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OFFICIAL REPORT  
(HANSARD)

**Monday, May 7, 2001**

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Monday, May 7, 2001

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

### FOOD AND DRUGS ACT

**Hon. Charles Caccia (Davenport, Lib.)** moved that Bill C-287, an act to amend the Food and Drugs Act (genetically modified food), be read the second time and referred to a committee.

He said: Mr. Speaker, the bill is in favour of mandatory labelling of genetically modified foods in Canada, and for, understandably, good reasons.

First, let me say that the debate today is timely. Just last week Ottawa hosted a meeting of the Codex Alimentarius Commission's Committee on Food Labelling.

Last month Canada signed a biosafety protocol to regulate the trade on living modified organisms.

Finally, the European Union, Japan, Australia, New Zealand, South Korea and others are developing or implementing legislation requiring mandatory labelling on genetically modified foods.

Against this background, the issue of labelling genetically modified foods requires urgent attention because Canada's domestic labelling policy has implications for people, for international trade and for Canada's compliance with international agreements.

Let me explain. Members of the House, either through media or from letters, have been made aware of growing concerns over the pervasive presence of genetically modified foods in the food chain. There is definitely a lack of public confidence due in good part to having been kept in the dark, beginning with the fact that the public does not know which foods are genetically modified and which are not.

What is the purpose of the bill? Members of the House have probably receive all sorts arguments against the mandatory labelling of genetically modified foods. I urge hon. members to keep in mind that this is not a complex, scientific nor technical issue. It simply comes down to the fundamental right of people to know. Canadians want to know what is in their food. It is as basic as that.

Is a mandatory labelling system feasible? Let me describe the key features of C-287 with respect to feasibility and reliability of a mandatory labelling system for GM foods.

What are genetically modified foods? There is confusion surrounding which foods should be labelled. Should foods that are the result of traditional breeding be labelled? The answer is, no. The confusion arises from the fact that genetically modified foods in Canada fall under the broad definition of novel foods in the Food and Drugs Act.

By contrast, international agreements are clear on that issue. As a result, members will find in Bill C-287 that genetically modified food is defined in accordance with the Cartagena protocol on biosafety. This protocol has been signed by Canada. Consequently, the labelling would apply only to food or food ingredients that contain genetic material obtained through the use of modern biotechnology. Nothing more, nothing less.

Having clearly defined GM foods, the bill aims at ensuring that the genetic history of a food or food ingredient be recorded and traced through all stages of production, distribution, manufacture, packaging and sale. This is the only way to ensure the integrity of the documentation trail, to provide accurate labelling and prevent incorrectly labelled material from reaching the consumer. The result of the documentation trail is that no person can sell genetically modified foods unless it is labelled "This food is genetically modified". Foods that have not been genetically modified do not need to bear this label.

This proposed system does not prevent a vendor from voluntarily applying a label describing the food as genetically modified free, if that is the case.

*Private Members' Business*

• (1110)

Why mandatory labelling? Opponents to mandatory labelling of genetically modified foods often refer to the process set up by the Canadian Council of Grocery Distributors under the auspices of the Canadian General Standard Board. They form the committee called, and I quote, "The Committee on the voluntary labelling of foods obtained or not obtained through genetic engineering".

Regrettably, there has never been a consultation through this committee on whether to proceed with a mandatory or a voluntary labelling system for genetically modified foods. The committee on voluntary labelling was struck to work only on a voluntary standard for labelling on genetically modified food. I submit that such a voluntary system offers no guarantee that all foods containing genetically modified material will be labelled.

Under a voluntary labelling system, some foods may be labelled and others may not be. This would be confusing and deceptive to consumers who want to know what they eat. Separation and tracking of genetically modified foods in our food system, as proposed in the bill, are essential features to providing consumers with accurate information. This accuracy cannot be achieved with a voluntary system.

Moreover, a voluntary labelling system cannot offer any guarantee of the genetic integrity of experts to our trading partners.

The committee on voluntary labelling is currently contemplating a voluntary labelling system with four different labels: genetically engineered, genetically modified, non-genetically modified and non-genetically engineered. This is utterly confusing to say the least.

Bill C-287 would put in place a simple mandatory label stating "this food is genetically modified", or "this food contains an ingredient that is genetically modified".

The committee on voluntary labelling has had eight meetings since November 1999. It may be meeting for a long time before it can reach consensus on a standard for voluntary labelling. In the meantime, Canadian consumers and trading partners are kept waiting and will continue not to be informed about the content of the food.

Let me also mention this very important fact about voluntary labelling. It is already possible under the Food and Drugs Act to identify biotechnology products under certain conditions. In fact, the Canadian Food Inspection Agency states "Consumer choice can already be accommodated through Canadian legislation via voluntary labelling companies". Yet, although it is currently permitted under the law, food companies have not seen the necessity to label their products containing genetically modified ingredients. Hence the need for a mandatory labelling system requiring companies to inform Canadians.

I have a final note on the voluntary labelling committee. I believe industry sponsored, closed processes are inappropriate for dealing with an issue as important as food safety and the right to know what we eat. Such debate belongs here, in parliament, and this is one of the reasons for bringing Bill C-287 before the House.

I want to say a few words about the advantages of tracing genetically modified food and of labelling. A mandatory labelling system would make available crucially needed information. It would indicate where genetically modified foods can be found in the food chain, something we are not sure of at this moment. Scientists and medical professionals have frequently made that request. Let me quote from a statement last year by the British Medical Association:

Genetically modified foodstuffs should be segregated at source, to enable identification and traceability of genetically modified products. This is important as there are considerable doubts about the behaviour of GMOS once they are released into the environment, and this will also facilitate monitoring in the interests of public health. It is unacceptable that at present some GM and non-GM products are mixed at source, and are not adequately labelled.

This is quite a firm statement by a medical source.

The current Canadian policy is to limit labelling where there are proven health or safety concerns. However, how can potential long term health effects that may arise from the consumption of genetically modified foods be proven a priori in advance?

• (1115)

In Bill C-287 at least we address this question by mandating the Minister of Health to use information provided by the labelling system and conduct research into the possible long term effects of the consumption of genetically modified food on health. This approach is consistent with the precautionary principle, which Canada adhered to in 1992 at the Rio convention.

I have a few words now about the loss of export markets. Hon. members are being told it is not feasible, too costly and not in Canada's interest to label genetically modified foods. This is not the case. Mandatory labelling is necessary for trade and economic reasons. Our farmers and agribusiness have already incurred costs as the result of the loss of export markets. Without a reliable system for separating genetically modified crops from non-genetically modified crops, we continue to lose export markets in countries that have banned genetically modified foods or require the labelling of genetically modified foods.

We can no longer export canola to Europe. We will soon not be able to export soya to Japan. The Canadian Wheat Board is pleading with the Canadian regulatory agency not to approve genetically modified wheat for fear of losing export markets. As a major agricultural producer and exporter of crops such as wheat, canola, corn and soya beans, Canada relies on their European market for export of agrifood products. Canada cannot continue to lose markets because of an obsolete policy which is increasingly out of sync with the rest of the world.

About the feasibility of separating GM crops and private sector initiatives in response to consumers' demands, this can be said. There is the argument that it is not feasible to separate GM crops from non-GM crops. There are many initiatives by the private sector to the contrary. For example, Casco Inc., a milling industry, announced in spring 1999 that in order to retain its European customers it would no longer be buying varieties of genetically modified corn.

In September 1999 the agribusiness company Archer Daniels Midland asked corn and soya bean suppliers to keep their genetically modified crops separate. Then Commercial Alcohols Inc., Nacan, A.E. Stanley, McCain, Gerber baby foods and Seagram have joined the ranks of food processing companies that will not use genetically modified foods.

Similarly, members of the Prairie Oat Growers Association issued a news release stating that they do not favour the commercialization of any genetically modified oats until there is a clear market signal in consumer acceptance to do so.

As members can see, the private sector is already responding to consumer demand by separating genetically modified crops from non-genetically modified crops so as to continue to supply to expanding markets.

I submit that it is time for Canada to establish a system for separating genetically modified crops from non-genetically modified crops and go for a mandatory labelling system in keeping with market demands.

I have a few words about farmers and genetically modified crops. Some will tell hon. members that genetically modified crops benefit farmers and are necessary for their survival. Nothing could be further from the truth. In fact the National Farmers Union adopted a new policy in December of last year which called for a moratorium on the production, importation, distribution and sale of genetically modified food.

In the policy, the farmers union speaks of markets in Europe, Japan and elsewhere that are closing and domestic markets that are being likewise threatened. It states that closing markets and falling prices threaten to overwhelm any small, short term economic benefit genetically modified crops or livestock may offer. The farmers union makes the very important point that the proliferation of some genetically modified crops has effectively deprived many organic farmers of the option to grow those crops. The National Farmers Union also states that:

Food products which contain genetically modified ingredients must be subject to clear, consistent, mandatory labelling.

• (1120)

Do we need more evidence? Is it not abundantly clear that the uncertainty surrounding genetically modified crops and the lack of

public acceptance, the trend in foreign markets and domestic markets are real concerns?

To conclude, it seems to me the necessity of mandatory labelling is evident. We cannot wear blinkers and pretend this is strictly an issue of our domestic regulatory system because it is not. The rest of the world has recognized the need for mandatory labelling of genetically modified foods and is moving ahead. Canada will be left behind.

I would like to reiterate the fact that mandatory labelling is a response to a basic right and that is that Canadians want to know what they eat. Mandatory labelling is in Canada's economic interest. Mandatory labelling corresponds to Canada's international commitments. Mandatory labelling is relevant to human health.

Opponents of labelling say there are already too many genetically modified foods on our store shelves to make labelling meaningful, that the horse is out of the barn and that it is too late to fix the stable door. These arguments are weak. The fact is that having invested so much in the diffusion of this technology we have an obligation, a clear interest and a responsibility to label. Moreover, mandatory labelling would actually increase the public's acceptance of this technology. It would remove the suspicion that there is something to hide. It would reduce the public's distrust in this technology.

Finally, without mandatory labelling we would deny Canadians the fundamental right to know how the food they eat has been produced and to make an informed choice. Is that not the essence of democracy?

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, I would ask for the consent of the House to share my time with the member from Nanaimo—Alberni.

**The Deputy Speaker:** Does the hon. member have the consent of the House to share his time?

**Some hon. members:** Agreed.

**Mr. Howard Hilstrom:** Mr. Speaker, Bill C-287, which deals with mandatory labelling, as put forward by the member for Davenport, represents a personal interest of his. I sat on the environment committee that he chaired.

The member is speaking on behalf of farmers and farm organizations. The member should look at what the letters which received from the farm organizations actually state. They do not support mandatory labelling.

For quick reference, I will refer to a letter from the National Dairy Council of Canada addressed to the member for Davenport, which is also supported by corn and grain growers and other farm groups. The essence of their letter was that:

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We find it difficult to appreciate the need for mandatory labelling legislation at this time. It is certainly not a food safety issue, as CFIA and Health Canada are reviewing stringently the safety of those products. We doubt it can be a nutritional or allergy issue, either.

Those are also dealt with by the people who regulate our food safety in this country.

Not only do we have to look at the arguments put forward by the member for Davenport, we also look at the arguments of other players in this issue, including the many millions of Canadians who do not want mandatory labelling. They want a voluntary labelling system that responds to their consumer demands.

I note that Bill C-287 acknowledges there is no safety risk to our food supplies. Clause 7.1(1) states:

No person shall sell or offer for sale a food that contains more than one per cent of a genetically modified food.

If we are going to allow 1%, then we are consuming it. The bill itself states that the food is safe. The argument then gets down to why would we have mandatory labelling? It is due to a response that the member feels a significant number of consumers want it. There are a significant number of consumers, people in agriculture in particular, who say that mandatory labelling is not required and let consumer demand, through the retailer and the wholesaler, make the case. The consumers of course is spending the dollar, so if the demand is there the dollar will be spent on what the consumers wants. If they are demanding mandatory labelling, they will say that they will not buy unlabelled food. That is clearly not the case.

• (1125)

I will not be supporting Bill C-287 because it will implement the mandatory labelling, which is not the right approach for Canada. The majority of farm organizations that I met with were not in favour of this.

I would also point out that the Royal Society of Canada expert panel concluded in its report:

The panel believes that strong government support for voluntary labels is an effective way of providing consumer input into these issues, and (the panel) encourages the Canadian regulatory agencies responsible to establish guidelines for the regulation of reliable, informative voluntary labels.

That is the essence of the argument. There is no safety issue. The response to the consumer is the important thing. I am a farmer; a cattle rancher. I respond to the consumers and give them the products they want and for which they are willing to pay. That is the same with this labelling issue. There is no reason to have mandatory labelling. It should be left up to the consumer. The Canadian Alliance policy refers to the fact that we support voluntary labelling.

Those are the comments I would like to make in this debate.

**Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance):** Mr. Speaker, I am pleased to also share in this time of debate. This

is a very important issue. I thank the hon. member for Davenport for bringing the matter before the House. It is a matter of concern to a lot of Canadians.

We are the party of free votes, so members may find that some of my remarks will differ a little from my colleague for Selkirk—Interlake. I would like to approach this from a health perspective since that is my primary concern and mandate on this side as deputy health critic.

I would like to begin with a few remarks about basic biology and the adult human body. We have a bunch of them in the House today. An adult human being represents about 80 trillion to 100 trillion cells. We represent a fantastic organization. If we think about it, there are 80 trillion to 100 trillion cells which are organized in about 200 different cell types in the body. They are very different. Bone cells are different from cardiac cells. Liver cells are different from nerve cells. Red blood cells are different from cartilage. Yet amazingly they are all read the same blueprint. The uniqueness that is expressed in us that makes us distinctly human is because of the blueprint, the DNA.

The genome project recently made a milestone contribution to the understanding of how our diversity and our uniqueness is expressed. It identified about 30,000 genes in a human being. The people were rather surprised because the humble fruit fly had about 13,000 genes.

The remarkable thing about the genome project was it found that as human beings we are remarkably alike, about 99.9% the same. Imagine there are about six billion people on the planet and as different as we are, genetically we are nearly the same. It is that very small difference which accounts for all the differences we attribute and make such a big deal about between us as human beings.

There is a law in science called the law of biogenesis. Basically it says that when it comes to reproduction, every kind produces its own kind: humans have humans; horses have horses; snakes make snakes; and flies make flies. It is in the blueprint that we find this tremendous variation.

• (1130)

By selective breeding, different traits or characteristics can be emphasized within any particular species. An example is the tremendous variation found in canine species or even in selectively bred roses. However, from the beginning of time the law of biogenesis has held true: every kind brings forth its own kind.

Historically the development of improved crop characteristics has evolved in the same way as selective procedures found in other species, such as human, canine, butterflies and roses, selecting from the gene pool within the species.

Health Canada's approach to date with genetically modified foods has been to say that food should be judged by the quality and

nutritional value rather than how it was made. What makes GM foods and GMOs different is that modern biotechnology has pressed beyond the marvellous gene pool that defines each species, with the intent of inserting a gene from a different species. This is a major departure from what the world throughout the ages has known.

Are GM foods safe? What are the long term effects of GM foods on human beings and on the environment? Frankly, no one knows for sure.

I might address the argument of substantial equivalence, that is, saying that a genetic change is so small that it does not change the outcome. However, that argument is frankly not supported by an investigation done by the Royal Society, which looked into the matter at great length. It rejects the concept of substantial equivalence as precautionary for the safety of these foods.

There are many concerns raised about genetically modified foods in terms of the biological implications. When a novel gene is introduced the context is changed and the long term effects of that in regard to human illness have not been adequately studied.

To quote the Royal Society, the panel said:

As a precautionary measure, the Panel recommends that the prospect of serious risks to human health, of extensive, irremediable disruptions to the natural ecosystems, or of serious diminution of biodiversity, demand that the best scientific methods be employed to reduce the uncertainties with respect to these risks. Approval of products with these potentially serious risks should await the reduction of scientific uncertainty to minimum levels.

In conclusion, it is my view that if we intend to introduce biological changes the world has never seen, we have an obligation to ensure that best science practices—

**The Deputy Speaker:** I regret to interrupt the hon. member. When members receive consent to split their original time of 10 minutes, their time for debate becomes 5 minutes for each member. I cannot deviate from that.

[*Translation*]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, I am pleased to rise today to speak to Bill C-287, an act to amend the Food and Drugs Act (genetically modified food), which was introduced by the hon. member for Davenport and aims at making mandatory the labelling of all the food that is genetically modified or contains more than 1% of a genetically modified food.

For almost three years now the Bloc Québécois has been demanding mandatory labelling of genetically modified food and food products. In November 1999, the Bloc undertook a consultation and an information tour in all the regions of Quebec. This tour was a huge success.

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The Bloc also had a petition circulated that gathered close to 50,000 signatures and was tabled in the 36th parliament by the then hon. member for Louis-Hébert, the former Bloc member who, I want to remind the House, rose dozens of times in the House to demand again and again the very same thing, the labelling of GMOs. Why? Because the Bloc Québécois feels that each and every citizen has the right to know exactly what is in his or her plate. In spite of all the efforts the Bloc made in order to get this government to listen to the concerns of the population of Canada and Quebec, the federal Liberals turned a deaf ear on the demands made by the Bloc Québécois, which are broadly supported by the population.

• (1135)

The single, and minimal, action taken by the government on GMOs was to strike committees to address the question.

GMOs have been on the market for five years now, and at this time committees are looking at labelling standards. Is this a really serious approach? One might well ask.

What is more, it is already predictable that these standards will be voluntary, and there is nothing to indicate that they will be adopted by companies not currently labelling GMOs.

Perhaps this government needs to be reminded of a few facts that seem to justify its laxness in the field of GMOs, since its position, essentially, like the major food industries, is that there is no proof that GMOs are harmful to health.

This argument is correct, so far, of course, but that may be because there have been no studies on the medium and long term effects of GMOs on human and animal health, or on the flora and fauna.

I would ask this. Can a responsible government treat such risks so lightly? Of course not, particularly since we know that food products containing GMOs have been on the market for the past five years and that 42 genetically modified plants are authorized for use in Canada.

David Suzuki, a well known journalist whose background is in genetics, has already said that politicians who insist GMOs are without danger are either liars or fools.

We know that the countries of the European Union recommend caution: first, in the absence of scientific proof, a prudent approach must be taken in order to prevent potential damage by GMOs to health and the environment.

Second, preliminary studies by scientists in a number of countries indicate that certain GMOs had negative effects on rats, insects and bacteria. These studies, while not involving humans,

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should encourage us to further investigate their effects and to expand them to humans.

Third, it should be noted in passing that the companies claiming the GMOs they produce are risk free also oppose any sort of regulation that would make them responsible for damage caused by their genetically modified products.

If these companies refuse to assume this responsibility, if preliminary studies indicate that there are effects on certain beings, if certain countries are moving very cautiously on the issue of GMOs, is it not simple justice to give consumers freedom of choice to decide whether or not they want genetically modified foods in their plate?

By playing the game of the food industry and not requiring it to separate products containing genetically modified foods from those that do not, the government is running the risk, over the medium term, of finding itself locked out of certain foreign markets.

We will recall the remarks by the Commissioner of the Environment and Sustainable Development in his report, and I quote:

Genetically modified crops constituted a relatively small proportion of this amount (roughly \$840 million or four percent); however, because Canada's bulk commodity handling and transportation system is not currently equipped to segregate genetically modified varieties from the non-modified varieties, all exports of those crops (\$2.8 billion) could have been affected.

From this perspective, farmers could find their genetically modified crops and food products made from them banished from the export markets of Europe and Asia. Mexico and the U.S. are currently looking at mandatory labelling of GMOs, and in Canada, some of the major companies, such as McCain and Frito-Lay are no longer buying GMOs.

• (1140)

Food distributors or exporters could also risk losing market opportunities for food products not labelled in such a way as to indicate that they contain GMOs.

In concluding, allow me to mention that, fortunately, some members opposite are well aware of the problems to which Canada might expose itself by not clearly identifying foods containing GMOs. These members finally understood that people's freedom to choose what they eat is a basic right. So voices are being heard from within the government party itself. As proof, this bill was introduced by a member of the government party.

I know that the hon. member for Davenport has his heart set on labelling genetically modified foods and that he supported the efforts made in the past by the Bloc Québécois in this regard. I sincerely hope that the introduction of his bill will get his party's other members and the ministers thinking about this so that the

Canadian government, like several European countries, will make it mandatory to identify foods containing GMOs.

[*English*]

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, I am pleased to take part in this private members' hour on genetically modified organisms and the need for mandatory labelling. I congratulate the hon. member for Davenport and say at the outset that certainly this private member's bill has the full and unconditional support of the New Democratic Party caucus in the House of Commons.

In fact, at a convention in August 1999 we introduced a resolution that substantially supported what is now contained in the member's bill. It passed overwhelmingly at our national convention.

What is genetically modified food? It is the splicing of a gene from one organism into a plant or animal to confer certain traits that are not inherent. The purpose can be manifold. It can be to increase the yield of the product, to prolong shelf life or for crop resistance such as, for example, something that perhaps would be more resistant to drought.

I would be remiss if I did not acknowledge the work that has been done in this area, as my colleague from the Bloc Québécois noted in her speech, by Madam Hélène Alarie, who was the member of parliament for Louis—Hébert in the last parliament and did an enormous amount of work on this, and by my colleague from Winnipeg North Centre, who also has a private member's bill on this topic.

I recall in the 36th parliament that at one point in our deliberations in the Standing Committee on Agriculture and Agri-Food we were to have struck a subcommittee between the Department of Health and the Department of Agriculture and Agri-Food to deal with the whole business of genetic modification, labelling, et cetera. I still to this day do not know quite what happened, except that the then chair of the committee reported at some point that the notion of a subcommittee to look at it had fallen through. Fingers were pointed as to which caucus was responsible. I and my colleague from the Conservative Party who sits on the committee simply do not know what happened. However, I think it was an important opportunity missed and I certainly hope the government is going to learn from that lesson.

I recall that the Standing Committee on Agriculture and Agri-Food did look at the question of labelling. People from the Canadian Food Inspection Agency were before the committee about a year ago. I recall what I thought was a bizarre exchange at the time. Someone from the food inspection agency was asked how a product listed as organic would be dealt with by the CFIA. The answer was that the agency would look at it very carefully to determine that it was indeed an organic product and met all the criteria and guidelines.

• (1145)

We then asked what would happen if the CFIA were handed a product to test that may contain genetically modified food or organisms. The answer that we got back at the time was that it would not consider it at all because when it was tested one day it may contain GMO, and when it was tested the next day it would be GMO free. That flies in the face of what most Canadians want to see in terms of the labelling process.

We have not heard from government members, but I suspect that when they get up to speak they will be opposed to the bill, although for the life of me I do not understand why. We talk a lot in the House about democracy and transparency. Public opinion polls indicate that in excess of 90% of Canadians believe they should have the right to know what is in the food they are ingesting. I have difficulty understanding why the government has been dragging its heels to the extent that it has on this issue.

One of the reasons consumers are interested and concerned about this issue is that they believe genetically modified foods may contain allergenic, toxic or even carcinogenic aspects. They do not know and they darn well want the right to know.

The issue the member for Davenport is specifically concerned about in the legislation is that of labelling, whether it should be voluntary or mandatory, which he clearly demonstrated in his remarks. Consumers associations, health and environmental groups clearly want mandatory labelling. The government and, admittedly, some agricultural organizations prefer to go in a voluntary way.

With voluntary labelling, and this is part of our concern, consumers still cannot be sure the food they are buying is safe and farmers will not know if the crops they are planting will be marketable. The member for Davenport talked about the fact that Canadian canola farmers have been shut out of the European market because more than 50% of the canola produced in Canada now is genetically modified and the European Union has a ban on that.

We have had the Canadian Wheat Board and other organizations talk about the need to prohibit the commingling of products. We could very clearly have non-GMO products and products that have been genetically modified so that we can market our crops around the world, and not be shut out of markets in the way that it is happening today.

We do favour mandatory labelling. We have called on the government to take immediate steps to implement a labelling process that will make consumers aware of all genetically modified products, produce and components in processed foods.

The other matter that needs to be touched on is that there was a lot of emphasis six or eight months ago on the government telling

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us to wait for the Royal Society of Canada to make its report. That came down earlier this year and amounted to a scathing condemnation of the practices of the government on the question of food safety. The report says that Canadians do not know that genetically modified foods are safe because the process of approvals by the government is so flawed and problematic.

Given those concerns, we have been asking for months, as the private member's bill indicates, for a process of mandatory labelling of all genetically modified foods so that Canadians know what they are eating.

When we talked about this at committee, we had the bizarre argument that if we had to put labelling on a product that was genetically modified, we would end up with a label on an eight ounce jar that was perhaps two feet long. That would be ridiculous. I submit that in this day and age it would be relatively easy for a company that had a genetically modified product to be able to say that the product contained GM food. They could send people to their website for details on the product without increasing the size of the label in any way.

• (1150)

I have basically summarized the New Democratic Party's position on the bill. I congratulate the member for Davenport for introducing the bill. This is the first of three hours on the bill and other members of the New Democratic Party will be speaking in favour of the bill at subsequent opportunities.

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, it is my pleasure to stand in the House today to represent the position of the Progressive Conservative Party on Bill C-287.

First, I congratulate the member for Davenport who is seen in the House as being an effective spokesperson for the environment and a very passionate advocate with respect to mandatory labelling.

The Progressive Conservative Party does say quite emphatically that it would work toward mandatory labelling and do so in a very logical and cautious way. We will initially support the legislation in order to move it into committee because there are a number of areas that need to be debated and discussed.

I sit on the agriculture committee. I must congratulate a previous member, Ms. Hélène Alarie, who was a passionate advocate of this particular topic. She put forward a private member's motion which I and my party voted against. We did not vote against it because we did not feel very strongly about mandatory labelling but because the agriculture committee was going to strike a subcommittee to discuss in detail the positives, the weaknesses and the flaws in mandatory labelling.

Many questions on mandatory labelling need to be debated and the best place for that debate would at committee where the

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necessary stakeholders, consumers, producers and corporations can put their positions forward on mandatory labelling.

It is refreshing to see a bill come forward from a member of the government where it is contrary to government policy and a votable item. It will be interesting to see how the government deals with this particular issue.

The bill does have a number of flaws. One of the specific flaws is that the bill calls for a very narrow definition of GM food to go into the Food and Drug Act. Canada's novel food regulations uses a very broad definition in capturing the regulatory system of anything with a novel heritable trait. This minimizes negative environmental and biodiversity impacts. Because the FDA supersedes the novel food regulations, the breadth of the products that go through the regulatory system would be narrowed to the product of one GM technology and everything else would pass into the food chain unregulated.

It is clear that most Canadians support the principle of openness and transparency within the bill. However, achieving the end results will be a very difficult task, as I am sure the member for Davenport accepts.

The Progressive Conservative Party believes that Canada's biotechnology industry, along with genetically enhanced food, has for the most part benefited our agriculture and agri-food sectors, and Canada as a whole. Biotechnology offers major opportunities to improve both our environmental integrity and improve our food quality.

The challenges that we must face in creating a solid and dynamic biotechnology industry are twofold. First, we must create a climate in which industry sectors can flourish, both here and internationally. International trade is very important.

Second, we must meet the public's concerns about their own health, environment and the safety of GMOs.

It would be unrealistic to think that we can put an end to the biotechnology advancements. We do not want that. I do not believe anyone in the House believes we should stop the advancements of biotechnology. What we can do is find ways to improve the system as it stands today and help improve consumer confidence in the foods that we eat.

During the last federal election, our party stated that it would ensure greater public involvement in the setting of policy and regulations.

● (1155)

We would work closely with the provinces, industry and the large number of consumer stakeholders interested in the question of biotechnology generally and GMOs in particular. We would work to create ways in which the industry's need and the public's

real concerns about the health and environmental safety of genetically modified foods could be addressed and resolved.

We would commit to a law requiring the labelling of all genetically modified foodstuffs and products for human consumption. It would include a caveat that mandatory labelling could only occur in the future if done in a cost effective manner, in concert with food labelling policies of other major food processing and trading countries, and by using standards consistent with those of current Food and Drugs Act regulations and international standards. That goal could be achieved if these conditions are met.

There are few issues today that are as complex and as detailed as the issue of labelling food products derived by genetically modified means. There have been ongoing discussions on this topic for over 10 years.

One of the benefits of the biotechnology and GMOs is their multitude. They increase our competitiveness as Canadian agri-food processors and producers. They increase the yields needed to compensate for the increase in world population. They develop more sustainable agricultural practices like zero till and less pest control. In our opinion we should look forward to the benefits of biotechnology and genetically modified organisms.

However there are some issues that are still outstanding with mandatory labelling such as, as was mentioned earlier, the segregation of foodstuffs. We have some difficulty right now in our food production, segregating the food product itself, for example the grains we put into the international marketplace. We have to get that aspect under control as well.

Testing is a very important aspect of the whole issue. We have to know that testing can be done economically as well as effectively so that we know which is a genetically modified organism and which is not.

We also have to look at world standards. We have to make sure we work in concert with the rest of the world. We cannot sit in isolation, deal with mandatory labelling and put in different standards that are not accepted in the world marketplace. Our export markets are absolutely vital to the lifeblood of agriculture. Therefore we must make sure that any standard we set with labelling is a standard that is acceptable by our trading partners.

There is unfortunately no standard at this point in time. We have labelling rules that are being set by communities throughout the globe that are totally different from others. For example, the United States, our major trading partner, is currently only looking at rules for voluntary labelling and not mandatory labelling.

In the European Union all products containing 1% or more GM material must be labelled. Japan is looking at some new changes to its labelling process. It is to take effect this year and require mandatory labelling for food products and processed foods that

include one or more genetically modified organism as one of the top three ingredients include. Australia and New Zealand have some very strict labelling requirements, whereas in China there are no labelling requirements at all. We must get together and try to work out a standardized world labelling system so that we can compete in a very competitive world market.

As for our position, it is clear that consumers demand to be informed and we as legislators should look at ways to make changes to cater to these demands. A substantial amount of misinformation continually comes forward with respect to genetically modified organisms and labelling. As parliamentarians we must make sure that the misinformation is backstopped by the proper and correct information. To stick our heads in the sand and not have this go forward is not the way that producers would have us look at the changes in our products and how we market those products.

I would like to see this go forward, with the condition that we do not compete with those people who are already out there doing an awful lot of work on GMOs. We should sit down and listen to all the stakeholders. We could then decide how best to put the rules and regulations into place. The proper rules should be in place that would be accepted by consumers and by the marketplace.

• (1200)

Finally, but certainly not least, the rules we put into place should be accepted by the food producers, those in the agricultural community, our constituents.

I look forward to perhaps debating the bill in committee. We will wait and see how far it can go.

**Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, I am sure my colleague, the hon. member for Davenport, has the right motivation in bringing forward Bill C-287. However let us reflect for a moment.

The Government of Canada asked the Royal Society of Canada to examine how we should prepare to regulate food biotechnology in the future. The Royal Society came to the conclusion:

There are not currently sufficient reasons to adopt a system of general mandatory labelling of GM foods.

The Royal Society came to this conclusion after examining whether food biotechnology causes health or environmental risks that would warrant general mandatory labelling. The panel concluded that such risks do not exist.

That is not to say labelling of biotechnology foods should go unregulated. The Royal Society concluded that labelling should be mandatory in certain circumstances, such as when the food could cause allergic reaction or where the modified food has a different nutrient profile than the original.

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These conditions for mandatory labelling, recommended by the independent experts, match the rules Health Canada already has in place. If a genetically modified food is potentially allergenic it absolutely must be labelled. If a food's nutrient profile is significantly changed it absolutely must be labelled.

