CANADA

House of Commons Debates

VOLUME 137 • NUMBER 115 • 1st SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, November 20, 2001

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 20, 2001

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

ORDER IN COUNCIL APPOINTMENTS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of order in council appointments made recently by the government.

* * *

● (1005)

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

● (1010)

NATIONAL HORSE OF CANADA ACT

Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.) moved that Bill S-22, an act to provide for the recognition of the Canadian horse as the national horse of Canada, be read the first time.

He said: Mr. Speaker, I am pleased to introduce Bill S-22, the national horse of Canada act, in the House today. This is a Senate bill that prioritized my own bill, Bill C-311, which had first reading on March 28.

The bill recognizes the Canadian horse as the national horse of Canada. I should note that the Senate bill has been amended to use the more widely recognized Canadian horse spelling in its English version. This reflects the wishes of many horse breeders who support the bill.

The recognition of this horse is historic and symbolic in importance. It also is of economic importance to many horse breeders throughout Canada. Once faced with extinction, this horse has rebounded thanks to dedicated breeders. National recognition will enhance its marketability and ensure its continued survival.

This sturdy little Canadian horse has played a role in Canadian history since its arrival in 1665 in New France from the stables of Louis XIV. For over three and a half centuries it has tilled our soil, carried Canadian soldiers into battle and has adapted well to Canada's harsh conditions. It is known for its strength, endurance and determination, in short, a fitting Canadian symbol. I urge support for the bill.

(Motion agreed to and bill read the first time)

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present two petitions that are quite different but which both relate to the same topic.

The first petition has to do with the bioartificial kidney. None of the petitions I have here are from my riding but they are part of a petition that was initiated by Ken Sharp in my riding.

The petitioners support research into the bioartificial kidney, which is an implant that would replace dialysis or kidney transplant for those suffering from kidney disease.

The petitioners call upon parliament to work in support of the bioartificial kidney which will eventually eliminate the need for both dialysis or transplantation for those suffering from kidney disease.

Mr. Speaker, the second petition, which also has to do with kidney disease, has to do with a change in the name of our national institute devoted to kidney research. At the present time the institute is called the Institute of Nutrition, Metabolism and Diabetes.

My constituents call upon parliament to encourage the Canadian institutes of health research to explicitly include kidney research as one of the institutes in its system to be named the institute of kidney and urinary tract disease. I have already spoken with Diane Finegood, the director of this institute.

NATIONAL CHILD BENEFIT

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, my final petition concerns the clawback of the national child benefits supplement. This supplement provides money directly to families with children living below a certain income level. Its objectives are to reduce the level of child poverty. All but three provinces have chosen to clawback the supplement.

In Ontario the benefit is deducted from the payments to all families in receipt of either Ontario works or the Ontario disabilities program.

My constituents call upon parliament to oppose the clawback of this national child benefit supplement from families on social assistance. They urge the Government of Canada to change federal legislation relating to the clawback.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

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

● (1015)

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

The House proceeded to the consideration of Bill C-35, an act to amend the Foreign Missions and International Organizations Act, as reported (with amendments) from the committee.

[*Translation*]

SPEAKER'S RULING

The Acting Speaker (Mr. Bélair): There are two motions in amendment on the notice paper relating to the report stage of Bill C-35, an act to amend the Foreign Missions and International Organizations Act.

[*English*]

Motion No. 1 could have been proposed in committee. Accordingly, pursuant to Standing Order 76.1,(5) it has not been selected.

[*Translation*]

Motion No. 2 will be debated and voted on separately.

[*English*]

I shall now propose Motion No. 2 to the House.

[*Translation*]

MOTION IN AMENDMENT

Ms. Francine Lalonde (Mercier, BQ) moved:

Motion No. 2

That Bill C-35 be amended by deleting Clause 5.

She said: Mr. Speaker, clause 5 of Bill C-35 before us is inappropriate.

Let us talk so that people can understand us. Bill C-35 is aimed at modernizing the legislation on foreign missions in Canada and the organization of international meetings. The Bloc Quebecois voted for it at second reading.

In this bill that amends an act that is already substantial, the government is introducing three sub-clauses that, totally out of the blue, will give the RCMP with no constraint, specifics or other directions whatsoever, powers that have all been opposed by all the witnesses. In fact, witnesses all said this was not a simple matter of codifying the common law, as the department and the minister claimed, but of increasing the powers given to the RCMP.

We are convinced these sub-clauses have no place in the bill. It is not that we are against the establishment of safety perimeters, but to say, as the bill does, that the RCMP may establish them as it sees fit makes no sense.

What we see here is that the rights and freedoms of citizens are affected and there are no controls such as those that were set in other countries. Either this clause on perimeters should, for example, be a temporary provision, or else the government should include very strict controls regarding how these perimeters should be defined.

What about the rights of citizens? The situation was so uncomfortable in committee that even government members proposed a resolution, and it was adopted with an amendment with which we did not agree. But it is a resolution that says in a different manner—it is not yet before us, but it will be—what witnesses said and what we are saying.

I feel all the more comfortable defending our amendment to delete clause 5 of the bill since many, if not all government members on the committee would have agreed to have these provisions go elsewhere, for example in the RCMP act or, after a review, to the Standing Committee on Justice and Human Rights, where some limits could have been established.

Clause 5 of Bill C-35 must absolutely be deleted, because it institutionalizes security perimeters in the legislation, without setting any controls for the RCMP in that regard. It is so imprecise that it could lead to abuse and go against fundamental liberties.

What about the rights of people whose homes are located inside the perimeter? The bill is silent on this issue. What about the obligation to identify oneself when a perimeter is established? The bill is also silent on this. These are just two examples, but there are many other situations.

Such provisions generate concerns. These concerns are magnified by the existence of Bill C-36, since we do not know what it will look like in the end, but we do know that it gives increased powers to police forces, for a time which, even though limited, is still significant. In other countries where the establishment of perimeters is provided in the legislation, controls or restrictions have been included, but there are no such controls in Bill C-35.

● (1020)

None of the witnesses who appeared before the committee supported this clause. It seems obvious to us that it should be deleted from Bill C-35. This does not mean that the RCMP will not be able to secure a perimeter, but it will have to do so using the powers it already has. It will have to take into consideration the fact that the Hughes Report into the APEC notes, for example, that protesters have the right to be heard by the people who are inside the perimeter and to whom they have come to deliver a message.

For all these reasons, we consider it fundamental and essential that these provisions be removed, particularly so because we do not feel that this reassures the international community at all; it only increases the concern for security matters during international meetings.

