opposed due to loose wording in the part dealing with cruelty to animals, hence our opposition to these omnibus bills. They are very problematic.

Instead of contemplating its actions fully from the start the government chose to proceed with a sloppy piece of legislation. Now as it is exceedingly clear that the original plan was inadequate, the government wants to retrace its steps. Had it been more conscientious at the beginning, this repetition would have been avoided. Time and money have been squandered as a result of the failure of the government to consider the needs and wants of Canadians on this issue.

Having grown up on a farm in New Brunswick has given me a great respect for animals but also a respect for farmers, hunters and trappers. For that reason I am anxious to see the bill go to committee where our justice critic will have a chance to force the government to redraft the cruelty to animals part to ensure that it will be an effective deterrent to those who would be unnecessarily cruel to an animal.

In its current form the loose wording of the bill could make unwitting criminals out of hunters, fishermen and farmers. We will not support this part of the bill because of this loose wording.

Disarming a police officer is another part of the bill of which we are very supportive. The offence of disarming or attempting to disarm a police officer is a proposal initiated by suggestions by the Canadian Police Association at its annual general meeting a year ago. We need to send a strong message to the public. Serious danger to police officers will not be tolerated when they are

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deprived of their weapons as they carry out investigations to make arrests.

The new section would define “weapon” for the purposes of subsection (1) as any thing that is designed to be used to cause injury or death to, or to temporarily incapacitate a person, including firearms, pepper spray, et cetera. For a hybrid offence, there is a maximum penalty of five years imprisonment when the crown proceeds by indictment or a minimum of 18 months imprisonment when the crown proceeds by summary conviction.

The president of the Canadian Police Association, the organization that initiated the process leading to the proposed offence of disarming a police officer, has stated that the members of the association “welcome the introduction of this new law and encourage its speedy passage by parliament”. We are very supportive of that.

The government could do more for police, including providing funding and the resources they need to do their job. However, this is a step in the right direction at very little cost to the government to help protect the police so they can protect us, the public.

There are other amendments to the criminal code. The definition of “child” in the criminal code section dealing with offences against the person and reputation is repealed. The current definition defines child as including an adopted child and an illegitimate child. The amendment would remove the negative and unnecessary reference to “illegitimate child” in the criminal code. We support that.

Sexual exploitation of a person with a disability is added to the list of other criminal code sexual offences for which there are special evidentiary rules. A person with a disability who was the victim of sexual exploitation would receive the same evidentiary protection as afforded to other victims who testify at a trial.

There are technical amendments to the Firearms Act. I think the government is backpedalling on this. Our position is very clear. The government botched the firearms legislation from the very beginning in basically attempting to make criminals out of law-abiding Canadians.

• (1720)

Our party would certainly repeal Bill C-68, the unnecessary licensing and registration of firearms which again relates to those very sectors we talked about earlier. Our position on that is very clear.

Again it is a case of the government bringing in very sloppy legislation, not knowing what it was doing. Instead of addressing the criminal element, which it could by putting resources into the RCMP and other police forces to help them do their jobs well and

effectively, it has targeted the innocent law-abiding Canadian. Therefore we are opposed to that legislation. We were opposed to it in 1997. We still have huge reservations on the firearms legislation and we would repeal that. We would kill it or change it and revert to what we used to have. I think our position on that is pretty clear. We would repeal that legislation.

Some of the amendments to the Firearms Act are being called technical amendments. These amendments are being brought in because the government is attempting to backpedal on that very onerous piece of legislation which was called Bill C-68 in the last parliament.

Our position is clear on Bill C-17. Our justice critic has led the charge for our party on this very issue. Our party looks forward to making interventions at the committee stage. We hope that the government will listen and bring in changes that will allow the legislation to be fixed up so we will not be putting an unnecessary burden on our hunters, fishermen and farmers.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Madam Speaker, I wonder if the member from the maritimes could indicate specifically how the bill would impact his riding and the people throughout his riding, particularly in the area of the amendment regarding cruelty to animals. I ask the hon. member to give us some examples of its impact.

Mr. Greg Thompson: Madam Speaker, we could let our imaginations run wild. For example, when anyone in the beef industry processes an animal or slaughters an animal, it could be interpreted under the bill as being cruel to the animal. Not all of us are vegetarians, and I mean no disrespect to those who are, but certainly the harvesting of meat, if you will, either by hunting or raising beef, is big in my riding. It is a rural riding.

I also mention fishermen. When we did our research on that legislation, the example of baiting a hook was used. The worm will be subjected to a lot of cruel punishment by keeping it on the hook. What is the correct method of pulling a fish out of the water? Obviously this could be interpreted as unreasonable punishment or cruelty to the fish.

Those are extreme examples, but the truth is that the wording in the legislation is not tight enough or correct in terms of interpretation. People could have a lot to worry about unless the bill is changed. Those are very specific examples.

There are mink ranchers in my riding as well. That is something that industry has had to watch very carefully over the years. Even though it is not fashionable in some circles, it is still an industry. We all wear leather shoes for the most part.

Those are all examples where legitimate businesses could be threatened under the legislation as it is now proposed.

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We look forward to our justice critic driving home some of those points at the committee. We hope the government will listen and change those specific areas of the bill where it could impede on citizens' rights to make a living, whether they are fishermen, farmers, trappers, et cetera.

• (1725)

Mr. Rick Casson (Lethbridge, Canadian Alliance): Madam Speaker, I would like the member to comment on the same question I asked of someone earlier.

One of the problems with this issue is that a bit of a rural-urban split has been created. Certainly we all believe that anyone who is cruel to an animal should face the full force of the law. Possibly anyone who does should never be in control of another animal in his or her entire life. However we have been talking a bit today about the balance between the agricultural sector and the food producers, the need to protect animals, and the outlook that people who live in urban centres have toward some of this.

I believe a lot of what we need to do is in educating the two sectors so that people understand where their food comes from, how it is raised, the code of practices that people who work in the livestock and food industries work under and how careful they are with their animals.

I would like the member to comment on what angle he would take on the education that needs to take place in Canada.

Mr. Greg Thompson: Madam Speaker, that is a very good point. Some of us are so accustomed to going to the grocery store that we think beef is raised in the store and comes in nice, neat little packages. Education is a big part of it.

Sometimes I am amazed at some of the animal rights people. One example which always comes to mind is when Brigitte Bardot shows up on the ice floes of Newfoundland trying to kill the seal industry. She is always wearing a fur coat and \$5,000 alligator shoes. I often ask is that not a double standard?

In all seriousness, part of this is educating our young people about our custodial relationship with animals and the beauty of taking care of them, how important they are and how important some of these industries are. Good practices are taking place on our ranches and farms to ensure that animals, God's creatures, are being treated in a very humane fashion, but it must be understood that they are a food source as well and do serve a purpose on this earth of ours. In almost a spiritual sense, it very much is that education should take place and it has not up to this point.

I thank the member for the question. It is a very good point.

Mr. Bill Gilmour (Nanaimo—Alberni, Canadian Alliance): Madam Speaker, I asked this question earlier of another member.

The difficulty we as legislators have is in trying to find the balance. Under this legislation we could have one side, for example puppy mills which I think most Canadians would say is certainly not on, however we go to the other extreme which is a mousetrap. How do we as legislators find that balance in this legislation so that we protect one side but do not push the legislation too far in the other direction? How does the member see us striking that balance?

Mr. Greg Thompson: Madam Speaker, it is an old fashioned word. Mark Twain often said there is nothing wrong with using a 10 cent word when there is no need to use a 25 cent word. It is common sense and practical solutions where we engage the public in the process.

One of the shortcomings of the present government is it has not engaged the public in this. There is a balance between what we want to see done and limits on the other side. In all practical terms, most Canadians know where that line is. I think we as legislators do.

What we are not seeing from the government is the practical reality that this has to be something we can all live with at the end of the day. The term I used in my remarks earlier was carelessness. It is just an example of the government waking up one morning, getting out of bed and saying "Listen, let us bring in some legislation that will deal with this" but it is not applying a common sense approach to it.

• (1730)

I would say they probably have too many people penning this legislation in their ivory towers, people who have never been on a farm, have never fished and have no understanding of what it is like to live in some parts of the country where that is done for a living.