In short, both the Royal Society and Health Canada agree that if there are health or safety reasons to label biotechnology foods then labelling will continue to be mandatory.

This takes us to the next question, the question of voluntary labelling. Here again it is useful to refer to what the Royal Society panel of experts concluded in its report to the government. The report reads:

The Panel believes that strong government support for voluntary labels is an effective way of providing consumer input into these issues, and (the Panel) encourages the Canadian regulatory agencies responsible to establish guidelines for the regulation of reliable, informative voluntary labels.

What the Royal Society is calling for is already well underway. The Canadian General Standards Board has a comprehensive process in place to develop a national labelling standard for foods from biotechnology. This is an excellent approach to the biotechnology food labelling issue. By working together the stakeholders will develop a national labelling standard that will meet the needs of consumers and be workable.

The European Union rushed to put labelling regulations in place. It was among the first in the world to have a mandatory regime in place. However the result of rushing has not been positive. Few products are actually labelled because the scheme is not practical.

The virtue of the Canadian General Standards Board process now underway is that the participants intend to come up with a practical approach. A dialogue is taking place among all the players so that everyone clearly understands what is practical and what will meet the needs of consumers.

One final issue needs to be addressed. Public opinion polls are telling us that the vast majority of Canadians want mandatory labelling rules for foods from biotechnology. We have an obligation to consider the views of our electorate. At the same time, however, the people most intimately involved in the labelling debate are coming to a different conclusion.

We have a split between informed opinion and opinion as measured by opinion polls. Canadians are concerned and they have a right to be concerned. When people become more knowledgeable or engaged in an issue they often change their minds. I submit that we need to listen to informed views. We need to listen to Canadians. We should let the Canadian General Standards Board complete its work. We should not pre-empt informed debate on this topic. We should not quash the work they are attempting to conclude.

*Government Orders**[Translation]*

**The Deputy Speaker:** The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

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## GOVERNMENT ORDERS

• (1205)

*[English]*

### FEDERAL LAW—CIVIL LAW HARMONIZATION ACT, NO. 1

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.)** moved that Bill S-4, a first act to harmonize federal law with the civil law of the province of Quebec and to amend certain acts in order to ensure that each language version takes into account the common law and the civil law, be read the second time and referred to a committee.

**Mr. Joe Jordan (Parliamentary Secretary to Prime Minister, Lib.):** Mr. Speaker, there have been discussions among the parties and I believe you would find unanimous consent that Bill S-4 be considered at all stages today, that is, second reading, committee of the whole, report stage and third reading.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**Hon. Anne McLellan:** Mr. Speaker, I am pleased to speak to Bill S-4, the federal law—civil law harmonization act, No. 1. I will start by providing some of the historical and legal context of bijuralism in Canada, which is at the heart of the bill.

*[Translation]*

Canada is a bilingual and bijural country. Common law and civil law traditions have been co-existing since 1774. In practice, in the area of private law, the civil law is used in the province of Quebec and the common law, in the other provinces and territories.

The Constitutional Act of 1867, which divided legislative powers between parliament and provincial legislatures, did not change the situation.

*[English]*

By giving the provinces jurisdiction over property and civil rights the Constitution Act enabled provinces to pass legislation in key areas governing legal relationships between individuals. Some examples include the rules governing family, estates, property, contracts, liability and prescriptions.

When federal legislation uses or refers to principles and concepts found in provincial or territorial private law, it interacts with the two legal traditions that co-exist in the country. This interaction occurs in both the English and French versions of federal legislation. However in many cases over the years federal legislation has not succeeded in giving civil law the same resonance as common law.

*[Translation]*

The new Quebec civil code came into force in 1994. This code deeply changed the civil law of Quebec. In the fall of 1997, at the symposium on harmonization of federal legislation with the civil law of Quebec and Canadian bijuralism, in Montreal, I officially launched a lengthy process that led to Bill S-4.

*[English]*

Bill S-4 is the first in a series of bills intended to harmonize all federal legislation with the civil law of the province of Quebec. This is an enormous task and one that will have significant practical implications for lawyers and notaries that practise law in Quebec. It has received widespread support from all stakeholders.

The objectives of harmonization of federal legislation with the civil law of Quebec are to ensure that federal legislation is fully consistent with the new civil law concepts and institutions, that federal legislation employs correct and precise terminology, and that amendments to federal legislation take into account French common law terminology.

Let me be clear that Bill S-4 does not create substantive rights or enshrine any new individual or collective rights.

*[Translation]*

Bill S-4 is aimed at ensuring that all Canadians have access to federal laws that respect the legal tradition of the province or territory where they live: the civil law in Quebec and the common law in the rest of the country.

• (1210)

*[English]*

Thus, while federal law may apply a single principle nationally, for example, the liability of the crown in tort, it will do so in a manner respectful of the common law and civil law traditions in each province or territory. There is therefore co-existence between uniformization and harmonization of federal statutes.

Federal laws are uniform in the sense that they apply a single rule throughout Canada. They are also harmonized in that federal statutes, in relation to matters of property and civil rights, respect the particularities of the civil law or common law as it applies in a given jurisdiction.

Bill S-4 reflects the principles and concepts of both our great legal traditions. In some small way I hope we are providing further roots for the civil law system in our country, acknowledging that it

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stands on an equal footing with the common law system in federal legislation.

Given the innovative character of the harmonization program, the preamble puts the bill into context and explains the importance of the initiative. The preamble recognizes the bijural character of Canada in two ways. First, it recognizes that Quebec is the only province in Canada that has a civil law system and that the bill represents a concrete effort to reflect civil law principles and concepts in federal legislation where it is relevant to do so.

Second, the preamble fully acknowledges the common law as the other half of Canadian bijuralism.

Our bijural tradition gives Canada an advantage internationally. It enables us to better understand the legal systems of countries with a common law or civil law tradition, and it facilitates communication with them.

In the age of globalization of trade, our harmonization program is timely. This provides Canada with an enormous advantage in terms of what we bring to the table, of crossing the lines and bringing people together to not only work in French and English but to have a degree of confidence and assurance with both common law and civil law principles.

[*Translation*]

We are fortunate, as a country, that two of the great legal systems in the world are represented here and that more and more people can easily work or give advice in one system or the other. This is true not only here, but also in our work at the international level.

[*English*]

The harmonization program is a totally unique and innovative initiative that does not exist in any of the countries that share a dual legal tradition with Canada. It is tangible evidence of the government's commitment to our two great legal traditions and to achieving full equality between them.

Bill S-4 will concretely acknowledge the existence of the two great legal systems of our nation in a manner not done before in Canada or anywhere in the world. The bill will ensure that federal statutes equally take into account, in both official languages, each of the traditions that make up the legal fabric of our nation. It will also allow Canada to play a leading role in an increasingly globalized world.

I thank all who have contributed to and supported this immensely challenging project.

In conclusion, I thank my hon. colleagues for their support for this groundbreaking legislation.

• (1215)

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, I am pleased to participate in today's debate on Bill S-4, an act to harmonize federal law with the civil law of the province of Quebec

and to amend certain acts in order to ensure that each language version takes into account the common law and the civil law.

I will keep my remarks very brief. As we know, Quebec has its own civil system of law based on the French model, whereas the other nine provinces have a legal system based on English common law. The bill is a reflection of a work plan established by the federal government to ensure that the federal law which applies in all 10 provinces has the same vocabulary as the Quebec code and that the federal law takes into account both law traditions.

In reviewing the federal law some laws were found still in force by virtue of having been adopted by the pre-confederation parliament but made only applicable in lower Canada. In Bill S-4 the statutes are being repealed or amended to reflect the current situation.

In any case the bill enacts necessary amendments. I have no issues with either the intent or the substance of the bill. I therefore support the immediate passage of the bill through the House.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I will be brief. I had not intended to rise at this time since we object neither to the form nor to the substance of the bill but a comment by the Minister of Justice almost forced me to do so because I have to take at least five minutes to set some things straight.

During her speech, the Minister of Justice said that the legislation proves that the government wants to take into account the particularities of the two legal systems we have in this country. That might be true inasmuch as they are using the vocabularies of both the civil code and the common law in order to please everyone, but it is not the case in all jurisdictions of the justice department.

I believe the minister had a good opportunity with the Young Offenders Act to show that both legal systems can cohabit in this wide and beautiful Canada but she failed. In that particular case, she simply imposed her views on an important of such importance as the Young Offenders Act.

I have no problem with Bill S-4. However, as far as the remarks by the minister to the effect that with this legislation her government, and her in particular, are taking into account the interests of Quebec and the other provinces, I think that is a half truth and I wanted to make that clear.

[*English*]

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, this debate promises to be probably one of the shortest second reading debates in history.

I do not have much more to add to the extensive contributions of my colleagues from the Alliance and the Bloc in the debate on Bill S-4. We all know the merits of the bill. I do not want to assume

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anything on behalf of the Progressive Conservative Party, but all of us assume its speedy passage. Having listened to the Minister of Justice and having familiarized myself with the legislation it seems to me that the sooner we accomplish this, the better.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I want to put some comments on record with respect to Bill S-4. I will indicate at the outset that the Conservative Party is similarly disposed. We want to see the legislation pass quickly through the House and take effect. We recognize its importance and recognize the entire principle behind the bill.

As the title suggests, the bill is to harmonize federal law and civil law in the province of Quebec and to amend a number of acts in order to ensure that each language version will take into account common law and civil law principles.

The bill respects the traditions of both common law and civil law in Canada, as has been stated. It is also interesting to note that it originates in the other place.

• (1220)

Senator Beaudoin and Senator Andreychuk, both very learned counsel in their own right, have spoken in favour of the legislation, as have other senators including Senators Murray and Nolin. They have made very valuable contributions to the bill.

Canada is a country with two legal systems, public law and private law, better known as the civil and common law. Canada also has provincial jurisdiction set out under subsection 92(13) of the Constitution Act, 1867, which legitimizes most of what is considered property and civil law.

In Quebec these notions are traditionally included in the civil code of Quebec, which concerns itself with the following: successions, the management of immovable property, hypothec securities and property laws, consumer protection, civil incapacity and tutorship, celebration of marriage, the obligations and contracts of civil liability, and the regulation of professions and occupations under Quebec's exclusive jurisdiction.

In other provinces the corresponding matters defined under the common law are also under provincial jurisdiction. The main role of civil law in this sense is to supplement federal legislation for the following reasons.

Since 1867 the Parliament of Canada has enacted more than 300 statutes. Some or all these provisions are designed to regulate matters of private law. It has done so primarily under parliament's exclusive jurisdiction over matters that had it not been for the division of powers established in sections 91, 92 and 93 of the Constitution Act, 1867, would have fallen under the province's jurisdiction.

The federal government has also done this indirectly by enacting statutes designed primarily to regulate questions of public law with some provisions relying upon private law concepts.

The field of private law thus is not solely a provincial jurisdiction. The federal government has exclusive authority in a number of areas under the private law which include banking, monetary transactions, interest on money, bankruptcy and insolvency, maritime law, patents, copyright, marriage and divorce.

Although the federal government takes away from or adds provisions to the civil law of each province, it does not mean all these statutes constitute a separate legal system. For example, the civil code of Quebec also supplements the federal statutes while assisting in their interpretation and application. It can therefore be said that there is a complementary relationship between the federal legislation and the civil law practices of the provinces.

[*Translation*]

The Progressive Conservative Party supports the principles underlying Bill S-4 on harmonization between federal law and the civil law in Quebec. The goal in this bill is to make sure federal law provisions are harmonized with those in the civil law.

The lack of harmony has been more crucial since the enactment of the new civil code in Quebec in January 1994. Bill S-4 reflects the need to have a smooth interaction between the federal and provincial legislation. Harmonization of federal law and the Quebec civil code will help reduce interpretation problems caused by the use of different terminology in federal and provincial legislation.

[*English*]

The need to harmonize therefore is clear. In 1994, after more than 50 years of talks and plans for reform, Quebec replaced the civil code of lower Canada, which had come into force in 1866, with the civil code of Quebec.

Since that time extremely important and existing federal statutes have had to be harmonized to be made consistent with current civil law. The changes in vocabulary and substance made to the civil code were not without effect on federal laws. The resulting change in vocabulary and language of federal statutes is no longer exactly that which occurred in civil law.

That language had to be modernized. It was a language of that period. Regardless of language there is often the need to modernize, particularly with technical aspects of a bill such as this one. Substantive changes, changes in traditional institutions and the formalization of new concepts and reform of existing rules are also taken into consideration.

• (1225)

Problems can exist through the survival of a number of provisions from the civil code of lower Canada which Quebec had not been able to repeal because they had related to matters since that

time in 1867 and have been within the jurisdiction of parliament. The federal government has now looked at these since the new civil code came into force. They are thus isolated from the body by which they once were formed and in their relation with the civil code of Quebec may have become and have become to some extent controversial.

According to a number of experts the civil code reform is not the only reason for the law to be harmonized with federal laws and with private law. The federal government still has not managed to take into account Quebec's civil language and law in the wording of private law provisions that were enacted.

Since 1993 the federal Department of Justice has reviewed more than 700 statutes to determine which ones would be most affected by the amendments, substance and form planned in the new civil code. Based on that analysis it identified 300 laws that would have to be harmonized.

In June 1998 the federal government under the leadership of the Minister of Justice considered that it would be able to do so by tabling one bill a year over the following nine years.

According to the Department of Justice this harmonization would ensure that federal laws which are implemented under private law include Quebec civil law terminology, notions and institutions. It would also enhance the effectiveness of the courts by making parliament's intention clearer and by reducing the problems involved in interpreting federal laws when they are applied in Quebec.

Finally it would facilitate access to justice for all Quebecers. The details are often very critical to this process. The preamble of Bill S-4 recognizes in particular that Quebec's civil law tradition which finds its principal expression in the civil code of Quebec reflects the unique character of Quebec society.

This has been somewhat controversial. I refer to some comments on the record in the other place which touched upon that subject matter. There was a reference to the highest court of the land in terms of its use and expression of the terms Quebec society and distinct society.

In 1996 the late Brian Dickson, former chief justice of the Supreme Court of Canada, took a stand on the concept of Quebec's distinct character. At a conference organized by the Military and Hospitaller Order of St. Lazarus of Jerusalem, Grand Priory of Canada, which took place in Winnipeg, he stated the following:

I should say right from the start that I am very comfortable with this concept

He was speaking in this instance of Quebec society. He continued:

The courts are already interpreting the Charter and the Constitution with an eye to the distinctive role of Quebec in protecting and promoting its French-speaking

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character. In practice, therefore, enshrining formal recognition of the distinct character of Quebec in the Constitution would not be a great departure from what our courts are already doing.

To put this on the record, in 1997 the second red book of the Liberal Party of Canada said that a Liberal government would work toward the constitutional recognition of the distinctness of Quebec society which includes the French speaking majority, a unique culture and a tradition of civil law.

There should be no hesitation on the part of the Liberal government to wrap its arms around this initiative. It provides all Canadians who are certainly entitled to access to federal legislation with the common law and civil law traditions. It harmonizes the interaction of federal and provincial legislation in that it is essential and lies in the interpretation of both these common and civil law traditions.

The bill will receive smooth passage, certainly through this place. I would deem that it has received a significant review and attempts by the senators to improve and put before us a very sound piece of legislation. There was talk of amendments with respect to the harmonization of other statutes in the future. According to the federal Department of Justice, tax law, regulatory law and commercial law were identified as other key areas in which harmonization would be the subject of new bills in coming years.

It is also important to note that many organizations including the Barreau du Québec, la Chambre des notaires du Québec, le ministère de la Justice au Québec and a number of other law professors have assisted significantly in the drafting of the legislation.

• (1230)

Therefore, as a party that has a long tradition in the province of Quebec we are pleased to be supporting this legislative initiative. We support the minister in her efforts to bring forward other important bills. We look forward to having an opportunity to participate in those debates as well.

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

(Motion agreed to, bill read the second time, considered in committee, reported and concurred in)

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• (1235)

**The Deputy Speaker:** When shall the bill be read the third time? By leave, now?

**Some hon. members:** Agreed.

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.)** moved that the bill be read the third time and passed.

She said: Mr. Speaker, I take this opportunity to recognize the tremendous co-operation we have had from all parties in the House this morning with respect to the bill.

[*Translation*]

I recognize and I appreciate the support of all members for this bill.

[*English*]

The harmonization project itself has been well supported by all stakeholders in and outside of Quebec and I appreciate the level of support Bill S-4 has received here this afternoon.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, I simply echo the comments of the minister and thank the staff and all those who worked very hard on this bill. We appreciate their efforts.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, given that there is so much love and harmony in the air, I would put on record as well that obviously a bill of such a cumbersome and technical nature did require a great deal of work within the Department of Justice and by others who put a Herculean effort forward to bring the bill to this point. We in the Progressive Conservative Party commend those efforts and look forward to working with the department further in other attempts to harmonize legislation in the country.

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

\* \* \*

### CRIMINAL LAW AMENDMENT ACT, 2001

The House resumed from May 3 consideration of the motion that Bill C-15, an act to amend the Criminal Code and to amend other acts, be read the second time and referred to a committee.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, I am pleased to participate today in debate on Bill C-15, an act to amend the criminal code and to amend other acts. When the bill was first introduced almost two months ago, one of my new colleagues asked “Animal cruelty, child pornography, and firearms, what do any of these issues have to do with one another?”

and said he did not understand why they would all be put in one bill.

While past practice has often demonstrated that logic is not essential to the legislative process or for the legislative provisions themselves, there is a clear logic to grouping together the diverse provisions of this bill. It is a Machiavellian logic motivated by the politics of cynicism. It is a logic that raises the spectre of the worst of the American legislative process.

It is a logic that attempts to coerce agreement from opposition parties by requiring their consent to a political agenda of flawed partisan legislation as a precondition to the enactment of legislation widely recognized as necessary for the protection of the most vulnerable in our society. How else can one logically explain, for example, the coupling of the provisions seeking to amend the fundamentally flawed legislation concerning the billion dollar long gun registry failure with provisions that seek to protect our children from sexual predators?

This omnibus bill is a deliberate and cynical attempt to curtail any substantive debate on the flaws of the political agenda evident in the long gun registry provisions and to require members either to accept legislation that our constituents fundamentally disagree with or to vote against legislation that our constituents would never want to oppose, such as laws aimed at protecting children.

• (1240)

There is no question that there are some good provisions in the bill. Most important, the legislation contains long overdue laws against luring children over the Internet for the purposes of committing a sexual offence. I commend these initial efforts to protect children from criminals using the Internet.

The Canadian Alliance has consistently called for legislation to protect children from those who keep finding ways to prey on their vulnerability. Law enforcement agencies and child care agencies regularly advise the public through the media or otherwise that predators frequently use the Internet, mask their identities and pretend to be children or young adults in order to lure children into a situation where they could be sexually abused. These situations are becoming more common and I am relieved to see that the government has finally recognized the great need to amend the law. It is a good first step, at any rate.

However, I have serious doubts whether the legislation, which attempts to provide protection to children from sexual predators, will be either effective or sufficiently broad. The same government that has to date failed to create an effective national sex offender registry now wants us to believe it can keep track of the criminals who lure children over the Internet or who deal in child pornography. Why should we believe that it would follow through with effective measures that enforce the legislation?

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Furthermore, these provisions would only provide legislative protection for children who are less than 14 years of age. Canadians would be shocked to learn that even under this legislation an adult could lure a 14 year old girl or a 14 year old boy over the Internet with no legal consequences. Parents and children deserve a greater measure of assistance and protection from these predators.

I agree with those law enforcement and child care agencies that recommend that the law set out for child luring should be extended to all children under the age of 16. This way parents and other concerned authorities would have some legal recourse to protect children of 14 and 15 years of age who fall prey to sexual predators they encounter over the Internet.

There are also new offences set out for transmitting, accessing or distributing child pornography over the Internet, punishable by a maximum of 10 years. This is a laudable goal, but I would be interested in being advised of the practical difficulties involved with these kinds of investigations and prosecutions in order to determine whether these legislative proposals meet those very real concerns.

Similarly, I would like to point out that in Bill C-15, although there are provisions for substantial maximum sentences for accessing child pornography, luring children for sexual purposes, animal cruelty, criminal harassment and a variety of other offences, the legislation will be ineffective if judges will not impose appropriate sentences.

When maximum sentences are increased it is rare to see a proportionate increase in sentences, as many judges simply ignore the direction signalled by parliament when it enacts these changes in legislation. Not only do the appeal courts appear to be reluctant to establish sentencing ranges that are proportionate to the crime committed and the legislative penalty provided, there is a corresponding reluctance on the part of the government to send clear, legislative directions to the courts that the sentences imposed on many serious and repeat offenders are simply inadequate.

This apparent reluctance on the part of the government is compounded by the imposition of new and fundamentally misleading sentencing tools that encourage the pretence that offenders are in fact imprisoned, while the truth is that they are free to exploit more victims in our communities.

• (1245)

I refer of course to the practice of authorizing and imposing conditional sentences. As crown attorneys continue to advise, the enforcement of these conditional sentences are increasingly rare because of the lack of adequate resources to apply these very complex provisions. Then the failure to provide the appropri-

ate resources fulfils another political agenda of the Liberal government to make it appear that these sentencing provisions are in fact working because there are so few reported breeches.

Accordingly, unless the government takes the necessary steps to implement effective and truthful sentencing in the Canadian justice system, these important child protection provisions in the bill will simply be another example of the failure of our laws to protect the vulnerable in our society.

In terms of the animal cruelty sections of the bill, I am aware that the government has made certain changes from the previously proposed legislation, Bill C-17. However there are still significant concerns that many organizations, businesses and individuals have in respect of these provisions.

I know that some of my colleagues in the Canadian Alliance will go into further detail on many of these issues, but I would also like to touch briefly on the issue on behalf of the various groups that took the time to contact me personally to raise their concerns. These groups included the Ontario Federation of Anglers and Hunters, the Ontario Farm Animal Council, the Ontario Veal Association and the Canadian Cattlemen's Association.

These organizations have consistently said that they welcome amendments to the criminal code that would clarify and strengthen provisions relating to animal cruelty and that they do not condone intentional animal abuse or neglect in any way. Many of these groups support the intent of the bill as its objective is to modernize the law and increase penalties for offences relating to animal cruelty and neglect. However, despite the minor improvements to this legislation, they advise that this bill requires significant amendments before it becomes acceptable to the vast majority of hunters and farmers, many of whom are dependent on the harvesting and husbandry of animals for their livelihood.

One of the central concerns with the bill is that the criminal code would no longer provide the same level of legal protection presently afforded to those who use animals for legitimate, lawful and justified practices. The phrase "legal justification, excuse or colour of right" in subsection 429(2) of the criminal code currently provides protection to those who commit any kind of property offence. However in the new bill, the fact that the animal cruelty provisions would be moved out of the general classification of property offences and into a section of their own would effectively remove these provisions outside the ambit of that protection.

Moving the animal cruelty sections out of the ambit of property offences to a new section in its own right is also seen by many as emphasizing animal rights as opposed to animal welfare. This significant alteration in the underlying principles of the legislation is something that needs to be carefully considered. These groups are concerned that elevating the status of animals from property

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could in fact have significant and detrimental implications for many legitimate animal dependent businesses.

Another major and very serious concern is that the definition of animal is too broad, subjective and ambiguous. The proposed definition of animal in Bill C-15 includes non-human vertebrates and all animals having the capacity to feel pain. This definition marks a significant departure by providing protection for an extremely wide range of living organisms which have never before been afforded this kind of legal protection.

• (1250)

In terms of practical difficulties, this definition as worded could cause potentially enormous problems by extending the criminal law to invertebrates, cold blooded species such as fish, as well as the extremely wide variety of other types of both domestic and wild animals.

In her speech last Thursday, the justice minister assured us that what was lawful today in the course of legitimate activities would be lawful when the bill received royal assent. She promised the House that these changes would not in any way negatively affect the many legitimate activities that involve animals, such as hunting, farming or medical and scientific research.

Her statement was at the same time self-evident, but also misleading. Of course the new provisions would not prevent legitimate activities from being carried out. The law only prescribes illegal activities. The problem is, and therefore the concern, that these new provisions would arguably narrow the scope of what constitutes legitimate activities by increasing the scope of this provision.

If it is not the minister's intent to prohibit the presently acceptable and legitimate activities in Canadian agricultural or fur industries, I would suggest that the wording of the legislation be amended to clarify the intent of these provisions. If it is not amended, I and many of my colleagues will have a very difficult time supporting the bill.

The riding of Provencher, which I have the honour to represent, is primarily a rural riding. The farmers and hunters and other businesses associated with those activities have enough to worry about these days without having to wonder if they are going to be criminalized for practices they have been carrying out their entire lives. I have the option of voting against the bill on the basis that farmers and others who use animals legitimately have voiced reasonable and serious concerns regarding the implications the bill would present. However, in this case I would also be voting against new laws to protect children.

It is a difficult situation and one of which I am certain will be exploited by the Liberals for crass political advantage. It is truly unfortunate that the minister is asking us to consider provisions that deal with the lives of children in the same context with provisions that impose conditions on how farmers and hunters and related businesses should handle animals.

There is no legal requirement to proceed to weigh the merits of this bill on the basis of such inappropriate relative comparison. It demeans the value of human life and at the same time prevents the House from fully considering the impact of the animal cruelty provisions on the economic circumstances of many rural people of Canada.

Bill C-15 contains a number of good things. As I have said, it contains updated legislation to protect children to some extent from sexual predators on the Internet. It would make viewing, transmitting and distributing child pornography over the Internet an offence punishable by up to 10 years.

More important, the bill would increase protection for police by creating the new offence of disarming a police officer. The bill outlines reforms to rules governing criminal procedure. These are procedural reforms that are long overdue. Much of this legislation in the bill is in fact badly needed. The opposition has been calling for these provisions for years. Personally, I am relieved to see that the measures are being finally introduced.

As I have said before, I would like to support the bill. The bill presents a very difficult situation. I am disappointed that the government would put such diverse and I would argue completely unrelated issues in the same bill. As I stated earlier, I see this approach to lawmaking as a blatant and cynical political move on the part of the Liberal government to force flawed legislation through the House. More important, it shows a callous disregard to the constituents who have asked us to serve their best interest in the House.

• (1255)

I would ask the minister to consider introducing a motion to split this legislative package into several bills. That would remove the provisions that have a broad base of support in the House so that those provisions could be fast tracked and proclaimed. We saw an example of that this morning with Bill S-4.

Members in the House are willing to co-operate. I believe that on many provisions there is broad if not unanimous consensus in the House to move them forward. The technique of bringing forward a motion to split the bill would accommodate the need to move those provisions that do have that broad consensus, while subjecting the others to a more rigorous debate and, I suggest, to better legislation. If need be, I am prepared to sit down with representatives from all parties to facilitate that discussion.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I am pleased to speak to Bill C-15, at this stage. It is a very important bill.

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Before discussing the legislation further, I would like to repeat what I have already said on other omnibus bills. I think it is inappropriate that so many different things should be put into such an important bill.

In the bill, there are provisions on animal cruelty offences, on the sexual exploitation of children involving the use of the Internet and on sexual harassment. Amendments are proposed with regard to the way in which this will be brought to court. The bill deals with harassment, home invasion, disarming a police officer, judicial errors—all this is very important—and with the whole issue of criminal procedure, which is also very important.

In the bill, some things need no explanation. We totally agree with some of the changes the minister is introducing; we were hoping for them. We commend the minister for the changes that she is proposing. However, there are certain aberrations. What do we do? We do not support the bill because part of it does not interest us and part of it goes against certain positions of Quebec or of our party?

However, with regard to the sexual exploitation of children and the modernization of the criminal code to take into account today's reality in terms of the Internet, we are in agreement. What are we supposed to do? Vote against the bill?

I think the Minister of Justice is not disinterested. I believe she knows very well what she is doing. We lack neither time nor opportunity in the House of Commons to study subjects one after the other, in their proper context and with the help of experts in each field. We have what we need to do good work. Why use an omnibus bill like this to confuse the issues?

It will be strange when the bill is in committee to hear people from humane societies, crown attorneys speaking on criminal proceedings and university professors speaking on research. At one point, we will have to focus on a subject in particular. It will take a lot of time if we really want to do good work and hear witnesses. In the end, we are not saving any time.

I do not think the legislator works better when the government introduces a series of changes in an catch-all bill. In this sense, I believe the minister failed. I think we could have worked diligently on amending bills as we did earlier with Bill S-4. That is a very good example, in my opinion.

• (1300)

When all the parties in the House get along, partisanship can be set aside and we can move ahead with a bill to improve the justice system and better meet the concerns of people. We had a demonstration of that this morning by all the parties. We co-operated and were able to go through all the stages in the same day, with the result that Bill S-4 has now been passed.

I am convinced that the same could have been done regarding the sexual exploitation of children. We could have done it to modernize the criminal code regarding the criminal use of the Internet and make this an offence. It should be pointed out that these changes are often made in response to decisions by the higher courts. This whole part of the criminal code could have been passed very quickly, so that these provisions could take effect as soon as possible.

There are also other issues, such as disarming a policeman. This has been a concern of police officers, including the RCMP, municipal police forces and the Quebec Provincial Police, for a long time. We have already heard a number of witnesses. The spokespersons for political parties, including the Liberal Party, the Canadian Alliance, the Bloc Quebecois and the others, are all aware that police officers want this amendment. One does not have to be a rocket scientist to realize that if the government introduced a bill that dealt strictly with this issue, we would pass it more quickly.

As I said at the beginning, the bill contains amendments to which I am totally opposed, perhaps not in principle as such but with respect to how they are worded. It seems that the legislator, or those who took the time to draft the bill, forgot certain particular situations. Quite honestly, if the government had produced bills addressing each situation separately, the House of Commons would have passed them very quickly.

Once again the Department of Justice appears to be out of touch with the public. We have seen, and are still seeing, the results of this with the whole issue of young offenders in Quebec, where nobody is in favour of this bill. The minister does not even want to hear from the representatives from Quebec in committee. The government has bulldozed right over everything, as only it can do. We will eventually end up with this bill at third reading.

To show just how strange things sometimes are in the life of the Minister of Justice, the young offenders bill has not even been passed at third reading and we realize that we are going to repeal the Young Offenders Act with Bill C-7, which we recently passed. We realize that certain of the clauses in this bill amend the Young Offenders Act. We are amending this legislation when we know that we have a bill that is going to repeal it.

I would like to describe the context in which the bill seems to have been drafted, and particularly to point out the government's, or the Minister of Justice's, lack of understanding of what is going on within that department. Apart from coming here to the House and listening to what we have to say, I do not get the impression that the minister has much control over her department. She needs to keep much more of an eye on things because this is very important.

I have been an MP since 1993. If there is one bill that has been very hard to get through this House and that has divided just about

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all caucuses, it has been the firearms legislation. The minister has seen fit to change certain aspects of the Firearms Act with Bill C-15, as well as certain definitions in the criminal code, and this has greatly expanded the definition of a firearm. The legislation we had was already hard to understand and now, with the amendment the minister is bringing in with Bill C-15, I must say the definition of a firearm will be as clear as mud.

• (1305)

One of the clauses that surprised me when I examined Bill C-15 was clause 4. It says, and I will take the time to read it because it is somewhat complex, that subparagraphs 84(3)(d)(i) and (ii) of the Criminal Code are replaced by the following:

(i) a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second or at a muzzle energy exceeding 5.7 Joules, or (ii) a shot, bullet or other projectile that is designed or adapted to attain a velocity exceeding 152.4 m per second or an energy exceeding 5.7 Joules.