I should point out that the Bloc Quebecois supported this bill at second reading because we felt that the Foreign Missions Act should be modernized. However, clause 5 has nothing at all to do with the modernization process. Quite the opposite, it adds a certain inaccuracy to the bill and modifies an act that is essential to reassure Canadians and to make sure that Canada and Montreal play the role they should be playing on the international scene.

We agree that the existing legislation should be modernized, because it is outdated, but it is imperative that clause 5 be deleted. At one time, we thought it would be, because it is useless.

I asked the foreign affairs minister whether this clause was needed for public order and security purposes when we host the next G-8 meeting, and he answered no. So why the rush? Why are we amending three subsections that will become four, and why do we have four subsections on the RCMP in a 120 page legislation? It is absurd.

The upcoming resolution will confirm that members of the committee are uneasy about this, and I appreciate it, because they have been more or less coerced into passing this bill. I hope it will never be voted into law; although we had indications otherwise I hope the bill will be passed without clause 5.

Witnesses who appeared before us have emphasized not only the human rights issue, but also enforcement problems for the police.

In Quebec, we have the French civil law, but the common law prevailing in the rest of Canada is special in that it is defined by all the judicial precedents.

Witnesses have told us repeatedly that, to carry out their functions, police officers do not have the opportunity to know exactly the rights they have or do not have. Therefore, the bill makes their task more difficult instead of clarifying for them the way they should provide security.

● (1025)

[*English*]

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I too have joined my hon. colleague in working as a member of the committee to hear witnesses and attempt to clarify the intent of the government in bringing forward the bill at this time.

While the amendment that has been brought forward deals strictly with one aspect of the bill, it is important that the clause be referenced within the larger context of the bill. It is clear by the name of the bill that it deals with foreign missions and international organizations. It would require us to extend to international organizations and meetings of international bodies and heads of state the same protections through the Vienna convention on diplomatic immunities that are enjoyed by our permanent foreign embassies in Canada.

The reason for doing that is clear. It is to provide reciprocity with what is given and made available when these meetings occur in other countries.

There were technicalities that had to be addressed. We were looking to provide this kind of protection and safety for organizations and meetings which are non-treaty based. In the past those that were treaty based such as the United Nations already enjoyed the privileges and perquisites of diplomatic immunity. When we did this by bringing the act forward it was necessary to look at what else occurs when we hold such international gatherings in Canada.

At the outset we incorporated the need to extend diplomatic immunities to the people attending, both for their protection and for consistency with other countries. At the same time we cannot keep our heads in the sand. We are cognizant of what has occurred in the past in Seattle, in Geneva and recently on a smaller scale in Canada. We must provide clear safety. Safety falls within other dimensions and triggers the need for police activity and preparedness. That is why section 5 of the act would be amended by clause 10 of Bill C-35.

In the past the power necessary for the RCMP to take the lead and work in conjunction with provincial and municipal police forces has existed in common law. By bringing that power within the ambit of Bill C-35 we would put it into statutory format. We would make clear in statute what previously existed in common law.

In preparing for meetings of international organizations such as the G-8 there would then be no confusion, as might have existed in the past, on the part of any of the police forces that work in conjunction to prepare, make plans and take the necessary precautions. The clarity is now there. It is within a bill that deals with all these dimensions.

In many ways the bill would clean up what might have been confusing in the past. Some members of the committee wondered why we were dealing with diplomatic immunities and statutory laws concerning police powers within a foreign affairs bill. It is because the whole thing is seen as a composite.

We listened to witnesses who had reservations. I have rarely been on a committee where there was 100% unanimity from all the witnesses. As my hon. colleague across the way pointed out, the committee passed a resolution this morning to express its concerns to the government. I felt as did most members of the committee that it gave a balanced reply. Our bill will now move forward.

● (1030)

A lot of hard work went into the bill, not just by witnesses but by all of the members around the table. There was good questioning, good thought and good preparation. It is always a pleasure to see members of parliament take the task of a standing committee very seriously. I thank all of my colleagues on the Standing Committee on Foreign Affairs.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, of course our position is that the bill is ill-timed and had little legitimacy in its entirety before September 11, but certainly none thereafter. This amendment tries to, in part at least, scrap the bill. In that respect we would support the amendment.

The reality is that the case the government has tried to make with the bill is very weak. In fact, the member who just spoke was quite wrong. Several people who testified at our committee attested to that fact. They did not see why there would be a compelling need for us to bring people into this country, give them immunity, yet they could potentially be security risks in advance of their coming. It is one thing to let people in who are security risks. It is quite another to then say that once they are here there will be no consequences to them of the laws of the country. Those are things which fly in the face of the realities of the security agenda of which the government claims to be in pursuit.

Let us talk for a second about some of the myths around the bill itself. The government is saying that it is trying to keep up to other countries. Our investigation has shown that other countries do not go to the extent we do to extend diplomatic immunity. In fact, we go well beyond the Vienna convention.

The Vienna convention of 1961, in which Canada played a very important role, does not require us to extend complete diplomatic immunity beyond senior diplomatic staff. Yet Canada has extended complete immunity well beyond the requirements of the Vienna convention.

Increasingly, under this government, we have allowed people to benefit from complete diplomatic immunity who would not be entitled to it in the United Kingdom or in the United States of America. As a matter of fact, the direction of a few of our allies is quite the opposite to that of our government. Their direction is to stiffen requirements and to monitor more greatly and more efficiently the missions which go to their country. They certainly do not, in a broad based way, extend diplomatic immunity to visitors to their countries, as this government is proposing to do under the bill.

Under the bill, the government is trying to broaden greatly the extension of diplomatic immunity to visitors to our country for international meetings and then to legitimize the increased use of the RCMP to police such events. In other words, in the absence of the extension of diplomatic immunity, the case for broadening the powers of the RCMP would be somewhat weakened. In so doing, the government is extending more greatly the risk to Canadians that people who commit criminal acts in our country would not be responsible under Canadian law to bear the consequences of such acts. Even people who come to our country for a few days as part of a delegation would be placed above Canadian law.

Many members of the House and many Canadians are familiar with the tragic situation of Catherine MacLean, who died some months ago as a result of a drunken Russian diplomat who could not be prosecuted under Canadian law. There are many other such cases. In fact, we are aware now of over 90 cases in the last five and a half years where people, whom this government has made immune or above Canadian law, cannot be prosecuted. We see that as a problem.

Yesterday the minister said that it was not a problem. He said that the member for Cumberland—Colchester was creating a false impression that diplomats were running around breaking the laws. That is the right impression. Good for him for creating that impression because one case in every month people in the diplomatic corps are given immunity in this country, while Canadian victims are left behind when those crimes are committed.