It is not unlike a lot of the legislation that has come to this place from time to time as a result of acting in haste and acting in a way not consistent with good government, and certainly not consulting with the people. Again, it is a good question, but it is that balance that governments have to strike, and it is usually done in consultation and in working with the opposition parties, which obviously the government has not done on this piece of legislation. It has basically left it to the bureaucrats to craft it, and this is what we are left with.

Mr. David Chatters (Athabasca, Canadian Alliance): Madam Speaker, I am pleased to be able to engage in this debate today on Bill C-17.

I have some real concerns about the bill and what the bill is proposing to do in a number of areas. Of course it has been said time and time again that it is an omnibus bill and it covers a lot of

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territory. I have also heard a number of people express the opinion that the intent of the bill is honourable and that they support the intent of the bill. However, in the seven years I have been in the House and been an elected member, I have become perhaps somewhat cynical about the intentions or the motives behind some of these things.

It seems to me if the government were serious about dealing with some of the issues in the bill, it would have certainly separated out the issues and brought them forth in individual bills. Many of them could have proceeded through the House without controversy and probably have been supported by all parties. Instead, the government lumps it all together with issues that are very controversial and others that are not as controversial, and what we get is a bill such as this one, which in my opinion is absolutely full of holes.

I am suspect of the government's motives on the issue. For example, the government expresses great concern about dealing with the sadistic perverts who would impose horrendous cruelty on animals. Yet this same government that is so offended by the possibility that people do that. They do that, and I find it extremely offensive, along with probably everybody else. It is the same Liberal government that gave somebody something like a \$15,000 Canada Council grant to produce a piece of art with dead bunnies hanging on it to display in our National Gallery. Does that not fit with this concern for the welfare of animals and the needless cruelty to animals? One immediately becomes suspect of the intention of the bill.

Even regarding the clause in the bill on toughening up the penalty for disarming a police officer, one thinks that is a good idea. We could support that idea, but when we look at history, disarming a police officer has for some time been a criminal offence. The government in its wisdom thought the penalty needed to be greater for disarming a police officer. Instead of imposing the law that exists by imposing upon the courts a minimum sentence of three years, which is the current maximum sentence, apparently, and forcing the courts to treat it as a more serious offence, the government introduces a bill that places a maximum penalty of five years for disarming a police officer. Rarely, if ever, do the courts impose a maximum sentence on anybody for any offence, and it is very unlikely that the courts will impose the maximum sentence.

• (1735)

What did the government achieve by raising the penalty from three years to five years and making it a maximum penalty? I do not think it has achieved anything except some political rhetoric and some smoke and mirrors to convince the public that it is concerned with the offence and to respond to the police association's call for stiffer penalties. If it were really serious, it simply would have imposed a minimum sentence of three or five years for

that offence, but it did not. I am suspect of the government's motives in terms of this bill.

If we go to the other clause of the bill concerning firearms regulations and the cosmetic changes being made there, again I become suspect, simply because the regulations that accompanied Bill C-68, which never came through the House, never saw the light of public debate in the House of Commons, are far more onerous than the changes that are part of the legislation being introduced to the House. I ask myself what motivated the government to bring this in as legislation rather than simply changing the regulations around Bill C-68 and solving whatever the problem was that it intended to solve.

I become suspect of the government's motives in introducing an omnibus bill. Certainly I see all kinds of loopholes that could and probably will at some point be in the courts dealing with the legislation.

I see some real conflict in a couple of places with the provincial wildlife act. The bill specifically includes the practice of baiting as a criminal offence. In many provinces in Canada, including my own, the practice of bear baiting both in the spring and in the fall is a common practice and one that is legal under the provincial wildlife act. Now the bill is in conflict with the provincial legislation and no doubt will take precedence over the legislation.

Another clause that in my opinion contravenes the provincial wildlife act is the clause dealing with subparagraph 446(1)(c) of the criminal code, which says:

being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it;

In my province of Alberta, under the wildlife act it is against the law to keep a wild animal in captivity, injured or otherwise, and to provide food for that animal. That is an offence under provincial law. I know that because I am married to a woman with a heart as big as all outdoors when it comes to animals. On occasion she receives from many people wild animals that have been injured and hurt. Her heart goes out to them and she spends a great deal of time and care nursing them back to health, trying to help them regain strength to go back into the wild. On more than one occasion provincial wildlife officers have threatened to prosecute her for doing that, because that is not a legal practice. Bill C-17 is in direct conflict with the provincial wildlife act.

As I was listening to members making their speeches and reading the bill, something came to my mind about the definition of the animal the bill is in fact meant to protect, animal meaning a vertebrate other than a human being and any other animal that has the capacity to feel pain. It struck me that it is just a matter of time until the pro-life movement looks at that clause.

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• (1740)

It has been determined by the courts on more than one occasion that a fetus or an unborn baby is in fact not a human. It is something else, something other than human. I would argue that it would be pretty hard to say that a fetus is not a vertebrate. Certainly the practice of aborting that fetus could be considered cruelty to that animal and that issue could be taken to court.

I am sure most of us realize a raging debate is ongoing in the country now about the practice of abortion and whether or not the fetus feels pain from that process. People are saying precautions should be taken to mitigate that pain. The bill would lay open anybody performing an abortion to prosecution. That seems to me a serious loophole and certainly beyond, I am sure, what the government intended to do with the bill.

Moving on to the whole clause on cruelty to animals, we have heard over and over again of some real problems, loopholes and concerns among a number of groups. Having been in the business of animal husbandry all my life, it concerns me. I cannot believe that the government, with the resources at its disposal, the best legal minds in the country, could not draft a bill that would be able to prosecute to the fullest extent of the law those who would wilfully and criminally be cruel to animals and at the same time would provide wording that would protect livestock producers, trappers, and harvesters of animals.

The existing act says no one shall wilfully be cruel to animals. I suggest probably everybody in the House at one time or another wilfully did something that caused pain or was cruel to an animal, a vertebrate. We have heard discussions all day about the various ways in which that is done. Unfortunately in my years of raising livestock I have on many occasions had to wilfully inflict pain upon my animals in the business I was in. I took no pleasure from that. In fact it was very difficult and heart-wrenching sometimes to have to do some of the things that have to be done when one is in the business of raising livestock, but it is a necessary part of that business.

We heard discussion about baiting a mousetrap and catching a mouse in one's house, cabin, barn, or wherever. I defy anybody who has ever seen a mouse caught in a trap to say that animal does not suffer and that is not cruel. I raised this point earlier today in questions and answers. I defy anybody in the House to tell me that taking a live lobster and dropping it into a pot of boiling water does not cause pain and is not cruel. We could go on and on and on.

We heard a number of members raise the concern of the religious and cultural communities that since biblical times have engaged in the practice of ritual slaughter of animals. It is quite common. I have seen it performed, and I can certainly assure everyone that no one could deny it inflicts pain and cruelty on that animal. We have

not prosecuted, and I hope it is not the government's intention to prosecute, those people who do those things. It has not been the practice of courts nor law enforcement officers to enforce the letter of the law when it comes to that.

• (1745)

This generally goes back to one phrase, the phrase that protects people who wilfully and knowingly inflict pain: that they did not have criminal intent. Removal of that clause no longer requires there to be criminal intent to be prosecuted and is extremely dangerous. It lays open to prosecution anybody who engages in any of those activities that I mentioned. I cannot believe that the lawyers involved in the drafting of the bill could not have achieved the intent without laying open to prosecution legitimate livestock producers and everyday, average citizens in the course of their lives. The bill is extremely offensive and dangerous.

The inconsistencies in the bill blow me away. I cannot, for the life of me, figure out why cruelty to animals would have been put in the sexual offences section of the criminal code. Why would we put it there? That does not make any sense to me. What connection is there between cruelty to animals and sexual offences? It is as incomprehensible as throwing the disarming of a police officer into a bill designed to prevent cruelty to animals.

It would have made more sense to me, having had a number of representations over the last year and a half, for the government to have provided an extraordinary penalty in the cruelty to animals legislation for someone who would deliberately and wilfully kill a police dog in the line of duty. It would make much more sense to me to have an extraordinary penalty put in the legislation to deal with the killing of a police dog than the disarming of the police dog's master. It does not fit there and it does not belong there.

The bill is very confusing. I hope we will have adequate opportunity in committee to get answers to those questions. The debate has been going on all day in the House and the government has not been responding to any of our questions and has not provided any insight into the intent of any particular clause.