I am just a lawyer; I do not know whether it will take engineers to enforce the Firearms Act in future because apparently a series of multiplicative factors are needed to arrive at the number of joules: the length of the barrel, the radius of the barrel, the size of the bullet, the weight, multiplied, divided—I no longer know what all—to calculate the number of joules. With a definition like this, I have serious doubts with respect to an industry that is in full expansion in Canada and Quebec. I am referring to the whole paintball industry.

I think the biggest operation in all of Canada is located in my riding—its sales are considerable—and it is called BigFoot Paint-Ball. I am told that, obviously, the rubber bullet filled with paint does not travel 152.4 metres per second, but has a muzzle energy around 12 joules.

Will these guns that look like something from out of this world with their silver and blue and all sorts of other colours have to be registered?

The department assures me that this is not the intent. I read the definition, I read the provision that applies in such cases, and it is “or”. It is “either or” the way I see it. If it is not, I hope they will correct it. But “either” the bullet travels faster than 152.4 metres a second “or” it develops a muzzle energy exceeding 5.7 joules.

Under such an interpretation, the gun belonging to my constituent, who earns a living with it in paintball, a new sport, should be registered.

I cannot support such a law because it totally distorts the point of registering firearms. As regards my position, which I spoke of at the start, do I vote for or against the bill given this aberration in it?

I think we will vote for it and try to convince the minister she is headed in the wrong direction in certain respects, in certain ways the bill is drafted.

There is no doubt that if the past is any indication of things to come, I have little chance but we will try. We have succeeded on a few occasions in getting certain things changed in the department. We will continue to do so.

The drafting of Bill C-15, in certain cases, is confusing and will have to be given careful consideration. However, we could have amended the bill with a series of small bills, which could have been quickly passed. With regard to the more complicated bills that do not get the unanimous approval of the House, more time and effort could have gone into understanding and improving them but the minister decided otherwise.

Another point has to do with the whole question of child pornography. As drafted, I think this part of the bill is in keeping with requests made and decisions given by the courts. It also updates legislation. So, there is no problem.

• (1310)

The other issue that concerns me is animal cruelty. At the present time, we have legislation. I agree its provisions are obsolete. This whole part has not been changed recently. It no longer properly reflects reality. It is not as modern as we could wish. There is an approach that deals in a modern way with the improvement of legislation. There is another approach, which is too broad and which encompasses almost anything and, once again, does not achieve the objective sought.

Sincerely, I agree with the principle of protecting animals. I am against cruelty toward any kind of animals. I will tell the House a story showing how sensitive I am. Once I accidentally hit a cat that was roaming the street and I stopped to see whether I could save it. It was an accident. Thus, I want to show the House that I am in favour of protecting animals and I think the current legislation does not achieve this objective.

The way this provision is written, I understand the people who are worried and who feel targeted by it, while they are doing nothing illegal and they are not being cruel to animals. The definition is so broad that I understand them. The minister will also have to understand the people who are concerned.

In the definition of cruelty to animals, which is totally new and which applies to many animals, the bill says:

182.1 In this Part, “animal” means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

This provision includes just about every animal, from a little mouse to a moose in northern Quebec. It also includes fish, not just

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endangered whales and belugas but all vertebrates. Frogs are also targeted since they are vertebrates—at least I think so, I am a lawyer, not a biologist—but I think they are.

The definition is very broad. There is a whole series of issues relating to cruelty to the animals, namely any vertebrate that has the capacity “to feel pain”.

The bill also provides that:

182.2(1) Every one commits an offence who, wilfully or recklessly:  
(a) causes . . . unnecessary . . . suffering or injury to an animal

What does this mean? The clause also says:

(b) kills an animal . . . brutally or viciously . . .

If the bill is passed without being amended, will a person who hunts with a bow, which is legal, now commit an offence if he continues to hunt with a bow?

When I go fishing, the fish that I catch does not seem to like to get caught by a hook. Am I guilty of cruelty to that animal, to that vertebrate? These issues must be raised. This is a very broad definition and this is why I understand all the hunting and fishing associations' concerns. I received letters from people in my riding who practice these sports, since there is a lot of hunting and fishing in Berthier—Montcalm. It is a beautiful riding. Mr. Speaker, let me know if you ever want to go hunting or fishing in my riding.

People in my riding are interested in this legislation. Sports associations from across Canada and Quebec also sent me e-mails and letters saying “Listen, this is dangerous”.

● (1315)

The legislation really needs to be looked at in order to see what its objective was. It then becomes clear that, although the present wording may attain the objective, it will end up covering a lot of people who were not necessarily meant to be part of it.

I have touched on just two points but there are a number of actions the legislators may consider cruelty to animals. I wonder where this leaves the pig farmer, for instance. With the definitions given, I am a bit worried for farmers.

For instance, where the shipping of animals is concerned, clause 182.3 (1) (c) reads:

negligently injures an animal while it is being conveyed.

I do not know if the minister has ever seen how pigs are loaded onto trucks and chickens into cages for shipping and so on, but the expression “negligently” is very broad, as is “injures an animal while it is being conveyed”.

Very often, any manner of unexpected event can occur. Even with the best of intentions and care for the animals being shipped,

sometimes an animal gets injured. Its leg may be broken, or something of the sort.

In the riding of Berthier—Montcalm, we have poultry farms. I have seen such things as a whole shipment of chickens being suffocated by the heat, something that was unavoidable because the outside temperature was 35 degrees Celsius, with high humidity and no wind.

Could the person shipping these chickens be charged with “negligently injuring an animal while it is being conveyed”, in this case of causing its death? I wonder, and I am not the only one.

As I was saying, there are all those involved in hunting and fishing. Then there are the farmers as well who are also raising such questions. We have received a letter from the Ontario Federation of Agriculture raising objections to certain points in the bill and asking us to look into certain things or to propose amendments. Quebec farmers have also made us aware of this problem. Some pig farmers have telephoned me to check out certain things they had heard.

Hunters, fishers, farmers and even academics are asking questions. On April 6, we received in our offices a copy of a letter from the Association of Universities and Colleges of Canada to the Minister of Justice. I will read the resolution adopted by the Association of Universities and Colleges of Canada, which is very significant and speaks for itself. The letter concerns Bill C-15, which we are currently studying. The resolution reads as follows:

That the Association of Universities and Colleges of Canada make known, in the strongest possible terms, to the Minister of Justice and the chair of the House of Commons' Standing Committee on Justice and Human Rights that it and the institutions that are members of it fear that the proposed changes to the Criminal Code on the treatment of animals inadvertently threatens legitimate university research done using animals, in accordance with the standards recognized in Canada and abroad of the Canadian Council on Animal Care.

It is clear from the wording that even academics, professors and those doing research, who have a highly developed professional conscience, have doubts about these provisions.

The number of people who have doubts about the very ordinary but very badly drafted provisions is beginning to add up: hunters, fishers, farmers, producers, professors, academics, researchers and all that.

My colleague from Terrebonne—Blainville will speak on the part concerning the protection of animals and all that concerns this issue once I have finished speaking. I know that there is a whole very important issue here.

● (1320)

One thing that is missing right now but that could have been changed given the objective pursued is the recovery of costs.

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Breeders and people who keep animals are currently being prosecuted for cruelty under existing provisions, and it is difficult to recover all the expenses incurred to get to the animals, try to save them, care for them and so on.

Today, proposed amendments to Bill C-15 are designed to facilitate cost recovery, or at least to try to recover some money. This is fine. However, the same goal could have been achieved with more restrictive provisions and definitions, such as those I mentioned earlier, to deal specifically with the cruelty, not in a restrictive way but in a more targeted way.

I am convinced that we will have good discussions in committee on this, because it is a very important issue.

Other amendments included in the bill concern the whole issue of miscarriage of justice. A fellow Bloc Québécois member took a very close look at this issue. He has already proposed amendments to the criminal code. He has introduced a bill to facilitate future prosecutions and the compensation of individuals, men and women alike, who have been treated unfairly or have been found guilty when in fact they were not.

The whole issue of miscarriage of justice is very important. It is an issue that has interested the Bloc Québécois for a long time. The hon. member for Repentigny has been following it closely. He even had a constituent, whose name I forget, who was finally found not guilty and had his rights restored. However, this individual had to live through being unfairly accused and being found guilty of an offence when he was not guilty.

This whole issue is important, hence our support. But here again, this section is in the bill, which contains certain provisions with which we are not in agreement.

The same question I had at the beginning arises. Do I or do I not support the bill? We will probably support it again but we will try to improve as much as possible all these provisions which, as far as judicial errors are concerned, are not a problem.

The minister could have introduced a bill amending the whole issue of judicial errors. First, this would have shown that this is an issue of importance both to the minister and to the government. Everything seems to have been thrown into a huge lad bowl, as it were, and mixed around as if to get rid of it. This would have shown the government's interest.

Second, the bill could have been passed very quickly, so that the new legislation could be implemented as quickly as possible because, when we look at the provisions proposed by the Minister of Justice regarding judicial errors, we see that they are not necessarily simple. It is not because we support it that it is simple. The implementation is very complex. Care must be taken to ensure that errors are not made with respect to the judicial errors themselves.

This must be applicable to everyone. Everyone must be treated equitably, without political interference. The approach must be acceptable to everyone.

We seem to be getting there. It could have been passed. If it were passed quickly, the people who implement it will be able to become familiar with this new legislation and do a more effective job as quickly as possible.

Once again, by introducing an omnibus bill, the minister deprives herself of any possibility of proceeding rapidly in the sections not contested by anyone in the House.

I will try, as we go along, to separate them and I think in fact that this was already done with another bill. We will see if it is possible to do so. I will look at this with the House law clerks in order to see whether certain parts of the bill can be separated before the vote. It would be very interesting for everyone if we could do this.

• (1325)

The last section deals with firearms. It is certain that it is intended as a response to certain problems, because the minister has a problem when it comes to applying the Firearms Act.

Hon. members will recall that the Bloc Québécois voted in favour of this bill, but under circumstances which included certain comments by the minister of the day which led us to believe that the Firearms Act would be implemented and certain common objectives would be achieved.

What they were saying at that time was that implementation of the Firearms Act would cost some \$100 million to \$125 million and would thereafter be self-sustaining, year after year, by licence fees and so on. Here we are in 2001 and firearms are not even all registered in Quebec. Perhaps 65% or 70% are.

For the implementation of this act we are talking not \$125 million but more like \$875 million. Now they are telling us that it will not be self-sustaining but will instead cost some \$100 million to \$150 million a year.

If I had been given the right figures in 1995, perhaps our position would be different. We might have voted in favour but our position might have been a bit different.

Now we have amendments to Bill C-15 that amend the already very complex regulations of the Firearms Act. I would hope that the final result of all that will be a faster or improved way to register firearms. I say in all honesty that when I see how things work at the Department of Justice, I have my doubts. At the point we have reached, however, we will trust the government on the registration of firearms.

I would like to point out that there is a whole other aspect that is not a source of problems either. Many amendments have been

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made with respect to Nunavut, including certain regulations and procedures, and so on, which apply only there. There is no problem, and I think these amendments were sought by the local community.

As I was saying earlier, other provisions in the bill amend the Young Offenders Act. I find it very strange that the Minister of Justice is changing a law she well knows will be repealed shortly by her decision, especially the way she is going about it, not wanting to hear any witnesses from Quebec. The National Defence Act, the National Capital Act and other similar acts are being amended as well.

As members can see, I have tried to do a very quick overview. This bill will come before the Standing Committee on Justice and Human Rights. I will be there, as I am for each and every bill. I know that the member for Terrebonne—Blainville will closely follow the deliberations of the justice committee and consideration of this bill, because she is very interested in certain aspects of it. I invite her to come to the committee meetings and I am sure that together we will do a good job with Bill C-15.

On this note, I will reiterate our final position. Even though we have a problem with many provisions of Bill C-15, we will support it at second reading, while hoping that we can convince the Minister of Justice, or rather her department, since it is obviously the department that is calling the shots, that they are off track with some definitions, which are much too broad. There are also a number of difficulties with procedures regarding arms, paintballs, the number of joules and the number of metres per second being much too complex. A cumulative process, not an either or situation, is required. We will try to propose all sorts of amendments to the Minister of Justice, to improve this bill.

• (1330)

I know that there are hunters, producers and farmers who are listening to us, as well as people involved in the sale of firearms and paintballs. I want them to know that we will review this bill as thoroughly as we can in order to be able to propose the necessary amendments to make it acceptable and to ensure that it will achieve its objectives.

[*English*]

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, on behalf of the NDP caucus we find ourselves generally speaking in support of the bill at second reading. There is much work to be done in committee as some members have already pointed out.

I want to begin by saying how much I regret that the government has decided to bring in an omnibus bill of this kind. In listening to the debate it is already clear that we could have had a different scenario before us. It could have been more pleasing to parlia-

mentarians and more pleasing to the public in terms of passing expeditiously a number of measures that have broad support in the House and among the Canadian public.

That is not the situation we are faced with. Bill C-15 is an omnibus bill containing controversial items which have the prospect of delaying the passage of the legislation, and I find that very regrettable.

Would it not have been better if parliament could speak swiftly and emphatically, with one voice, on matters such as: the luring of children on the Internet for the purposes of sexual exploitation, child pornography with respect to the Internet, the seriousness with which we want the criminal code to take the act of home invasion, and the disarming of police officers?

This is a short list of the kinds of things that are in the bill. We could have said with one voice that we want these things to happen quickly. We know that our laws need to be updated with respect to the new phenomena of the Internet and all the criminal possibilities for the exploitation of children that the Internet provides.

It is something that is long overdue because it is not as if the Internet just showed up yesterday. It has been around for a long time, yet it is only now that we have legislation before us. It is better late than never. It would have been better if we had been presented with a legislative scenario in which we could have proceeded to do that right away.

The same applies to home invasion. This is a relatively new phenomena but it has been around for far too many years already. There has been a cry on the part of the Canadian public for the criminal code and our laws to reflect the seriousness with which people regard home invasions. This is not just any sort of ordinary break and enter, not that we should convey any kind of ordinariness on acts of break and enter, but home invasion. Some of the things that have gone on offend the senses of propriety, decency and morality of all Canadians. It is something that we could have proceeded with quite expeditiously.

We could have also proceeded swiftly with the new provisions having to do with the luring of children on the Internet. This also applies to the disarming of police officers. It is not so long ago that the Canadian Police Association had its week of lobbying here. I am sure that it found very few members of parliament who said that they were against bringing in the provision dealing with the act of disarming police officers. That too could have been proceeded with expeditiously.

• (1335)

Perhaps those things could have gone into an omnibus bill and they could have been done all at once. What makes an omnibus bill

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offensive is not necessarily what is in it but what the government may be trying to bury within it that it would rather not deal with on its own.

We have a couple of examples of that, and I am not saying that because I am necessarily opposed to what the government is doing in the bill. It just makes for bad politics in the best sense of the word politics. It makes it hard for parliament to speak clearly about these issues if we must always be speaking about more than one issue at the same time when we are speaking about a particular bill.

It may look like good politics in the more pejorative and cynical sense from the point of view of the government that it insert something that is obviously controversial and was controversial in the last parliament. I refer, for example, to the provisions having to do with cruelty to animals. Instead of having them in a separate bill, the government put them in the omnibus bill. People who have concerns about that, whether they be right or wrong, would be open to the charge that they are holding up new provisions for dealing with the luring of children on the Internet when what they are really trying to debate is the merits of what the government is doing with respect to cruelty to animals.

If it is true, as the member from the Alliance alleges, that the way in which the legislation is drafted represents a conceptual transition or a conceptual leap from regarding animals as property to regarding animals as having rights, this is a significant conceptual development. If it is done in a certain way it may be a conceptual development that my colleagues and I would be in favour of and that would not be unreasonable with respect to all the things many people would have to continue to do, whether they be hunters, fishermen, farmers or whatever the case may be.

However it is something that merits debate in its own right. It should have been dealt with in a separate piece of legislation rather than in the context of all the other things I have already spoken about. It could have been dealt with in a way that reflects the agreement that exists among members of parliament about those provisions.

We do not want to bring legislation forward, particularly if we are trying to make some kind of moral statement, which I presume we are trying to do in Bill C-15, about luring on the Internet, child pornography, home invasion and the disarming of police officers, in a way that ascribes controversy to those measures by tacking them on to things which are controversial. Why would we not want to do that in a way that conveys the full measure of support that exists in parliament and in the Canadian public?

This is the argument to be made for splitting the bill. I do not know if the government is open to that but I doubt it. It seems that it has already made a decision not to do that because it has taken

formerly separate pieces of legislation and put them into the omnibus bill. I regret it has done that for all the reasons I have already discussed.

There will be a lot of work to do in committee, particularly with the issue having to do with cruelty to animals, not just in terms of that conceptual leap but in terms of definitions and just exactly what is meant here. It may be that I do not know what the government has in mind. There are issues to be looked at in terms of cruelty to animals that may not have to do with the destruction of animals but with the treatment of animals in factory farms. I am not even sure it comes within the ambit of the legislation but I know there are many Canadians who are becoming concerned with the way in which their food is being produced, as well as the living conditions of animals. In some cases it is more the pre-dying conditions of animals that are raised and harvested for human food purposes. This is something that obviously has to continue to happen but surely there must be a way in some instances to do this better than we do now. However, that may well be outside the range of the bill, and I digress.

• (1340)

Another area of controversy in the bill has to do with the firearms legislation. Bill C-15 proposes to put in place certain efficiencies with respect to registration so that people can register on line, et cetera. It would change some definitions.

Here again, although very few of us in the House would look forward to a debate centred specifically on this legislation, or on firearms registration and control because it has been so controversial, I still have to say that it would have been better to deal with this by itself. There is already a lot of suspicion out in the community about what the government may or may not be up to with firearms registration, and changing definitions in the body of a big omnibus bill gives rise to a lot of anxiety and suspicion, which may or may not be warranted.

I and perhaps other members of parliament have had a great deal of mail from people who enjoy the sport of paintball. People wonder whether or not the definitions in the bill are designed in some way, either accidentally or intentionally, to eliminate the game of paintball. I had my staff check with the firearms control folks and they say that paintball will not be covered, but others say that it might be. Therefore this is obviously something that we need to address in committee not just with respect to paintball but with respect to any new definition of what constitutes a firearm.

If it is the government's intention to restrict things that are not now restricted, such as the registration of things that are now not registered, it should be very upfront about it. It should not hide it in some type of microcosmic detail about length or width of a barrel, how many joules, how many feet per second or whatever it is that is used to describe the speed of what comes out of the cannon. It

should be very clear with the Canadian public about what it is up to. At this point I do not have that feeling. Maybe the government is not up to anything at all but it has not been very clear about making that clear either. This is something that will have to be dealt with in committee.

As the member from the Bloc said, another element of the bill deals with the whole question of judicial error, wrongful conviction and the setting up of new procedures in respect of that. Again, this is something that could have been done better on its own. After what we have learned with regard to Donald Marshall, Guy Morin, David Milgaard and variety of other occasions, surely an attempt to put in place new provisions with respect to how we deal with wrongful conviction or judicial error would have been something that would have merited its own legislation and debate and yet the government has chosen not to do that.

For all those reasons I want to register our strongest objection to the way in which the government is dealing with the bill and the fact that it brought in the bill in the first place as an omnibus bill.

• (1345)

The minister in her presentation said that we had an omnibus bill in 1994 and 1996 and she cited examples as if it were some kind of virtue or justifying precedent. The fact is omnibus bills have always been offensive to members of parliament. Omnibus bills have always allowed governments to put members of the opposition, and presumably many of their own backbenchers, in a difficult position. Members who want to vote for A and are against B must choose to vote for A and explain why they also voted for B, or vice versa. It does not make for good law-making. It does not make for good politics in the sense of having clarity as to what people are for and against.

This is the same government that brought in the clarity bill which said it was important that the question and the verdict be clear. The government is engaged in an exercise that is quite the opposite. It is engaged in an exercise which, by design, is intended to confuse Canadians as to who is for what and in what context.

Having said that, I look forward to the bill going to committee and to hearing what I am sure will be a great many witnesses. I am sure we will hear concerns about its cruelty to animal clauses, its firearms control and registration clauses and perhaps a number of other issues. I regret very much that we could not have dealt today with some of the clauses having to do with child pornography, luring on the Internet, home invasion and disarming a police officer. I regret that we could not have dealt with that in the same way we dealt with Bill S-4 earlier. I do not think we would have or should have dealt with it that quickly. It certainly could have gone to committee, witnesses could have been heard and this kind of thing could have been on the books very soon. Instead, because the government chose to play politics with other things in the bill, it may well take a lot longer. The Liberals will answer to the public for that, not the opposition.

### *Government Orders*

[*Translation*]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I am pleased to rise to take part in this debate.

[*English*]

This is a very important debate. To pick up on the tone of my learned colleague from Winnipeg—Transcona, opposition and government members alike find themselves in the unfortunate situation of having to debate a bill of substance and importance that has been essentially cross-threaded and put together in a way that is unsettling and disquieting for many Canadians outside of parliament. The bill brings together a number of criminal code amendments that are inconsequential and do not connect in any rational way.

Bill C-15 touches upon issues of wrongful conviction, disarming a police officer, cruelty to animals, amendments to the Firearms Act and the National Defence Act, and home invasion. Some of the issues are straightforward and deal with changes or modernization within the criminal code. One such change would acknowledge the seriousness of trying to take away a police officer's weapon. Such changes to the act would allow the judiciary to respond in a more proportional way.

However the bill has controversial aspects as well, particularly as they relate to firearms legislation which a growing number of Canadians are finding cumbersome, unenforceable and intrusive.

Perhaps more graphic are concerns over the cruelty to animals provisions. However, because of the omnibus nature of the legislation, it is before us as a package. Hon. members opposite applaud that because they know it forces members of the opposition to vote for the entire package. Such members may support nine-tenths of the bill yet find in it something unacceptable to themselves, to their constituents or to the interests they represent.

• (1350)

We saw unanimous consent today for Bill S-4. The bill went through at record pace. We debated all stages and passed the legislation with the greatest spirit of co-operation. Bill C-15 is the antithesis of that. The government is force feeding the opposition and saying that while we may not like some of the bill we must take it all. The bill contains very good and needed legislation. However, it is like vanilla ice cream with a little motor oil poured on that the government is telling us to eat.

Short of dividing up the bill, taking out the offensive legislation and studying it separately, there is no way to allow opposition members the opportunity to deal with it when it comes to a vote. They can do nothing more than put comments on the record. At the end of the day the final verdict will be whether we support the legislation or not.

*Government Orders*

Let us delve into the substance of the bill. The brave new interconnected world is posing new and sadly innovative ways in which to transport information. That of course has implications for things like pornography. Purveyors of child pornography have in recent years taken advantage of the new technology. Internet sites and chat rooms are not generally controlled or monitored. That raises questions about the responsibility of owners and managers of computer networks, such as private Internet access providers and universities, for the content of the websites and chat rooms they offer their customers.

Courts in Canada and elsewhere have given little direction in this new area of technology. The Canadian Security Intelligence Service, CSIS, 2000 annual report states:

The distribution of child pornography is growing proportionately with the continuing expansion of Internet use. Chat rooms available throughout the Internet global community further facilitate and compound this problem. The use of the Internet has helped pornographers to present and promote their point of view.

This is a very disturbing trend. The legislation would at least attempt to control or police the Internet.

Bill C-15 deals with the issue in the following ways. It talks about the luring of a child via the Internet. Clause 14 of the bill adds the offence of luring. The clause states that every person commits an offence who, by means of a computer, communicates with persons in various age groups and does so for the purposes of facilitating the commission of the following offences: sexual touching, making of child pornography, procuring prostitution of a child under the age of 18, sexual assault, sexual assault with a weapon or threats, and aggravated assault. These of course are some of the more serious and damaging offences that can be committed under the criminal code. Any means, therefore, by which those offences can be perpetrated should be governed by criminal legislation. The bill would do that.

It is not a defence, I might add, for the accused to say they believed the child was over a certain age, whether 18, 16 or 14, unless reasonable steps can be demonstrated to ascertain the age of the child. This is a responsible interpretation and expansion of the criminal law and it would certainly stabilize efforts to police the Internet.

Further to that point, sub-section 11(2) of Bill C-15 adds a new offence. Under the bill, the making, distribution and sale of child pornography would also be criminal code offences when committed via the Internet. This is in keeping with supreme court decisions, the Queen v Sharpe being the most recent case in which the judges had an opportunity to deliberate on the subject. The sentence for this type of offence would lead to a person being liable to imprisonment for a term not exceeding 10 years or an offence punishable on summary conviction. The Conservative Party is in favour of this type of policing.

This new provision would not criminalize the inadvertent viewing of child pornography on the Internet. The accused must have had knowledge of the presence of child pornography on the site or the specific intention to use it. However, the bill would perhaps open the door for the justice department to further expand on the ways it can prevent and hopefully deter pornography on the Internet. Bill C-15 gives a rather vague commitment to do so in the future and any type of sexual exploitation is something that we must condemn in the strongest possible terms. The Liberal government could have passed measures in advance of the supreme court ruling in Sharpe. One of the minister's favourite phrases "In a timely fashion," is code for "When we get around to it".

● (1355)

Recent examples are the Youth Criminal Justice Act which has taken seven years to reach fruition. It is now of being jammed through without proper consultation on some of the changes it would bring in.

In the last general election, the Conservative Party was the only party to propose a national strategy to combat child pornography. Our proposal would have included Internet safety education for children, the training of police in the tracking of pornography and the revamping of current laws to ensure we were not facilitating high tech prostitution. We would suggest, in a constructive way, that this is another area the government and the Minister of Justice look at exploring.

Concern has been expressed by Internet service providers and the high tech industry generally that subclause 163.1(3) would subject Internet servers to criminal liability for third party content unless they could prove they did not have actual or constructive knowledge of the existence of the material. We will perhaps have an opportunity to delve into those issues at the committee level when we hear from those affected by the legislation. We look forward to getting their perspectives in the hope of amending or tightening up the provisions.

It is certainly a positive step, as I indicated. We must ensure that child pornography is not stored on or made available through Canadian computer systems without being subject to the criminal code.

Possible amendments to the section would require that Internet service providers, in particular large providers, such as AOL, be able to police sites and access information. This would come at great expense but steps have already been taken to do just that. Service providers hire staff to take complaints from their users. They also monitor Internet chat rooms and supply information to the proper authorities if they have reason to believe these nefarious activities are taking place.

Other aspects of the bill that have been touched upon are the provisions that affect paintball operators. That is the extreme sport, as it is sometimes called, with respect to the use of paintballs. The limit of velocity at which paintballs can leave the guns is, I understand, 5.7 joules. I suspect the minister's intention was to ban certain types of pellet guns but the limit also affects paintball users and operators. There is concern that the technical description of the velocity limit may need to be amended with respect to paintballs.

It is my understanding, from talking to people who manage those activities, that they are already taking steps to adhere to safety standards. The bill as it is drafted would have serious implications for those types of businesses with respect to the pointing of a firearm. If the description of the velocity is not amended it may make it a criminal offence to participate in such activities.

Home invasion and criminal harassment are other areas of the bill that we support unequivocally. Under clause 23 of the bill the courts must consider break and enter, robbery and extortion as aggressive and aggravating circumstances. They must consider whether a dwelling house was occupied at the time of the offence.

I realize we must start question period so I will continue my remarks at the conclusion of question period.

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## STATEMENTS BY MEMBERS

[*Translation*]

### COMMUNITY TELEVISION

**Mr. Claude Duplain (Portneuf, Lib.):** Mr. Speaker, in February, the CRTC asked the parties for their comments and observations with respect to policies for community television channels.

• (1400)

Television in the 21st century offers viewers an endless number of channels, with programming of national and international interest.

However, community television has always been a voice for the local community. As the voice of the people, it has reflected the interests, culture and needs of a community that wants to be heard. Since 1998, cable companies have no longer been required to support community channels.

Today is the deadline for submitting comments to the CRTC. I add my voice to that of all the parties, including the Fédération des télévisions communautaires autonomes du Québec, in order to emphasize the importance of introducing policies which will

guarantee the survival and financial independence of community television channels throughout Canada.

\* \* \*

[*English*]

### VOLUNTEERS

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, I rise today to give special recognition to Roland Dadeneau, Delores Bouchey, Olga Bodnarchuk, Cal and Judy Croy, Bill Brace, Myrtle Barnett and Irene Tillett.

Each has been recognized for generosity by receiving awards ranging from the Governor General's caring Canadian award to the make a difference community award presented by the lieutenant-governor of Manitoba. They are representatives of the thousands of volunteers of Selkirk—Interlake.

I have attended many events that would not have been successful if it were not for the many outstanding volunteers who donate their time, efforts and skills. These people are often overlooked and do not receive the recognition they deserve.

The town of Teulon and its residents exemplified this spirit in recent fundraising efforts for young Jonathon Watson and his fight against cancer.

I express thanks to the people in my riding who generously contribute untold hours of their precious time to help improve the quality of life for others. Through their efforts Selkirk—Interlake truly is a great place to live.

\* \* \*

[*Translation*]

### SIMON GAMACHE

**Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.):** Mr. Speaker, May 4, 2001, will go down in the annals of the Quebec junior major league as the date on which Simon Gamache of the Foreurs de Val-d'Or topped Mario Lemieux's record for the most points in a series.

In the second match of the Coupe du Président hockey final, number 22 of the Foreurs de Val-d'Or scored three goals and made two passes, giving him a point total for the 2001 series of 53, one more than Mario Lemieux's record in 1984 with the Voisins de Laval.

Supporters of the Foreurs de Val-d'Or gave Gamache an ovation lasting several minutes when he broke the record. At the end of the game, his fellow team mates lined up to honour him when he skated out as the first star.

*S. O. 31*

### DUNAMIS AND MERITAS GALA

**Ms. Carole-Marie Allard (Laval East, Lib.):** Mr. Speaker, today I would like to draw the attention of the House to the Ville de Laval business community.

Last Thursday night, more than 1,000 Laval businessmen and women took part in the twentieth Dunamis et Meritas Gala, organized by the local Chamber of Commerce and Industry, headed by François Plourde.

The twenty Dunamis awards were competed for by 192 companies, which is a clear reflection of the entrepreneurship that exists in that community.

Two individuals were also honoured for their contribution; Ludwig Melik received the "Young Meritas," prize and Clément Joly the "Tribute Meritas".

I was proud to have the opportunity, on that evening, to congratulate all the winners for their magnificent contribution, on behalf of the Prime Minister of Canada and the Secretary of State responsible for Economic Development.

I congratulate all those who contributed to the great success of this evening.

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[English]

### AIR CADETS

**Mr. Bryon Wilfert (Oak Ridges, Lib.):** Mr. Speaker, I rise in the House today to announce that Canada's air cadet movement is celebrating its 60th anniversary this year. Individual squadrons are marking the occasion with various activities throughout this anniversary year.

Since 1941 approximately 1.2 million young Canadians have participated in air cadets. Membership is free and cadets are not expected to pay for their uniforms or training.

The focus of today's air cadet movement is on citizenship and leadership, with an orientation toward aviation. Through cadet training young people between the ages of 12 and 19 years of age learn the value of initiative, respect, self-reliance, discipline, teamwork and leadership.

I offer congratulations to all air cadets, past and present, and commend and thank the officers, instructors, parents, volunteers and sponsors, in particular Captain Javed Khan, commanding officer of Banshee 778 Squadron, for his dedication and efforts over the past several years to the air cadet movement in my community of Richmond Hill.

### NATIONAL FOREST WEEK

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, National Forest Week is sponsored by the Canadian Forestry Association, Canada's oldest conservation organization. This year's theme is "Canada's Forests. . . a breath of fresh air".