The Department of Foreign Affairs has asked that immunity be waived numerous times and that is good. However, it is very rare that diplomatic immunity is waived. It would be better for the department to make sure it limited the scope of diplomatic immunity to the Vienna convention in the first place so it would not have to ask for forgiveness. Instead foreign delegations would have to ask for permission. In other words, the diplomatic immunity that the government has been extending far too broadly has resulted in Canadian victims of crimes committed by people in foreign delegations.

● (1035)

The members opposite sneer at times but they should recognize that the definitions under the Vienna convention and the compromise that was reached in 1961 was called the Canadian compromise. The Canadian compromise said that diplomatic immunity would not be extended completely and full to all members of missions. Certainly there was no reference to visitors of delegations to countries for a couple of days. Instead it said that diplomatic immunity would be limited. It would be complete for senior staff and partial for people who were not in the senior staff.

Our practice, under this government, has been to broaden the application of diplomatic immunity. The consequence is that people who should not be put above the law are. If they will not come here from foreign countries for international meetings without diplomatic immunity maybe they should not come. Maybe the reality is we do not need to extend complete diplomatic immunity to host meetings. We just hosted a G-20 meeting. I do not recall people saying they would not come here because they were not put above the laws. I do not hear a hue and cry from anyone.

We have talked to numerous people in other countries who say that Canada already is a much better host and has a reputation for being a tremendous host for these international meetings than most other countries in the world. When I ask them why Canada is extending diplomatic immunity more broadly, they do not know or understand. There is no hue and cry from them for us to develop a tourism industry based on putting people above the law.

The bill in its entirety is ill-timed and was ill-timed before September 11. Certainly since September 11, it has no place in this House.

The member from the Bloc has raised concerns by way of her amendment. She has asked that clause 5, which references broadening and expanding the role of the RCMP, be deleted from the bill. The difficulty is this.

The RCMP mandate is broadened because of the extension of greater diplomatic immunity under the bill. The extension of greater diplomatic immunity means that the RCMP is given authority under clause 5 to police events where immunity is present and relevant. If the diplomatic immunity was not so broadened, then the powers of the RCMP would not be so broadened. However the reality is that under this bill the greater extension of diplomatic immunity permits the RCMP to prevail where such was not the case before.

The concern we have is this disregards the report of Justice Hughes which followed the APEC spectacle, pepper on my plate, et cetera and Jean Carle attempting to manipulate the RCMP. In his recommendations Justice Hughes said that he wanted to see it codified that the RCMP would not be at the beckon call of the government, that it would be depoliticized. Yet the bill broadens the RCMP powers more widely than is currently the case. There is no reference whatsoever as to how we would keep this government or any future government from meddling with the operations of the RCMP.

What we have is a case of broadening the RCMP powers, while at the same time refusing to separate political influence from such broadening. What that means is by passing this legislation, the government broadens its ability to influence the conduct of the RCMP at many more events than is currently the case. That flies in the face entirely of the $7 million that taxpayers were required to spend to compile the Hughes report. It flies entirely in the face of what I believe that most Canadians would like to see happen.

There are numerous other problems with the bill, but certainly the amendment itself in a small way would limit the damage that would occur as a result of the bill be passed.

In closing, had the amendment by the member for Cumberland—Colchester come forward, and it would have been great if it had, it would have supported what the minister himself said last year after the death of Catherine MacLean. He committed that his department would report, not half yearly but quarterly, any infractions or violations of diplomatic immunity. That reporting has not taken place, but the minister committed to it. By adopting that amendment, we would simply be allowing the minister to keep his word. As it is, the minister's word has been broken and the committee voted to do that. That is a shame.

● (1040)

Mr. Bill Casey (Cumberland—Colchester, PC/DR): Mr. Speaker, I am certainly pleased to speak to the bill today. Like so many bills, they sneak up on us and catch us by surprise. I thought this was fairly innocuous when I first heard about it. However, the more I learn about it, the more I realize that it is not innocuous. It is quite profound and should be reconsidered totally.

I moved amendments in committee and I tried to move amendments in the House, but even those amendments are short of what they should have been.

A paragraph from a precis on Bill C-35 states:

> The current Foreign Missions and International Organizations Act fails to recognize those organizations which are not created out of an international treaty, such as the Asia-Pacific Economic Co-operation forum (AEPC), the Organization for Security and Co-operation in Europe (OSCE), or the G-8. As such, these organizations are not entitled to the benefits given to organizations established by treaty.

In other words, they are not subject to immunity. Why would they be? Why do people who come to Canada for these meetings have to be subject to immunity? Why are we granting people immunity from our laws?

The amazing thing is that while we are considering Bill C-35, we are also considering Bill C-36, which restricts the rights of Canadians. We are restricting the rights of Canadians, reducing their civil liberties and increasing the policing powers on Canadians. At the very same time, we are granting immunity to a whole new group of people from foreign lands. It seems to be totally ironic, inconsistent and contradictory that we would nail Canadians but release foreigners from any obligations to obey Canadian laws.

The more I read this, the more I realize the impact of the bill. I have come to conclusion that we had better put the brakes on this and stop and think about this some more.

There are so many issues in the bill that go against Canadians and restrict them, yet at the same time free up people who come to Canada for meetings. While here, they are not required obey our laws. It makes no sense. Why are we holding Canadians responsible but saying people can come to Canada and there is no obligation for them to respect our laws?

It is disrespectful to Canadians, especially since we are considering at the same time Bill C-35 and Bill C-36; one that restricts Canadians and the other that allows more freedoms for foreigners.

I proposed a simple amendment in committee and in here. It was turned down in committee and for some reason it was turned down in the House as being an allowable amendment. The amendment would have required the minister to report to parliament once or twice a year on those foreigners who had claimed immunity from civil or criminal actions in Canada.

What a simple and sensible request. If people claim immunity to get out of obeying our laws, all we ask is that this be reported every year. I do not understand why it has been turned down. The minister effectively acknowledged that it was necessary when he said that he would personally commit to report regularly on his website.

The report would include who used immunity or the number of immunity claims made in a period of time. The minister acknowledged the need was there, but he did not allow it into the legislation. Why? The only thing I can think of is he and his department want the flexibility to back out of this commitment. Probably when we will really want it, the commitment will be taken away because it is not in legislation. It is a commitment by the minister, not by the government. It is not a commitment to parliament, it is just an agreement.

If he agrees that it is necessary enough for him to say that he will produce this report, why is it not necessary enough to put the amendment in the bill that would require the government to report every year, or twice a year, listing those who claimed immunity under these laws? It makes no sense that the minister would say on one hand that it was necessary but on the other hand not allow it to be put into legislation.