There is another area that I want to raise. We have heard a lot of discussion today about the rural-urban split. That is where the bill runs into trouble because urban people do not understand the raising and slaughter of livestock for food and all the rest of it. I am not sure the rural-urban split really applies here nearly as much as what we have been led to believe simply because the concept of being cruel to animals is not restricted to people on the farm. Certainly people in the city engage in activities that are just as liable for prosecuted as people raising livestock.

The animal rights movement has been working for some years to portray animals as something other than what we, in the livestock industry, would consider them to be.

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• (1750)

I read an article recently about the need for a bill of rights for primates and how that would protect the rights of primates. We then get into the rights of animals, how distasteful it is to raise animals in confinement, how they should be running free and all the rest of it.

I understand that perhaps urban people would not understand what that is all about but we have a Hollywood version of animals. My grandson and I recently watched a movie about a pig raised on a farm. The pig's father was sent off to the slaughterhouse to be slaughtered and become bacon on the table. The poor family was left behind and the young pig had to take responsibility for his family. It was terrible, sad and it went on and on. Needless to say, the young pig eventually rescued his father from the slaughterhouse and saved the day.

The whole concept of seeing animals in that context is ludicrous. Some years ago I saw a movie with Chevy Chase where he tied his dog to the bumper and dragged it until it was no more. That was supposed to be a comedy.

I see I have run out of time so I will save the rest of my remarks for another day.

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Madam Speaker, as I listened to the member's speech many things came to the forefront, the first being the many scopes to the bill.

In this piece of legislation that the government is trying to put through, why would it put under cruelty to animals, penalties for disarming police officers? It almost seems like the government is putting part of a bill through so it can use it to campaign on. If we have a problem with the cruelty to animals aspect of it and do not vote for the total package it could be said that we were not standing up for penalties being imposed on people who disarm peace officers, which is not the case at all.

The government has come before the House and the Canadian public with a bill that is half rotten and half good. What we are being told from the government side, I would say to the hon. member who just spoke, is that we should hold our noses for the smell on the front end and hope that the rose at the back end will outweigh it. That is one of the problems I have with the bill.

This piece of legislation does not exactly define what cruelty to animals is. When some of us from rural areas happen to go into large cities we often see people walking around with large dogs. Many of these people live in apartments. When we see a dog that weighs 140 or 160 pounds being kept inside a small apartment, some of us see that as a cruel act. What is the definition and how far

is the government willing to carry it? Who will lay the charges? Does the bill lay it open to anybody to lay charges against a person? If that is the case, will they come forward and identify themselves or can it be just used as a malicious act upon somebody who is no longer liked?

The bill has no beginning and no end. We are leaving it again to the courts and judges to decide the law when that should be our job here.

I would like to know if the hon. member has answers to these questions. I cannot seem to find the answers anywhere. I have not heard any of the government members stand up to speak on this issue today so that I could ask them questions.

Mr. David Chatters: Madam Speaker, I am glad to see that I am not the only one to become cynical in our time here.

• (1755)

The member raises some good points. Again, I am being cynical, but if the government really were serious about addressing the problems outlined in the bill, it could have done so far more effectively than it did with this bill. I believe that by making this an omnibus bill and by leaving it so wide open to interpretation, part of the intent was to simply confound the opposition, as the member said.

It works to some degree. As an opposition party, we look at each bill, we listen to the critic, and we debate whether or not we support the legislation. This bill has provided a conundrum to the opposition in that we generally support some aspects of the bill but not others. I think it is intentional by the government to create that environment within the opposition. The intention is not as honourable as perhaps we would like it to be. The desire to solve the problem that exists is not nearly as strong as it could be.

On the other aspect of the member's comments dealing with the rural-urban split, I would agree with him that the concept of a rottweiler or a great dane living in an apartment building in the city is no less distasteful than a pig or a chicken being raised in a pen or a cage without adequate room to exercise and to enjoy the freedom and the light that perhaps it should be allowed to enjoy. The concept of a rural-urban split is less than what we are suggesting it is.

I hope the government allows us the time in committee to have a thorough discussion, and that the government will be open to the suggestions in committee to change the bill to actually achieve some good things that are honourable and should be achieved. If the government would allow that to happen, then I think we could turn this into a bill that has merit and that we could support. Certainly in its existing form it is unsupportable.

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Mr. Werner Schmidt (Kelowna, Canadian Alliance): Madam Speaker, I heard my hon. colleague suggest that not one member from the Liberal side of the House has spoken to the bill today. That arouses in me probably the greatest cynicism I have ever had here.

It seems to me we have some intelligent human beings sitting on the Liberal side of House who put the bill together. One begins to wonder that they have absolutely nothing to say about the bill. Are they so ashamed of the bill that they would not dare say anything in opposition to what we have suggested here as serious questions or flaws in the bill? Do they just want to bury their heads, so to speak, and just let the bill go? Or, could it be that the real intention of the bill is to once again appear to be doing something but in fact not be doing anything?

Yet there is an insidious, deep seriousness with the bill that could have an impact on a whole host of things. It could destroy certain individuals who are trying to make an honest living through hunting or through the raising of animals for food. Just what is going on here?

It becomes significant that we answer some of these questions. As the hon. member has said and as my hon. colleague over on the other side of the fence has said very clearly, we must get clear definitions of what is meant in the bill and of what cruelty to animals actually is. Let us be clear about this. We are not hearing anything from the government.

I know some of the members who are sitting in the House right at the moment, and I know some of their capabilities. They are not rising. What is it? Is it because it is the way we have it here and they are ashamed of their legislation? Or, is it because they do not want to create the impression or tell us the truth about what they actually want the bill to do? Could the hon. member comment on that?

Mr. David Chatters: Madam Speaker, my colleague makes a good point. I mentioned in the question and comment section earlier that during one of the presentations I overheard from the backbenches the hon. member for Simcoe—Grey suggesting this provides protection for livestock producers. That should be a big issue in his riding, simply because it is one of the largest cattle producing areas in the country. I am really concerned that the particular member is going back to Simcoe—Grey and telling his constituents that this bill in fact provides protection for his cattle producers because it simply is not so. That would concern me. I could understand that from some of the urban members who perhaps do not have an interest in the bill, however they should.

• (1800)

I really would have enjoyed hearing the member for Dufferin—Peel—Wellington—Grey make some comments in response to our

concerns today. I understand he is a livestock producer and many of these concerns—

Mr. Murray Calder: Chicken farmer.

Mr. David Chatters: He says he is not a livestock producer, he is a chicken farmer. That is okay by me, but as a chicken farmer he should have some of the same concerns that we have raised about the bill. I would be fascinated to hear him explain to us why he is not concerned about legislation to provide some protection, not only to himself as a producer, but to the other livestock producers in his constituency.

The silence is deafening over there. It is really worrisome to those of us on this side who represent cattle producers. I think the only answer is an election. It will be another issue on which we can fight the election in our ridings. We will come back after the election as government and we will reintroduce the bill in a form that will provide that protection. That is the answer.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Madam Speaker, for the sake of our viewers who are tuning in across the country, those who are arriving home from work, getting that channel zapper and tuning in to hear the debate in the House of Commons today or those who are just getting up from the supper table, putting their feet up or getting their slippers on, we are discussing Bill C-17.

This is a Liberal bill that is before us. It is an act to amend the criminal code, cruelty to animals, disarming a peace officer and other amendments and the Firearms Act, technical amendments. That is the title, and as it suggests, it is an omnibus bill, which is to say that this often odious method of government mixes some good with other unrelated problematic legislation, which is what is before us this hour.

We have no objection to the latter two other aspects of this bill which are the disarming a peace officer, which is a good and necessary thing, and the technical amendments to the Firearms Act.

Bill C-17 would make it a criminal offence for everyone who, without the consent of the peace officer, takes or attempts to take a weapon that is in the possession of that peace officer when the peace officer is engaged in the execution of his or her duty. Everyone who commits this offence is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years, or is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding 18 months.

As I previously stated, we support this particular amendment. In fact, in my constituency, a place called Warman, Saskatchewan just north of Saskatoon in the Saskatoon—Wanuskewin constituency, there is a large recreational centre that was put together by the good folk of that community and possibly with some government money. It is called the Brian King Centre and was named in

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memory of a wonderfully dedicated member of the Saskatoon police force who was killed in the line of duty when he was jumped by two individuals who took his gun. In commando style, they had him kneel on the banks of the river in Saskatchewan shot him through the head and killed him. He left a young widow and children. It was a very tragic story. This would be one particular address to that kind of situation.