• (1405)

The whole world looks to Canada for its wealth of forests and for its expertise and leadership in forest management. Forests are the economic basis of our high standard of living and play a major role in Canadian cultural, spiritual and recreational values.

The mandate of the federal government is for forest protection, forest health, research and development, and international market access. The major domestic commitments have been met by the Canadian Forest Service, which is now 102 years old. In addition, Canadians look to the federal government for international leadership to ensure continued prosperity.

I encourage all Canadians to reflect this week on our forest heritage or to participate in forest week activities.

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### NATURAL SCIENCE AND ENGINEERING RESEARCH COUNCIL

**Mr. Paul Harold Macklin (Northumberland, Lib.):** Mr. Speaker, last Thursday the Secretary of State for Science, Research and Development announced an investment of \$21.7 million toward the Natural Science and Engineering Research Council of Canada, NSERC.

This money will create three new research networks in environmental studies. These programs will help to make Canada a leader in the field.

NSERC supports research that will provide Canadians with the knowledge and skills to help Canada flourish in the 21st century. We wish the best to each of the over 300 researchers, graduate students and post-doctoral fellows who will be funded through this investment.

\* \* \*

[Translation]

### PARENTAL LEAVE

**Ms. Monique Guay (Laurentides, BQ):** Mr. Speaker, the Liberal government continues to arrogantly and disdainfully say no to young Quebec families, preferring to satisfy its need for maintaining a high profile rather than support a parental leave program on which there is a very strong consensus in Quebec.

Why does the federal government insist on treating a woman who has given birth to a child the same as a person who has lost his or her job?

How can this government continue to claim that extension of parental leave from six months to one year is a good thing, when people on that leave will have to live on 55% of their salary?

What virtual world is the Prime Minister living in, when he refuses to understand that young families with a new-born child will find it very difficult to take advantage of this new legislation, since they will not be able to live for a year on half-salary?

This is a battle we would no longer have to fight if Quebec were sovereign. We could then use our tax dollars according to the needs and priorities of Quebecers.

\* \* \*

[English]

### VETERANS

**Mr. Roger Gallaway (Sarnia—Lambton, Lib.):** Mr. Speaker, I acknowledge the presence in Ottawa today of two groups: from Hebron, Nova Scotia, the more than 200 members of the Maple Grove and Yarmouth High Memorial Club, and from my riding of Sarnia—Lambton, Mrs. Wilma McNeil and friends, who together represent more than 25 years of a crusade to remember veterans in hospitals, to promote the concept of community and national service and, most important, to work for November 11, Remembrance Day, as a national holiday.

These two groups, separated by some 2,000 kilometres, are meeting on Parliament Hill today to draw attention to their work in remembering the collective contributions of veterans to our freedoms.

They know that by joining their efforts together they can draw attention and convince others to think about and agree that November 11 can be a true, lest others forget, day of remembrance.

\* \* \*

### BILL C-11

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, the Standing Committee on Citizenship and Immigration has just completed a week of public hearings across Canada.

The witnesses who appeared before the committee stated that the new immigration bill, Bill C-11, was anti-immigration, unCanadian and showed disrespect for the rule of law. Bill C-11 even refers to permanent residents as foreign nationals.

Canada was built by immigrants. Canada's past history is really a history of immigration. Canada's future will depend on progressive immigration legislation.

### S. O. 31

Bill C-11 is out of balance. It penalizes legitimate refugees and immigrants to Canada. All members of the committee agree that the bill needs some major changes so that it does not jeopardize a fantastic asset to the country. The Canadian Alliance will not support any legislation that is anti-immigration like Bill C-11.

\* \* \*

### PATRICK JOSEPH CAREY

**Ms. Judy Sgro (York West, Lib.):** Mr. Speaker, I acknowledge the loss of Captain Patrick Joseph Carey of the Fire Services West Command while battling a fire on April 30, 2001.

He died protecting the citizens of Toronto, which he did for almost 28 years.

• (1410)

He was a hero in many ways. He contributed to his community in his off duty hours by volunteering many hours at different organizations and he was always smiling. He was known to be a "happy, happy guy" by everybody who loved him.

I wish to offer condolences to his wife and family and to all those who loved him. He will be greatly missed by all of us and by the people of Toronto.

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### HOUSING

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the minister responsible for housing says he will be announcing a program of affordable rental housing. Tragically, all the indications are that the program will not help Canadians most in need.

The National Coalition for the Homeless, in a letter to the minister, hit the nail on the head. It said:

There is a stark choice coming before Cabinet: to choose a genuine affordable housing program targeted to low and moderate-income Canadians or to approve an expedient, less expensive option that will not reach those who truly need help.

Every single housing group in the country has told the government loud and clear that rental subsidies are totally inadequate.

For once will the government not get it right and develop a genuine non-profit housing program with an adequate budget, not the measly \$170 million it suggested?

We are in the worst housing crisis since World War II. The government's proposal is cheap and nothing more than political ass covering.

Let us get real and make non-profit housing a priority.

*S. O. 31*

[Translation]

### WAGE PARITY

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, according to the Canadian Human Rights Commission, wage parity is a fundamental human right that is linked directly to equality and the dignity of all human beings.

Unfortunately, in Canada at the moment, there is a real lack of desire to recognize the fact that women's work is underpaid. It makes no sense to have Canada strutting about since 1977 crowing over its support for wage parity, but unable to implement it in institutions under its jurisdiction and even avoiding itself the application of its own law.

The Bloc Québécois strongly decries the situation of thousands of women whose work is not compensated at its true value and calls on the government to fight this social injustice, that has dragged on for far too long already.

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[English]

### OCCUPATIONAL SAFETY AND HEALTH WEEK

**Mrs. Judi Longfield (Whitby—Ajax, Lib.):** Mr. Speaker, this week marks the fifth annual North American Occupational Safety and Health Week. Each year this special week gives us a chance to raise awareness of accident prevention in the workplace.

Every year hundreds of Canadian workers lose their lives due to workplace accidents. These incidents take a tremendous emotional toll on many Canadian families. With an average of three workers killed every working day, it becomes evident that an investment in occupational safety and health benefits the well-being of all Canadians.

This year's theme of "Prevention is the Cure" is designed to help workers understand the importance of recognizing and avoiding dangerous situations. I encourage all Canadians to participate, helping to make workplace safety a national priority.

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### ST. JOHN'S HARBOUR

**Mr. Norman Doyle (St. John's East, PC):** Mr. Speaker, tomorrow I am sponsoring a private members' debate on the St. John's Harbour cleanup.

Federal funding for one-third of the \$93 million project has been applied for but to date we have had no indication that our federal minister is even interested in the project.

This morning the federal minister was in St. John's talking about his interest in the municipal infrastructure, but he failed to use that occasion to announce a long term federal commitment for the St. John's Harbour cleanup.

The declining reputation of Canada's water and sewer system is very much in doubt these days. Given that the national budget has a surplus, it is about time Canada put some significant dollars into our inadequate municipal infrastructure.

I call upon our federal minister to live up to his election promise and obtain federal funding for the St. John's Harbour cleanup.

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### POST-SECONDARY EDUCATION

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, the Canadian Association of University Teachers recently released a poll showing that 75% of Canadians believe that the federal government should establish national standards for higher education, as it does for health.

The poll also showed that only 27% of Canadians believe that provincial governments should be the primary funders of colleges and university.

In virtually all confederations around the world, post-secondary education is already a federal responsibility. The CAUT proposes a Canada post-secondary education act to provide a firm basis for the federal government's many roles in higher education and research.

The government has done fine work for post-secondary education. It is clear that Canadians know this and believe that its future efforts should be vigorous, well focused and based on a truly national vision.

\* \* \*

• (1415)

### WORLD WAR II

**Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance):** Mr. Speaker, a new dawn broke over Europe's wartorn land 56 years ago. The crash of shells and the burst of bombs were replaced with church bells tolling for peace. Peace at last to a Europe engorged for six long years with war. A war so cataclysmic that tens of millions perished at the blade of the war sword and in the gas chambers designed by Hitler's mad men.

The cannons of war would now point to the Far East where soon a minute atom would in turn extinguish Hirohito's will for war.

Victory in Europe was a celebration for a continent, a pause on the road to a world free of war. Canada had over one million in uniform to help quell the rage of World War II. We remember today the price of this peace, those who fought and lived and those who never returned home. Lest we all forget.

*Oral Questions***ORAL QUESTION PERIOD***[English]***ETHICS COUNSELLOR**

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, it appears that some in the Liberal cabinet are beginning to warm to the grand theme of democratic reform proposed by grassroots citizens of the Canadian Alliance right across the country. We are excited about that.

We see that the finance minister's surrogates are telling reporters that there is too much power in the office of the Prime Minister. That is a revelation to them and we are excited about that.

Will the Minister of Finance share with us his list of what specific powers he will take away from the Prime Minister? Does that list include the requirement to table an annual budget, not an update, something that does not happen right now?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the Minister of Finance is an active and very successful member of the present Liberal team. I am glad to hear that the Leader of the Opposition is agreeing that whoever follows the present Prime Minister in the future it will not be the Leader of the Opposition. It could well be the present Minister of Finance.

*[Translation]*

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, that is very weak. The Canadian Alliance has long insisted on there being an independent ethics counsellor for parliament. And, perhaps—surprise, surprise—the Minister of Finance, it would appear, is of the same opinion.

Why did he vote against this idea?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the hon. leader is speaking of democracy. If he considers he is truly in a democracy, when will he lift the gag on his own members?

*[English]*

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, avoiding the question will not help the government.

The Minister of Finance has said that he will take powers away from the Prime Minister's office. It was the Minister of Finance who wrote the red book on the promise to have an independent ethics counsellor.

I will ask the question again, and instead of evasiveness, I would ask for a simple yes or no. Will there be support from the government when we return with the question about having an independent ethics counsellor? Will the government follow the

Minister of Finance who has now changed his mind and is saying that we should have an independent counsellor?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, first, the member's premise is wrong. He is not quoting the Minister of Finance. I read the article very closely. The comments in the article are not those of the Minister of Finance himself.

I ask the hon. Leader of the Opposition not to be evasive. If he believes in democracy when will he take the gag order off his own alleged supporters? Why did he discipline and kick out of his caucus a member of his group? Where is democracy in the Alliance? There is not very much in that party.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, the government cannot get our facts right and it cannot get its facts right. Nobody has been kicked out of our caucus.

I will ask the Prime Minister my question. When this came to a vote in the House of Commons, why did he order all Liberal MPs to vote against their own word of honour, to break their promise and to vote against having an independent counsellor? Could he answer that?

• (1420)

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, if the hon. member were so concerned about parliamentary democracy he would not break a fundamental rule and reflect on a vote in the House.

Hon. members in the House voted in the way that was consistent with their own consciences, and what they did was consistent with the support of the Canadian people. If we compare the support of the Canadian people in the last election for the Alliance Party and the support of the Canadian people for the Liberal Party, the present Prime Minister and the people on this side of the House, there is a world of difference. The Alliance Party was categorically rejected and it will be rejected again if it continues this course of action.

**Mr. Grant Hill (MacLeod, Canadian Alliance):** Mr. Speaker, it is an interesting juxtaposition. We have the finance minister over here and the industry minister who is actually in charge of the ethics counsellor.

I would like to ask the industry minister whether or not he is willing to bring in legislation, since he is in charge of the ethics counsellor, and maybe to nudge his cabinet rival a little bit and say that he can bring in new legislation for an independent ethics counsellor.

**Hon. Brian Tobin (Minister of Industry, Lib.):** Mr. Speaker, I am willing to do exactly what the Deputy Prime Minister tells me to do. The Deputy Prime Minister is willing to do exactly what this cabinet under our great Prime Minister decides to do. Nothing more and nothing less.

*Oral Questions*

[Translation]

**GOVERNMENT CONTRACTS**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in April 1999, Groupaction contributed \$52,000 to the Liberal Party and was awarded a \$3.5 million contract to manage federal sponsorships related to outdoor activities.

One month later, that same organization, Groupaction, was awarded another contract of \$615,000 to check if these initiatives were good for the federal government's visibility.

How does the minister of public works explain Groupaction, which is a generous Liberal supporter, being awarded a \$615,000 to evaluate its own work?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, Groupaction was not awarded a contract to evaluate its own work. It was awarded a contract to evaluate our sponsorship system across the country. Groupaction reported back to us. We also had an internal audit. We have issued new guidelines. We have also launched a new competition for agencies.

From now on, we will have an even better program.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, since 1997, Groupaction has contributed \$122,000 to the Liberal Party. It was awarded a \$615,000 contract without any call for tenders. The minister sees nothing wrong and says that the evaluation was not exclusively on Groupaction's work, but it was primarily on its work.

Will the minister admit that this group is not at all in a position to evaluate a group of companies of which it is part and to set rules to determine if the work was properly done?

Does the minister not agree that there is a conflict of interest here?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, Groupaction qualified as a communications agency through a call for tenders in 1997.

As an accredited agency, it receives mandates from us to seek opinions and it also gets contracts. This is a competitive process. It is not just a contract.

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, Groupaction not only received a generous contract from the federal government to manage outdoor activity sponsorships, but it was later awarded another generous contract to ensure, after the fact, that the work had been productive and well done.

In order to avoid any appearance of conflict of interest, would the minister not agree that it would have been appropriate for the

contract to do follow-up on the operation of sponsorships to be awarded to a company other than the one that had done the managing and was then assigned the job of evaluating its own performance?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, there is more than one agency. Several agencies handle sponsorships.

Groupaction was therefore not evaluating just its own work but the work in general. We asked it to look into how such a program could be improved. That is what was done.

Since then there has also been an internal audit of the system. We have issued new guidelines. We have launched a new competition, which is almost over. And, as of now, we have a better program.

• (1425)

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, it is interesting to note that Groupaction recommended that the federal government continue these sponsorships, which were felt to be very productive.

Ultimately, if the government decided to award the contract to evaluate the effectiveness of the sponsorships without going to tender, was it not because it knew that this company would tell it what it wanted to hear and endorse this new facet of its policy of propaganda?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I think that the last word of the member's question says it all. That is their problem. Every time they notice the presence of the Government of Canada in Quebec, they get nervous.

The company in question was successful in a competitive bidding process, as were all the other agencies, and a contract was awarded in order to evaluate whether sponsorship programs were going to meet the objective we had set. That is what was done, in compliance with all the standards and all the rules.

\* \* \*

[English]

**HEALTH**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the federal Liberals since 1983 have talked about the need for enforceable regulations to assure safe drinking water. After a 14 year delay, the government finally introduced legislation and then let it die on the order paper.

Six more months have past since the most recent election and still no federal leadership and no federal legislation. People are dying as a result of this shameful neglect.

*Oral Questions*

When will the government address this urgent priority and introduce tough, enforceable, national standards to safeguard drinking water?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, there are national standards. They were negotiated among all governments and Health Canada took the lead in creating them.

The answer to the issues that arise is not to simply adopt a new law or a new set of guidelines or standards. If the media reports are correct, what is wrong with the water in North Battleford is something that is contrary to the existing guidelines. The issue is enforcing them and making sure we have follow through by local and provincial governments. In that regard, we intend to continue our efforts working with our provincial partners.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, that is exactly the operative word, enforceable. We thought the government was coming to its senses. We actually thought it was about to do something about mandatory, enforceable, national water quality standards.

What do we hear today from the member for Bonavista—Trinity—Conception, the minister of everything? He said that Ottawa was not about to take a leading role, that the provinces were responsible. He said that the provinces should develop a plan to fix the problem and then the feds might co-operate. That is what I call leadership.

How many Canadians is the government prepared to see die before it finally acts?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the reality is that we have developed, with our provincial partners, the very kind of standards that the member is talking about. Access to safe drinking water is one of the fundamental rights of citizenship. We are determined, working with our partners, each doing our own part and playing our own role, to see that safe drinking water is available.

Let me just note something before sitting down. When we introduced Bill C-14 some three years ago dealing with materials through which drinking water passes to establish legislative standards, the NDP opposed it saying that it was a case of misguided—

**The Speaker:** The hon. member for Fundy—Royal.

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, the minister says “the reality is”. The reality is that Canada has mere guidelines. We do not have national, enforceable drinking water standards.

The tragic events of last year in Walkerton and the recent water contamination in North Battleford have shattered Canadians’ confidence in their drinking water.

Currently, Canada has mere guidelines. Will the government act now on a law where Health Canada would provide for national, enforceable drinking water standards to protect the health of all Canadians?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, working with the Minister of the Environment, I would be happy to speak with the provinces and territories about building on the existing national guidelines, determining whether they are prepared to see federal legislation, and finding out how we can make them more effective than they already are.

However, I do not want the member to think that we can solve all the problems in drinking water simply by snapping our fingers in Ottawa or creating further guidelines or standards. There has to be follow through.

We had a national infrastructure program, for example. We made billions of dollars available to provinces so that working with municipalities they could put new treatment systems in place.

• (1430)

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, this comes down to leadership. In the January throne speech the Government of Canada pledged that it would “fulfil its direct responsibility for water”. The federal government has the responsibility to provide leadership on this issue.

Tomorrow the House will be voting on a motion that calls for the government to enshrine into law national drinking water standards. Will government members join others in the House in signalling that parliament cares about drinking water in Canada, and will the government vote for the Progressive Conservative motion tomorrow?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, we recall that party was in office for many years. I do not have any record before me that during its years in office it created any such national legislation.

We will look at the resolution tomorrow and we will debate it at the appropriate time. However let me make the point that the interest of the government is in seeing that Canadians have access to safe and clean drinking water.

That is why we worked with the provinces as we have. That is why we made infrastructure money available, and we will continue in those efforts.

\* \* \*

**THE ECONOMY**

**Mr. Jason Kenney (Calgary Southeast, Canadian Alliance):** Mr. Speaker, statistics released today prove what Canadians already know, that under the Liberal government we are getting poorer and our standard of living is falling behind that of our major trading partner.

*Oral Questions*

In fact Canadian disposable incomes fell from about 80% to only 70% of U.S. levels over the past decade. Why does the finance minister keep telling us that everything is A-OK when in fact Canada continues to fall behind economically?

**Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, improving labour productivity is a complex, long term problem that requires long term solutions, not the kind of quick fixes they are used to over there. In fact they cannot even get their own management regime sorted out.

That is why the government introduced policies that would get our fiscal house in order, and we have made tremendous progress acknowledged the world over.

Following that, the government has made a lot of investments in research and development and in policies that encourage innovation and entrepreneurship. Businesses are responding big time with investments in machinery and equipment.

**Mr. Jason Kenney (Calgary Southeast, Canadian Alliance):** Mr. Speaker, no one is accusing them of quick fixes. What is happening big time is a decline in our standard of living. Per capita incomes have fallen to 78% from 87% of U.S. levels.

The member talked about productivity. Our productivity growth is about one-third as high as in the United States. Why does he continue to give us this kind of warmed over Liberal rhetoric when Canadians continue to see their standard of living, their disposable income and our wealth as a nation decline against those of our major trading partner?

**Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, before the government could deal with productivity, we had to get our fiscal house in order. That is why we eliminated the deficit. We are paying down the debt. We are cutting taxes. We have low inflation. We have low interest rates.

Business is responding to this positive environment. In fact machinery and equipment investments were up 18.9% in the year 2000, the fifth consecutive year of strong growth. Corporate taxes will be 5% lower than the combined U.S. state taxes in about nine of the bordering states. We are making the biggest tax cuts in Canadian history and our productivity is turning around.

\* \* \*

[Translation]

**MONETARY UNION**

**Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ):** Mr. Speaker, an internal Bank of Canada document indicated that it does not in the least reject the idea of a form of monetary union between Canada and the United States. Moreover, Governor Dodge seems to be more open than his predecessor to this. The existence of this document, coupled with recent statements by Mr.

Dodge, suggests that this government is talking out of both sides of its mouth.

My question is for the Deputy Prime Minister. Is the government not merely trying to conceal the fact that it has gone much further than it would like people to think in its consideration of a form of monetary union between Canada and the United States?

**Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, I attended that meeting as well, and I would like to quote the hon. member for Saint-Hyacinthe—Bagot, who said “Mr. Governor, it is not the floating system I object to, far from it. I think it is the right way to go”.

[English]

The government has said time and time again that we are committed to a sovereign monetary policy. That is the best thing for Canada and that is the best thing for Canadians.

[Translation]

**Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ):** Mr. Speaker, the Bloc Québécois, the premier of Quebec, Nobel Laureate Robert Mundell, the Fraser and C.D. Howe Institutes, the TD Bank, and in particular the Bank of Canada itself are looking at the advisability of forming a monetary union between Canada and the United States.

My question is for the Prime Minister. When the Minister of Finance speaks out against those who defend the principle of a single currency, is he trying to lead us on the wrong track or is he indicating real disagreement with the Bank of Canada, which would surely be a great cause of concern?

• (1435)

[English]

**Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, it is strangely ironic that a sovereignist party would propose that Canada give up its monetary sovereignty.

While some are concerned about the Canadian dollar, and clearly the Canadian government monitors the situation closely, it has actually outperformed almost every other currency. We have a strong currency. It reflects a strong Canada. It reflects the culture and the determination of Canadians to have a strong country united sea to sea.

\* \* \*

**INFRASTRUCTURE**

**Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance):** Mr. Speaker, in typical Liberal fashion, the government throws large gobs of money at real problems and then drags its feet on delivery.

*Oral Questions*

Before last fall's election the government promised hundreds of millions of dollars to rework sewer and water facilities. Six months later another community, North Battleford, has a major contamination. Guess what? The government cannot trigger any of that promised money.

When will the government get its act together, cut the red tape and get out the money it promised?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, I already made reference to the infrastructure program which of course is a way for us to work with our partners in provinces and municipalities to make sure that kind of money is available.

**An hon. member:** It is \$56 million in Saskatchewan.

**Hon. Allan Rock:** I am reminded that it is \$56 million in Saskatchewan. These sums are intended to go into local works. They will provide for water, sewage, bridges and other important infrastructure to make sure Canadians have what they need.

**Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance):** Mr. Speaker, there is a major problem. The application forms have not even been designed yet. Time is not on our side on the issue of safe water.

All communities need access to safe water today, not days and months from now. Platitudes, promises and public relation spins will not fix any problem.

The Minister of Health pledged his support this weekend. I will ask him again. When will he remove the bureaucratic delay and start the money flowing into communities?

**Hon. Ronald Duhamel (Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Francophonie), Lib.):** Mr. Speaker, it is a program they were against. We had it once and will have it again. The application forms have come forward. A number of announcements have already been made.

It is too bad they are not watching what is happening. It is a top priority. We have said it time and time again. We will have a number of other announcements within the next couple of weeks.

I know the members of the opposition do not like that. They grimace, they laugh, they make fools of themselves, but that is the truth.

\* \* \*

[Translation]

**SPACE SHIELD**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, we are very concerned by the American administration's decision to go ahead and implement an anti-missile shield. According to an internal report, Canada, through its undertakings in connection

with NORAD activities, may have a hard time eluding the final decision of the American administration.

Could the minister explain how his involvement in NORAD will not compromise his manoeuvring room in this matter?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, NORAD's agreement has just been renewed for a further five years between Canada and the United States. It is a very key defence document and is one that works quite well. Both countries, working together, can make sure we can survey the airspace and the outer space areas in which any object, plane or missile could affect security in North America. It will continue to be the case.

Meanwhile, we are in a consultation phase on the missile defence program and are waiting for specifics from the United States on the matter.

[Translation]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, I would like to know how the government can let us think that no decision has been made, when the army is proceeding with the joint \$600 million space project, which is linked to the space shield project, according to the Canadian army's documents?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, it is not directly linked to national missile defence. It is linked to our responsibilities in NORAD in terms of surveillance. Surveillance of incoming missiles is a part of NORAD's current responsibility, so the joint space project fits in well with all that. It does not necessarily relate at all to missile defence.

\* \* \*

● (1440)

**PUBLIC WORKS**

**Mr. Andy Burton (Skeena, Canadian Alliance):** Mr. Speaker, according to today's *Globe and Mail* there was no specific competition for the Group Action contract worth \$615,000.

In the transport and government operations standing committee on May 26, the Minister of Public Works and Government Services said "Every time there was a sole source contract above \$25,000 my officials came and briefed me and asked my opinion".

If this is the case, why would the minister agree to such a blatant misuse of taxpayer dollars?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, let me say that this contract was competitive. All communication agencies recompeted. Once

*Oral Questions*

the agencies are qualified then contracts are given. This was not a sole source contract. It was a competitive contract.

**Mr. Andy Burton (Skeena, Canadian Alliance):** Mr. Speaker, it certainly looks like awarding large advertising contracts to friends of the Liberals is becoming a habit of this minister. First Mrs. Tremblay and now Group Action. Who is next?

If as in the minister's response this is such an acceptable expenditure, why has the government refused to release the Group Action report of findings related to this contract? Why are they not released and when will they be released?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, this contract was given so we could improve our program. As a matter of fact, besides this study there was also an internal audit. Since then we show guidelines. All the agencies recompeted. For the year 2001-02 we will have a better program because of this work.

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**TRANSPORTATION**

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, my question is for the Parliamentary Secretary to the Minister of Labour. Many of my local Liberal colleagues in the national capital region, especially the hon. member for Ottawa—Vanier and me, have been very concerned about the tremendous inconvenience and dislocation caused by the two month old Para Transpo strike.

Could the parliamentary secretary tell the House what the federal government is doing to help end this strike and restore vital services to the users of Para Transpo?

**Mrs. Judi Longfield (Parliamentary Secretary to Minister of Labour, Lib.):** Mr. Speaker, I am pleased to advise my colleague that the employer has agreed to submit this dispute to binding arbitration.

The union executive has already announced that it will recommend to its membership that this dispute be settled by binding arbitration, and the union will actually vote on it this evening.

I am sure that all hon. members join me in encouraging the resumption of normal Para Transpo operations as quickly as possible.

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**GOVERNMENT LOANS**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, less than one year after we gave Buhler Versatile Inc. a \$32 million unsecured interest free loan to build farm tractors in Winnipeg, it now says it is moving the plant to Fargo, North Dakota, and there is nothing in the loan contract to stop it.

Even worse, it is now revealed that the purchase price of the plant was only \$28.5 million. We gave them \$32 million, 115% of the total value.

John Buhler is breaking his side of the bargain to build tractors in this country. I want to know what the Minister of Industry will do to cancel this loan agreement and to recoup every penny of taxpayer money from this bogus loan?

**Hon. Brian Tobin (Minister of Industry, Lib.):** Mr. Speaker, I would be very happy to table a letter for my hon. NDP colleague from the NDP government of the province of Manitoba, both from the premier of the province and from the minister of industry, asking the national government to approve this transfer without delay, and that we did.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, we all went to bat to try to get a buyer for this plant. I wrote letters personally on behalf of it and so did Lloyd Axworthy to get that loan through. We did not know they would write such a sloppy loan that this company could leave the country with our money.

Worse than that, it was revealed yesterday that John Buhler moved all the assets out of the company into a holding company and now has a secured loan against all the assets. Even if the company goes bankrupt or leaves the country, we cannot go after the assets of the company.

Again, what will the minister do? Will he unleash all the legal resources in his department to get—

**The Speaker:** The hon. the Minister of Industry.

**Hon. Brian Tobin (Minister of Industry, Lib.):** Mr. Speaker, the member is quite right. He and members of the New Democratic Party and members of the government of the province of Manitoba all asked that the matter be handled in exactly the way in which it was handled.

There was no new loan made. What happened was a new buyer took on the obligation of handling an existing loan. That is all that happened. By the way, it was done at the request of the hon. member and his friends in the province of Manitoba.

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● (1445)

**BUSINESS DEVELOPMENT BANK OF CANADA**

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, I have a question for the Minister of Industry. Why is the Business Development Bank suddenly so concerned about the role of Jean Carle in the Grand-Mère file that it now claims the document which proves his involvement is a forgery?

*Oral Questions*

Will the minister tell the House whether the bank employees who have allegedly sworn affidavits to that effect did so voluntarily, and will he advise why this new alleged forgery is not going to the RCMP?

**Hon. Brian Tobin (Minister of Industry, Lib.):** Mr. Speaker, it is clear now that the Leader of the Opposition had a brilliant week last week and for the previous two weeks and managed to steal away the front pages from the leader of the Conservative Party and had a better night Saturday night at the press gallery dinner. We are back to the same old tricks from the leader of the Conservative Party.

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, my question for the Deputy Prime Minister is about the company known as 161341 Canada Incorporated, the company in which the Prime Minister held a one-third interest.

The certified copy of the registered deed of sale shows that on July 27, 1988, 161341 Canada Incorporated paid Consolidated Bathurst the sum of \$1 for 21 parcels of land. Those are the golf course lands.

Could the Deputy Prime Minister confirm that the price the Prime Minister's company paid was \$1?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I will have to take the question as notice. I cannot confirm the allegations of the hon. member.

I also point out that his question does not seem to have anything to do with the business of the government.

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**HERITAGE CANADA**

**Ms. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Mr. Speaker, the auditor general has identified a lack of accountability for \$700 million in grants and contributions of taxpayer money that Canadian Heritage currently spends.

How could the government justify spending an additional \$563 million by that department when it cannot account for what it currently spends?

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, I am frankly extremely disappointed that the hon. member, who last Tuesday or Wednesday was standing in the House looking for almost a half a billion dollars in assistance for a particular project in her constituency, has the gall to state only two days later that there should be no money for culture in Canada. If she continues to pursue that agenda I do not think there will be any seats left standing in her party.

**Ms. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Mr. Speaker, obviously the minister has chosen to

ignore the auditor general's report. Will the minister delay the spending of the announced funds until her department cleans up its act?

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, one of the things I have to say is that the reaction across the country to the announcement made last week by the Prime Minister was absolutely fantastic.

I know that Alliance Party members have been busy with other things, but in case they have not had a chance I would like to recall the statement made by the Edmonton Arts Council executive director that the government was able to support groups that were doing good art and the statement made by Bob McPhee, general director of the Calgary Opera Association, that its number one mandate was to give culture the resources so that it could—

**The Speaker:** The hon. member for Rosemont—Petite—Patrie.

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[Translation]

**ACID RAIN**

**Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ):** Mr. Speaker, a study by the Quebec department of natural resources revealed this weekend that acid rainfall is the cause of the premature decline of Quebec maple stands. The Minister of the Environment is still refusing to implement the Kyoto protocol, which would lead to a reduction in both greenhouse gases and sulphuric acid emissions.

Does the minister not realize that, because of his own inaction, he is responsible for an environmental problem in the decline of Quebec maple stands and an economic problem in the negative growth of the maple products industry in Quebec?

[English]

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the hon. member has correctly identified the question of acid rain as being of continuing importance. It is true that many advances were made in the eighties, in the early eighties in particular. It is also true that the problem continues.

• (1450)

We have the acid rain strategy as a result. We are working with our American partners to reduce acid rain emissions and we hope that will be successful.

In addition, he is incorrect in stating that the government is not pursuing the Kyoto agreement and its commitments under that agreement. As the Prime Minister said in the House on a number of occasions, that is precisely what we are doing. We are following through on our Kyoto agreement commitments.

*Oral Questions*

[Translation]

**Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ):** Mr. Speaker, Quebec cut its acid emissions by 65% 10 years ago but more than half the acid rainfall in Quebec comes from the use of fuel oil and coal in Ontario and the U.S.

Is the statement by the American vice-president in favour of the construction of coal, natural gas and fuel oil fired generating stations, together with the Prime Minister's open attitude to the non-renewable energy needs of the Americans not cause for Quebec maple producers to fear the worst?

[English]

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, in December I signed an agreement with my counterpart in the United States to reduce by 50% the emissions related to ozone impacted pollution at low level. This will have a dramatic impact upon acid rain emissions in exactly the area and from the sources the hon. member has outlined.