● (1045)

This minister will not be the minister forever. He will probably be in another position in two or three years' time. He may not be in government; he may be in the opposition. There will be another party over there with another foreign affairs minister who has no obligation to produce this list. This is an obligation by this minister and it ends when the minister ends his term as the Minister of Foreign Affairs. It is wrong.

It is disrespectful to say to Canadians that we will restrict their rights but we will give an unnamed, unidentified wide group of foreign visitors to Canada total immunity from our civil and criminal laws. If this amendment had been in place and there had been a report on diplomats who had claimed immunity, the Russian diplomat who was involved in the terrible crash that killed Catherine MacLean would have been in the public record for repeat offences. Chances are that Catherine MacLean would be alive today had this diplomat been publicly named as a repeat offender, which I understand he is.

That is why I am saying the amendment is so important. Although I respect the wisdom of the Chair, I am disappointed that the amendment was not allowed in the House. It was allowed in committee but it was defeated by the Liberals even though many of them supported the amendment in principle.

The amendment I proposed is only asking for transparency. It is asking for common sense. We must know the people who are claiming immunity from both our civil and criminal laws. That is not a lot to ask. The amendment should be considered. Even at this late date the government should reconsider it and put the restriction or the condition back in the bill.

It says that the government, the Minister of Foreign Affairs and the Department of Foreign Affairs would report to parliament once a year and list the people, not the diplomats, who are claiming diplomatic immunity from our civil and criminal laws. If some individuals came to Canada for one of these meetings, not some officials but some assistants, and they did damage to property, there would be no action or ability to take action against them for compensation or restitution or anything else. There would be no restitution or justice if they harmed a family because they could claim diplomatic immunity.

The bill has been expanded dramatically to cover people and organizations that are not even named. We do not know who they are or who they will be. That would be decided upon application and we would never know in the House who those people are.

Currently they are people and organizations under the Vienna convention but we even go beyond the Vienna convention. The bill goes into unchartered waters and we do not even know what organizations they will be. This is a very serious subject because it deals with potential criminals that now do not have to obey our laws. It is amazing that we are passing a law which says the laws do not have to be honoured. It does not make sense and it has expanded dramatically now to cover people we do not even know.

I do not know where we can go with this. We are opposition members that know it is wrong. The Liberals know a lot of this is wrong and they have even turned down simple amendments. However we will continue to speak against it. We will continue to try to get the government to make changes that are appropriate. Even at this late date we will continue to press the government and do everything we can to demand that it respect the rights of Canadians.

It is amazing that people in Canada say we are prepared to give up some of our civil liberties in the interest of the anti-terrorism effort. We are prepared to make allowances we have never had to make before. Canadians are prepared to do that. We are demanding a lot of Canadians and we are not asking anything of these foreign visitors. Do we not at least owe Canadians the right to know the names of other people who come to Canada who are allowed to circumvent and not obey our laws?

● (1050)

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, growing up in small town Saskatchewan the RCMP was a strong symbol of authority. As young children we knew that if we were to get in trouble the RCMP would be there to correct it. We also knew that if we were not breaking the law or doing anything wrong we did not have to fear the RCMP.

Other countries did not have quite the same situation. I remember as a university student being challenged over one Christmas holiday to see if I could read the *Gulag Archipelago* by Aleksandr Solzhenitsyn. I managed to get through it and got a picture of the viciousness of a regime where the government controlled the police force and used it to its own ends. Governments move consistently to bring all things under their control and to have greater control. Its goal is to expand itself.

The legislation concerns me not for what it addresses but for what it misses. It begins by ignoring the recommendations of the Hughes report, a $10 million report that called for the separation of police and politics.

The Hughes report revealed the extent of political involvement that took place at that APEC conference. Mr. Carle from the PMO was clearly influencing the RCMP's conduct and was directing police activities. The commissioner of the RCMP continues to be at the deputy minister level. Problems arise when police and politics get tied too tightly. My concern with the legislation is that rather than severing those ties it more tightly ties the RCMP to its political masters. Clause 10.1 states:

> The Royal Canadian Mounted Police has the primary responsibility to ensure the security for the proper functioning of any intergovernmental conference in which two or more states participate, that is attended by persons granted privileges and immunities under this Act—

Subclause 10.1(2) states:

> For the purpose of carrying out its responsibility under subsection (1), the Royal Canadian Mounted Police may take appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances.

We already had problems in Canada and the APEC conference was one example where those problems arose. I will talk a bit about another situation where we have an example of the abuse of the relationship between the police and state powers.

Farmers in western Canada were being squeezed tightly by lower prices in the early 1990s. Prices were dropping and the prices in the United States at that time were considerably higher. A number of farmers in desperation decided that they needed to try to do something about it.

Dave Sawatzky was a young farmer from Gladstone, Manitoba, who needed to pay his bills. In the early 1990s he had a growing need for cash on his farm. Between that and his exasperation with the grain handling monopoly in Manitoba it prompted him to begin hauling wheat to the United States.

The book *Jailhouse Justice*, written by Don Baron, states:

> He started with grain from his own farm, then began hauling for friends and neighbours and returning with their needed cash. He was soon being offered more grain by grateful growers than he could handle going day and night. He hired other trucks and moved about 600 truckloads in 1993 and 1994, crossing at Manitoba border points. At times he was buying grain from farmers and hauling it. Some observers say now that at least a dozen farm families would have lost their farms without Sawatzky's efforts. To say nothing of his own farm.

He moved 600 loads of grain in 1993 and 1994. This movement began to build up as dozens of farmers joined in trying to get a decent price for their product. The reaction was interesting. Early on the Canadian Wheat Board issued a press release in which the chief commissioner said there was nothing that the Canadian Wheat Board could do about it.

It was interesting that as more farmers began to haul wheat there was a change in that attitude. The wheat board became concerned and felt it needed to stop this movement of grain. It began to work under the auspices of the agriculture minister and the minister responsible for the wheat board at the time, who then began to bring in some other government departments. It began to involve the customs division, the RCMP, as well as the justice department. Soon producers were being charged with illegally exporting grain as the full weight of the Canadian government was used against them.

● (1055)

The way the situation worked was that farmers would go to the United States with their loads of wheat. They would come back to the border and they would be ticketed at customs. They would get in their vehicles, drive their own trucks away from the border and then the RCMP would be called to arrest them.

By 1995 there were 100 farmers supporting Mr. Sawatsky. In May 1996 Judge Arnold Connor ruled that the permits were not required at all. The government took massive steps to try to stop the farmers and did it illegally. To this day that was an illegal action. The Canadian Customs Act which was used against the farmers did not require an exporter to provide customs officers with a permit to take grain across the border. It was on these grounds that farmers had been challenged.