We need respect for authority. We need respect for RCMP officers and for city and municipal police. The Canadian Alliance supports our police officers across the country and respects this particular part of Bill C-17.

I note this past Sunday on Parliament Hill there were numbers of dignitaries and police officers. It is an important event that occurs on an annual basis where we recognize our police officers, those who have lost their lives in the line of duty. I referred to just one, but there have been other police officers who have been jumped, assaulted and shot with their own guns.

• (1805)

Without question we want to give this kind of a tool to the judiciary with respect to justice officials so that they can prosecute in a very serious way those who have disarmed a police officer. Of course, in these other cases there were murder charges for the criminals who killed the individual from my constituency, Brian King.

The section in Bill C-17 concerning the amendment to the Firearms Act is simply a technical amendment. It is a cosmetic thing. It simply grandfathers the inventories of prohibited handguns held by businesses in mid-February 1995 so they can sell to individuals eligible under the act. A further amendment adjusts employee licensing requirements so that it better reflects appropriate firearms safety training for employees as opposed to some of the non-restrictive firearms.

We have no problem with those two parts of Bill C-17. However, as we said before, omnibus bills are quite objectionable. It includes excellent and very necessary legislation combined with flawed legislation, using good legislation to slip through flawed and problematic legislation. That is the problem.

The government's side will say, as it is already setting up to do, that the official opposition does not support making it a criminal offence for disarming a police officer. That will be the spin and its approach to this. Members can mark my words on that. That is the approach that will be taken, especially if past history is an accurate judge of this. That is how it handles the omnibus bills. It slips through these nefarious, unpopular and sometimes not good pieces of legislation by way of something that is good.

The genesis of changes to cruelty to animals is to no longer treat cruelty to animals as a property crime. We have some basic

agreement with the intent of this part of the bill. What the government is doing though is making a new provision, moving the cruelty to animals to section 4 of the criminal code under sexual offences, which would be renamed sexual offences, public morals, disorderly conduct and cruelty to animals. That is currently contained in sections 444 to 446, part XI of the criminal code. This section of the criminal code protects a person from being convicted of an offence if that person acted with legal justification. That is the way it stands now. It is adequate. It serves us quite properly.

However, agricultural groups, anglers, hunter groups, and the Fur Council of Canada want cruelty to animals to remain in section 444 to 446. They fear that by moving the cruelty section to sexual offences it will make it easier for them to be prosecuted. They argue quite rightly that those who lawfully and legitimately harvest animals for business will not be protected if the cruelty section is changed. They are not reassured by the minister's words. She has said that it does not pertain to them or apply to them and that it is not an issue, yet for some strange reason they are not at all reassured by her words.

Therefore, as has been indicated by members before, we are going to be moving an amendment at committee stage to have the animal cruelty provisions back under sections 444 to 446, or make those necessary changes to section 182.1 to comply with and allay the concerns of these farmers, hunters and agricultural groups and others who harvest animals.

The second point of the cruelty to animals section of Bill C-17 that causes concern is the amendment in the bill which proposes to take out the words wilfully or wilful as a defence if a person has been charged. That has been mentioned before. The removal of those words would make prosecution easier but not proper in many instances where one is involved in the legitimate slaughter of animals or the raising of animals for legitimate use or harvesting. We all appreciate that when we eat meat at mealtime it is because we have animals that can be killed humanely, quickly and prepared for our tables.

• (1810)

We believe there is reason to add the terms wilful and wilfully back into Bill C-17 to assuage or allay the concerns of various individuals.

The Canadian Alliance will be moving an amendment at committee stage to ensure that legitimate individuals involved in animal operations are not unduly subject to criminal intent.

There is another part of the bill which was referred to before, but it bears repeating because many people have tuned in since those features were given. The amendment that proposes that criminal intent for animal cruelty can be simply civil negligence is a part of the bill which causes concern for legitimate animal operations. It

Private Members' Business

lowers the burden of proof, if you will. Agriculture groups would like to see "wilful neglect" or "marked departure from the exercise of reasonable care" put back in and maintained. It should be reinstated. It should not be something like a civil negligence which is a lower burden of proof and could possibly be used to prosecute farmers trying to carry out normal farming operations and cattle management, et cetera.

We as well will introduce an amendment at committee stage to ensure there is the proper recognition of that need to protect legitimate farm operators from prosecution.

The fourth area of concern in Bill C-17 is what is called animal care provisions. The bill proposes convictions when there is any pain or suffering or injury to an animal. In other words, animals have feelings too.

Currently the criminal code prohibits unnecessary pain. It is only common sense and one does not have to be a legal beagle or a lawyer to know that removing the word "unnecessary" could open up a whole area for conviction. As someone pointed out, putting a worm on a hook could become a problem for a fisherman if somebody was a little overzealous and got on that case. That is unrealistic and it is too loose and open for interpretation and prosecution. We will move an amendment to re-establish the word "unnecessary" to protect anglers and others who are conducting a sporting activity.

The fifth area of concern is where Bill C-17 states that anyone who kills an animal or being the owner permits an animal to be killed brutally or viciously, regardless of whether the animal dies immediately, is guilty of a criminal offence. Again that part is very subjective and is open to a lot of latitude. It is very ambiguous and must be defined more clearly.

The bill raises the penalty for intentional cruelty to an animal from the current penalty of six months to five years and lifts the cap on the fine which is currently \$2,000. This is appropriate in the area of cruelty to pets and where cruelty can be established in other practices.

The lifetime ban on owning an animal without doubt is appropriate in cases of pet abuse.

The intent of the bill on the whole is legitimate. No one wants to see animals abused in any way, but there is a need to clarify the language surrounding some of the parts that we have cited here so as to ensure that legitimate individuals involved in the raising and harvesting of animals are not subject to unnecessary and unfair indictment.

We will support the bill at second reading, but we warn the government that it needs to amend the bill to meet the legitimate

concerns that have been outlined. If it does not, we will oppose it at third reading.

Last but not least, I want to draw attention to a very cruel irony which has been alluded to before. It is the cruel irony that we take the kind of steps included in this bill to protect animals from any pain, but we have no protection for vulnerable preborn children right through the entire nine months of a pregnancy.

We can use a saline solution and burn the skin off a tiny, vulnerable pre-born child. We can violently suction a baby's arms or legs or other body parts. We can tear them violently apart, no problem, from limb to limb, but the speedy branding of livestock may bring criminal sanctions. To be consistent, we need to have some basic protection for a preborn child. We have got the order of importance mixed up here to some degree.

We also need to show respect for human life, the sanctity of life. All life must be returned—

PRIVATE MEMBERS' BUSINESS

[English]

1911 CENSUS RECORDS

The House resumed from September 20 consideration of the motion, and of the amendment.

The Acting Speaker (Ms. Thibeault): Order, please. I am afraid that at this point I must interrupt the hon. member. It being 6.15 p.m., pursuant to order made earlier today, the House will now proceed to the taking of several deferred recorded divisions. Call in the members.

● (1835)

And the bells having rung:

The Speaker: Pursuant to order made on Wednesday, September 20, 2000, the House will now proceed to the taking of the deferred recorded divisions on Motion M-160 under private members' business. The question is on the amendment.