I do not understand why he does not pay attention to the ongoing process with our partners in the provinces and of course in the United States to reduce emissions because the problem, as he has correctly pointed out, is very serious.

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**NATIONAL DEFENCE**

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, the 1999-2000 military housing inventory obtained under access to information shows the need for \$300 million to upgrade military housing just to a minimum standard. This is at a time when there is a need to replace billions of dollars of equipment and when we have to increase personnel numbers just to meet the commitments already made.

I would like to ask the minister a very direct and basic question. Where will he get the money to replace this housing so that men and women serving in the military have housing that at least meets the minimum standard?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, we want decent and affordable housing for our troops and for their families. Since the quality of life report of the Standing Committee on National Defence and Veterans Affairs was issued three years ago we have spent some \$250 million on upgrading the housing.

This year we will spend a further \$57 million and we will keep providing the allocations that are necessary until all of that housing is up to a top standard. Furthermore, we are increasing our budget in terms of our equipment expenditures. We are either replacing or upgrading just about every major piece of equipment in our inventory.

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, we need \$300 million now, just to increase the housing improvement to a minimum standard.

The minister knows that with the current budget we cannot replace the equipment needed and increase the numbers to the level promised, to the 60,000 promised, and at the same time fix housing to the minimum standard.

Will the minister continue to run dilapidated equipment and to leave personnel below the promised level? Will he leave the substandard housing or will he continue to increase rents to men and women serving so that they can pay for the improvements necessary to increase the housing just to the minimum standard?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, we take responsibility for upgrading this housing. The hon. member seems to have forgotten that we have already spent some \$250 million to do that. We are spending more this year and we are committed to doing the job.

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**VETERANS AFFAIRS**

**Mr. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, this week we commemorate the Battle of the Atlantic in which Canada played a vital role, both in terms of enlisted men and women and our merchant mariners.

To date our merchant navy veterans of all naval campaigns have waited a long time for their full payments, a package that the government committed itself to in previous programs. Could the Minister of Veterans Affairs tell the House when these aging veterans will receive their second payment?

**Hon. Ronald Duhamel (Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Franco-phonie), Lib.):** Mr. Speaker, with the full support of all my colleagues, including the Prime Minister and the Minister of Finance, I was able to announce in Winnipeg last Friday the final payment of \$34.5 million to merchant mariners.

This payment is in recognition of the tremendous sacrifices they have made and of the contributions they made to the war efforts of Canada and Canada's allies. They will receive the money that is due to them, those who qualify, I expect by the end of the month of May.

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● (1455)

**ABORIGINAL AFFAIRS**

**Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance):** Mr. Speaker, the bishops of the Anglican church have now appealed directly to the Prime Minister for answers to the Indian residential school debacle. For example, St. Peter's Anglican church in my hometown of Williams Lake, British Columbia, where my best childhood friend was baptized in 1938, while not directly involved in residential schools is now wrapping up its affairs in bankruptcy proceedings.

*Oral Questions*

Will the Prime Minister step forward with the leadership to settle these lawsuits and allow victims and the churches to get on with their lives? As a former Indian affairs minister the Prime Minister is well qualified. Will he do this?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, some 7,000 former students at Indian residential schools have brought some 4,000 lawsuits against both the federal government and, in about 70% of the cases, against various church organizations.

This is a very difficult, very complex matter. We are working with the church organizations involved to develop a resolution of this matter which will be fair to the victims, to the churches and to Canadians without undue recourse to the litigation process.

I think we are making progress. We will continue to work in good faith on this serious matter.

**Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance):** Mr. Speaker, that non-answer will not do. The conversations have gone as far as they can. The churches are appealing for direction and assistance.

The federal government for a hundred years fostered a policy of assimilation justifying residential schools. The government may think it has the luxury of time, but those who were abused in the residential schools still await justice. Litigation is rapidly draining the resources of the churches. Will the Prime Minister please move now to resolve this issue?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, my hon. friend makes a point in saying that this is a very complex matter. We are working to resolve the issue. We want to do so in a way that is fair to the churches in recognizing their role as valid social institutions. Above all, we have to be fair to the victims and reflect the interests of Canadians generally. That is what we are doing.

We are trying to advance the process and take it out of the litigation system. This is very difficult and complex. We are continuing our efforts. I look forward to my hon. friend using a more constructive tone in the way he did originally. That is the way to help, not to unduly politicize the matter.

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[Translation]

**AMATEUR SPORT**

**Mr. Robert Lanctôt (Châteauguay, BQ):** Mr. Speaker, the Secretary of State for Amateur Sport is boasting about working for sport at the grassroots.

The government of Quebec and the city of Montreal indicated how much money they will contribute to relocate the Tazmahal, a skateboard and roller blade centre.

If, as he claims, the secretary of state truly cares about promoting access to sports to the largest possible number of people, could he tell us what he is waiting for to announce the federal government's contribution to this project?

**Hon. Denis Coderre (Secretary of State (Amateur Sport), Lib.):** Mr. Speaker, I have no intention of negotiating here. We have been working on this issue for a few months, unlike the Quebec government, which has been at it for three years.

We wanted to propose an infrastructure program in which the provincial, municipal and federal governments could have been involved, but the Quebec government said no.

We are looking at the issue and I am working with my colleagues, so that we can soon come up with an answer.

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[English]

**AGRICULTURE**

**Mr. Walt Lastewka (St. Catharines, Lib.):** Mr. Speaker, my question is for the minister of agriculture. The plum pox virus is a serious disease that infects stone fruit species including peaches, nectarines, plums and apricots. It has been a scourge on the Niagara area over the last year.

The plum pox virus has adversely affected the livelihoods of both producers and the nurseries in the region. Could the minister inform the House about what steps are being taken by Agriculture Canada to assist the Niagara region in overcoming the plum pox virus?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the Canadian Food Inspection Agency is taking extensive action to manage and to try to eradicate this disease. There are eradication programs in the smaller areas in Ontario and Nova Scotia. They are having consultations with the industry in the Niagara area.

As well, the Ministry of Agriculture and Agri-Food is consulting with the industry, the producers and the province of Ontario as far as compensation for those affected by it. We are stepping up and intensifying the research in order to find out how this disease acts in Canada as well.

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**ABORIGINAL AFFAIRS**

**Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance):** Mr. Speaker, I appreciate the complexity of this situation. I also appreciate that conversations are now stalled and that there needs to be a push for these to go on.

There are abused victims who are waiting with little hope. There are churches going broke while the government is stalled in this regard.

*Routine Proceedings*

● (1500)

I must ask the government once again when leadership will be shown to settle these lawsuits once and for all and let those who are afflicted get on with their lives.

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, my hon. friend is mistaken. The discussions are not stalled. They are proceeding.

I want to say that we are working in a way that will allow the victims who can prove their claims to get on with their lives. For this we need the co-operation of the church organizations involved to reach an agreement with us on the degree of shared liability in this very complex matter.

I look forward to the hon. member playing a constructive role in this regard instead of trying to politicize it. This is not the way to reach a fair resolution to the matter.

\* \* \*

[Translation]

**TOKAMAK**

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, in 1997 the federal government announced that it would no longer provide its annual contribution of \$7.2 million to Tokamak, in Varennes, which was then the main nuclear fusion research centre in Canada.

We are now learning that the government is part of a consortium that is trying to attract to Ontario the \$12 billion ITER project, a megaproject for international research in the same sector.

How does the Minister of Natural Resources explain that his government forced the closure of Tokamak in Varennes by claiming that nuclear fusion was no longer one of its priorities, when it is now injecting billions of public funds in that same sector, but this time in Ontario?

[English]

**Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.):** Mr. Speaker, an organization called Iter Canada, which is largely involving the private sector, including I would point out a number of private sector firms from the province of Quebec, is promoting the notion of an Iter location in Canada at some future date.

The Government of Canada has not contributed millions of dollars. One million dollars is what the Government of Canada has contributed over a three year period to support the activities with respect to siting.

I would point out with respect to Tokamak that upon the withdrawal we provided full compensation, as required under that program.

[Translation]

**POINTS OF ORDER**

## TABLING OF DOCUMENTS

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, it has become customary in recent days to want to comply with an express request of the Deputy Prime Minister that proof be tabled establishing a link between the Auberge Grand-Mère and the Grand-Mère golf club, in the form of a 10 year lease.

Once again, I seek unanimous consent to table this document.

**The Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**ROUTINE PROCEEDINGS**

[English]

**ORDER IN COUNCIL APPOINTMENTS**

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, it gives me great pleasure to table, in both official languages, a number of order in council appointments recently made by the government.

Pursuant to the provisions of Standing Order 110(1) these are deemed referred to the appropriate standing committees, a list of which is attached.

\* \* \*

**GOVERNMENT RESPONSE TO PETITIONS**

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

\* \* \*

**PETITIONS**

## THE ENVIRONMENT

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, under the provisions of Standing Order 36 I have the honour to present to the House a petition signed by constituents in my riding of Nepean—Carleton and the surrounding Ottawa area.

They call upon the federal government to enact an immediate moratorium on the cosmetic use of chemical pesticides.

## HUMAN RIGHTS

**Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.):** Mr. Speaker, I have the honour to present a petition calling on the Parliament of Canada to uphold the Latimer decision in the Supreme Court of Canada.

• (1505)

## CENSUS RECORDS

**Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.):** Mr. Speaker, I rise to present a petition calling for the release of census records to genealogists and historians. The petition is signed by more 2,200 Canadians from seven provinces.

The petitioners point out that an estimated 7.5 million Canadians are engaged in the pursuit of their family histories and census records are a valuable tool.

They call upon parliament to take whatever steps are necessary to retroactively amend confidentiality clauses of the Statistics Act since 1906 to allow the release of the post-1901 census records after a reasonable period of time.

[Translation]

## FREE TRADE AREA OF THE AMERICAS

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I have the honour to present a petition regarding the free trade area of the Americas.

[English]

The petitioners call upon the government to address their concerns about the impact of the FTAA on the environment, on children and on all people of the Americas.

[Translation]

Those who signed the petition call upon the Canadian government to publish the full texts of the free trade area of the Americas.

\* \* \*

[English]

## 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 Speaker:** Is that agreed?

**Some hon. members:** Agreed.

## Government Orders

## GOVERNMENT ORDERS

[English]

## PATENT ACT

**Hon. Brian Tobin (Minister of Industry, Lib.)** moved that Bill S-17, an act to amend the Patent Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise in my place to begin second reading of Bill S-17, an act to amend the Patent Act. The amendments contained in the bill are simple. They are straightforward. They have one purpose and one purpose only, and that is to bring Canada's Patent Act into compliance with two separate rulings of the World Trade Organization, the WTO. They maintain the balance that has been struck in Canada's patent regime.

One of the rulings dealt with a dispute with the United States. The U.S. argued that certain old act patents, that is, pre-1989 patents, do not benefit from a minimum 20 year term of protection from the date they were filed as required by the agreement on trade related aspects of intellectual property rights, known as the TRIPS agreement. In September 2000, the WTO body sided with the U.S. interpretation of the dispute and ruled that Canada's patent terms for certain old act patents were inconsistent with obligations under the TRIPS agreement.

Bill S-17 complies with the ruling by establishing the term of protection for outstanding old act patents as the greater of 17 years from the date the application was granted or a minimum of 20 years from the date the application was filed in Canada as defined by the patent rules.

Canada already provides a TRIPS compliant term of 20 years from the date of filing for patents granted under the new act regime. The new act regime has been in effect in Canada since October 1, 1989.

The second WTO ruling addressed by Bill S-17 is a dispute with the European Union. In the second dispute the WTO ruled in March 2000 that Canada's stockpiling exception was inconsistent with the TRIPS agreement. This exception allowed generic drug manufacturers to make and to stockpile their version of a patented product during the last six months of the patent term.

• (1510)

It is important to recall that as part of the same ruling, the WTO confirmed the consistency of our early working exception, a fundamental component of our patent regime. The early working exception allows third parties to use a patent invention during its term of protection for purposes of regulatory approval.

*Government Orders*

The government has already complied with the WTO ruling on stockpiling, by way of regulation. The repeal of the stockpiling provisions simply ensures that the Patent Act itself conforms with our TRIPS obligations.

The bill before us today deals exclusively with the issues of patent term and stockpiling. It does not attempt to go into the broader aspects of patent protection in Canada.

As I said when I appeared before the Standing Committee on Industry, there will be other opportunities to have a broader consideration of our intellectual property laws, but it is very important that we proceed expeditiously with the amendments before us because the WTO has imposed a deadline for compliance with the patent term ruling. Canada has until August 12, 2001 to comply. Otherwise we could face retaliatory trade action.

The amendments contained in Bill S-17 would provide extensions to certain old act patents that are still in force and that do not benefit from a minimum patent term of 20 years from the date the patent application was filed. I should point out that there are, relatively speaking, a small number of patents that will be affected by this amendment.

As of January 1, 2001, there were 138,800 outstanding old act patents. Of these, 53,500 had patent terms of less than 20 years from the date of filing. It is important to note that not all of these patents have commercial value. The vast majority do not. To date, only the pharmaceutical industry has identified commercially significant patents that would be affected by this ruling.

I would also emphasize that not all the old act patents are affected by the WTO ruling on patent term. Of the 138,800 outstanding old act patents to which I referred, 85,300 of them have terms of greater than 20 years from the date of filing. These patents are unaffected by the present amendments, as are all patents currently being granted.

Because some have expressed concern about how a change in the term of patent protection will affect drug costs, let me go into this issue in greater detail. We estimate that the number of commercially significant drugs that would benefit from a patent term extension is 30. Of the tens of thousands out there, 30 would benefit. The number of affected drugs is relatively insignificant when compared to the 5,200 patented and non-patented prescription drugs available to Canadians. The average term extension for the patents on the 30 drugs is about 6 months. The maximum amount of lost savings resulting from these patent term extensions has been estimated at less than one-tenth of 1% of drug sales over the eight year period during which the affected old act patents expire.

These foregone savings can be this great only if two things actually happen, the first being that every one of them is copied by a generic manufacturer. This is not likely to happen because not

every drug has enough of a market to warrant a generic copy. However, let us assume for the sake of argument that a generic copy is in fact produced. Second, let us assume that the generic copy would capture the entire market for this product immediately after its entry. Again, this is very unlikely.

However, let us make our estimate based on these two extreme scenarios. It gives us the worst case scenario. This is the absolute maximum that these amendments would cost our health care system: less than one-tenth of 1%. The amendments contained in Bill S-17 will have no sustained impact on drug prices. In fact, the impacts will be barely noticeable.

I am sure that members on the other side of the House will remind you, that I was once among those who were concerned about the impact of our patent regime on drug prices. I remain concerned. When I sat on the opposition benches I feared that changes to the Patent Act might tilt the balance between supporting innovation and providing drugs at reasonable prices. I was concerned that changes would lead to rapid increases in drug prices but that quite simply did not happen.

• (1515)

I am sure all members of the House, although there may be some exceptions opposite, will share my satisfaction that drug prices have not risen dramatically in Canada since the Patent Act was first modernized in 1989. This year the Canadian Institute for Health Information has stated:

Given that the drug price index(es) have remained relatively stable since the early 1990s, it appears that increased utilization and the entry of new drugs are the main factors behind the increase in drug expenditures.

Members should quote from authoritative impartial sources when engaging in the debate and not quote in a partisan manner the views of members on either side of the House. There are many reasons drug expenditures are climbing, but I want to emphasize that drug prices are being kept in check.

Our current patent regime serves Canadians well. According to the latest report from the Patented Medicine Prices Review Board prices in Canada are 11% below the median foreign prices. Canadians currently pay 40% less for their patented drugs than Americans do. Americans continue to come to Canada to take advantage of our lower drug prices.

As we sit in the House debating the issue, busloads of Americans continue to cross the border to buy brand name drugs in Canada at up to 40% less than the cost of the same drugs available to them in the United States. I recall that our early working exception, which was successfully defended before the WTO, would continue to provide Canadians with access to lower priced alternatives as soon as possible after expiry.

*Government Orders*

I would like to point out the simple and straightforward nature and purpose of the amendments to Bill S-17. They bring the Patent Act into compliance with our intentional obligations.

Members opposite may say what they will, but unless Canada does as is suggested by members of the New Democratic Party, which is to withdraw from international trade rules to establish a fence around Canada and say that we will trade only with ourselves, we have to comply with WTO rules.

Is it any wonder that in the province of British Columbia the New Democratic Party is about to suffer a humiliating defeat when its members live with their heads in the sand and do not respond to the needs of ordinary working Canadians? Is it any wonder that people currently working in the auto manufacturing plants in southern Ontario and in the province of Quebec have overwhelmingly turned away from the New Democratic Party? Is it any wonder they have turned away when all of these people rely on exports for their jobs, and when all these people have been described by the leader of the NDP as being rich Canadians not paying enough taxes because they work an overtime shift at an auto plant?

No wonder the party is going the way of the dodo bird. It is no surprise the member opposite lost his pants recently when he was out in the middle of a melee in the protest of Quebec City. However, I digress.

In short, now is not the time for a protracted debate about whether Canada's patent laws need to be changed. Once the bill is passed we will have other opportunities to engage in a broader dialogue on the role of intellectual property, building an innovative economy and sustaining an attractive environment for investment.

The government's objective is to build a world leading economy, one that is driven by innovation, ideas and talent, an economy that produces goods and services which compete in terms of quality and price with the best in the world. We need a strong and moderate intellectual property framework, one that protects creativity and innovation, one that helps us attract talent and investment from around the world. The amendments to Bill S-17 would help maintain Canada's leadership in the global knowledge based society.

• (1520)

I would urge members on all sides of the House to work together to ensure responsible and quick passage of the bill in keeping with Canada's obligations under the WTO. I thank members for their consideration of the bill.

**Mr. Charlie Penson (Peace River, Canadian Alliance):** Mr. Speaker, I am happy to take part in the debate today.

I realize the Minister of Industry was away from the House and from parliament for a few years. I thought he was down east in Newfoundland but obviously he was further east than that. He was in the Middle East on the road to Damascus because he certainly had a conversion along the way in this drug patent regulation and on free trade. I would say good for him. He may have been slow but he finally got there, and I am glad he and the Liberal Party have.

I rise to speak today on the subject of Bill S-17, an act to amend the Patent Act. The purpose of Bill S-17 is to bring the Patent Act into compliance with our international obligations, obligations that Canada signed many years ago. These obligations stem from the trade related aspects of the intellectual property rights agreement, commonly known as TRIPS, which Canada and all other members of the World Trade Organization, approximately 145 members now, are signatories.

Bill S-17 would amend the Patent Act to implement two rulings made by the World Trade Organization against Canada.

In October of last year, the WTO ruled against Canada on a complaint initiated by the United States. At issue was Canada's term of protection of old act patents or pre-1989 patents that did not conform with TRIPS. The TRIPS agreement requires WTO members to provide a patent term of 20 years from the date a patent application is filed.

New act patents are those patents that were granted since 1989 and already conform with a patent term of 20 years from the date of filing and are not affected by the WTO ruling. However old act patents, patents that were made before 1989, were only given 17 years at that time. Bill S-17 would change section 45 of the act to provide old act patents a 20 year term of patent protection which is in line with our TRIPS agreement. According to Industry Canada, the amendment would affect 53,500 patents, of which 30 are commercially significant drugs.

The second ruling was from 1997. The European Union initiated a WTO dispute settlement process against Canada over two exceptions to an action for patent infringement. Since 1992 the Canadian Patent Act allowed generic drug companies to develop a generic version of the patented drug in order to obtain regulatory approval and to manufacture and stockpile a patented drug before the patent had expired. The European Union claimed that both these exceptions were inconsistent with the TRIPS agreement. However the WTO determined that Canada's early working exception was consistent with TRIPS but not the stockpiling provision that we had.

Bill S-17 would implement the WTO ruling by revoking the manufacture and storage of patent medicine regulations, regulations to prevent the infringement of a patent by any person that would be enacted by order in council.

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The Canadian Alliance recognizes that the right to own property and benefit from private property is an important aspect, including intellectual properties.

I would like to briefly mention that a relative of mine from Peterborough by the name of John Stephenson patented the first Peterborough canoe in about 1879. I recently had the opportunity to see that patent when I visited the Peterborough canoe museum. Canoeing was a way of travel in those days. There were no railways and no highways. The lakes and rivers were the highways of Canada. He developed a new cedar strip canoe what eventually went on to become the Peterborough Canoe Company known all over the world. He applied for and received a patent for that over 100 years ago.

We recognize that it is important to protect one's property. It lies at the very heart of our legal and economic systems and it distinguishes us in a free society. Moreover, the protection of intellectual property, domestically and internationally, is the foundation necessary for a knowledge based economy. By passing the bill, Canada would send the right signals to the international community that we take our obligations very seriously. We need to do that because so much of our trade depends on outside sources. I believe that over 45% of our gross domestic product now comes from exports and it is rising every year. Canada's prosperity depends on trade that is based on rules and international agreements.

• (1525)

As a medium sized economy, Canada cannot compete with the big players who can throw their weight around on the world scene in terms of subsidies, countervailing duties and trade wars. We simply cannot afford to do that. We need the rules based system to protect us. However, we can compete and win in an open rules based trading regime with a dispute settling mechanism based on law, such as the WTO.

I will digress for a moment and talk about the softwood lumber dispute that is currently happening with the expiry of the softwood lumber agreement. This could well end up at the World Trade Organization. Canada could win that dispute but we need international organizations, like the WTO, with the rules that are provided, in order to ensure Canada's prosperity in things like our forestry industry.

As a result, we cannot ignore rulings when they go against us. We have to bring our laws into line with the obligations we signed internationally, which is what we are doing here. We may not like the decisions that come out against us from time to time but there is no question that we benefit from the stability and clarity that the WTO provides to world trade.

As I mentioned, it was the United States that challenged Canada's treatment of pre-1989 patents at the WTO. Two way trade in goods and services between Canada and the United States

jumped up from \$626 billion in 1999 to \$700 billion in 2000. Canada exported \$130 billion more worth of goods and services to the United States than we imported from our southern neighbours. This is a fantastic achievement for a small country of 30 million people.

Canada also sells more to the United States than any other country does by a wide margin. In 1999 Canada's market share in key markets in the United States was close to 20% of its overall consumption in the United States. Mexico's market share in the same markets was just over 10%. A lot of people in the United States and even in Canada do not realize who is the biggest supplier to the United States. We are by far. While Mexico is making inroads, Mexico's market share in the same market was just over 10%. A combination of all 15 countries of the European Union together have a market share roughly the same size as Canada.

The Canadian-American rules based trading relationship is very important to Canadian prosperity and has been the model for the world to follow. In fact 87% of our exports last year went to the United States and it is rising every year. We benefit greatly by having a terrific neighbour to the south that takes a lot of the good products that we manufacture. However, we do need the protection of trade agreements, like NAFTA and the World Trade Organization, to ensure that continues.

The generic drug companies have expressed their understanding that the WTO rulings must be implemented. They have also indicated their dissatisfaction with the way the drug patent regulations are being implemented. For example, the generic companies feel that the research based drug companies are able to extend their patent beyond 20 years through the notice of compliance linkage regulations. Some argue that this two year process is not in Canada's best interest.

The debate over the regulatory environment for drug patents is a very important one but it should not slow down the passage of the bill. Bill S-17 is basically a technical bill designed to enable Canada to comply with its international obligations. The WTO gave Canada until August 12, 2001 to implement the recommendations and the rules arising from the U.S. and European Union challenges. It is time to pass the legislation.

Although the debate on drug patent regulations is very significant, it should not affect the passage of Bill S-17. While appearing before the Senate banking committee on trade and commerce, the Minister of Industry had to eat a little bit of crow about his past comments regarding drug compliance. He promised to take a much broader look at the drug patent regulations in the fall. I applaud him for both admitting that he was wrong in the 1980s and now looking at how we should handle our new drug patent regulations. I am also pleased he recognized the current dispute between the generic and research based drug companies and promised a role for parliamentarians.

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• (1530)

I suggest that the industry committee should do a separate study regarding the issue of notice of compliance and the two year stay. It is an important debate and all things have to be put on the table. It would be a good opportunity to do it at the industry committee. I suggest to the minister that is where it should start, but it should not affect the passage of the current legislation we have before us. Bill S-17 should be passed and then let us deal with that issue to see who is right on the notice of compliance. It should be a separate issue.

We will co-operate from our side. We want to see Bill S-17 passed. We think the issue of the generic and patent drugs with regard to the timeframe pass the 20 year patent, the notice of compliance and the two year stay are all important issues that need public airing. I challenge the Minister of Industry to make sure that happens.

[*Translation*]

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, I am pleased to rise to speak to Bill S-17, an act to amend the Patent Act.

We in the Bloc Québécois believe that the issue of intellectual property is fundamental and important in the context of stimulating innovation and creativity, especially in the health sector where access to the latest discoveries and to new technologies enables us to make extraordinary discoveries that help treat diseases, old or new. Huge effort and investment in research and development is required.

In order to encourage research and development in business, discoveries must be properly protected through the protection of intellectual property.

The bill corrects two discrepancies that unfortunately had to go through an international body. We could have done the work ourselves without waiting for the WTO to reach its decisions, which informed us that old provisions with respect to products covered under old legislation dating from the early 1990s created a problem with respect to the effective protection afforded these patents.

There will therefore be technical amendments, in short, nothing basic, to the focus of the policy on the protection of intellectual property. I hope the bill will not, once again, become a debate on the need to protect those doing research and development.

On the contrary, if we were to go in that direction, I hope we would insist on strengthening and improving the protection afforded to those who make discoveries. Even though we are complying with international conventions, the level of protection of patents is lagging somewhat behind that of the United States and the countries of the European Union, among others.

It must be realized that the discovery of a drug is not a simple process. It is extremely costly. On average, we are talking about an investment that may vary from \$300 million to \$500 million U.S. to discover a drug that will be a significant improvement. A patent for a new product is a huge investment that must later be recovered by these companies.

The shorter the period the higher the price will be. However, if the period of protection of the product on the market is long, the recovery of that investment may take place over a longer period. We will then have access to a quality drug that will cost less than if the protection period were very short. It may well take 10 years before a promising molecule or a brilliant idea is marketed as a commercial product, given the process at Health Canada, among others, for certification, the clinical tests, the four test phases and so on.

• (1535)

In reality, the patent has an actual lifespan of about 10 years on the average. We are not necessarily talking of those that go on for 20 years in practice. Obviously the product is patented as soon as it is discovered but just being discovered does not put it on the market the very next day.

Given this situation, when protection is given for a certain length of time, the day that protection expires we hope to see the dynamics of competition set in. Thus there will be generic versions that are far less expensive because copying a product does not require anything like the investment discovering one does.

What we want to be sure of is that once a patent has expired there will be a competitive market in which the various companies operate on the marketplace. There is a special situation in the Canadian market, however, because of the highly aggressive nature of the generic industry. It has every right to be that way. In each of these debates, it voices the same desire to at last find ways of reducing the true scope of patent protection.

I have no objections once a patent has expired to the industry having access to the market within the normal rules of competition. We do however have to ensure that there is a proper period of protection for patented products, so that the public can have hopes for significant discoveries relating to numerous conditions and health problems that cannot yet be treated and investment can be attracted to our country's high calibre scientific community.

Of course I am most familiar with the situation in Quebec but I do know that the industry has also developed in other provinces. Ontario too has a sizeable industry. As well, there is a very strong emergence of biotechnology research in this area. In order to develop and maintain our quality of research and keep our researchers here, however, they need to be able to work within a

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framework in which there are advantageous rules on intellectual property. This we have.

In Quebec, with the university network, for instance, and many companies, we have know-how that makes us one of the best places in the world in which to do this kind of research. We have every interest in further developing this industry, which will benefit citizens through the discoveries we make in health, as well as economically, and in having a scientific community such as this present in our territory.

All this is to say that, although this is a good opportunity to pay tribute to all the work done by those working in this industry and to encourage them to invest even more because we want more research and development, I do not want to see this debate drag on too long.

It is obviously a bill intended to comply with WTO rulings. We are therefore going to treat it accordingly. We hope the debate in committee will be rapid. The committee is obviously its own master but as a member I can already say that we will be among those who hope that the debate is speedy, that the bill will be approved in committee and that eventually it will come back to the House for final approval in order to clarify the situation.

I hope we are going to send a clear message at the same time that there is no question of reviewing or weakening the rules of intellectual property. The Minister of Industry is with us on this. I know the government has set itself the ambitious goal of ensuring that research and development Canada wide will double in the next 10 years.

This will require a framework to protect intellectual property and freedom from the fear of threat for those working in innovative industry. These people must be told clearly that the measures to be taken in the future, if there were to be others, will not weaken intellectual property but rather strengthen it and further develop all those who contribute to it.

In the case of Quebec, they are many, and I hope there will be more of them in the pharmaceutical and biotechnology sectors, all of this within certain restrictions but in a context in which the industry has essentially honoured its commitments to increasing research. I think over \$900 million is spent on research annually. The number of jobs has grown since the passage of the legislation on patent protection. This is what the industry had predicted and this is what happened.

Before I conclude I would point out that there is an important body whose role it is to protect consumers. It is the Conseil du prix des médicaments brevetés. Its role is to ensure that the price of patented drugs on the market is reasonable and does not rise inordinately.

• (1540)

Within the limits of a protective framework for intellectual property, with an efficient Patented Medicine Prices Review Board, we are in a position to have a balanced approach to permit the emergence of a very solid industry. We are also in a position to produce products of increasing value to consumers, which in some cases will help reduce hospital stays and provide non-surgical solutions without increasing health costs. There is often a perception that drugs increase health system costs. In some cases, drug use can reduce costs because hospitalization will be avoided.

With our greying population, we have a duty to provide a context, an environment that is favourable to research and development, in this sector as in others. This one, however, is a sector that affects all those whom we represent.

We will co-operate in ensuring that the bill gets through as promptly as possible.

**Mr. Svend Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I rise on behalf of members of the New Democratic Party to say that we are strongly opposed to this unfair and inequitable bill.

I was frankly very disappointed to hear members of the Bloc Québécois, who claim to belong to a social democratic party, giving such amazing support to the demands of pharmaceutical companies.

Obviously, there is only one party in this parliament which is fighting for the poor, for ordinary people, who are saying that the big pharmaceutical companies do not need more handouts from their friends in government.

[*English*]

I see the Minister of Industry in the House today. We have had the privilege of serving together in the House since 1979. I am one of the few members of the House who was in the House with the minister in 1987 when he spoke with passion, eloquence and vigour in total opposition to Bill C-22. He called it a giveaway to the multinational pharmaceutical companies. He was absolutely right.

In one memorable quote he said that Bill C-22 would suck the life's blood out of Canada's poorer citizens. I recall it well. The minister was up on his hind legs speaking out and screaming out strongly for justice for Canada's poorer citizens. That was he and the Liberal Party.

Bill C-22 passed. Then in 1992 what did we have? We had another bill, Bill C-91, another Conservative bill and another giveaway to the pharmaceutical drug companies. What did the Minister of Industry have to say at that time? On behalf of his Liberal colleagues, along with the member for Dartmouth and

many others, he denounced that legislation and bitterly complained it would lead to a massive increase in the price of pharmaceutical drugs in Canada. The minister was absolutely right.

When we look at the increases in the price of drugs in Canada, it is the fastest growing component of our health care system, far faster than the increase in the price of physician services. Indeed it is the biggest single component of our health care system, as my colleague for Winnipeg North Centre pointed out so strongly on a number of occasions.

Over the past 15 years I would point out that Canada's prescription drug bill has jumped by 344%. That is 15 years since the Minister of Industry warned Canadians about what would happen.