I would like to read from *Jailhouse Justice*, another example of what happened a month earlier to a farm family:

> The headline screamed out the astonishing news, “Farm Family Terrorized in Middle of the Night”. And the news release went on, “Armed men entered the home of Norman and Edith Desrochers...very early in the morning of April 10th (1996). Edith was just home from the hospital after major surgery. The intruders marched across the kitchen floor and disconnected all the phones. The Desrochers could call no one for help. Yet other intruders were in their farmyard taking one of their trucks”.
>
> That news release went on, “These were not gang members, not the Mafia, but five RCMP officers and 10 Canadian Customs employees. Mr. Desrochers had exported his own grain a few days earlier without permission from the Goodale Wheat Board. This permission would have cost him thousands of dollars because he is a Western farmer, but it is free of charge to farmers outside the Wheat Board Area”.
>
> The word was soon out that this furious assault began in the 5:15 a.m. pre-dawn darkness. Mounties and Customs officials entered the farm at Baldur in south-west Manitoba, where the Desrochers had farmed for years and had raised daughters Coreen and Monica and sons Clayton and Jeffrey. The intruders came in without knocking, triggering a time of terror for the occupants.
>
> One well-read and perceptive supporter of these growers soon reported an almost unheard-of-twist—the Desrochers' search warrant had been altered to read “by day or night”.
>
> Yes, this family had suffered the shocking and terrifying experience of a late night police raid on their home. That invasion and intimidation was carried out...because Norman had been involved earlier in challenges to the Board's tight grain monopoly. He and other growers had sold their own grain. And they were convinced the government board wanted farmers like them jailed.

This brutal attack was caused by political interference. The Canadian Wheat Board and the Canadian Wheat Board minister overreacted. Justice officials overreacted or were manipulated and farmers were intimidated and persecuted. RCMP and customs and revenue officials ended up being used by cabinet ministers against normal Canadians trying to live their lives and make a living.

These were not the only farmers who were punished by these immoral actions. Probably the most notable example of that involved a farmer named Andy McMechan who had been hauling barley to the United States. Again *Jailhouse Justice* states:

> —his need for revenue became critical and his saga returned to the media. He again defied Ottawa's monopoly and in March '96 hauled grain to the U.S. without an export licence. On his return to the border crossing, a Customs officer and three RCMP offers met him. His tractor was ordered confiscated. He refused to give it up.
>
> The next day he and a neighbour hauled 1500 more bushels across the border to his farm in N.D. Again when he returned Customs and RCMP officers were waiting. Andy explained what happened next. "I sat there for 15 minutes and no one came out, so I left and went home. About 9 p.m. that night I was arrested at home for theft over $5,000—"

Mr. McMechan was put in jail. He spent 155 days in jail in 1996 from July 9 to December 10 for selling his own wheat. He experienced more than 50 strip searches while in prison.

● (1100)

My concern this morning is that these farmers clearly did not want to be law-breakers. People who are trying to make a living are put in prison, strip-searched, raided in the middle of the night and harassed. They are driven to bankruptcy and fined exorbitant amounts. This is an example of a bureaucracy gone crazy and the bill continues that.

For that reason I think we need to scrutinize, amend or, if at all possible, defeat the legislation.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I would like to begin by thanking the hon. member for Mercier for her amendment. This provides us with the opportunity not only for an important debate on Bill C-35, but also for one on the situation in the aftermath of the tragic events of September 11.

It is my impression that Bill C-35, and Bill C-36 likely as well, are part of the tendency of a number of governments, including those of Canada and the U.S., to make use of the legitimate fears triggered by the events of September 11 among the population of many western countries, Canada and the U.S. among them, to concentrate more power on the executive, in order to ensure that they will have a whole series of means at their disposal to maintain what they consider to be the established order of things.

This bill, its clause 5 in particular, is imprecise, incomplete, dangerous and inappropriate. I must therefore thank the hon. member for Mercier for giving us the opportunity, those of us in the Bloc Quebecois, and members of all parties, the government in particular, to reflect a little on its scope before reaching a decision. Given the concerns voiced by certain Liberal MPs during the hearings of the Standing Committee on Foreign Affairs and International Trade, there is some hope that the government will backtrack on its desire to get this bill, with clause 5, passed, and will remedy the situation.

I will quote clause 5 if I may, which amends a section of the Foreign Missions and International Organizations Act as follows:

The first paragraph stipulates that:

> 10.1 (1) The Royal Canadian Mounted Police has the primary responsibility to ensure the security for the proper functioning of any intergovernmental conference in which two or more states participate, that is attended by persons granted privileges and immunities under this Act and to which an order made or continued under this Act applies.

This first clause goes way beyond current practice, as the RCMP has the responsibility to protect individuals and not events. This initial slip is of some concern, especially since a number of duties are shared among various police forces—the RCMP, the Sûreté du Québec in Quebec and municipal police forces.

In the case of court action, and I use the example of the Quebec City summit—and this is public knowledge—the RCMP shot a lot more rubber bullets than all the other police forces. Had the Sûreté expressed its concerns over the excessive use of rubber bullets to the RCMP, could it have continued shooting rubber bullets at peaceful demonstrators citing this clause, which sets out its primary responsibility?

It seems to me this clause represents an exceedingly dangerous shift compared to practices set out in current legislation.

Subclause 10.1(2) provides that:

> (2) For the purpose of carrying out its responsibility under subsection (1), the Royal Canadian Mounted Police may take appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances.

The government is now institutionalizing a practice that was to be exceptional, that is, the setting up of security perimeters, not to protect individuals or dignitaries anymore, but to ensure the proper functioning of events. This is obviously something that represents a very significant threat to individual rights, especially in connection with sections 2 and 3 of the charter of rights and freedoms.

Is this in fact nothing more than the codification of existing practice as members of the government including the minister have said on a number of occasions? Is this the status quo or does this clause not in fact increase the powers of the RCMP? We think it increases them. It increases powers that are not limited and this is lamentable. What the government calls reasonable measures and terms in such circumstances can be interpreted in any number of ways.

During the summit in Quebec City, a Montreal lawyer, Mr. Tremblay, contested the security perimeter in Quebec City set up around the congress centre on the grounds that it infringed his rights.

● (1105)

The judge ruled that his fundamental rights had indeed been violated, but that the installation of this perimeter had been necessary to protect the dignitaries taking part in the event, the summit of the Americas in Quebec City. So, existing legislation permitted the installation of perimeters when justified.

Now, this bill is institutionalizing the RCMP's right to install perimeters not to ensure the safety of dignitaries and visitors to these important events, but to ensure that the events themselves can be held. This is a violation of individual freedom of expression because —and the RCMP commissioner pointed this out—these perimeters must allow demonstrators and protestors to be heard by dignitaries and those holding these intergovernmental meetings.