● (1850)

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

(Division No. 1387)

YEAS

Members

Alcock	Anderson
Assad	Assadourian
Augustine	Baker
Bakopanos	Barnes
Beaumier	Bélaire
Bélangier	Bellemare
Bennett	Bertrand
Bevilacqua	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bulte
Cannis	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Clouthier	Coderre
Comuzzi	Cotler
Crête	Cullen
Debien	DeVillers
Dhaliwal	Dromisky
Drouin	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duhamel	Easter
Eggleton	Finlay
Folco	Fontana
Fry	Gagliano
Godfrey	Goodale
Graham	Grose
Guarnieri	Harb
Harvard	Hubbard
Ianno	Ifody
Jackson	Jennings
Jordan	Karetak-Lindell
Karygiannis	Keyes
Kilger (Stormont—Dundas—Charlottenburgh)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	Laurin
Lavigne	Lee
Lefebvre	Leung
Limoges	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Matthews
McCormick	McGuire
McKay (Scarborough East)	McLellan (Edmonton West)
McTeague	McWhinney
Mifflin	Mitchell
Murray	Myers
Nault	Normand
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Pagtakhan
Paradis	Parrish
Patry	Peric
Peterson	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Price	Proud
Proulx	Redman
Reed	Richardson
Robillard	Rocheleau
Rock	Saada
Scott (Fredericton)	Sekora
Sgro	Shepherd
St. Denis	St-Jacques
St-Julien	Steckle
Stewart (Brant)	Stewart (Northumberland)
Szabo	Telegdi
Thibeault	Torsney
Ur	Valeri
Vanclicf	Volpe
Wappel	Whelan
Wilfert	Wood—144

Private Members' Business

NAYS

Members

Abbott	Ablonczy
Anders	Asselin
Bachand (Saint-Jean)	Bellehumeur
Benoit	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Bernier (Tobique—Mactaquac)
Bernier (Tobique—Mactaquac)	Blaikie
Borotsik	Breitkreuz (Yorkton—Melville)
Brien	Bryden
Cadman	Calder
Cardin	Casson
Chatters	Clark
Cummins	Davies
Day	de Savoye
Desjarlais	Dockrill
Doyle	Dubé (Madawaska—Restigouche)
Duceppe	Dumas
Duncan	Earle
Epp	Forseth
Gagnon	Gauthier
Gilmour	Girard-Bujold
Godin (Acadie—Bathurst)	Godin (Châteauguay)
Goldring	Gouk
Grewal	Grey (Edmonton North)
Gruending	Guimond
Hardy	Hearn
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hoepfner
Johnston	Keddy (South Shore)
Kenney (Calgary Southeast)	Konrad
Lebel	Lill
Loubier	Lowther
Lunn	MacKay (Pictou—Antigonish—Guysborough)
Manning	Marceau
Mark	Mayfield
McNally	Mercier
Meredith	Milliken
Mills (Red Deer)	Morrison
Nunziata	Nystrom
Obhrai	Pankiw
Penson	Perron
Proctor	Reynolds
Riis	Ritz
Robinson	Sauvageau
Schmidt	Scott (Skeena)
St-Hilaire	Stinson
Stoffer	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Turp	Vautour
Vellacott	Venne
Wasylcia-Leis	Wayne
White (Langley—Abbotsford)	White (North Vancouver)
Williams—102	

PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare the amendment carried.

The next question is on the motion as amended. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

The Speaker: I declare the motion, as amended, carried on division.

(Motion, as amended, agreed to)

Mr. John Nunziata: Mr. Speaker, perhaps you can assist me. As I understand it that was a private members' vote and it would be inconsistent to have a division on a private members' vote. Could

Supply

you indicate whether a private members' vote could be dealt with in such a fashion?

The Speaker: The vote was in order.

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—FUEL TAXES

The House resumed from September 21 consideration of the motion and the amendment.

The Speaker: Pursuant to order made Wednesday, September 20 the House will now proceed to the taking of the deferred recorded division on the amendment relating to the business of supply. The vote is on the amendment. All those in favour of the amendment will please rise. Is it defeated on division?

Some hon. members: No.

• (1855)

The Speaker: Order, please. I address myself to the government whip. Are you making a motion that this motion be negated by the House without a vote? Is that correct?

Mr. Bob Kilger: Mr. Speaker, I believe if you were to seek the consent of the House, you would receive consent to have this matter negated on division.

The Speaker: Does the government whip have the consent of the House to put the motion?

Some hon. members: Agreed.

Some hon. members: No.

• (1905)

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 1388*)

YEAS

Members

Abbott	Ablonczy
Anders	Asselin
Bachand (Saint-Jean)	Bellehumeur
Benoit	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Blaikie
Bernier (Tobique—Mactaquac)	Breitkreuz (Yorkton—Melville)
Borotsik	Cadman
Brien	Casson
Cardin	Clark
Chatters	Cummins
Crête	Day
Dalphond-Guiral	Debien
de Savoye	

Desjarlais
Doyle
Dubé (Madawaska—Restigouche)
Dumas
Earle
Forsyth
Gauthier
Girard-Bujold
Godin (Châteauguay)
Gouk
Grey (Edmonton North)
Guimond
Harvey
Herron
Hill (Prince George—Peace River)
Johnston
Kenney (Calgary Southeast)
Laurin
Lefebvre
Loubier
Lunn
Manning
Marchand
Mayfield
Mercier
Mills (Red Deer)
Nunziata
Obhrai
Penson
Proctor
Riis
Rocheleau
Schmidt
St-Hilaire
Stoffer
Thompson (New Brunswick Southwest)
Turp
Vellacott
Wasylcia-Leis
White (Langley—Abbotsford)
Williams—106

Dockrill
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe
Duncan
Epp
Gagnon
Gilmour
Godin (Acadie—Bathurst)
Goldring
Grewal
Gruending
Hardy
Hearn
Hill (MacLeod)
Hoepfner
Keddy (South Shore)
Konrad
Lebel
Lill
Lowther
MacKay (Pictou—Antigonish—Guysborough)
Marceau
Mark
McNally
Meredith
Morrison
Nystrom
Pankiw
Perron
Reynolds
Ritz
Sauvageau
Scott (Skeena)
Stinson
Strahl
Thompson (Wild Rose)
Vautour
Venne
Wayne
White (North Vancouver)

NAYS

Members

Alcock	Anderson
Assad	Assadourian
Augustine	Baker
Bakopanos	Barnes
Beaumier	Bélaïr
Bélangier	Bellemare
Bennett	Bertrand
Bevilacqua	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bryden
Bulte	Calder
Cannis	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Saint-Maurice)	Clouthier
Coderre	Comuzzi
Cotler	Cullen
DeVillers	Dhaliwal
Dromisky	Drouin
Duhamel	Easter
Eggleton	Finlay
Folco	Fontana
Fry	Gagliano
Godfrey	Goodale
Graham	Grose
Guarnieri	Harb
Harvard	Hubbard
Ianno	Iftody
Jackson	Jennings
Jordan	Karetak-Lindell
Karygiannis	Keys
Kilger (Stormont—Dundas—Charlottenburgh)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	Lavigne
Lee	Leung
Limoges	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Matthews
McCormick	McGuire

McKay (Scarborough East)
McTeague
Mifflin
Mitchell
Myers
Normand
O'Brien (London—Fanshawe)
Pagtakhan
Parrish
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proud
Redman
Richardson
Rock
Scott (Fredericton)
Sgro
St. Denis
Steckle
Stewart (Northumberland)
Telegdi
Torsney
Valeri
Volpe
Whelan
Wood—141

McLellan (Edmonton West)
McWhinney
Milliken
Murray
Nault
O'Brien (Labrador)
O'Reilly
Paradis
Patry
Peterson
Phinney
Pillitteri
Price
Proulx
Reed
Robillard
Saada
Sekora
Shepherd
St-Jacques
Stewart (Brant)
Szabo
Thibeault
Ur
Vanclief
Wappel
Wilfert

Dalphond-Guiral
de Savoye
Desjarlais
Doyle
Dubé (Madawaska—Restigouche)
Dumas
Earle
Forseth
Gauthier
Girard-Bujold
Godin (Châteauguay)
Gouk
Grey (Edmonton North)
Guimond
Harvey
Herron
Hill (Prince George—Peace River)
Johnston
Kenney (Calgary Southeast)
Laurin
Lefebvre
Loubier
Lunn
Manning
Marchand
Mayfield
Mercier
Mills (Red Deer)
Nunziata
Obhrai
Penson
Proctor
Riis
Rocheleau
Schmidt
St-Hilaire
Stoffer
Thompson (New Brunswick Southwest)
Turp
Vellacott
Wasylcia-Leis
White (Langley—Abbotsford)
Williams—106

Supply

Day
Debien
Dockrill
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe
Duncan
Epp
Gagnon
Gilmour
Godin (Acadie—Bathurst)
Goldring
Grewal
Gruending
Hardy
Hearn
Hill (MacLeod)
Hoepfner
Keddy (South Shore)
Konrad
Lebel
Lill
Lowther
MacKay (Pictou—Antigonish—Guysborough)
Marceau
Mark
McNally
Meredith
Morrison
Nystrom
Pankiw
Perron
Reynolds
Ritz
Sauvageau
Scott (Skeena)
Stinson
Strahl
Thompson (Wild Rose)
Vautour
Venne
Wayne
White (North Vancouver)

PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare the amendment lost.