It is not as if these pharmaceutical drug companies are suffering.

[*Translation*]

The Bloc Québécois is suggesting that the poor pharmaceutical companies must be defended. It is sad, such a pity, the poor pharmaceutical companies need defending by the Bloc Québécois.

Let us look, for example, at the largest pharmaceutical company, GlaxoSmithKline, which made profits of some \$11.9 billion in one year. It does not need the Bloc Québécois to defend it. That is clear. Those who need defending are consumers.

• (1545)

[*English*]

It is the consumer, patients, the poor and provincial drug plans that need defence from the government and from their allies in all of the other opposition parties. What an unholy alliance the Liberal government, the Alliance, the Bloc Québécois and the Conservatives. At least the Conservatives have been consistent. They have been consistently wrong but at least they have been consistent, not like the Minister of Industry who has done the most extraordinary flip-flops.

It was a sight to behold in Davos, Switzerland. I wish I could have been there to see the Minister of Industry speaking in Davos, Switzerland and saying "I fess up, I was wrong Brian". Brian Mulroney was standing there as proud as punch as the Minister of Industry stood and said he was wrong, the Liberals were wrong and that he was right, NAFTA was a good thing.

A few weeks later he stood in front of the senate, that great bastion of democracy. That was another occasion when he said he had it all wrong back in 1987 on Bill C-22, that the Conservatives were right and the pharmaceutical industry was right. He was there to defend the interests of those poor, suffering pharmaceutical companies. Why? Because the WTO told him that they no choice.

What a shameful spectacle this is. Why should we ever believe anything the minister and the government have to say. I know the Speaker, a man of integrity and respect, will recall those debates

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because he was in the House. Indeed I dare say he participated in one or two of them. I am not going to pull out the speeches of the Speaker because I know that would be entirely unparliamentary. However it is certainly appropriate to remind the Minister of Industry of exactly what he said. We used to have the lowest priced pharmaceutical drugs in the world. Now, as we have seen, drug prices have risen dramatically.

As the minister indicated, the purpose of the legislation is to implement a WTO tribunal order. We were challenged by the European Union and the United States that our existing generous provisions for patent protection were not good enough.

Until this bill becomes law, the generic drug industry is at least allowed to stockpile and to get their drugs ready six months before the expiry of a patent so that when that patent expires consumers, Canadians who are sick, will be in a position to buy those generic drugs quickly. That is something the Minister of Industry supported long ago, but not anymore. Now they are saying no. Even that six month stockpiling opportunity is gone.

The minister is retroactively extending from 17 years to 20 years the patent protection. This is a retroactive gift to the pharmaceutical industry approved by the Bloc, the Alliance and the Conservatives. Why on earth would the government give this retroactive gift to the struggling pharmaceutical industry that just reported massive record profits? In another day the minister would have been the first on his feet condemning this largesse to an industry that has already been treated far too generously.

As New Democrats, we say that this is unacceptable. When we look at the history of this legislation, it is quite shocking to know that not that long ago under GATT there was no reference at all to intellectual property. In fact it was only after the Uruguay round of the General Agreement on Tariffs and Trade that intellectual property was protected in these so-called trade deals.

• (1550)

That is another reason why as New Democrats we are deeply concerned about the impact of the proposed FTAA, the free trade of the Americas agreement. We know what the Americans are pushing for even more protection. Let us be very clear, it is only the Americans in this hemisphere that are exporting that. It is only those big, multinational American pharmaceutical companies that benefit from this.

Is the Government of Canada and the Minister for International Trade standing up on behalf of Canadians and people throughout the hemisphere and saying to the Americans that there is something wrong with this picture and that they do not support extending the patent protection to 25 years from 20 years? No, there is not a word, not a peep. There is silence.

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The trade department keeps telling us to go to its website to find out what Canada's position is. If we go to the website, under intellectual property rights is a summary of Canada's position. Where is the leadership? Is the government speaking out for consumers? Is it speaking out for the poor? This is what the department had to say on intellectual property rights.

To date, Canada has made no submissions to the Negotiating Group on (intellectual property rights). Any submission made by Canada will be made available on the website.

There is the leadership. The government has nothing to say. The Minister for International Trade has nothing to say about one of the most shameful abuses of power by pharmaceutical drug companies. That is their attempt to muscle the government of Brazil in this hemisphere into increasing dramatically the prices of drugs that are made available for people living with HIV and AIDS.

Recently there was a major victory in South Africa when under tremendous international pressure 39 pharmaceutical companies, which were suing the South African government under the WTO, were forced to withdraw that suit because it was obvious they were suffering from international shame. They were trying to tell the South African government and health ministry that they had no choice that, even in the face of a catastrophic epidemic of HIV-AIDS throughout sub-Saharan and South Africa, the interests of multinational drug companies had to come ahead of the interests of patients. Profits before patients.

In the case of South Africa, they were shamed into backtracking and with no thanks to the Government of Canada or the Liberal government. We called on them to show some leadership in a situation of absolute crisis.

There are 25 million people infected with the AIDS virus in sub-Saharan and Africa out of 34 million globally. The multinational pharmaceutical companies want to prevent them from having access to affordable drugs. That is absolutely shameful.

However we see the same thing in this hemisphere in Brazil. We know that in Brazil the government has shown some extraordinary leadership in making generic drugs available. It has had a very powerful and significant impact in reducing the incidence of HIV-AIDS. In 1994 the World Bank predicted that by the year 2000, Brazil would have 1.2 million AIDS carriers. Today there are less than half of that. There are about 540,000. There are still far too many. Thanks to the courage of the Brazilian government in taking on these multinational pharmaceutical companies, it was able to make a difference.

As New Democrats we do not want to see the intellectual property rights of pharmaceutical drug companies enshrined and enhanced in the FTAA. We want to see a new regime where people are put before profits and pharmaceutical drug companies are accountable to the people in the hemisphere and globally.

• (1555)

I am not speaking in any way on behalf of my party, but I often wonder why we believe that in an industry as fundamental to public health and security as the pharmaceutical industry should be driven on the basis of profit. We have a situation now in which only a tiny amount of money, something like \$300 million globally, is being spent by the pharmaceutical drug industry in the struggle to find a vaccine. Why is that? Because if it finds a vaccine, it finds a cure and then shares in the pharmaceutical drug companies will not be worth as much money. There is something obscene about that.

We have a situation as well where researchers are working for this pharmaceutical drug company or that pharmaceutical drug company. They are all working in splendid isolation, not co-operating with one another and desperately trying to find what will make them more money.

I suggest that instead of accepting that the market is God when it comes to pharmaceutical drugs, it would make a lot more sense for us to say that this should be in the public domain, those who serve in the health care industry, those who research, those who try to find cures and the government. The public domain should be involved. Health care, and in particular the pharmaceutical industry, should be owned by the people not by those who seek to maximize global profits.

Once again, as New Democrats we do not accept this loss of democracy through the WTO, through the TRIPS agreement, the expansion of GATT and now the FTAA. More and more we are losing democracy in this country. More and more as elected representatives we are losing our ability to make decisions about what is in the best interests of the people who we represent. Bill S-17 is an other example of that.

As elected representatives, as members of parliament, why should we not be in a position to have a public policy debate in Canada about whether 17 years is good enough, or 20 years is good enough or whether compulsory licensing is acceptable as a means of ensuring that, as long as this is in the private sector, there is still an incentive to bring new drugs on the market? However not in a way that jeopardizes access to affordable drugs for Canadians.

That should be a decision we make. However, the Minister of Industry comes before the House and says, "Tough luck. Forget it. You no longer have an option". As an elected government we no longer have an option. We have no choice because the WTO is forcing us to do this.

One reason why every member of the New Democratic caucus marched in the streets of Quebec City against that FTAA agenda was because we believe in democracy. The agenda of the FTAA, the WTO and GATT is an assault on that democracy. This bill is an example of that.

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Instead of moving forward with this legislation, which we vigorously oppose as New Democrats, I call on the government to take a strong stand at the WTO and in the negotiations on the FTAA for affordable accessible drugs for people who are suffering from HIV-AIDS and other life-threatening diseases.

Recently, Médecins Sans Frontières called on the minister of trade not to bow to pressure from pharmaceutical drug companies to further strengthen drug patents. John Foster from the North-South Institute said “It’s is absolutely tragic that the minister of trade has absolutely no position on this issue”, the issue of access to affordable pharmaceutical drugs in Brazil. He went on to say “although from prior positions we believe he goes along with United States, drug companies and those in favour of even firmer patent laws”.

We call on the government to stand up for democracy and affordable drugs. Not extend even further the patent protections that are afforded to pharmaceutical drug companies, but recognize that they have already done very well under this legislation. They say they need resources for development of new drugs, yet the reality is that these same drug manufacturers spend twice as much money on marketing their drugs, on pushing their drugs, as they do on research and development.

• (1600)

All hon. members have to do to see this is open the *Medical Post* or any other major medical journal. Our spokesperson on health has pointed out the absolutely obscene amounts of money that are spent by these companies in marketing drugs.

We also know that we are seeing more and more corporate influence in post-secondary education and universities. Recently a university professor who challenged some elements of the safety of Prozac had his offer of employment at a university in Ontario summarily withdrawn because one of the pharmaceutical companies that funds the university objected vigorously.

Corporate influence is very dangerous in post-secondary education. Corporate influence on this Liberal government is growing and is stronger than ever before.

Once again, we as New Democrats say no to Bill S-17 and yes to affordable drugs for all Canadians.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I want to thank the member for Burnaby—Douglas for a passionate speech and a speech that I know comes from the heart. As a veteran in this place, he has seen this debate come and go through many incarnations.

The member pointed out some things that took place before I came to the House of Commons. One is the unbelievable reversal in and around 1992 and 1993 when the Tory government brought in Bill C-91. I remember it well. There was outrage, a hue and cry,

and activists were taking to the streets over Bill C-91. The Liberal Party, at that time in opposition and running for government, condemned Bill C-91. It actively hammered away at the ideas that Bill C-91 would jack up and spiral and escalate drug prices. The Liberals said it would limit the ability of generic drug companies to put necessary drugs into the hands of Canadians at less cost.

I even remember when the member of parliament for Winnipeg North Centre at that time, David Walker, the candidate I ran against, toured a task force on Bill C-91 right around the country. In fact, on the behalf of some people there was great hope and optimism when the Liberal government took power that this task force would come back with some relief, some hope, some optimism, and that we would be able to get out from under this millstone of this lengthy patent protection.

However, the results of that touring task force, chaired by the member for Winnipeg North Centre at the time, were that the members came back and said there was nothing we could do, that we had traded away our ability to have a domestic pharmaceutical policy and even our ability to look after the interests of Canadians before the interests of multinational drug companies.

Frankly I would like to hear more recollections from the member for Burnaby—Douglas in regard to exactly what transpired in that period of time. I would like the member for Burnaby—Douglas to explain what he thinks the Liberals’ thought process was to enable them to do such a dramatic flip-flop.

**Mr. Svend Robinson:** Mr. Speaker, certainly I appreciate the comments and the question of the hon. member for Winnipeg Centre, who has been in the forefront of the struggle in the House, and indeed in his previous life, for affordable, accessible drugs for Canadians.

I would not for a minute suggest that the flip-flop of the Liberals from their position in 1987 on Bill C-22 and from their position in 1992 on Bill C-91 had anything to do with the massive amount of money that they get every year from pharmaceutical drug companies as donations to the Liberal Party of Canada. Of course not. That has absolutely nothing to do with it. I know that the Bloc position has absolutely nothing to do with that either. J’en suis certain.

I do want to take advantage of the opportunity that has been afforded to me by the member for Winnipeg Centre to share with the House some of the statements that were made by the Minister of Industry, then a member from Newfoundland and Labrador. On November 16, 1992, the Minister of Industry spoke in the House, then in opposition of course, on Bill C-91.

• (1605)

He said we have lower health care costs in Canada on a per capita basis than they do in the United States largely because of our prescription drug program, which this government wants to do

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away with. What are we to conclude from that other than that the government wants to increase the cost of health care in Canada? It will do that at the expense of the taxpaying public and at the expense of the provincial governments because provincial governments in many cases will buy, through their drug plans, significant quantities of these same pharmaceutical drugs.

The Minister of Industry went on to read from a text that talked about the burden of changing patent legislation. He said “Extending the patent life of drugs is likely to cost consumers immediately and also add to the burden on the government health plans, which are already under economic pressure. Compared with hospital and doctors’ bills, prescription drugs are a relatively small though rapidly growing expense”.

The member pointed out that even in the United States people were lauding Canada’s generic drug system, saying “However, here in Canada the government wants to do away with it”.

I would note, and my colleague from Regina pointed this out a few minutes ago, that the cost of just this one amendment to Bill S-17 will be over \$200 million to Canadian taxpayers, both through pharmaceutical drug plans and of course directly for those who are not covered.

Why is it that we are giving a \$200 million gift to pharmaceutical drug companies in this country? There is absolutely no excuse whatsoever for that. For that reason as well, we as New Democrats strongly oppose this legislation.

[*Translation*]

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, I want to clarify a couple of things for the benefit of those who are following this debate.

In my view, the hon. member just made a very simplistic speech that borders on demagoguery for a number of reasons. His position can be summarized as follows: if a private company in which individuals invest does research and makes a discovery, the next day anyone should be allowed to copy this discovery. Basically, companies are expected to discover drugs and develop new products in a philanthropic fashion. That pretty much sums up the NDP’s position.

I am glad that the hon. member mentioned AIDS. I will tell him about 3TC, a medication he knows a great deal about, which was discovered by BioChem Pharma, precisely in an environment that provided some protection to intellectual property. A drug must be discovered before it can be made accessible. And for it to be discovered, we must invest in research and development.

Under the hon. member’s model, the state must engage in research and development so that everything will be fine. I doubt

it. It is a very good thing in an industry to have motivated people who are knowledgeable in their field doing research in partnership with health care and educational institutions and discovering new products. Naturally, some are motivated by profit, but so what? It just makes them spend even more time and energy on research. What we are doing is providing some protection to these people for a while.

If the protection is reduced or the protection period shortened, it will not result in cheaper prices for drugs, on the contrary. The less time these companies have to recover their investment, the more they will charge for their products.

The solutions proposed by the NDP would result in drug prices that would be even higher than they are now. I hope that the hon. member does not really believe what he said.

**Mr. Svend Robinson:** Mr. Speaker, I hope the Bloc member will take another look at history, because he totally lacks any historical perspective on this issue.

Before the Patent Act of 1987, pharmaceutical companies were making huge profits. They had one of the highest levels of profits among Canadian industries. In the meantime, because of the compulsory licensing program set up in 1969, under a Liberal government I must add, drugs were quite affordable, especially for the poor.

The suggestion that we cannot have at the same time drugs being sold at a reasonable price and large pharmaceuticals ringing in huge profits is patently false.

We, in the NDP, do not agree with the Bloc members that we have to focus on the profits of the pharmaceutical companies. It may be their objective but that is not a very social democratic position for the Bloc to be taking.

• (1610)

[*English*]

**Mr. Pat Martin:** Mr. Speaker, I as well listened to the Minister of Industry’s speech, the general drift of which was that we should just let Bill S-17 pass and there would be ample opportunity in the future for us to revisit the whole idea of lengthy patent protection and some sort of domestic pharmaceutical policy.

Does the member for Burnaby—Douglas believe that we still have the domestic ability to negotiate these things or have trade agreements limited our ability to have a domestic policy in that regard?

**Mr. Svend Robinson:** Mr. Speaker, the short answer is that we have ceded much of our sovereignty already. Surely before we succeed in dismantling democracy and sovereignty in Canada, we have to stand up and fight back and say no to the WTO forcing this

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kind of change on Canadians in our pharmaceutical drug policies. Unless we say now there will be no opportunity to change this in the future.

**Mr. Loyola Hearn (St. John's West, PC):** Mr. Speaker, it is my pleasure to say a few words on Bill S-17. It is an interesting day in the House as we see the debate unfold.

A lot of people across the country think that when one is in government one agrees with certain things but when the shoe is on the other foot one always objects to whatever government does. In a couple of cases here, that is not factual.

After listening to the debate from our friends in the NDP, I would say that it is quite clear that they stand where they always did on the issue. I will be making it quite clear that in my party we stand where we have always stood on the issue. In this case, we support the bill, as we did when the original bills were introduced by the Tory government and, as has been pointed out a number of times today, objected to strenuously by the then opposition party, which is now the governing party. It is amazing how the tide turns.

I did not think I would be supporting my friend and colleague, the minister of trade and industry. It is very difficult to do in light of several issues about which we thoroughly disagree. However, my party does support him on this issue because the bill itself was a Tory initiative.

I will explain to my friends from the NDP why we support it and I think by the time I am finished they will also perhaps agree with us and support the bill.

However, it is interesting to note that the government of today was against the original bills, Bill C-91 and Bill C-22, when they were introduced in 1987 and 1992. The more interesting parts of all of this are some of the comments made by those who are now government members. Some of the people who voted against those bills, by the way, were the present Deputy Prime Minister and present government House leader.

In 1992 during the debate on Bill C-22, the minister of industry and trade, who is sponsoring this bill, said "It is inconceivable to me that parliament finds it necessary yet again to deal with yet another measure proposed by the government because it is bound and chained to some ideological dictate which says this kind of patent act is necessary".

I am sure he was reading from a prepared speech when he said that. However, at the time he was against the very bill which he is now proposing.

Here is another interesting quote from him, which leads into what I have to say. He said:

The citizens will need more than generic drugs to recover from the festering wounds which are about to be inflicted on the exposed ankles of Canada's poorest citizens when the Minister sinks his teeth in past the bone, into the marrow and sucks the life's blood out of Canada's poorest citizens with Bill C-22.

Those are strange and interesting words, which came from the present Minister of Industry.

• (1615)

People are allowed to change their minds. People see the light and become converted. The minister said today that he had been concerned about the increase in drug prices at the time, but they did not happen. He said indirectly that Prime Minister Mulroney had been right to bring in such a bill. Just a short while ago, as has been pointed out today, the minister said that Prime Minister Mulroney was right about free trade.

It will be interesting to see over the next while how many things the minister agrees with that he fought so hard against as a rat packer before his party became the government.

The NDP has expressed a concern, of which all of us are conscious, that the bill might lead to increased drug prices for people with major illnesses, many of whom cannot afford the drugs they need.

One of the most memorable occasions for me during the last campaign, and I am sure members on all sides of the House remember talking to people affected by the cost of drugs, was meeting a gentleman who had just been diagnosed with Alzheimers and whose wife was trying to cope with it. A drug had been prescribed to retard the advancement of the disease, a drug called Aricept I believe. The drug was not covered by medicare and the family had to pay the extremely high cost themselves. That meant other pleasures of life had to be sacrificed, including a little car that enabled them to get back and forth to the cabin. They had to sell the car to pay for the drugs. That is not the way it should be in Canada.

Can we blame pharmaceutical companies for that? The answer is no. We blame governments for that, because if an effective drug is brought on the market, tested and approved, the government should immediately sponsor it under medicare.

The NDP has expressed major concerns about drug companies getting rich and the impact of drug costs on poor people. However one important element has not been raised: Those who need drugs would not have them if somebody did not put the time, effort and money into their development.

Let us look at cancer. Very few of us in the House are not affected, directly or indirectly, by that dreaded disease. Will we ever find the cure for it? The answer is that we are hopeful. Will we find the cure for AIDS and other dreaded diseases worldwide? Luckily our country is not affected to the same degree as other countries but certainly we are affected by it. Will cures be found for dreaded diseases? They will be found in only one way: If somebody puts the dedicated research into coming up with a drug that will kill

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or retard the growth of the agents causing those diseases. That can only be done, as I said, by time, concentration and funding.

My colleagues to my right, ideologically to my left, are very supportive of the arts.

• (1620)

I would ask them about the art industry. What if a recording artist made a big hit which took a lot of time, involvement, practice and rehearsals? What would the hon. members think if other performers, who were not as dedicated or bright or could not put together that one great hit, knew it was coming on the market, copied it and pirated the copies around the country? How would it affect the person who put the time and dedication into developing the product?

Drugs are not unlike that. Our hope of combating the major illnesses that affect people across the country may lie in the hope that a pharmaceutical company will develop a cure.

We could say governments should be the ones doing that and pumping money into research. I certainly would not disagree. However, if governments were the ones responsible for doing research, I would question whether the work could be done. Government cannot be as efficient as the private sector. That has been proved over and over.

My concern lies with the people across the country who are faced every day with having to buy drugs. I point to the government opposite and say that should be its main concern. It has the mechanism to alleviate the costs shoved upon people for drugs to treat illnesses. In a lot of cases there are drug assistance programs to do just that. There are always those who fall between the cracks but a smart, sharp government could deal with such cases if it had any vision.

If the people who put their time, effort and money into developing the needed drugs are not given the freedom and protection to do so, they will not do it. They are not in the business of trying to make a breakthrough only to have it taken away from them. When another company immediately starts making generic drugs or starts to stockpile so it can wipe out the company that developed the original drug, that is not fair competition.

The fallout can be handled by government. We could have the best of both worlds if we had a government with brains and vision. Protection and help can be given to those who develop the drugs we need, but assistance can also be given to those who rely on them and cannot afford to pay for them.

It is interesting to see the government trying to solicit support for a bill it was once so much against. I know the NDP, even if it does not agree with us, is saying what it has always said. It has not changed its opinion because the stripe of government has changed.

We are saying the same thing we have said and the same thing the Bloc is saying. I agree totally with its last speaker. The Alliance is also saying that if we are to produce the drugs needed to combat the concerns the NDP talks about, freedom and protection must be given to companies that put the time and effort into developing the cures that are so badly needed.

The government, however, has switched back and forth, which shows that its concern is not for people or companies in Canada. Its concern is for itself. That has become more and more evident.

• (1625)

As we debate the bill further we will all have more to say on it. However we stand on the principles we announced when the original bills were brought in. We think this protection must be provided. Hopefully government will address the other side of the concern.

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, I want to make a slight comment. I enjoyed the member opposite's speech. I think on this side we all agree that if research in pharmaceuticals is to go ahead then there has to be some sort of profit incentive for that research.

I would also like to make the observation that the generic drug producers, the people who sell generic brand drugs, do not do research. One of the ironies of the whole situation is that the generic manufacturers of drugs produce drugs at low cost and these low cost drugs are consumed in great quantities. One of the ironies in the situation that has always struck me is the fact that the easy accessibility, for example, to new antibiotics has created a situation where we have growing and more rapid resistance to antibiotics.

We have a very ironic situation where the more we make drugs available cheaply through generic manufacturers, the harder the pharmaceutical companies have to work to design new drugs. We have a very, very difficult situation.

I do not know what the solution is. I do know that we certainly have to put incentives in place as best we can to make sure that those who are designing new drugs have the incentives to do so. I am one who believes that I would like to see government involvement, but I really do think this is a private sector initiative that needs to be encouraged.

**Mr. Loyola Hearn:** Mr. Speaker, I agree with the member that there are concerns in this area. Because of the amount of drugs we see, the cost of drugs, the effect of the cost on our population and the need to develop drugs to combat major diseases such as cancer and AIDS, perhaps it is time for somebody, whether it be the Minister of Industry, who is by the way a constituent of mine, or someone else, to take a hard look at the whole drug operation.

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It is difficult perhaps for people to think that after they put time and effort into developing a product others will duplicate it quickly and sell it at a lower cost. If people do the original work developing something, whether drugs, cars or records, as I talked about, and others are allowed to copy, reproduce and make money on those efforts, the original investors will get fed up with it.

What happens if new drugs are not developed? That is the question we must face. How can we create an environment in which everyone benefits? It can be done. It takes leadership, co-ordination and proper legislation. If protective measures are not there for the forerunners in all this I am not sure what the result will be. We will have a lot more concerns than just the cost of drugs.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, would the member for St. John's West agree that the goal, for all the moral and ethical reasons one could cite, must be to get drugs into the hands of the people who need them most at the most affordable cost? Would he not agree that our single and most primary objective as legislators is to put in place a legislative slate that would enable drugs to get into the hands of people who need them at the cheapest possible cost?

That raises the question. We have heard the argument in speeches today and on other occasions that even prior to the existing intellectual property patent protection the drug companies were making good, vast, healthy profits. What we are seeing now is their relentless effort to increase profits more and more.

• (1630)

We heard earlier that not all their costs go into research. Over half their costs go into advertising, glossy promotions, TV ads, et cetera, trying to promote their products. We cannot argue that the costs of all drug companies are in research and development.

What does the hon. member think is a reasonable patent protection period of time? Would 10 years be adequate? Have we ever studied this issue in an objective manner? Where is the market research to say or where is the empirical evidence to prove that drug companies need 20 years and now 25 years?

Would he change his mind if we could illustrate to him that if we gave a five to seven year patent protection drug companies could make a good profit? Would he not agree that generic drug companies should be able to take over and get more drugs into the hands of people who need them?

**Mr. Loyola Hearn:** Mr. Speaker, there are probably three points tied up in the overall question. In asking the question, I think the hon. member agrees with me that it is time we looked at the whole issue. Perhaps there will be some variation in time. However the other side is that generic groups, not only generic drugs but all generic groups, would have nothing to copy if somebody did not do the original work and put the money up front.

The change being asked for in Bill S-17 is because of compliance with World Trade Organization rulings. NDP members are against free trade. They are against the private sector. They are for getting money into the hands of average people and making sure their costs are minimal.

We also agree with the last one point, but unlike the NDP we know we cannot help people have access to cheap drugs, receive the social services they need and obtain the health care assistance they need unless somebody generates the dollars which enable us to reinvest in that. We could only do that through trade, commerce and investment by the private sector.

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I listened to the Conservative member whom I respect very much in terms of his honest contribution to this debate and other issues. However we are obviously at fundamental odds philosophically and politically.

There is no question that on the one hand we are dealing with a party determined to seek progress through commercial interests and through aiding and abetting private needs in society, versus a philosophy epitomized by the NDP of putting the public good first.

How could the hon. colleague justify his pursuit of private control and international control over something as fundamental as access to necessary medications when many people are being left behind and not served by that kind of shortsighted policy?

**Mr. Loyola Hearn:** Mr. Speaker, I am not sure whether I agree with the hon. member's opening remarks that we are fundamentally different in many of our views. I suggest there is no one in the House perhaps more concerned about the plight of average citizens, of which I am one, than I am. As I mentioned earlier, I also know full well that to be able to assist those who need assistance somebody has to pay the bills. People say that government should do it, but from where does government get the money?

If there are people who because of illness, disabilities or whatever cannot contribute to the public coffers, it is our duty to make sure they get every benefit they deserve. The dollars needed to do that have to be generated by someone, and that someone has to be the private sector.

If government is conscious of what is happening we can have, as I said earlier, the best of both worlds.

• (1635)

The people who need help should get it, but those who are producers will be protected in a proper legislative framework. Also the people will be protected from any rip-offs. I think we have to be very conscious of that.

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**The Acting Speaker (Mr. Bélair):** Before resuming debate, 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 Yorkton—Melville, Gun Control.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, I am pleased to take part in this important debate today on Bill S-17. I listened carefully to the member for St. John's West who just spoke on behalf of the Conservative Party.

It is important for people who are listening at home, as well as members in the Chamber, to know that we are talking about part of a bill which would extend patent protection from 17 years to 20 years. It is not a question of a company coming up with a new discovery for AIDS, for example, and the next day a knock-off of the drug is put on the market by a company that specializes in generic drugs.

We were talking of 17 years worth of patent protection. Now the WTO has come along and said that Canada is not in compliance with that. Therefore, in order to comply with the WTO, we have to add another three years to make it a full 20 year patent protection act.

I listened to the Minister of Industry say that this would only involve about 30 patents, but he neglected to say those were worth an estimated \$200 million that will be absorbed by Canadian consumers as they purchase higher priced drugs.

The WTO found Canada not to be in compliance with the idea that a generic drug company could manufacture and stockpile drugs so that on the day the patent protection ended they could have their products on the market and ready to go. This too has been termed illegal by the WTO and is dealt with in the bill. We are rushing against the clock to come up with a bill by August 12 of this year to comply with yet another adverse ruling by the World Trade Organization against the Government of Canada.

In 1987 a number of significant changes were made to the Patent Act. Five years were added in 1992 when the infamous Bill C-91 passed in the House of Commons. A number of concerns were expressed at that time by provincial governments about the impact Bill C-91 would have on prescription drug prices.

Shortly after that bill became law I had the privilege of working in the department of health in the province of Saskatchewan, the province which pioneered prescription drug cost and benefits for its people. The government at the time felt that it had no alternative except essentially to gut that legislation as a result of the changes brought about by Bill C-91.

We have seen the costs of prescription drugs increase by several hundred percentage points over the last number of years. They have increased to the point that now, as the member for Burnaby—Douglas noted in his remarks, it is the single biggest expense on a line item as to what any province pays for its medicare system. It is

far more than doctors, far more than the cost of hospitals. Prescription drugs now top the list.

That was not the way that it used to be, but that was then and now is now. Some members have done some serious somersaults on this issue over the past 10 years. I will get into that in a few minutes.

• (1640)

Predictions are that prescription drug prices will soar even higher under trade pacts like the one being negotiated now and scheduled to come into effect in 2005.

From heart drugs to chemotherapy, essential medications represent the fastest growing expense in health care today. In the past 15 years, from roughly 1987, Canada's prescription drug bill has jumped by 344% according to a study last month by the Canadian Institution for Health Information.

There are many reasons for the increase. As the member for St. John's West indicated, new drugs have been approved for everything from arthritis to Alzheimer's, adding to the total drug bill. We recognize demographically that an aging population is demanding and requiring more essential medication. International trade deals like the agreement on trade, related aspects of intellectual property rights, or TRIPS as it is known by its acronym, have strengthened the patent protection enjoyed by big name pharmaceutical companies.

The TRIPS deal has allowed these companies to keep their prices high for the 20 year lifespan of drug patents. It has helped pharmaceutical companies net unbelievably high profits on billions of dollars on research into new medicine. The argument goes that without the profits derived from those patents innovative medicine would languish. I do not think there can be much doubt.

Scott Sinclair, a trade policy analyst, put it well when he said that there was no coincidence escalating drug costs occurred during this period of excessive patent protection. He went on to add that 20 years was a very long time, particularly when we are talking about access to essential medications.

Other comments were made by Médecins Sans Frontières and Dr. John Foster, a principal researcher at the North-South Institute. They are also very concerned and urge the countries in the free trade area of the Americas agreement not to bow to pressure from pharmaceutical companies to strengthen further drug patents.

According to some of those opposed, pharmaceutical companies are not interested in making drugs that help poor people, and most of the people in the world are poor. They say that it is a matter of political will that we can put solutions in place but political will is very weak from what they have seen. We in this caucus would certainly agree with that.

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There are members on the government side who were on the opposition benches 10 or 15 years ago. It is a veritable who's who. In some of the time I have remaining I would like to make some reference to them. The Minister of Industry, as member for Humber—St. Barbe—Baie Verte, talked about the changes that were brought in by the Mulroney government. He asked this question:

Are they really serious when they say that the sick, the poor, the elderly, and those who live on fixed incomes have to subsidize R and D in Canada?

Are they really serious when they say that the only way the universities, the post-secondary institutions, the centres of excellence of Canada will have any money for R and D is if we take it out of the pockets of Canada's senior citizens and Canada's sick.

Those were comments of the Minister of Industry, the minister who is piloting the legislation through the House of Commons.