Given the current tendency for these perimeters to grow ever wider, this fundamental right to be heard would be violated by this second paragraph. Paragraph 3 of clause 10 says:

> 10.1 (3) The powers referred to in subsection (2) are set out for greater certainty and shall not be read as affecting the powers that peace officers possess at common law or by virtue of any other federal or provincial Act or regulation.

The question still remains: if existing legislation allows the RCMP to exercise its responsibilities, why include a clause such as clause 5 in Bill C-35? If it maintains the status quo, it is not necessary. If it does not, it must be clarified and further codified, which is what governments in other countries which have used similar legislation have done.

During the debate on this bill in the Standing Committee on Foreign Affairs and International Trade, Australia and New Zealand were often held up as examples. A closer examination reveals that the legislation adopted by the province of Queensland in Australia was of temporary application and provided for the creation of a security perimeter for a specific event only, the APEC summit in 1999. This is a far cry from clause 5 of Bill C-35, which institutionalizes for all time the creation of such perimeters for whatever reason.

In the case of the New Zealand legislation, limits are set on the duration and size of the perimeter. There is also a requirement to show need.

Clause 5 of Bill C-35 contains no such provisions. The RCMP would be able to decide on the extent and duration of such perimeters with no legal obligation to show need of any sort.

As the member for Mercier said, this bill is being considered at the same time as debate on Bill C-36, in which the definitions of terrorist act and terrorism are extremely broad. The Bloc Quebecois will also be proposing a number of amendments to that bill. We would hope that the governing party will open its eyes and see fit to restrict the scope of the legislation.

However, as I mentioned at the outset, what we are dealing with here is an offensive by the Canadian executive, the cabinet, in an attempt to arm themselves with tools that have the potential to be extremely repressive and that could very well violate fundamental rights. This situation—which, as I mentioned, has also caused concern among some of the Liberal members—must be reversed. Some statements were made outside the House, but also among committee members. A certain number of members spoke of their concern about the scope of clause 5.

Incidentally, until quite recently, there had been a resolution, submitted by the parliamentary secretary. This resolution warned the government against using clause 5, and asked that the bill be referred to the Standing Committee on Justice and Human Rights for further study. If this recommendation had been adopted by the committee as proposed, we might have believed that the government was shifting its position. However, this morning, something quite different was proposed.

So what we are witnessing, is a form of sectarianism, that is the word for it, of dogmatism, practiced by the Liberal government. Many of them know it, clause 5 is extremely dangerous. It is a very dangerous shift in the balance between fundamental rights and security.

I hope that there will be enough members of the House, as a group, who are reasonable enough to vote for the amendment moved by the member for Mercier, an amendment that will ensure that Canada remains a land of rights and freedoms. If not, all I can say is that we are shifting towards an unexplainable form of totalitarianism.

● (1110)

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I rise in the name of my colleagues of the NDP to support the amendment moved by the hon. member for Mercier to delete clause 5 from Bill C-35.

I am very happy that the hon. member for Mercier has moved this amendment, in the name of the Bloc Quebecois, because clause 5 of the bill is very dangerous. I remember that during the second reading debate of this bill, I tried to underline the fundamental importance of this clause. I was against the bill. I said it was an attack against the democratic values of Canada, an attack against democracy itself.

My Bloc Quebecois colleagues had indicated that they would support the bill. I hope that now, after hearing the evidence in committee, they realize that the bill is dangerous. If the government refuses to delete clause 5, I hope that all the members will vote against Bill C-35.

[*English*]

I thank the member for Mercier, the foreign affairs spokesperson for the Bloc Quebecois, for bringing forward the motion that is now before the House. When we look at the provisions in the clause which is now before the House, we recognize how profoundly dangerous it is.

We heard compelling evidence in the Standing Committee on Foreign Affairs and International Trade, in particular from two independent witnesses. We heard from William Sloan, the president of the American Association of Jurists from Quebec, and from Wesley Pue, a respected professor from the University of British Columbia. Both of them highlighted the dangers of clause 5.

Other provisions of the legislation also raised grave questions, one being the sweeping extension of diplomatic immunity to a whole range of people who are in Canada only for a very limited period of time. They come in for a conference, perhaps only involving two or three governments, and they are given the full range of diplomatic immunity. We certainly heard strong evidence against that in the committee.

When we look at the tragic impact of that sweeping diplomatic immunity and the failure to enforce criminal law in the area of drunk driving that led to the death of an Ottawa woman who was out walking her dog one morning, we recognize surely that we do not want to be expanding in any way those kinds of immunities. If anything, we want to make sure we tighten considerably the opportunity to avail one's self of those immunities.

My colleague from Joliette has read the provisions of clause 5 of the bill. We were assured by the officials that we did not have to worry about this clause because all it would do is codify the existing provisions governing police powers.

However, during the course of the committee hearings, it very quickly became clear that was not the case at all; it was a sweeping and dangerous extension of police powers. Why on earth would we want to extend those powers when we look at the serious abuses that have already taken place because of the existing powers of the police?

My colleague from Winnipeg—Transcona raised this issue yesterday in the context of the so-called anti-terrorism legislation, Bill C-36, which is seeking sweeping new powers for the police. He asked a question and he asked it eloquently. He wanted to know why we should be accepting the demands of the Minister of Justice for these sweeping new powers when we have seen such abuses of the existing powers.

We do not have to look back very far for evidence of those abuses. We saw it at APEC, in Windsor and in Quebec City: over 900 rubber bullets and over 5,000 tear gas canisters, many of them used against peaceful, non-violent protestors who were simply exercising their rights as Canadians under the charter of rights to speak out against the impact of corporate globalization.

Just this past weekend we saw it here in Ottawa. I was appalled at the scenes I witnessed on television of police officers, not all police officers but of a number of police officers who waded into a crowd of some 2,000 peaceful, non-violent protestors who were peacefully marching on Saturday morning from LeBreton Flats up to the Supreme Court of Canada. A number of police officers waded into the crowd, arrested people with some sort of preventive arrest based on what they looked like and, in some cases, sicced German Shepherd dogs on those people.

This abuse of police power was shameful and undemocratic. Why on earth would we want to codify in the sweeping form of clause 5 those kinds of powers in the context of international conferences?

Having heard the evidence, I was very pleased that at least two members of the Liberal Party who sit on the foreign affairs committee had the courage not to vote for the bill.

● (1115)

When it came time to vote on clause 5 and on the bill, those Liberal members were not prepared to support their own government's legislation. I certainly hope the government will accept the amendment to clause 5 and delete this very dangerous provision in the bill.