The next question is on the main motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

● (1915)

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

(Division No. 1389)

YEAS

Members

Abbott
Anders
Bachand (Saint-Jean)
Benoit
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)
Bernier (Tobique—Mactaquac)
Borotsik
Brien
Cardin
Chatters
Crête

Ablonczy
Asselin
Bellehumeur
Bergeron
Blaikie
Breitkreuz (Yorkton—Melville)
Cadman
Casson
Clark
Cummins

NAYS

Members

Alcock
Assad
Augustine
Bakopanos
Beaumier
Belanger
Bennett
Bevilacqua
Bonin
Boudria
Brown
Bulte
Cannis
Carroll
Cauchon
Chan
Chrétien (Saint-Maurice)
Coderre
Cotler
DeVillers
Dromisky
Duhamel
Eggleton
Folco
Fry
Godfrey
Graham
Guarnieri
Harvard
Ianno
Jackson
Jordan
Karygiannis
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lastewka
Lee

Anderson
Assadourian
Baker
Barnes
Bélair
Bellemare
Bertrand
Blondin-Andrew
Bonwick
Bradshaw
Bryden
Calder
Caplan
Catterall
Chamberlain
Charbonneau
Clouthier
Comuzzi
Cullen
Dhaliwal
Drouin
Easter
Finlay
Fontana
Gagliano
Goodale
Grose
Harb
Hubbard
Iftody
Jennings
Karetak-Lindell
Keys
Kilgour (Edmonton Southeast)
Kraft Sloan
Lavigne
Leung

Government Orders

Limoges	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Matthews
McCormick	McGuire
McKay (Scarborough East)	McLellan (Edmonton West)
McTeague	McWhinney
Mifflin	Milliken
Mitchell	Murray
Myers	Nault
Normand	O'Brien (London—Fanshawe)
O'Reilly	Pagtakhan
Paradis	Parrish
Patry	Peric
Peterson	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Price	Proud
Proulx	Redman
Reed	Richardson
Robillard	Rock
Saada	Scott (Fredericton)
Sekora	Sgro
Shepherd	St. Denis
St-Jacques	Steckle
Stewart (Brant)	Stewart (Northumberland)
Szabo	Telegdi
Thibeault	Torsney
Ur	Valeri
Vancilief	Volpe
Wappel	Whelan
Wilfert	Wood—140

PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare the motion lost.

* * *

FINANCIAL CONSUMER AGENCY OF CANADA ACT

The House resumed from September 20 consideration of the motion that Bill C-38, an act to establish the Financial Consumer Agency of Canada and to amend certain acts in relation to financial institutions, be read the second time and referred to a committee.

The Speaker: Pursuant to order made on Friday, September 22, the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-38.

Mr. Bob Kilger: Mr. Speaker, if the House would agree I would propose that you seek unanimous consent that members who voted on the previous motion, keeping in mind of course that the Right Hon. member for Saint-Maurice had to leave the Chamber, be recorded as having voted on the motion now before the House with Liberal members voting yea.

The Speaker: Is there agreement to proceed in such a fashion?**Some hon. members:** Agreed.

Mr. John Reynolds: Mr. Speaker, Canadian Alliance members present vote yes.

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, the members of the Bloc Québécois are opposed to this motion.

Mr. Yvon Godin: Mr. Speaker, the members of the New Democratic Party are opposed to this motion with the exception of the member for Churchill River, who is not present at this time.

[English]

Mr. Norman Doyle: Mr. Speaker, members of the Progressive Conservative Party will be voting yes to this motion.

[Translation]

Mr. Guy St-Julien: Mr. Speaker, I abstained from voting on the two previous motions today. I vote yes on this bill.

[English]

Mr. Lawrence D. O'Brien: Mr. Speaker, I want to be recorded as having voted yes to this motion. I was not in the House for the previous motion.

[Translation]

Mr. André Harvey: Mr. Speaker, I am voting in favour of this motion.

● (1920)

[English]

Mr. John Nunziata: Mr. Speaker, on behalf of the residents of York South—Weston, I would vote yes to this motion.

Mr. Jake E. Hoepfner: Mr. Speaker, the constituents of Portage—Lisgar vote yes.

[Translation]

Mr. Réjean Lefebvre: Mr. Speaker, I vote yes on this motion.

[English]

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

(Division No. 1390)

YEAS

Members

Abbott	Ablonczy
Alcock	Anders
Anderson	Assad
Assadourian	Augustine
Baker	Bakopanos
Barnes	Beaunier
Bélair	Bélangier
Bellemare	Bennett
Benoit	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Bradshaw
Breitkreuz (Yorkton—Melville)	Brown
Bryden	Bulte

Cadman
Cannis
Carroll
Catterall
Chamberlain
Charbonneau
Clark
Coderre
Cotler
Cummins
DeVillers
Doyle
Drouin
Duhamel
Easter
Epp
Folco
Forseth
Gagliano
Godfrey
Goodale
Graham
Grey (Edmonton North)
Guarnieri
Harvard
Hearn
Hill (Macleod)
Hoepfner
Ianno
Jackson
Johnston
Karetak-Lindell
Keddy (South Shore)
Keyes
Kilgour (Edmonton Southeast)
Konrad
Lastewka
Lee
Leung
Lincoln
Lowther
MacAulay
Mahoney
Maloney
Manning
Marleau
Mayfield
McGuire
McLellan (Edmonton West)
McTeague
Meredith
Milliken
Mitchell
Murray
Nault
Nunziata
O'Brien (London—Fanshawe)
Obhrai
Pankiw
Parrish
Penson
Peterson
Phinney
Pillitteri
Price
Proulx
Reed
Richardson
Robillard
Saada
Scott (Fredericton)
Sekora
Shepherd
St-Jacques
Steckle
Stewart (Northumberland)
Strahl
Telegdi
Thompson (New Brunswick Southwest)
Torsney
Valeri
Vautour
Volpe
Wayne
White (Langley—Abbotsford)
Wilfert
Wood—203

Calder
Caplan
Casson
Cauchon
Chan
Chatters
Clouthier
Comuzzi
Cullen
Day
Dhaliwal
Dromisky
Dubé (Madawaska—Restigouche)
Duncan
Eggleton
Finlay
Fontana
Fry
Gilmour
Goldring
Gouk
Grewal
Grose
Harb
Harvey
Herron
Hill (Prince George—Peace River)
Hubbard
Iftody
Jennings
Jordan
Karygiannis
Kenney (Calgary Southeast)
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Kraft Sloan
Lavigne
Lefebvre
Limoges
Longfield
Lunn
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Manley
Mark
Matthews
McCormick
McKay (Scarborough East)
McNally
McWhinney
Mifflin
Mills (Red Deer)
Morrison
Myers
Normand
O'Brien (Labrador)
O'Reilly
Pagtakhan
Paradis
Patry
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proud
Redman
Reynolds
Ritz
Rock
Schmidt
Scott (Skeena)
Sgro
St. Denis
St-Julien
Stewart (Brant)
Stinson
Szabo
Thibeault
Thompson (Wild Rose)
Ur
Vanclief
Vellacott
Wappel
Whelan
White (North Vancouver)
Williams

Government Orders

NAYS

Members

Asselin	Bachand (Saint-Jean)
Bellehumeur	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Blaikie
Blaikie	Brien
Cardin	Crête
Dalphond-Guiral	de Savoye
Debien	Dockrill
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Duceppe
Dumas	Earle
Gagnon	Gauthier
Girard-Bujold	Godin (Acadie—Bathurst)
Godin (Châteauguay)	Gruending
Guimond	Hardy
Laurin	Lebel
Lill	Loubier
Marceau	Marchand
Mercier	Nystrom
Perron	Proctor
Riis	Rocheleau
Sauvageau	St-Hilaire
Stoffer	Turp
Venne	Wasylcia-Leis—43

PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Finance.

(Bill read the second time and referred to a committee)

* * *

MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION ACT

The House resumed consideration of Bill C-14, an act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba, as reported (without amendment) from the committee.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the report stage of Bill C-14. The question is on Motion No. 1. A vote on this motion also applies to Motion No. 2.

[Translation]

Mr. Bob Kilger: Mr. Speaker, I think you would find unanimous consent for the members who voted on the previous motion to be recorded as having voted on the motion now before the House, with Liberals voting nay.

[English]

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

Government Orders

Mr. John Reynolds: Mr. Speaker, Canadian Alliance members vote yes.