**An hon. member:** What a disappointment.

**Mr. Dick Proctor:** Indeed, what a disappointment. The current government House leader, the member for Glengarry—Prescott—Russell, read into the record on November 16, 1992, a stack of postcards. He guesstimated them to be four or five inches thick. One postcard read:

"On June 23, 1992, the federal government introduced Bill C-91, legislation intended to extend retroactively to December 20, 1991, patent protection for brand name pharmaceuticals and eliminate Canada's system of compulsory licensing. This legislation will result in significantly higher drug prices in Canada and its retroactive provisions will cripple the Canadian owned generic pharmaceutical industry". This is not what I said. This is what hundreds and hundreds of Canadians have said.

• (1645)

He used to care. That was then and now it is another day.

The current Solicitor General of Canada, the member for Cardigan, also entered the debate at that time and quoted from Green Shield. He said:

The average cost of a prescription claim has risen at a rate in excess of 11% compounded annually for the period 1987 through 1991, well above the CPI rate.

The Minister for Veterans Affairs and Western Economic Diversification, the member for Saint Boniface, said:

When I talk about Canadians who will need assistance with drugs and medicine, I am of course referring mainly to seniors. Except in rare cases, the need for medical attention tends to increase as we grow older. I suggest it is unfortunate that legislation such as this be allowed to cause hardship to the elderly.

There are those who are sick often, sometimes over the course of several years, and who will require medicine during most of their lives. Costs are already prohibitive. We suggest, and there is evidence to back this up, that they will only go higher with this legislation. I find it is absolutely irresponsible on the part of this government to go ahead with this

He wound up his diatribe against Bill C-91 by saying:

—I have no choice but to say no to Bill C-91 for those Canadians who will need medication and in particular the seniors and those who have need of medication because of their medical condition.

The chief government whip, the member for Ottawa West said:

I think it is important to reiterate what this bill is all about. It is not about extending patent protection for pharmaceutical drugs. It is about completely eliminating, for the entire 20-year patent period, the right of any generic manufacturer to produce a drug that is under patent and to compete with that drug on the open marketplace.

What is the impact going to be? The impact for Canadians is going to be higher drug costs. Right now, generic drugs being produced while the original is still under patent cost 53 per cent of the cost of the patent drug. That is a saving of 47 per cent for Canadian consumers.

What we have in Canada is branch plant drug companies. We do not have basic research. We do not have the kind of foundation that this country wants to see in this industry that is the most profitable in our economy and it does not deserve the kind of protection that this Conservative government is now proposing to offer.

This bill would limit competition. It says that for 20 years one does not have to compete against anyone else.

She concluded by saying:

If NAFTA tells us what we can and we cannot do to provide health care for Canadian citizens then we do not need NAFTA. That is just one more reason to vote against it.

There was one more dissertation that I would like to acknowledge and that is the member for Kenora—Rainy River currently the Minister of Indian Affairs and Northern Development. The minister said in December 1992:

It is a fact that Americans pay 62% more for prescription drugs than the average Canadian citizen. If we were to follow that through, that means by the year 2010 we will be on a level playing field with the Americans. Our drugs should rise proportionately to the point where we will be equal to the Americans as far as the price that we pay for drugs.

The question has to be asked in this place. That is why we are debating this, not because we are the loyal opposition and we disagree with the legislation. It is our responsibility, as members of parliament, to put the facts before the Canadian people so that they can decide whether the legislation that the government is presenting today is a good piece of legislation for the good of all Canadians.

• (1650)

We have the minister who negotiated the free trade agreement and is now the Minister of Industry negotiating on our behalf another agreement, the legislation we are talking about. His negotiating skills are what we are talking about today. The minister of Indian affairs also said:

—Canadians, as consumers, are going to give up roughly \$4 billion out of their pockets for higher drug prices because now what we are talking about is going from the Canadian system to a level playing field similar to the American system.

We can see from that lineup that this is one reason we are very concerned about it. The flip-flop by the Liberals on this issue is absolutely breathtaking.

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In Canada today we spend more on drugs than on doctors. Prescription drug costs are the fastest growing cost of health care forcing provincial and territorial governments to pay more, causing fewer families to be able to afford the drugs they need.

I had the opportunity on Saturday night to hear from a well known physician in the Saskatoon community, Dr. John Bury, who was talking about the impact that prescription drugs have had. He recalled the drug benefit plan the Saskatchewan government put in place many years ago that worked so well for such a long time. Essentially it was eroded because the government in the early to mid-1990s could not afford to continue as drug prices increased by the 344% that I talked about earlier. His point now is that there are people in Saskatoon who are unable to afford to purchase drugs. Drug prices have risen so much they are now out of the reach of many ordinary and poorer Canadians.

A personal friend of mine is in hospital recovering from a stroke brought about, almost certainly, by the fact that she neglected to have her blood thinners upgraded or the prescription renewed. In some ways we are putting additional costs on our medical health system by examples such as that.

In a country with \$100 billion to spend on tax cuts, one in ten Canadians do not fill prescriptions because he or she cannot afford it. Since 1990 drug prices have risen by 87%. If drug prices are not brought down increased health funding will not go to patients but to multinational pharmaceutical companies.

Public health care needs to get its fast rising costs under control. Families need lower prices to afford the drugs they need. However that is not what the government has been offering. It chose to break promises it made as recently as 1997, let alone in 1987 and 1992 in its red book on a national pharmacare plan. It chose to ignore new ideas for health care like a national bulk buying project that would bring costs down. I note that Australia has such a program.

• (1655)

It chose to keep Mr. Mulroney's drug patent law, Bill C-91, which provides for longer patents. When in opposition, the Liberals promised, as I have tried to point out in my speech, to rescind the law. The Liberal government chose to support more powerful trade agreements even though these agreements make it harder for Canada to use cheaper generic drugs. It chose to accept one trade ruling that made it harder for Canada to use cheaper drugs.

All of this leads me to recall the old Irish proverb, and we have seen it time and again over the years since Confederation, "You can vote for whichever party you want but the government always wins".

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I thank the member for Palliser for a very good speech. I learned a great deal, and I know that all who are listening here and at home probably benefited as well from the historical references that the

hon. member made about what those who currently sit on the government side felt about Bill C-91, the drug patent protection act, when they were in opposition.

I would like to point out that I come from the third poorest riding in all of Canada. I know personally of stories brought to my office of senior citizens who actually cut their pills in half to make their medications last longer because they cannot afford, on a month to month basis, the drug prices for the regime their doctors have given them.

Given that we know this to be true, and it is not the first time it has been raised in the House, one would think that the bill we would be debating today would be some kind of intervention by the government to advocate on behalf of those people and to put in place changes in the system that might champion this issue. One would think the government would advocate on behalf of those seniors who are having such a difficult time. Rather, we are seeing what has been called the greatest corporate giveaway in Canadian history, Bill C-91, augmented, added to and made even worse by Bill S-17.

Would the hon. member give us some indication as to whether he has heard stories of senior citizens struggling to cope with the costs of their monthly medications? Would he not agree that there is something completely ass-backwards having us debate a bill that will actually make the situation worse rather than having a proactive government intervene on behalf of Canadians to try to remedy this terrible situation of rising drug prices?

**Mr. Dick Proctor:** Mr. Speaker, I thank my colleague for the question, and yes, I think all of us in the House could probably point to examples of people who have diluted their prescription drugs in order to make them stretch a little further. Sometimes that can complicate their health and well-being. Instead of helping, it often adds to their difficulties.

What my colleague is talking about is the need for a concerted effort by government to campaign for cheaper medicine. Some countries, and the name of Brazil has come up a couple of times today, have basically thumbed their noses at the multinational drug companies and have said that they will do something, that they will provide drugs for people who are victims of HIV and AIDS. The South African example has been instructive on that topic as well. These are the sorts of things and the kind of leadership we are looking for.

In the case of South Africa, the decision of the drug companies to drop the case amounted to a huge victory for millions of people who are suffering from treatable diseases. It is all well and good to talk about being on the leading edge and coming up with drugs that will cure very nasty and lethal diseases. However, if the vast majority of people in the world can in no way afford to buy those kinds of drugs, what does that say about a public health care system

such as the one that has been pioneered in Canada over the years? It was pioneered first by the CCF and then by the New Democratic Party in Saskatchewan and extended to the rest of Canada.

● (1700)

I think Canadians are desperately looking for leadership in this area and the drug patent protection of 20 years is not the way in which most of them want to see the country continue.

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am glad for the opportunity to participate in the debate. I have patiently waited for my turn so I could have my say and join with my colleagues in expressing our absolute anger and opposition to Bill S-17.

It has been fascinating listening to the debate. Although I have enormous respect for some of my colleagues in the Conservative Party, including the hon. member for St. John's West who spoke this afternoon, I want to put on record that we are vehemently and fundamentally opposed to the kind of logic and reasoning that has come from the Conservative benches and in fact from all sides in the House.

As I sat and listened to the hon. member for St. John's West and heard some of the heckling from the Liberal benches across the way, I tried to think of what was most disturbing about the debate. What I found most disturbing about the debate was the question of whether or not the public good was being served.

We are talking about the issue that when private gain surpasses the public good then government must act. The responsibility of government is to ensure that Canadians, regardless of their income, where they live or their family circumstances, have access to basic public services. One of those basic services is health care. What is very essential and very key in terms of health services is access to medications that people need when they are sick. We are talking about medicare. We are talking about universally accessible, publicly administered health care and the threats that are causing the system to be eroded and to come undone.

I think about the debates we have had in the House over the last while on the problems facing medicare. I have heard the Alliance and sometimes the Conservatives talk about questioning the wisdom of our public system and that maybe we should look at some private elements. I have also heard them say that perhaps we need to bite the bullet and go to two tier health care. Does anyone know what they did not address in that debate? They refused to address the fastest growing cost of our health care system and the fact that it falls almost entirely within the private sector.

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If we were truly concerned about dealing with a health care system that is in a critical state of affairs, then we would look at the root causes of those problems. We would look at what causes the prices to rise beyond our abilities as a government and as citizens to support a universally accessible health care system. A prime example of those problems is our drug system and the control brand name drug companies have over of our health care system. It is these Liberals and the Conservatives before them who have catered time and time again to every whim of those brand name drug companies.

I have sat here and listened to the heckling from the Liberals asking who will pay for all the new drugs, how will new breakthroughs happen, who will make them happen, and that we need the private sector. Yes, we need the private sector. We are not here to say we will stamp out the private sector. We are saying that there needs to be a balance, that the government's role must be to ensure that drugs are available at a reasonable price so that everybody in our society can have access to them.

As all my colleagues have said, drugs constitute the most costly item of our health care system today. This is partly due to the fact that it is dominated by the private sector and where the government has abandoned the field, ignored the public good and dropped the ball. We are paying the price today because the government keeps breaking its promises, flip-flopping and abandoning its commitment to serving the public good.

● (1705)

It is very hard to sit in this place and hear Liberals today speak on this issue when we consider the record, what they have told the Canadian public and what bill of goods they have sold the people of the country.

Let us go back to before the 1993 election when the Liberals regained power after a long time in the wilderness. Let us go back to those debates leading up to the 1993 election when the Brian Mulroney Conservatives brought in Bill C-91. This is again where I have problems with the Conservatives' participation in the House today. The root of our problems today in terms of health care and in terms of trade organizations, unaccountable, unelected bodies having authority over this place, was the decision made by Brian Mulroney and the Conservatives to open up the floodgates and allow world trade organizations and international bodies to set the rules and brand name drug companies to set the price.

Most of my colleagues have pointed to the Liberal rhetoric leading up to the 1993 election. We heard all about how the present Minister of Industry, part of the rat pack back in those days, was champing at the bit to get after the Brian Mulroney Conservatives

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for daring to bring in patent protection legislation. We heard about some of the words he used and how they managed to fool the public with false promises and fake rhetoric.

Let us go over it one more time. The present Minister of Industry, then the member for Humber—St. Barbe—Baie Verte, said on December 10, 1992:

I want to ask the member and all these members who at some time, when they screw up their backbones and courage to do it, have to go back and face their constituents:—

That was quite forceful and powerful rhetoric. It was a vigorous, vehement statement and a strongly articulated position. It was good before the election. It was good for leading up to 1993 when the Liberals were able to con the public into believing they were on the side of truth, goodness and light and that they would correct all the errors of the past caused by Brian Mulroney and his Conservatives.

I was in the 1993 election. I gave up a good seat in the provincial legislature in Manitoba to run federally and had to face that kind of con job by the Liberals, and of course we know the results. The Liberals swept the polls and got into office. All of us, no matter what side we sat on, looked to the Liberals to keep their promise to uphold their commitment to rescind Bill C-91 and stop the tremendous hold patent protection had over drug prices.

Well, the rest is history. I remember well that the only thing the Liberals did was to set up a committee that would consult with Canadians on Bill C-91. I was part of those hearings in Winnipeg, part of a community that spoke up and said "Keep your promise. Do not back off this very important issue because it is fundamental to our ability as citizens to access quality health care today".

That charade of a consultation process went on and on. Finally in 1997 the Liberals won another election after pulling off another con job on Canadians by promising a national pharmacare plan. Does any member of the House know where the national pharmacare plan is today? I think that says it all. We returned to the House after the 1997 election to finally get a report from the government about the results of its consultations. I do not need to tell you, Mr. Speaker, how it soon became apparent that there was some discrepancy between the first report of the industry committee and the report that finally was tabled. We raised questions at that time about the evidence suggesting that the minister or the minister's office had in fact seen the draft minutes and had a role to play in ensuring that the recommendations were more in line with this new direction of the Liberal Party.

• (1710)

It did not stop there. The Liberals did not stop at breaking a promise and not rescinding Bill C-91. They went on to make a

number of regulatory changes, actually bowed to the international trade organizations and catered to the brand name drug companies, and extended the patent protection and the provisions for brand name drug companies. Each time the government took a step it made it harder and harder for provincial governments to provide drug coverage to their citizens so they could to access the drugs they needed to stay healthy.

We are paying the price now. As my colleagues for Palliser and Winnipeg Centre have said over and over, many of us have had calls and direct contact from constituents, especially seniors, who cannot afford to fill their prescriptions or follow their doctor's orders.

Who pays the price? The senior citizens who end up getting sicker because they cannot afford the medicines they need and, of course, all of us, because the senior citizens will now be in and out of hospitals, in and out of their doctor's office and will need to seek home care and other support. We pay the price because of the shortsighted decision making of the government and its absolute preoccupation with catering to multinational drug companies.

I suppose we should not be surprised at Bill S-17, given the whole history of broken promises, but could the government not have at least put up a fight? Could it not have at least tried to pursue another path instead of catering so quickly to the WTO?

The World Trade Organization made its decision on September 19, 2000. The government leaped to the pump and brought in Bill S-17 on February 20, 2001, only a few months after the WTO decision. We know from the facts of the case that the government has many more months left to pursue its decision. It has time to talk to Canadians and to get support for a different path. It has until December 2001 before it actually has to make a final decision. The government has time to rally Canadians and to pursue some alternatives. It has time to develop a national pharmacare plan based on bulk buying and on the use of generic drugs. It has time for all kinds of options if it is truly committed to serving the public good, as opposed to catering to private gain.

Not only is the haste in which the government proceeded to implement the WTO ruling to Bill S-17 disconcerting, but the way in which it did it is also disconcerting. If the government were not embarrassed and ashamed by this deed and by this obvious breach of a commitment to the Canadian people, why did it not bring the bill directly to the House where it could have been debated forthwith? Instead, the government slipped the bill in through the other place, which has now found its way here for debate.

That kind of secrecy and speed, and that kind of failure to be direct with the Canadian people is the obvious result of a government that should hang its head in shame for the kinds of actions it has taken on this fundamental element of our health care system.

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• (1715)

There is so much that needs to be said. However, the most important issue today is that what we are really talking about is access, access by the Canadian people to a necessary component of our health care system. It needs to be said over and over again that drug costs are going through the roof, that rising pharmaceutical costs are creating enormous difficulties for our provincial governments and that people are feeling the squeeze day in and day out.

The government had several opportunities to redress the situation and bring balance to this serious matter. It had an opportunity through the last federal-provincial meeting of premiers in September to actually bring to fruition a plan to ensure that the concerns of provincial governments around rising drug costs were dealt with and that there would be some meaningful plan in place.

The national pharmacare plan did not make it to the final accord. The government was not interested in using that wonderful opportunity to advance the agenda and to pursue its commitment to the Canadian people for a national drug plan that would ensure equitable access for all Canadians and deal with the incredible pressure on medicare today. The government had a wonderful opportunity. It was not mentioned. It was not on the table and it is not being pursued.

It would be very wrong for the government to suggest, as it tried to do in the last election, that it did not have the co-operation of provincial governments to pursue a national drug plan. The fact of the matter is that there was ample willingness on the part of many provincial governments to ensure that collectively we would deal with one of the gravest problems facing our health care system in recent times.

The minister of health in Manitoba was quite direct and blunt with the federal government about the need to have the item pursued. He was actually quoted in the press as saying, tongue in cheek, that he would gladly give up the transfer payments the federal government provides to provincial governments if the federal government would look after the drug bills and take charge in terms of the pharmaceutical pressures on our system today. That was wishful thinking on the part of the Manitoba minister of health, because the federal government not only refused to take up the challenge of a national pharmacare plan, it has not even made an attempt to bring all parties and players together to develop a national pharmacare plan.

There are many options. There are many models with great possibilities. My colleague, the member for Palliser, will probably remember that it was in Saskatoon in 1998 that the Minister of Health brought together all the players in the field, all the experts around drug prices. They pooled their ideas and talents in order to

develop the idea of some kind of national pharmacare plan. There were great ideas and all kinds of studies. There is no shortage of proposals that are workable, that would make a difference, but the government refuses to act.

The real question in all of this debate is why. Why did the government have to jump to the pumps when it came to the WTO ruling? Why did it break its promise in 1993 on Bill C-91? Why did it, through the back door and different regulatory procedures, actually augment and improve the situation facing patent drug companies? Why in each and every case did the government put private gain ahead of the public good?

I do not know the answer, other than to say that in every part of the government and in every aspect of its decision making process it caters to the private sector and pursues an agenda of deregulation, privatization and off-loading to minimize the barriers facing our private sector, to create an unfettered marketplace for our multinational corporations, and to buy into this agenda of globalization and corporate control over the welfare and well-being of all our citizens.

• (1720)

That is a shame. We are paying the price today. We would hope that somehow this government would reconsider, pull Bill S-17 off the books and get down to a serious discussion in parliament and with the Canadian public about a national drug plan.

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, beneath the rhetoric that you are hearing today lurks a very, very serious issue. The member opposite has asked why members of this party have changed their attitude toward giving patent protection to drugs, why they have changed their position in 10 years.

I can tell her why they have changed their position in 10 years. It is that in 10 years there has been an enormous advance in antibiotic resistant bacteria. The classic case is tuberculosis. We now have a strain of tuberculosis out there that is resistant to every known antibiotic but one. There is a great number of these old diseases that have developed resistance to the drugs that we counted upon in the past. Much of this has occurred in the last 10 years. What is happening is that we have to, as a government, do everything in our power to encourage private industry or anyone else to develop new drugs to resist these diseases that have developed resistance to the antibiotics that we have had to date.

This is a serious problem. It is a deadly problem, Mr. Speaker. It is a problem in the scientific and biological communities. They regard it with great trepidation. If we do not do something very quickly about it, if we do not develop new drugs as fast as possible by encouraging the incentives of the marketplace, we are going to

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be in a lot of trouble and some people, and I do not want to sound overly dramatic, are going to die. We actually have to develop new drugs and if we have to encourage manufacturers by extending the patent protection law, then we had better do it.

**Ms. Judy Wasylcyia-Leis:** Mr. Speaker, I hear the member's question and I have heard it before in his previous questioning of some of the speakers. Frankly, I do not quite understand the logic. Is the member in fact saying that the only breakthroughs, the only scientific discoveries of importance to humankind developed in our history, are a result of commercial interests?

**Mr. Pat Martin:** The profit motive.

**Ms. Judy Wasylcyia-Leis:** Are they the result of the profit motive, as my colleague, the member for Winnipeg Centre, has said? I do not understand. We could spend hours listing the kinds of improvements that have occurred in our society. I think of the polio vaccine. These breakthroughs occurred because of a commitment on the part of individuals to improve the condition of humankind, not because they were in it for the money or to make a profit.

We are not here to say that no one should ever make any money on developing drugs and other scientific breakthroughs, but we are saying there has to be a balance. My question for the Liberal member is this: how much profit does a company have to make before it is prepared to invest in improving society and operating in the best interests of our community? How much protection do they need in order to contribute to the welfare of our society? That is what this debate is all about. Why do we have to go toward more protection with every step the government takes? How much profit do these multinational brand name drug companies have to make?

There is another question that has to be addressed. There is a lot of emphasis being put on the incredible investment made by these brand name drug companies in our society and on meeting their needs in order for us to have any breakthroughs. I do not know if the member has read all the information on this topic, but the fact of the matter is that the brand name drug industry has benefited enormously from taxpayers and from government subsidies. That industry has not taken the bulk of that investment and used it to ensure that we have drugs on the market available to everyone in our society regardless of where they come from and how much money they make.

• (1725)

In fact, we often see a lot of that public investment going toward the development of me too drugs. We see a great deal of that money going to advertising and promotions. We see a lot of that money going to ensuring better benefits and salaries for executive officers in these drug companies. We see a lot of money going

toward the consolidation of an agenda that has a reach around the world.

What we are asking for today and what I think Canadians want is some balance in this issue. We want to see the government take some action to ensure that public investment goes toward the public good.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, I want to follow up on the question that was asked a minute ago by the Liberal member and I would like a comment from the member for Winnipeg North Centre.

I was astounded in doing research on this issue to learn that more than \$350 billion U.S. in brand name pharmaceuticals is sold around the world annually. As an aside, HIV and AIDS drugs account for approximately \$4 billion of that, a very small percentage. I am assuming, and I know that the member who is our health critic will undoubtedly know the answer, that there must be a vast majority of pharmaceutical companies around the world that would be realizing that combined total of \$350 billion in brand name pharmaceuticals.

I ask the hon. member to comment as well because in her speech she did talk about this having been snuck in through the Senate. Maybe it is just a coincidence, but this is the second bill that we have had today in the House that has come in via the Senate. I wonder if the member sees a pattern in this.

**Ms. Judy Wasylcyia-Leis:** Mr. Speaker, I appreciate the questions from my colleague. He raises several important points.

The first point is about the amount of business that a number of multinational brand name drug companies control and the kind of power they exert, obviously over this government and over citizens globally. We only have to look at the battle as referenced by my colleague from Burnaby, the battle of the citizens of South Africa to get access to generic drugs to deal with the spread of HIV and AIDS and the kind of opposition they encountered from the brand name drug companies. That kind of power has to be stopped. That is why we have government: to bring some balance into this whole area.

The other issue pertaining to the Senate is certainly an important one. It surprised us on February 20 to learn that this issue was being dealt with through the other House, the other place, through the back door. We have a lot of questions for the government. Why did it choose that route? Why was it not at least direct with the Canadian people and with parliament? The situation speaks for itself. The government must be embarrassed by this kowtowing to the these corporate brand name drug companies and international bodies.

Finally, it is very important to point out again how many voices are on the other side of the issue. I want to refer very briefly to a letter from the Canadian Federation of Nurses Unions, which expresses anger over the Canadian government's capitulation to the demands of transnational corporations and international trade agreements instead of defending Canadian citizens.

In a letter to the Minister of Industry on March 9, the union says:

Who would deny a pharmaceutical manufacturer a healthy profit for an effective drug? But is that the reason legislation has been introduced in the Senate... to extend patents from 17 to 20 years? No.

Clearly this is not about drug company bottom lines: the pharmaceutical manufacturers are extremely profitable.

• (1730)

It went on to say:

Contrast this with the plight of many other older Canadians or the working poor who must spend what little money they have on prescription drugs. As you know, some seniors face the nightmare of choosing between heating, eating or prescription drugs. Not all seniors face this kind of crisis, but most report that prescription drugs take a huge bite out of their budget at a time in their lives when few can afford it. In fact, though many are covered by provincial pharmacare programs, they don't cover the first hundred or more dollars in drug purchases. Even these seniors will be affected.

The government should listen to some of the organizations like the Canadian Federation of Nurses Unions, the Canadian Teachers' Federation, the Manitoba Society of Seniors, the Canadian Association of Retired Persons and other groups that know what it is like to deal with the pressures on their members and citizens they encounter on a day to day basis. It is time for the government to act for the public good.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I would like to start my speech on Bill S-17 by following up on some comments from the member for Winnipeg North Centre in answer to questions from the member for Palliser. The member asked why we were dealing with this bill which originated from the Senate and why did we think the bill originated in the Senate?

There is no secret there. It is obvious why the government chose to introduce this bill through the back door, through the unelected Senate. It was put forward by the hon. leader of the government in the Senate, a member from Winnipeg. It is to her great shame and discredit that she is doing the government's dirty work.

The government did not want to introduce this bill in the House for fear of reprisals from Canadians and from seniors' organizations. There is a growing and mounting movement against this regressive step that this was the path of least resistance for the government. It was an expedient move to introduce this bill through the Senate so it would come up for debate without the usual public announcement from the minister.

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The Minister of Industry spoke at length on this bill earlier today. He was quoted extensively, when he represented the opposition, as speaking against any such move to extend patent protection. He is now the champion for international pharmaceutical companies to increase their profits yet again.

I would like to address another point which was very well made by the member for Winnipeg Centre. Just how much profit is enough profit to keep drug North companies doing the important research work they do?

Speaker after speaker has said that the NDP does not understand how necessary it is for drug companies to do research and should they not be compensated for doing that research. There is no disagreement on this side. We value the scientists who work hard to find new cures to many ailments. We are balking because we have never really tested the water. We have never had a debate as to what a reasonable profit would be for these companies. How many years of patent protection do they really need to not only pay for their research costs, but to appreciate a reasonable profit?

Notwithstanding the whole debate, some of us believe that this sort of scientific pursuit should be above and beyond the realm of the free market altogether. Perhaps we should start with that basic premise. Some of us still believe that some things are too important to leave up to the profit motive and to the free hand of the marketplace. That it is somehow the be all and end all and the only thing that would motivate people to do something as humanitarian as finding cures for illnesses and getting necessary drugs into the hands of people that need them most.

I believe there are a significant number of Canadians, scientists and business people who would agree that the single most important thing we could do for moral and ethical reasons would be to find a way to get drugs into the hands of people who need them without bankrupting our health care system and our seniors who find it difficult to meet the costs of the medications they so desperately need.

This bill further accentuates the problem of the high cost of drugs. It makes us wonder whose side the government is on. Whose side is it championing here?

• (1735)

We find this inexorable link between the Liberal party and the pharmaceutical international drug companies. It makes one wonder whose interests it is bound to represent in the House of Commons.

Canadians hoped that they would have a champion in their government and that someone would be there advocating on their behalf to represent their interests in this very serious problem that faces the nation. Yet what do we find? Rather than legislation being introduced that might provide some relief or some plan to reduce the cost of drugs, we are once again fighting this decade long battle

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of trying to hold back the length of the patent protection on intellectual property, so that the generic drug companies can start to replicate these necessary drugs and make them cheaper and more affordable so our health care system is not crippled or hog-tied by this.

Bill S-17 builds off of Bill C-91. Bill C-91 was called the greatest corporate giveaway in Canadian history. I remember the challenge and the demonstrations in the streets. Canadians came out en masse to voice their disappointment with the then Mulroney government when it introduced Bill C-91. They were furious and outraged. The Mulroney Tories were crazy enough to take on senior citizens again. They did it once when they wanted to de-index the pension and they got their wrists slapped pretty quickly and they withdrew.

Yet, just like a kid who puts his hand on the hot element of a stove, they chose to do it again and infuriated citizens all across the country. They introduced another bill that would cost them more in direct out of pocket expense than even the dastardly plan to deindex the pension. When Bill C-91 came along, it mobilized a whole cross generation protest movement to fight against this thing.

I believe it was one of the key issues in the 1993 election, on October 25, 1993, when Canadians kicked the Tories out in the most humiliating defeat in Canadian history and reduced them to two seats. They did this partly to voice their strong objection to the changes proposed under Bill C-91.

When the Liberals took over in 1993, rather than do what they promised to do and bring in a national pharmacare plan that would relieve people from the crippling costs and spiralling out of control drug costs, they embarked on a cross-country national tour, a task force, and the best way to buy time. We They did not do away with Bill C-91 or reverse its terrible impact.

The findings of the task force were the most disappointing flip-flop in recent memory. The Liberals were elected on the promise that they would champion the interests of Canadian people in terms of high drug costs. What did they do? They came back, shrugged their shoulders and said that they had studied the issue to death. They said they had investigated it thoroughly and heard from Canadians, but there is nothing we can do. Therefore, the 20 year patent protection stood. In other words, there was no relief in site.

This was in spite of predictions from people in their own party. Prominent Liberals of the opposition, some who are now cabinet ministers in the Liberal government, issued dire warnings. They said that if they went ahead with Bill C-91 and the 20 year drug patent protection, it would cause an enormous compounding escalation in drugs costs to ordinary Canadians. That did not deter them one minute. That did not hold them back one iota.

I guess that is the beauty of being a Liberal. They do not see any contradiction in that kind of flip-flop whatsoever. They seem to hold their heads high, take a 180° turn and say the opposite to what they were elected on in the fall of 1993.

We have quotes of prominent Liberals of what they said in the House of Commons. Dramatic speeches were made on this issue. Some of my favourites came from the current House leader of the Liberal party who was absolutely passionate about this issue. He was making the case that this kind of a drug patent protection would be devastating to our health care system. Even then many of us who were monitoring these things knew that the single biggest cost to our health care system was soon to be drugs, and that is the case now.

• (1740)

On a chart on the wall we can see the costs of hospitals and doctors are going up. Drug costs are skyrocketing through the ceiling. Our worst fears have been realized. In fact the worst fears of the hon. House leader for the government were realized.

In 1992 he said “I turn the argument right around on the members across”, meaning the government side members. “Doing something that will damage our health care system in Canada is not going to make us more competitive”. That is a given. “It is perhaps one of those things that in the long run and perhaps even in the short run are going to make us less competitive as a nation because it is removing from us one of those useful tools that we have now”, meaning affordable health care and affordable access to pharmaceutical drugs.

I appreciate those remarks and can associate them. I would have been proud to know that individual when he thought that way. I am not so crazy about the point of view that seems to be adopted by those same people across the way today.

We have a situation now where the Liberal Party and the government of the day are being the champions and advocates for the multinational drug companies or chief apologists for the multinational drug companies. Whose side are they on? Canadians are desperate for somebody to advocate on their behalf. They are desperate to have somebody speak out loudly for them, to stand on hind legs and if necessary oppose the WTO or at least put up a good fight instead of kowtowing.

Every time we send one of our representatives to one of these meetings, whether it is in Davos, Switzerland or wherever the ministers are meeting to deal with the WTO, they always come back the bearers of bad news. They say they thought they might be able to do a little something or a little horse trading, but in actual fact they could do nothing.

We as a parliament are being rendered more and more irrelevant, because we have lost our ability to put in place a domestic drug policy that would act on behalf of the people of Canada. We are being told that we have traded that ability away. It is shameless.

Whoever traded away that ability, frankly has not done a service to Canada. If our chief negotiators cannot do anything better than that, if they cannot come back with a better package than that, we better start looking for better negotiators. They are clearly not representing the interests and the points of view of Canadians very adequately.

There are certainly other prominent Liberals who spoke out over and over again on this back in the days when Liberal members stood up in defence of Canadians who needed relief on drug prices.