I mentioned Professor Wesley Pue. In Professor Pue's evidence before the committee he said that this was not only dangerous for Canadians who peacefully protest but that it was also dangerous for the RCMP. He said that under clause 5 the RCMP at all levels would understand this statute in its most natural meaning: that they could do anything they consider reasonable and appropriate but that what is reasonable and appropriate lies in the eyes of the beholder and that the touchstone there to be guided by is security alone.

He also pointed out that the legislation fails to provide guidance to the RCMP and that it leaves RCMP officers at all levels in a very vulnerable position, for example, if they get improper demands from foreign governments on security concerns.

He went on to point out that it was dangerously vague with respect to the issue of security perimeters. Just how far can the RCMP move in establishing those perimeters? Whose property rights can be derogated from in this way? What kind of compensation will be made available to those who are affected by these security perimeters? What about the fundamental rights of free movement within Canada, the right of assembly, the right of free expression and the right to enjoyment of property? The bill, and in particular clause 5, just tramples on all of them.

● (1120)

[*Translation*]

In closing, once again, I wish to thank the hon. member for Mercier for having moved this amendment. In the name of my colleagues of the NDP, I say that we will support this amendment. If the amendment is rejected by the House, we will vote against the bill, which is dangerous for democracy and the right of free speech in Canada.

[*English*]

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, it is a pleasure to rise to speak to Bill C-35, an act to amend the Foreign Missions and International Organizations Act.

Before I start, I would like to say that, in general, diplomatic immunity that is given to diplomats is well upheld by the diplomats who live in this country. There have been incidents of one or two that have cast a bad light on the diplomatic community but overall the diplomats who represent their countries in Ottawa, who on many occasions I have had the pleasure of meeting, are very dedicated people working for the benefit of their country and good relations between Canada and their country. It has always been a pleasure meeting them. I do not think anything that we say here today should in any way reflect the excellent work they have been doing over here.

I wonder whether the bill was brought here as an aftermath of the APEC fallout in Vancouver. I am surprised our government would take this route after what happened in Vancouver when Canadians tried to hold a legitimate protest against certain diplomatic visitors and heads of states from other countries. Canadians do have freedom of speech and they have every right to protest.

What I do not understand in the bill is the rationale. Why would the government create a bill that would give it open authority to bring people into this country from any part of the world whether we agree or not? Is it because we want to show to the world that Canada welcomes anyone who wants to attend conferences here?

The bill would allow the Minister of Foreign Affairs to override the requirement of foreign representatives, who may or may not have criminal records, to come into this country and claim immunity protection against our laws.

Our laws are made after a tremendous amount of debate in parliament and in committees and here we are now extending this immunity to individuals who are coming over here for conferences at the whim of the foreign affairs minister.

To me the bill is being sent silently through parliament without debate. Most Canadians do not even know what repercussions the bill would have. I am sure the government is aware that there is a heavy degree of concern, which is why the press secretary said that the government would use the website to put out information and put more transparency into the bill so it will become more acceptable to the Canadian people.

From the record of the government we can see that transparency is not enshrined in the bill. The bill would still allow the government to do what it wants or does not want.

What happened in Vancouver and the subsequent inquiry that took place should never have happened. Millions of dollars went down the tube in trying to understand whether there was interference from the PMO's office. This inquiry would have never taken place if Canadians had been allowed to protest as they are allowed to do under Canadian law.

The other issue concerns the government's decision to grant broad based immunity to individuals coming into this country who represent their governments. We will have no control over who comes into the country. Governments can send representatives of their choice, and rightly so, but what control do we have over that? We have none.

● (1125)

The government does not like taking action. The bill does not promote Canadian values and I can say without any doubt that it will not sit well with the Canadian public. It would give the Minister of Foreign Affairs the power to bring anyone into Canada and override the laws we have created and put in place to protect Canadians. There does not seem to be any sense of rationale.

If we find individuals are not acceptable to come to Canada because of their past records all we have to do is advise their governments that their representatives may not be allowed into the country. What is wrong with that? Why are we not taking that route? We are instead taking a route where the minister signs a waiver and lets the individual come into Canada. It does not make any sense.

It is becoming difficult to support the bill. I do not know how far we can go with this. We are holding international conferences here and we have seen a lot of people making protests. Some of them make legitimate protests but others take the violent route and we use our laws to stop them.

This is a far fetched scenario, but considering the road the government is going down we will soon have demands from NGOs and others asking for protection when they come here as well. I hope the government does not go that route. However in looking at the bill I do not have much faith in the government.

I listened to my colleague in the NDP. We in the Canadian Alliance find it difficult to support the bill for many of the reasons we have stated. What happened in Vancouver at the APEC conference is still fresh in the minds of Canadians. An inquiry was held to find out if there was any interference from the PMO. Nothing in the bill gives us confidence that there will be no political interference in demonstrations.

What was the real rationale for the government to introduce the bill? I do not think the real rationale was to stop people from coming into Canada. Perhaps the real rationale was to enable the government to control protesters so they do not become an embarrassment.

I have travelled on behalf of Canada with the minister to many international conferences. In general terms there is no need for this kind of bill. There is no need for these draconian measures at all. We should be careful.

After September 11 the anti-terrorist bill was introduced. Now we have a concern about the civil liberties we are debating here. Bill C-35 would override that and extend blanket immunity. That is where the problem arises for us. We in my party will have a difficult time supporting the bill.

● (1130)

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I am pleased to rise on behalf of the people of Surrey Central to participate in the report stage debate on Bill C-35, an act to amend the Foreign Missions and International Organizations Act. I am opposed to the bill not only because the premise is flawed but because its best before date expired 10 years ago.

Following September 11 trends regarding the granting of diplomatic immunity are headed toward restricting access rather than enlarging it. Bill C-35 would extend immunity far beyond what many other countries grant diplomats. Bill C-35 and Bill C-36 clearly contradict one another. Bill C-35 would render foreign diplomats above the law with a minister's permit. Bill C-36 would impose broad limits on the rights of law abiding Canadians.

Bill C-35 would allow the foreign affairs minister to overrule the immigration minister if he believed there was good reason for allowing foreign delegates into the country. This could mean foreign delegates guilty of criminal offences or terrorist attacks would be allowed into the country if the foreign minister thought it would further Canada's interest.

This shows that the government's priorities are confused and contradictory. Like many others I am left wondering where they are going.

Bill C-35 and Bill C-36 show that the government is headed madly off in all directions. Together they illustrate the inconsistency of the government which acts one way internationally and another way domestically. Internationally it promotes the image of Canada as an open society. At home it curtails the freedom of Canadians.