[*Translation*]

Mr. Stéphane Bergeron: Mr. Speaker, the members of the Bloc Québécois are in favour of this motion, of course.

[*English*]

Mr. Yvon Godin: Mr. Speaker, the NDP members present are voting yes to this motion and I would like to add the member for Churchill.

Mr. Norman Doyle: Mr. Speaker, the Progressive Conservative members vote no to this motion.

Mr. John Nunziata: Mr. Speaker, on behalf of the residents of York South—Weston, I vote yes to the motion.

[*Translation*]

Mr. André Harvey: Mr. Speaker, I vote nay on this motion.

[*English*]

Mr. Jake E. Hoepfner: Mr. Speaker, Portage—Lisgar votes yes.

[*Translation*]

Mr. Réjean Lefebvre: Mr. Speaker, I will be voting in favour of this motion.

[*English*]

(The House divided on Motion No. 1, which was negated on the following division:)

(Division No. 1391)

YEAS

Members

Abbott	Ablonczy
Anders	Asselin
Bachand (Saint-Jean)	Bellehumeur
Benoit	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Breitkreuz (Yorkton—Melville)
Blaikie	Cadman
Brien	Casson
Cardin	Crête
Chatters	Dalphond-Guiral
Cummins	de Savoye
Day	Desjarlais
Debien	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Dockrill	Dumas
Duceppe	Earle
Duncan	Forsyth
Epp	Gauthier
Gagnon	Girard-Bujold
Gilmour	Godin (Châteauguay)
Godin (Acadie—Bathurst)	Gouk
Goldring	Grey (Edmonton North)
Grewal	Guimond
Gruending	Hill (MacLeod)
Hardy	Hoepfner
Hill (Prince George—Peace River)	Kenney (Calgary Southeast)
Johnston	Laurin
Konrad	Lefebvre
Lebel	Pillitteri
Lill	Loubier
Lowther	Lunn
Manning	Marceau
Marchand	Mark

Mayfield
Mercier
Mills (Red Deer)
Nunziata
Obhrai
Penson
Proctor
Riis
Rocheleau
Schmidt
St-Hilaire
Stoffer
Thompson (Wild Rose)
Vellacott
Wasylcyia-Leis
White (North Vancouver)

McNally
Meredith
Morrison
Nystrom
Pankiw
Perron
Reynolds
Ritz
Sauvageau
Scott (Skeena)
Stinson
Strahl
Turp
Venne
White (Langley—Abbotsford)
Williams—93

NAYS

Members

Alcock	Anderson
Assad	Assadourian
Augustine	Baker
Bakopanos	Barnes
Beaumier	Bélair
Bélangier	Bellemare
Bennett	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Bradshaw
Brown	Bryden
Bulte	Calder
Cannis	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Clark	Cloutier
Coderre	Comuzzi
Cotler	Cullen
DeVillers	Dhaliwal
Doyle	Dromisky
Drouin	Dubé (Madawaska—Restigouche)
Duhamel	Easter
Eggleton	Finlay
Folco	Fontana
Fry	Gagliano
Godfrey	Goodale
Graham	Grose
Guarnieri	Harb
Harvard	Harvey
Hearn	Herron
Hubbard	Ianno
Iftody	Jackson
Jennings	Jordan
Karetak-Lindell	Karygiannis
Keddy (South Shore)	Keyes
Kilger (Stormont—Dundas—Charlottenburgh)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	Lavigne
Lee	Leung
Limoges	Lincoln
Longfield	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Mahoney
Malhi	Maloney
Manley	Marleau
Matthews	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McTeague
McWhinney	Mifflin
Milliken	Mitchell
Murray	Myers
Nault	Normand
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Pagtkhan
Paradis	Parrish
Patry	Peric
Peterson	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Price	Proud
Proulx	Redman
Reed	Richardson
Robillard	Rock

Government Orders

Saada
Sekora
Shepherd
St-Jacques
Steckle
Stewart (Northumberland)
Telegdi
Thompson (New Brunswick Southwest)
Ur
Vanclief
Volpe
Wayne
Wilfert

Scott (Fredericton)
Sgro
St. Denis
St-Julien
Stewart (Brant)
Szabo
Thibeault
Torsney
Valeri
Vautour
Wappel
Whelan
Wood—154

Ritz
Sauvageau
Scott (Skeena)
Stinson
Strahl
Turp
Venne
White (Langley—Abbotsford)
Williams—93

Rocheleau
Schmidt
St-Hilaire
Stoffer
Thompson (Wild Rose)
Vellacott
Wasylcia-Leis
White (North Vancouver)

PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare Motion No. 1 lost. I therefore declare Motion No. 2 lost.

The next question is on Motion No. 3.

Mr. Bob Kilger: Mr. Speaker, if the House would agree I would propose that you seek unanimous consent to apply the results of the vote on Motion No. 1 to the motion now before the House.

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

(The House divided on Motion No. 3, which was negated on the following division:)

(Division No. 1392)

YEAS

Members

Abbott
Anders
Bachand (Saint-Jean)
Benoit
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)
Blaikie
Brien
Cardin
Chatters
Cummins
Day
Debien
Dockrill
Duceppe
Duncan
Epp
Gagnon
Gilmour
Godin (Acadie—Bathurst)
Goldring
Grewal
Gruending
Hardy
Hill (Prince George—Peace River)
Johnston
Konrad
Lebel
Lill
Lowther
Manning
Marchand
Mayfield
Mercier
Mills (Red Deer)
Nunziata
Obhrai
Penson
Proctor
Riis

Ablonczy
Asselin
Bellehumeur
Bergeron
Cadman
Casson
Crête
Dalphond-Guiral
de Savoye
Desjarlais
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Dumas
Earle
Forseth
Gauthier
Girard-Bujold
Godin (Châteauguay)
Gouk
Grey (Edmonton North)
Guimond
Hill (Macleod)
Hoepfner
Kenney (Calgary Southeast)
Laurin
Lefebvre
Loubier
Lunn
Marceau
Mark
McNally
Meredith
Morrison
Nystrom
Pankiw
Perron
Reynolds

Alcock
Assad
Augustine
Bakopanos
Beaumier
Bélanger
Bennett
Bertrand
Blondin-Andrew
Bonwick
Boudria
Brown
Bulte
Cannis
Carroll
Cauchon
Chan
Clark
Coderre
Cotler
DeVillers
Doyle
Drouin
Duhamel
Eggleton
Folco
Fry
Godfrey
Graham
Guarnieri
Harvard
Hearn
Hubbard
Iftody
Jennings
Karetak-Lindell
Keddy (South Shore)
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lastewka
Lee
Limoges
Longfield
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Manley
Matthews
McGuire
McLellan (Edmonton West)
McWhinney
Milliken
Murray
Nault
O'Brien (Labrador)
O'Reilly
Paradis
Patry
Peterson
Phinney
Pillitteri
Price
Proulx
Reed
Robillard
Saada
Sekora
Shepherd
St-Jacques
Steckle
Stewart (Northumberland)

Anderson
Assadourian
Baker
Barnes
Bélair
Bellemare
Bernier (Tobique—Mactaquac)
Bevilacqua
Bonin
Borotsik
Bradshaw
Bryden
Calder
Caplan
Catterall
Chamberlain
Charbonneau
Clouthier
Comuzzi
Cullen
Dhaliwal
Dromisky
Dubé (Madawaska—Restigouche)
Easter
Finlay
Fontana
Gagliano
Goodale
Grose
Harb
Harvey
Herron
Ianno
Jackson
Jordan
Karygiannis
Keys
Kilgour (Edmonton Southeast)
Kraft Sloan
Lavigne
Leung
Lincoln
MacAulay
Mahoney
Maloney
Marleau
McCormick
McKay (Scarborough East)
McTeague
Mifflin
Mitchell
Myers
Normand
O'Brien (London—Fanshawe)
Pagtakhan
Parrish
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proud
Redman
Richardson
Rock
Scott (Fredericton)
Sgro
St. Denis
St-Julien
Stewart (Brant)
Szabo

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PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare Motion No. 3 lost.

• (1925)

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.) moved that the bill, as amended, be concurred in.

Mr. Bob Kilger: Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting yea.

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

Mr. John Reynolds: Mr. Speaker, Canadian Alliance members present vote yes and I would mention that the hon. member for Skeena has left.

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, Bloc Québécois members will be voting against the motion.

Mr. Yvon Godin: Mr. Speaker, NDP members will be voting in favour of the motion.