The current solicitor general pointed out that the average cost of a prescription claim had risen at a rate in excess of 11% compounded annually for the period of 1987 through 1991, well above the CPR rate. That was a good observation. I have bad news for the current solicitor general. Even though he was concerned back in 1991-92 about the escalating costs of drugs, he would be surprised to learn that cumulatively from 1987 to today the cost of drugs increased 340%. That is the single highest and fastest growing cost in our health care system. It is out of control. He was worried about 11% annually.

Again, rather than some plan from the Liberals on how they might cope with this and help us deal with the crisis, all we have is another bill, which came in through the back door through the unelected Senate, that will compound the issue and make it even worse. It will extend the 20 year patent protection to the remaining 30 products which are still at 17 years.

The NDP caucus argues that even if we do accept that the private sector has to be involved in research and development of new drugs and that they deserve to recoup their costs and make a reasonable profit, we argue that 10 years is more than adequate. I challenge them to make the case as to why they need more than 10 years. I do not think the debate has been put to legislatures. We have not debated here.

We know that prior to the free trade agreement having imposed 20 year patent protection, the pharmaceutical drug companies were the most profitable industry sector in our economy. If people owned shares in those companies they did well. We found it necessary to buy into their line, and they always wanted more.

• (1745)

There is an old adage where I come from that says capital has no conscience. These guys have an insatiable appetite for profit. They have an obligation to their shareholders to show the best possible rate of return. If they can increase their profits just by coming to government and saying they deserve and need 20 year patent protection, and if we blindly tell them to take their 20 years and let them compound their profits yet again, we are not doing our job in

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representing the interests of Canadian people. We are yielding far too readily. We are not putting up a good fight. We are not even putting up a good debate or a good argument.

The 11 or 12 lonely NDP speakers in the House of Commons are the only people we have heard today advocating on behalf of the Canadian people. All the other parties are advocating on behalf of multinational drug companies. Not even our domestic generic drug industry is being represented here today. We are hearing speaker after speaker on the government side say the poor international drug companies do not make enough money or have the tools they need to find cures to the illnesses we have.

Is anyone speaking for Canadians here, for senior citizens who must cut prescriptions in half to make them stretch for the whole month? Does anyone even care about that any more? In listening to the speakers one would not think so. They are not advocating on behalf of Canadians. They are advocating on behalf of drug companies that do quite well around the world, frankly, without gouging Canada.

Bill S-17 would go even further. It would tie our hands further by limiting the ability of generic drug companies to ready themselves for the day they are allowed to sell their product. It prohibits them from producing and stockpiling new drugs so that on day one after the 20 year patent expires they would be ready to release them into the community and into the hands of the people who need them.

Under Bill S-17 that would be limited and restricted, and I know why. Although pharmaceutical companies enjoy a 20 year patent protection a bit of a charade goes on. When the companies get close to the 20 year deadline they modify their drug a bit and ask for an extension. They explain that it is not the same drug it was 19 years ago when they first developed it. They say it is now a new and improved drug. They negotiate and are often given another five to seven more years of holiday, of exclusive monopoly.

Is that competition? Is that what the champions of free competition support? I hear the Canadian Alliance Party and people like it advocate giving one company an exclusive monopoly for 20 years in spite of all reason and logic, in spite of all the moral and ethical arguments associated with getting drugs into the hands of people who need them. They are willing to turn their backs.

They are almost as chameleon-like as the Liberals in this regard. They are willing to change their colour all of a sudden and say competition is good and healthy, but in this case these companies should be given an absolute monopoly for 20 years. Let them really rake in the dough and then maybe they will find a cure for cancer. If their only motivation is to make money they will not do the type of research we need them to do.

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There are a lot of medical conditions for which it is not economically viable to do research. Let us imagine an obscure condition which is probably curable but which perhaps only afflicts 5,000 people across the country. If profit, not the well-being of humanity, is the sole motive no one will bother doing the research to find a cure for that condition.

I point that out to illustrate what is fundamentally wrong with accepting that drug companies can, will and should be driven only by profit. That is the only interest here. There is a broader public interest to be served than just enhancing the profits of international drug companies.

I pointed out the inexorable link between the Liberal Party and the international drug cartel, arguably the single most effective and powerful lobby group in Ottawa. That is probably why we are seeing this rammed through by the parties which benefit so greatly from the largesse of the drug companies.

Prominent Liberals like Judy Erola did not even miss a step when she went from being a member of parliament to being the chief lobbyist for international drug companies. It seems that any Liberal hack who runs out of gas in his or her political life can find a job in the offices of the drug companies. There is a connection there. There is a link that borders on conflict because we are not looking after the best interests of Canadians. We are being coerced more and more, through powerful people, their powerful contacts and their powerful cheque books, to look after the interests of drug companies before we look after the interests of senior citizens and Canadians.

• (1750)

I find it harder and harder to sit here, and frankly I find myself more and more disappointed that nobody in the House of Commons has the courage to stand and advocate on behalf of Canadians instead of the drug companies, except those in the NDP caucus today. There will be a record of this debate. I hope Canadians are well aware of what is going on here today as we put the final stake through the heart of any notion of a comprehensive plan to make drugs affordable for the Canadian people.

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I appreciate my colleague's comments on Bill S-17. We have similar constituencies. Our constituencies are predominantly made up of people on modest or fixed incomes who have a hard time keeping up with the rising drug costs they are experiencing on a day to day basis.

I have one example and I wonder if my colleague could indicate whether his constituents have had similar experiences. Not long ago a woman wrote to me and indicated that the price of a heart drug, digoxin or lanoxin, had gone from \$18.30 for 120 tablets in May 2000 to \$30.67 for 120 tablets in August 2000.

That is an incredible jump for a drug that has been on the market a long time. In this case it appears to be the result of one pharmaceutical company being taken over by another. It illustrates the point we have been trying to make today that this is not about breakthrough drugs or about more public support for scientific discoveries. It is about brand name drug companies trying to make every penny they can off drugs that were invented a long time ago.

I have two questions for my colleague, the member for Winnipeg Centre. Is this the kind of experience he is hearing about in his own constituency? What other impact is patent protection having on the ability of ordinary citizens in our constituencies to get access to necessary medications?

**Mr. Pat Martin:** Mr. Speaker, I too have had residents of my riding come forward with horrifying stories of seemingly arbitrary increases in drug prices. The stories pertain to standard drugs that are commonly prescribed and have been around a long time. Out of the blue the cost often goes from \$30 to \$50 for a bottle of pills.

As the member for Winnipeg North Centre pointed out, if competition is to keep prices down, who will regulate the industry to make sure a monopolizing force does not gobble up other companies for the sole purpose of taking out the competition? When a larger firm gobbles up its only competition in the manufacture of a certain drug, what is to stop it from arbitrarily increasing the price of that drug?

It hearkens back to some of the points made earlier. Without intervention or regulatory review the free market does not serve Canadians well in terms of the provision of health care. Some things, frankly, are too critical and too important to be subject to the free hands of the market.

• (1755)

I would like to quote the member for Ottawa West when she spoke to Bill C-91 while sitting in opposition to the Tory government. She was trying to make the same point and maybe did it better than I did when she was aggressively arguing against the implementation of a 20 year drug patent period. She said:

Madam Speaker, it is a privilege to rise to speak against the bill. It is about completely eliminating, for the entire 20 year patent period, the right of any generic manufacturer to produce a drug that is under patent and to compete with that drug in the open marketplace.

In other words the government was granting an absolute monopoly to a certain company, ostensibly to help it make up its research and development costs. Our party would argue far beyond that. She went on to say:

What is the impact going to be? The impact for Canadians is going to be higher drug costs.

The hon. member for Ottawa West must have had a crystal ball because she was right. From 1987 to today there has been a 344% increase in drug costs, far beyond the cost of expanded research and development and far beyond any increase in the cost of living.

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It is wild gluttony in terms of gouging Canadians and the health care system for as much profit as it can possibly get.

The New Democratic Party would like to ask a question. Is there not a moral and ethical argument that we in the House should be searching for ways to get those necessary drugs into the hands of Canadians who need them, and not finding ways to further pad the pockets of the brand name drug companies that are now seeking 20 year patent protection, even on the 30 products that were left behind 17 years before?

**Mr. Svend Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I want to follow up on the very eloquent comments of my colleague from Winnipeg Centre and to note that earlier in the debate one Liberal member suggested that the only way we could develop quality pharmaceutical drugs was if a healthy profit went to the private sector to develop those drugs.

I remind the House of the pioneering work of Jonas Salk who refused to patent the polio vaccine. He said that it would be like patenting the sun.

When the Liberals prattle on about how we have to make sure that the profit levels are high enough for the pharmaceutical companies, I say that there are dedicated women and men, scientists working in this field, who would be quite prepared to ensure that the product of their deliberation and research goes into the common good and does not go to contribute to corporate profits.

My colleague from Winnipeg Centre referred to the member for Ottawa West. I have a speech here that the member for Ottawa West made on December 9, 1992, an eloquent and passionate denunciation of Bill C-91. She went on about the obscene profit levels of the pharmaceutical companies and said:

I think we have to ask who pays for these great gains? As I said, there are billions of dollars of revenue to be gained by the drug companies. Seniors will pay. Taxpayers will pay through medicare. Anybody who is too poor to have a drug plan or who works for a company that does not have a drug plan will pay.

That was the member for Ottawa West then. Where is the member for Ottawa West today?

**Mr. Pat Martin:** Mr. Speaker, I am glad we have a written record of all the great speeches made in the old days and that they are so easily accessible. We can remind people of what they said those few short years ago.

I could not agree more with the member for Burnaby—Douglas. He asked what is a healthy profit, how much was enough of a profit for drug companies.

Members could put forward their arguments, even if we accepted the fact that there would be private sector involvement in the research and development of drugs. However we have never debated what is a reasonable markup. Yes, people should be able to

recoup their research and development costs. Yes, they should be able to make a reasonable profit, but how much is reasonable? That debate has taken away our ability to even review it in the House of Commons.

• (1800)

I would argue that we have lost or have voluntarily forfeited our ability to implement a domestic strategy that might put drugs into the hands of Canadians a little more readily and in an accessible way. Through the free trade agreements that were cited back in the Bill C-91 debate, we have sent negotiators to the table that bargained and traded away our ability to dictate our own domestic wishes.

I feel that most Canadians are of the view expressed by the NDP today. Most people see the common sense in doing everything we can to be the champions and advocates of Canadians. We should take the courageous steps necessary to make sure we can get drugs into the hands of people who need them at an affordable price. However, if we voluntarily go into these trade agreements with blinders on and without any ability to dictate our own domestic control, it is not progress. It is retrogressive.

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, I am pleased to have this opportunity to speak to Bill S-17, an act to amend the Patent Act.

It is a pleasure for me to talk about the bill but I find it quite unfortunate that the current government, the Liberal government, cannot solve the problem with patent drugs here in Canada.

It is well known that there is a problem with the health system everywhere in the country and not only in New Brunswick. I am sure that it is not limited to Quebec or to Ontario. It is a problem everywhere. However, there is another problem related to that one and it is the issue of patent drugs.

We could tell all sorts of stories about this. Usually it is the people from poor families who are the greatest consumers of patent drugs. Poor families do not have enough money to feed their children properly and they often end up in the hospital. They are the ones who consume a lot of patent drugs. Moreover, they do not have enough money to take care of their children's well-being, and not only their children's.

I will tell a little story. It deals with patent drugs. The story even made me cry, and the member for Acadie—Bathurst usually does not weep easily.

One day I received in my office a tape that was sent to me by a man from Val Doucet, in New Brunswick. The man could neither read nor write and he had sent me a tape on which he told me a sad story. I took the tape and brought it home. I sat in the living room and listened to it.

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It was a sad story. It made me cry. It had to do with the document I have here.

The man was telling me that he drew \$404 a month from the Canada pension plan and had a card to get free prescription drugs through welfare. When his pension was increased by a few cents, he fell into a new bracket and lost his drug card.

In the tape that he sent me, he told me that now, when he went to bed at night, he cried in pain because he could not afford to buy drugs. The patent drugs he needed were too expensive. He also needed to go to the dentist but because he could not afford that either he had blood on his pillow when he woke up in the morning.

It is sad when people in Canada have to go through that because they cannot afford to buy patent drugs.

I met families last week who were saying the same thing, that drugs were too expensive and that they did not have a drug card and could not get one.

As reported in *Hansard* on December 8, 1992, the government House leader said this:

Mr. Speaker, I welcome this opportunity to take part in today's debate and speak to the first motion, the first amendment to the bill. I congratulate the hon. member for Dartmouth who so ably defended the interests of Canadian consumers and all Canadians who will suffer the disastrous effects of this Tory policy.

• (1805)

The hon. members across the floor are engaged in the process of passing a bill from the other place that they did not have the gumption to introduce themselves, they brought it in by the back door from over there.

In 1992, the present Liberal leader said the following, which I shall quote because it is worthwhile:

Mr. Speaker, I welcome this opportunity to take part in today's debate and speak to the first amendment to the bill. I congratulate the hon. member for Dartmouth—

That person had to be a Liberal.

—who so ably defended the interests of Canadian consumers and all Canadians who will suffer the disastrous effects of this Tory policy.

Today, Liberals are standing up to say "We are doing this to save the world". Where were they in 1992? This is shameful. They are working along with the drug companies on drug patents in the same way they operated with the GST.

They said that if they were in power they would do away with the GST. Once in power, they continued it. They said that if they were in power there would be no free trade. They now are and we did get free trade. They said that if they were in power they would remove the patents so the sick and the poor could buy drugs at affordable prices. That is what they should have done. Well, they changed their mind and now, because they are the government, they do not have a choice.

We have lots of stories to tell about the Liberals. We could talk about the \$35 billion they took from workers who lost their jobs. We could talk about that too.

We could tell stories that are rather funny. We know, for example, that one company gave \$100,000 to the Liberal Party, including \$33,000 from Glaxo Wellcome, \$25,000 from Merck Frosst and \$10,000 from Dupont in the same year. I understand why they are saying today that the drug regulations should not be changed.

This reminds us of the U.S. health care system. Why is the U.S. health care system private? For the same reasons. It is because corporations pay politicians to keep it private and in turn get money from them. This is what is happening here.

The Liberals do not care about people who are sick. The Liberals do not care about people who suffer from liver disease or other ailments. The Liberals could not care less. It is a disgrace.

Yesterday, I spent a whole day at the Bathurst hospital. There were people, women and children, on stretchers while on the third floor some departments were closed and beds were empty. The situation is that bad in this country. It is a disgrace to see such a thing in Canada, the most beautiful country in the world. We should be ashamed to go around claiming we have the most beautiful country in the world when sick children spend three or four hours crying in the emergency department. They cannot get service.

When people enter hospitals, nurses tell them "I am exhausted". They also told me "Sir, I am exhausted, I cannot cope with the situation any more". Doctors say the same thing "I worked all weekend, all week and I am exhausted". I have a nephew who is in hospital in Quebec City. As soon as he came back from the United States he was hospitalized in Quebec City. This was the third hospital he had gone to. Overnight, we found ourselves without any services. That is what the health care system is like in Canada.

When the Liberals were in the opposition they boasted. They shouted out "Vote for us, we will change everything". They gave us back the GST. How very kind of them.

This week, I spoke to some employers. One of them told me "The only thing Liberals did is that they gave me their work; I collect GST from people and every three months I have to do the books for them. After that, they put us into debt". Thanks a lot.

The only thing Liberals did for us is that they privatized everything around us, even Petro-Canada last week. Liberals were supposed to be on the left, in the centre or wherever. However, I know where they are. They are in the Pacific and in the Atlantic but they have forgotten to come to Canada.

• (1810)

This is where the Liberals are because they do not care about Canadians. They make promises but in fact they are lies. Mr. Speaker, excuse me for using those words, but this is the truth. This is what is really happening. This is what people in my region and all over are saying. You are smiling for a good reason, Mr. Speaker, you know I am right.

This is no joke. I talked earlier about all the money the government stole from the EI fund. I also mentioned that more than 800,000 workers are not eligible for EI benefits and that 1.4 million children go hungry. Can the members imagine how destitute these people are?

During the weekend, as I toured my riding, some people asked me “Where are we going as a country? What are politicians thinking about? Are they not supposed to stand up for us?”

The only thing we hear from right wing governments is: how can this large company make a profit, how can this big insurance company manage, how can we protect this business here and that business there? But then in the throne speech the government tells us that it wants to take care of children.

In 1989, the House passed a motion calling on the government to eradicate child poverty in Canada by 1999. Children would no longer go to school on an empty stomach. Nowadays, not only are these children still hungry but they also cannot afford whatever medication they need.

We could be considering a bill to set the price of drugs and make them more affordable but no, we need to take care of the large companies, those that make \$100,000 donations to the government party. Those are the people we need to protect.

I went to the United States and talked with some people who have a private drug plan. Life can be tough for workers with a private drug plan who end up sick in hospital. If they do not have hospital insurance and have to sell their house and their car and declare bankruptcy, it is no joke. Is that what we want as Canadians? The government is doing nothing to stop this situation.

I am afraid of free trade and I am afraid of NAFTA. I am still afraid of the free trade area of the Americas as in the negotiations we had in Quebec City and the way those peacefully demonstrating were treated. Not everyone went over the perimeter fence. People were sitting there peacefully demonstrating and the RCMP shot them with plastic bullets.

They used tear gas on people who were fighting against the big machine. The big machine was inside. I was proud to be in Quebec City, to be outside the security perimeter fence with the people who elected me. I much prefer to be with those who elected me than to be inside the fence with the Bush gang and all the others, with the

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American helicopters flying overhead. We felt like we were not in Canada any more. This is the way we will be run by a country called the United States.

It would be unfortunate if the government passed the bill. I am sure that if the government took just a half an hour, not much more, and looked back over its years in opposition in 1989, 1991 and 1992, it would say “We were pretty smart then”. We all complained about what the Progressive Conservatives were doing. The only problem is that the day after the election the Liberals had a shot and it was just as if the Conservatives were there.

[*English*]

Let us look after the big corporations.

[*Translation*]

This is what it looks like. You know what? I pray God that I never become a government member because some magical thing happens as soon as one is in office. It would seem that one instantly forgets everything he or she said before and everything that Canadians wanted.

• (1815)

I do not deny the fact that during the election campaign the NDP talked a lot about health care. According to the polls, Canadians felt that health was the number one priority in Canada. Canadians did not want to go to the hospital and find their grandfather or grandmother in a corridor. Nor did they want to find their children in the corridors. They wanted to find them in a hospital bed and they wanted them to be cared for.

If we go to a veterinarian there are no dogs or cats in the corridor because they are being treated. Humans, however, are left in the corridors.

I spent the whole day in the hospital yesterday. I saw a woman with a child wrapped in a blanket and everybody was just walking by. It is shameful to have this kind of health care in Canada. Then the government tells us that it has nothing to do with money if we do not have a good health care system, that we should be doing things differently.

Maybe we could do things differently. We see people take to the hospital someone who is scheduled for surgery in three weeks, and that person is kept in the hospital for three weeks just to ensure he or she does not lose his or her place. Maybe it would be less expensive to send that person home. That would be doing things differently.

The government cannot come here and say that we must protect companies by allowing them to sell their pills and make profits for 20 years while another company could sell the same pills for less.

Where is the free market the Liberals used to talk about so much? Now they no longer support the free market because they

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know they have to protect a couple of companies that will give over \$100,000 to the government for the next election. That is what is happening.

If we look at the health care situation in Canada, hospitals are in pretty bad shape, as are long term care facilities. Governments send people from the hospital to a long term care facility and there is nobody to take care of them there.

A few weeks ago I visited a long term care facility. It reminded me of an assembly line. An elderly man and an elderly woman were sitting there and somebody had a plate and was feeding them as if they were animals. That is how it is now in Canada. It is a disgrace. This is what is happening in the country. I am not here this evening to make things up. This is what is happening in the country and it is a real disgrace.

Who are the people we are talking about? Us, and we will perhaps be the next ones who will need to go into a nursing home. We will be the next ones sitting in a hospital waiting for care. We will be the ones asking where the nurse is. The poor nurse is pretty tired. She works a 12 hour shift five or six days in a row. The doctor is pretty tired too. The one I met yesterday sure was. He said "There are people to hand out pills to them from time to time but they have to come to the hospital". After that, they are on their own.

As I said, the way things are going in our country we can have a great old time here. It is not hard for us. If we are ill, we go to the pharmacy, get a prescription filled, send it in to the government and it is paid for. Decisions such as these are all very fine and well

. But the poor father who works as a logger, for instance, who has no drug plan or who does not receive welfare will have to pay \$50 or \$60 dollars for pills for his child who comes home sick after a day at school. There is also the 64 year old woman who came to my office and said "The pills for me and my husband cost \$200 a month". Do people think I am kidding? Do they think this is how these people want to die? Do they think they want to die suffering like this?

The Liberals should do some soul searching. They may be boasting that there is no problem but we are still in this predicament. The Prime Minister is bragging that he has been here for 38 years and that he will stay until it is 40. We will soon have a celebration. It is going to be a lot of fun.

In the meantime, Canadians suffer, people have a hard time and the government is not doing what it should be doing. It is not keeping its election promises. During a campaign it makes a lot of promises but as soon as the election is over, it does not give a hoot. It is laughing at people. This is unacceptable. As human beings, Canadians deserve more than that.

Nowadays, if someone is seen hitting a dog that person is picked up and locked up. The same thing can happen to those who do not feed or care for their pet.

• (1820)

However, those who do not feed their child because they have no money, if the government says the word, will have to pay. There will be nothing on this point in the legislation. That is the law in Canada. It is possible to make people suffer.

I say there should be a law against this. We should not be allowed to make people, youngsters suffer. The elderly, those who retire should be able to pay for their drugs without skimping on food.

If the Liberals had a place in their hearts for Canadians, they would take the appropriate measures. They would change the law and pass a real bill that would please Canadians.

[English]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I thank the hon. member for Acadie—Bathurst for what is once again a very passionate presentation. He put across the views of many Canadians in the way they would expect a member of the House of Commons to do on their behalf.

It strikes me as we wind down to the final moments of the debate today on Bill S-17 that there has only been one party, one collective voice in the House of Commons that is advocating on behalf of ordinary Canadians.

We have heard from party after party, from the ruling Liberal Party to the Alliance Party, to the Bloc, to the Conservatives. All of them seem to see nothing wrong in the bill. It would in fact further augment and further enhance unreasonable profits for brand name drug companies. It is a bill which says nothing about the urgent situation in which Canadians find themselves in terms of affordable drug costs.

I put it to the hon. member that we are sent here by Canadians to advocate on their behalf, not to be corporate shills to advocate on behalf of multinational pharmaceutical drug companies that are frankly quite capable of taking care of their own interests.

We were sent here with a message. The message I get from the people in my riding, and I would like the hon. member for Acadie—Bathurst to concur, is that they are asking me to go to Ottawa and do something about the spiralling, out of control, escalating costs of drugs. Then we could put drugs into the hands of people who need them most at an affordable price.

*Government Orders*

Would the hon. member agree that throughout the debate today there has only been one collective voice, the voice of reason on behalf of Canadian people, and that is the voice of the NDP caucus?

**Mr. Yvon Godin:** Mr. Speaker, I thank my colleague from Winnipeg Centre for the comments he made. I am proud of what the NDP has said today.

During the election campaign the Liberals asked me why I did not switch to the Liberal Party. I said that the reason I would not switch to the Liberal Party is that it has no values. The only values it has is 35 days before an election. After the election it loses all its values.

Canadians have said very clearly that they do not want to pay the price they pay for medication. If we had a referendum in the country today about whether or not Canadians want the bill to go through, they would say no very loudly.

That is not what the Liberals will do. They have to answer to the big corporations, the ones that lobby them, the ones with the big wallets that are nice to them. They give a lot of money. That is what they do.

The NDP is another thing. On the issues of health care and pharmacare, we are the ones who have pushed those issues for Canadians. I am very proud of that.

[*Translation*]

**Mr. Svend Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I would like to thank my colleague from Acadie—Bathurst for his eloquent speech. He spoke with a lot of passion about this very important issue.

The member has always spoken out on behalf of the elderly, the poor and the less fortunate, not only in his riding but anywhere in Canada. As New Democrats, we know very well that this bill will cost the elderly and taxpayers who pay for provincial drug programs an extra \$200 million.

• (1825)

It is frankly unbelievable that we are now the only political party in parliament that stands up for the consumers, for the poor and for sick people, as the member for Acadie—Bathurst has already done.

For example, I am sorry that the Bloc Québécois is voting in favour of the bill. As far as the Canadian Alliance is concerned, it is understandable since that party has always supported the large corporations. As for the Liberals, we heard what they said in 1987. I was here. My colleague from Winnipeg—Transcona was here. It was in 1987. I remember. The Minister of Industry said “We will do all we can to stop this bill.”

It was the same thing in 1992 with Bill C-91. I am sure the member for Winnipeg—Transcona remembers it very well. The Liberals were there. They said that they were against the bill because it was a gift to the large pharmaceuticals.

Now that they are in office, what are they doing? They are handing out gifts like this one they are bestowing on the large pharmaceutical companies.

As the member for Acadie—Bathurst pointed out, we were in Quebec City. All our members, including our leader, the member for Halifax, were in Quebec City, because we say no. We say no to this agenda, which would change our hemisphere forever by using the rules governing intellectual property to protect the rights of private businesses throughout the Americas, the FTAA.

We are very familiar with what is happening at the WTO and under NAFTA. We have seen what is happening, for instance, with the price of patent drugs.

I wonder if my hon. colleague could explain why we were in Quebec City to protest against these deals that would bestow more gifts on large pharmaceutical companies.

**Mr. Yvon Godin:** Mr. Speaker, the reason we went to Quebec City is that we believe in the people. Our place was there in Quebec City with the people who voted for us.

When the Conservatives were in power, the Liberals were against free trade. Then, when they formed the government, they started promoting free trade.

We are not against free trade. We are, however, in favour of fair trade. We are not willing to bargain away our country, our environment, our water and our drugs as this government is doing, and go the American way as it is proposing to do.

We are not willing to do that. We are not willing to accept that. We like our country and we want to keep it. We have no links to the big corporations such as Bronfman or Irving in New Brunswick. We are not their puppets. We do not get up in the morning asking “What should I be doing, Mr. Irving? What is my agenda for today?”

We do not have to do that. I was happy to be in Quebec City to speak up for ordinary Canadians. I believe that today Canadians are happy that we were there so that today we can ask more questions.

Maybe I could add that the current government House leader had continued his speech in 1992. As I have a couple of minutes left, I will continue quoting what he said:

The Canadian Medical Association told us that the amount now spent on drugs exceeds the amount spent on physician care in this country. It is a large component of our healthcare costs. The CMA should know something about it. It appeared before our committee and said that unless the bill—it was a Conservative bill—was amended, it could not support it.

The Liberal House leader said “I challenge any member across to say otherwise”. That is what he said to the Conservatives. Because of that, there is no doubt about it, the people across the way are two-faced.

*Adjournment Debate*

● (1830)

It is the government House leader who said that and he is now sitting across the way. He should be ashamed of himself for changing his tune like that. This is how the Liberals lose the people's confidence. The Prime Minister of Canada may have been in the House for 40 years but one day he will be kicked out, perhaps for a long time along with the rest of the members who support him because they do not care about Canadians. I am convinced that Canadians will see the light one of these days.

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## ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

### GUN CONTROL

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, in the House on February 12 the Minister of Justice and the Deputy Prime Minister denied that the government was privatizing the gun registry.

Then in a media scrum outside the House the minister said she was outsourcing, not privatizing the gun registry. Since that time she has been unable to successfully describe to anyone's satisfaction the difference between privatizing and outsourcing.

On March 3 the *Moncton Times and Transcript* reported that a crowd of 700 demonstrators protested in Miramichi because they were upset over reports that the Canadian Firearms Centre would be privatized.

In the same newspaper on April 24 it was reported that 70 employees were to be laid off on May 6. The article stated:

However the union believes the federal government plans to privatize the entire licensing and registration system, taking all the workers off the federal payroll and with no guarantees a private company would hire any of them.

On February 27 the *Edmonton Sun* reported that the RCMP were laying off 130 civilians working the national gun registry. Lynn Ray, president of the Union of Solicitor General Employees, said the layoffs and transfer of another 130 employees from the RCMP to the Department of Justice was the first step toward privatizing the registry.

The *National Post* ran a front page story on March 1 which stated:

In a document that seems to contradict assurances by . . . the Minister of Justice, that only parts of the registry and licensing functions would be outsourced, Public

Works Canada has assured 12 prospective bidders that the successful contractor would conduct "all transactions with clients except certain investigations"

"More specifically, we mean that the vendor will own and operate the business process delivery component as identified in the letter of interest"—

On March 1 the *Edmonton Sun* printed comments by Edmonton city police Staff Sergeant Al Bohachyk. Bohachyk called the privatized gun registry a frightening prospect because:

—no private company could guarantee personal information in gun licence and registration databases won't get out to the wrong people, organized crime figures, for instance.

On February 16 I received a letter from Mr. George Radwanski, the privacy commissioner of Canada. The privacy commissioner confirmed that the justice department did not even consult with his office about its privatization initiative. In his letter he stated that he was deeply concerned that justice may privatize or outsource the Canadian firearms program. He intends to pursue the matter with the department. This is very serious.

On April 4 the Library of Parliament discovered that there were already seven private firearms officers working for the gun registry in New Brunswick. One of these privatized firearms officers even has his own private investigation firm in Fredericton. His appointment letter gives him the power to conduct investigations by reviewing police files and by conducting interviews with applicants, spouses, relatives, neighbours and employers.

This firearms officer, a private eye, told my office that he told a newspaper reporter he was doing firearms background checks because he thought it would be good for his business. How could he possibly keep the information he gathers as a private firearms officer separate from the information he uses to advance the interest of his own private investigation firm and his private clients? The privacy commissioner is investigating.

An April 20 headline in the *Moncton Times and Transcript* read "Gun registry privatization nears reality". Union leaders call what the government is doing with the gun registry privatization. Every newspaper story written on the issue calls it privatization. Robert Klassen, professor of operations management at the University of Western Ontario, told the *National Post* that it sounded like privatization.

The documents provided by the Department of Justice to the private companies bidding on the job say the successful bidder will own and operate the business process and will conduct all transactions except certain investigations.

Why does the minister insist on calling it outsourcing? Why will the minister not admit in public that which everyone else knows and what she privately tells the private companies she is negotiating with?

*Adjournment Debate*

• (1835)

**Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the question of outsourcing for some services and products to support the firearms program has become an issue before the House. This is in no way privatization of the program, as some opposition members would have us believe.

The Minister of Justice has made it clear to the House that she will remain fully accountable for the firearms program. However, if there are private sector companies that can provide off the shelf technology, then it makes sense to outsource as opposed to recreating such products.

The Canadian Firearms Centre is simply looking at ways to ensure that the program is delivered efficiently and cost effectively without compromising public safety. The centre has solicited for ideas on how the objectives of the program could be met while lowering costs and improving client services. This an exploratory exercise to determine what services and products are available that could help reduce costs and do the job effectively and efficiently, while adhering to our high public safety standards.

Outsourcing is not new to the firearms program. For example, an Ottawa firm has been providing assistance in processing licence application forms. Another firm provided expertise in developing the automated registry system. We know the private sector can be a partner in support of the program by providing cost effective and efficient services.

Public safety is paramount and it guides all changes made to the administration of the program. Public safety and the security of personal and other information remains the cornerstone of the firearms program. Security and privacy protection will remain as stringent as the current system and improved if possible.

As the Canadian firearms program evolves toward a steady state, it is important to consider all options aimed at lowering costs and increasing efficiency while maintaining the safety and security of information.

[*Translation*]

**The Acting Speaker (Mr. Bélair):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24.

(The House adjourned at 6.37 p.m.)

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