[English]

Mr. Norman Doyle: Mr. Speaker, the Progressive Conservative members vote yes to this motion.

[Translation]

Mr. André Harvey: Mr. Speaker, I will be voting in favour of the motion.

[English]

Mr. John Nunziata: Mr. Speaker, on behalf of my constituents I would vote yes.

Mr. Jake E. Hoepfner: Mr. Speaker, the constituents of Portage—Lisgar vote yes.

[Translation]

Mr. Réjean Lefebvre: Mr. Speaker, I will be voting against the motion.

[English]

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

(Division No. 1393)

YEAS

Members

Abbott	Ablonczy
Alcock	Anders
Anderson	Assad
Assadourian	Augustine
Baker	Bakopoulos
Barnes	Beaumier
Bélair	Bélanger
Bellemare	Bennett
Benoit	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Blaikie	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bradshaw	Breitkreuz (Yorkton—Melville)
Brown	Bryden
Bulte	Cadman
Calder	Cannis
Caplan	Carroll
Casson	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chatters	Clark
Clouthier	Coderre
Comuzzi	Cotler
Cullen	Cummins
Day	Desjarlais
DeVillers	Dhaliwal
Dockrill	Doyle
Dromisky	Drouin
Dubé (Madawaska—Restigouche)	Duhamel
Duncan	Earle
Easter	Eggleton
Epp	Finlay
Folco	Fontana
Forseth	Fry
Gagliano	Gilmour
Godfrey	Godin (Acadie—Bathurst)
Goldring	Goodale
Gouk	Graham
Grewal	Grey (Edmonton North)
Grose	Gruending
Guarnieri	Harb
Hardy	Harvard
Hearn	Herron
Hill (MacLeod)	Hill (Prince George—Peace River)
Hoepfner	Hubbard
Ianno	Iftody
Jackson	Jennings
Johnston	Jordan
Karetak-Lindell	Karygiannis
Keddy (South Shore)	Kenney (Calgary Southeast)
Keyes	Kilger (Stormont—Dundas—Charlottenburgh)
Kilgour (Edmonton Southeast)	Knutson
Konrad	Kraft Sloan
Lastewka	Lavigne
Lee	Lefebvre
Leung	Lill
Limoges	Lincoln
Longfield	Lowther
Lunn	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Mahoney

*Adjournment Debate***ADJOURNMENT PROCEEDINGS**

Malhi
Manley
Mark
Matthews
McCormick
McKay (Scarborough East)
McNally
McWhinney
Mifflin
Mills (Red Deer)
Morrison
Myers
Normand
Nystrom
O'Brien (London—Fanshawe)
Obhrai
Pankiw
Parrish
Penson
Peterson
Phinney
Pillitteri
Price
Proud
Redman
Reynolds
Riis
Robillard
Saada
Scott (Fredericton)
Sgro
St. Denis
St-Julien
Stewart (Brant)
Stinson
Strahl
Telegdi
Thompson (New Brunswick Southwest)
Torsney
Valeri
Vautour
Volpe
Wasylycia-Leis
Whelan
White (North Vancouver)
Williams

Maloney
Manning
Marleau
Mayfield
McGuire
McLellan (Edmonton West)
McTeague
Meredith
Milliken
Mitchell
Murray
Nault
Nunziata
O'Brien (Labrador)
O'Reilly
Pagtakhan
Paradis
Patry
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proctor
Proulx
Reed
Richardson
Ritz
Rock
Schmidt
Sekora
Shepherd
St-Jacques
Steckle
Stewart (Northumberland)
Stoffer
Szabo
Thibeault
Thompson (Wild Rose)
Ur
Vanclief
Vellacott
Wappel
Wayne
White (Langley—Abbotsford)
Wilfert
Wood—214

[*English*]

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

CHST

Mr. Greg Thompson (New Brunswick Southwest, PC): Madam Speaker, a number of weeks ago, in fact in June before we recessed for the summer, I asked a question of the Minister of Finance regarding the CHST, the Canadian health and social transfer, the moneys going to the provinces mainly for education and health care among other things. It is the moneys that come from the federal government in support of health care provincially.

Obviously we are not satisfied with the arrangements. In response to the minister's reply, there is no question that there is an election coming. We are having a bit of fun on the other benches, I can see, but the federal government has just announced that about \$4 billion is going to the CHST. I remind the Canadian public that this will bring us back to the same levels of spending that we had in 1994. We will almost 10 years behind the eight ball. Of course, that money will not kick in for another 18 months.

● (1930)

It is money that the provinces and the federal government agreed to, but basically the provinces did it with no guarantees at all coming from the federal government in terms of national standards. The provinces simply bought in with the money, with no guarantees for national standards in the future.

The government is taking a lot of credit for having done this, for putting money back into health care. However, the House will remember that the government created this problem. The government has not fixed it. It has no plan for the future. Basically the government makes it up, fixes it up and rolls along without any consideration for what it will do down the road. Canadians are not satisfied with that approach of stumble along and make it up as we go along. It is an approach that the government has taken for the last seven years and I think the Canadian public is getting wise to it.

Why I say this is that with this injection of money basically on the eve of an election, we can see how quickly the provinces came to an agreement with the federal government. Knowing full well that an election is coming, the government wanted it off the table. Basically the Prime Minister said "Here is the cash. Take it and run. Get out of my way. Incidentally, there is an election coming, so just get out of my hair. Here is the money. Take the cash and run".

NAYS

Members

Asselin	Bachand (Saint-Jean)
Bellehumeur	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Cardin
Brien	Dalphond-Guiral
Crête	Debien
de Savoye	Duceppe
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Gagnon
Dumas	Girard-Bujold
Gauthier	Guimond
Godin (Châteauguay)	Laurin
Harvey	Loubier
Lebel	Marchand
Marceau	Perron
Mercier	Sauvageau
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PAIRED MEMBERS

*Nil/aucun

The Speaker: I declare the motion carried.

Adjournment Debate

That is not a plan. That is just political opportunism for the wrong reasons. Basically the Liberals are hoping for a deathbed reprieve, which the government got in 1997. The House will remember that on the eve of the 1997 election the Liberals threw in a billion dollars to appease the provinces and in the middle of a campaign came up with a promise for pharmacare, a pharmaceutical program and a home care program, a promise that they had no intention of keeping.

It was simply to appease the people, to get them on side, and it was "By the way, an election is coming". They have not honoured those promises. They have no plans for the future nor do they have a plan going into this election other than "Here is the cash. Take it and run".

There is an old expression "Fool me once, shame on you; fool me twice, shame on me". The Canadian public will not fall for this trick, the same trick that the Liberals used in the 1997 election. They fooled us twice. They are not going to do it—

The Acting Speaker (Ms. Thibeault): The Parliamentary Secretary to the Minister of Finance.

Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.): Madam Speaker, the member for New Brunswick Southwest seems to have the numbers mixed up. In fact, the Prime Minister recently concluded an agreement with the provinces and territories which will invest \$23.5 billion in the health care system through the Canada health and social transfer. That is in addition to the \$14 billion that was put into the CHST in the two previous budgets. That is a total of \$37.5 billion, which is significantly more than the figure of \$4.5 billion the member quoted.

The reason for the original question from the member to the minister had to do with the CHST as a block fund. I would like to

say that the CHST gives provinces greater flexibility to allocate resources according to their own priorities. As a block fund, the CHST also allows provinces to design programs and reflect their unique circumstances and needs. Maintaining artificial boundaries between social programs is not good social policy. Health, education and social assistance are all interrelated. Furthermore, these programs fall under provincial jurisdiction. Provinces know how to best tailor programs to meet the needs of their own residents.

● (1935)

Having said this, I should note that maintaining the CHST as a block fund does not preclude agreements on targeted investments. Indeed, at the last first ministers meeting, as I just pointed out, first ministers agreed that of the additional \$21 billion invested in the CHST over five years, \$2.2 billion would be earmarked for early childhood development. In 1999 all premiers made a commitment to spend the \$11.5 billion in new CHST cash provided in that year's budget on health care.

In conclusion, the agreement reached at the first ministers meeting and the 1999 budget clearly demonstrate that the CHST is an effective instrument for achieving national policy objectives while at the same time providing provinces and territories with the flexibility required in a mature federation.

[Translation]

The Acting Speaker (Ms. Thibeault): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.36 p.m.)

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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

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