Returning to my first point, the staff of the Standing Joint Committee on Scrutiny of Regulations pointed out in 1991 that the external affairs minister's orders to extend immunity to delegates at intergovernmental conferences were illegal since these conferences were technically not international organizations. One proposed remedy was to redefine the meaning of international organization to include multilateral conferences.

During a 10 year letter writing campaign the minister in question indicated the willingness of the government to co-operate with the request of the committee in due course. The course was a long and tortured one but the government finally developed the will to act.

Bill C-35 is the result of 10 years' worth of pressure by the Standing Joint Committee on Scrutiny of Regulations. Instead of being too little too late, the bill is too much too late. September 11 irreversibly altered the foundations of foreign policy debate. Viewed through this prism Bill C-35 is no longer appropriate to today's increased security needs.

The DFAIT report issued in May of this year stated that 90 crimes involving foreign diplomats in Canada were reported in the last five years. These included human smuggling, narcotics trafficking, impaired driving and sexual assaults. Bill C-35 would extend the same immunity abused by Knyazev, the Russian diplomat who killed Catherine MacLean while driving drunk, to an unknown number of people. It is still government practice to extend blanket immunity to support staff who are not entitled to it under the Vienna convention.

● (1135)

We are already losing our traditional role of diplomatic leadership in the international arena. For example, American officials have already said Bill C-35 would never fly in their country since it would extend diplomatic immunity further than they would be comfortable with.

We all remember the APEC conference in 1996 where protesters were pepper sprayed to save the Prime Minister from embarrassment. Nor has anyone forgotten how the government tried to make a scapegoat out of an RCMP sergeant for the whole incident. Rather than raise further embarrassment at meetings of the G-8, G-20, IMF, World Bank and so on, the Prime Minister is trying to ram the bill through as quickly as possible.

Bill C-35 would continue the government's habit of passing the buck to law enforcement. Not only has the government slashed its net financial commitment to the nation's police force. It is trying to enshrine in law additional responsibilities for officers who are already overworked and stretched to the limit.

Recently the Canadian Police Association said the government was playing a shell game with the security of Canadians. It said when it comes to security at our borders and airports Canadians should not be lulled into a false sense of security. It said the RCMP must steal from Peter to pay Paul. In countries like Australia and New Zealand the authority of police has been enshrined into the common law. Why not in Canada?

On a number of occasions I have pointed out shady dealings at our foreign missions. In dealing with foreign missions the bill has not addressed fraud and corruption. Our security begins at our foreign missions abroad because they screen people before they enter Canada. They are our first line of defence. However there is nothing in the bill that deals with the issue.

In light of this some RCMP officers and immigration officers who blew the whistle were crucified by the government and the investigation was covered up. Today at 12.30 p.m., about an hour from now, I will be hosting a presentation on whistleblowing in room 200 of the West Block. I invite all members as well as those who are watching to join us.

On another point, the roles of hundreds of international organizations and Canada's membership in them remain unaddressed in the bill. We the opposition members on the foreign affairs committee introduced excellent amendments that would have made it possible for me to support the bill. Some of the amendments sought to insulate the RCMP from political interference, limit the scope of the immunity of delegates and publicize cases where diplomatic immunity was invoked by foreign dignitaries.

The minister promised to post quarterly reports of crimes by diplomats on the DFAIT website but that has not been done. The Liberals voted against an amendment that would have entrenched the minister's promise into law.

The Liberals also ignored the recommendation of the Hughes report after the APEC inquiry that the independence of the RCMP and its role in providing security at international conferences be clarified in law. The government majority on the committee voted down those amendments.

The amendments would clearly have improved the legislation and could have helped smooth the passage of Bill C-35 through the House. Instead of fixing the hole in the fence or at least closing the gap the government seems determined to make it even bigger.

Bill C-35 would hide and neglect important and significant measures. I therefore register my vote to oppose it.

● (1140)

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, I am pleased to speak to this legislation, although it is difficult to comprehend the logic of the government.

Bill C-35 is an insult to the victims of crimes perpetrated by foreign diplomats or their staff in Canada. In all fairness, the Minister of Foreign Affairs has done good work on the terrorism file. I simply do not understand what he can be thinking by insisting that the legislation become law. Many of the proposed changes in Bill C-35 are best suited for the shredder.

While I understand that the Vienna convention requires that certain immunities are necessary in order to maintain diplomatic relations with other countries, the proposals in Bill C-35 go far beyond what is necessary. It opens up an even larger possibility for crimes committed in Canada by foreign nationals protected by diplomatic immunity to go unpunished. This is not acceptable to Canadians and I am sure the minister knows it.

The most recent example of diplomatic immunity gone awry was when a Russian diplomat who allegedly was driving drunk killed Catherine MacLean. At the time the minister rightly said that he felt immunity should not apply to the Russian as the offence had nothing to do with his duties as a diplomat. The minister promised to study ways to prevent such abuses of immunity in the future. Instead he is ensuring that the possible abuse of diplomatic immunity will be extended to anyone coming into Canada for an international conference, including support staff. These people currently are not covered by immunity and therefore are subject to Canadian laws.

The Department of Foreign Affairs and International Trade reported recently that there have been 76 crimes listed as having involved foreign diplomats. The charges include such serious offences as sexual assault, assault, impaired driving, impaired driving causing death, alien smuggling, and drug trafficking to list just a few. These are not petty crimes. These are crimes for which Canadians and especially their victims expect to see justice carried out. Only three of the 76 cases had their diplomatic immunity waived. This means that 73 of these crimes saw no justice whatsoever.

Bill C-35 puts even more foreign representatives above Canadian law, thereby increasing the potential for abuse of immunity in the future. This cannot possibly be what the minister intends, so why not allow for changes to the legislation in order to ensure that justice can be carried out? Perhaps the minister should put himself in the shoes of the victims for a few minutes just to experience justice denied.

I find it shocking that Bill C-35 will give the Department of Foreign Affairs and International Trade a blank cheque to allow foreign representatives into Canada without proper security screening. Department officials and the minister will have free rein to allow anyone they want into the country with absolutely no accountability to parliament or to the Canadian public. With the simple stroke of a pen, an official will be able to allow foreign nationals possessing criminal backgrounds, human rights abuses or terrorist ties into Canada.

In the current post-September 11 climate the government is moving to restrict the rights of Canadians with Bill C-36, the anti-terrorism legislation. It is mind-boggling that at that same time the same government is moving to allow potentially dangerous foreign nationals into Canada without any checks and balances. As it currently stands, when foreign diplomats seek entry into Canada for the purpose of a diplomatic function or an international conference, they are subject to our immigration laws. Individuals found to be inadmissible currently are required to ask the minister of immigration for a special permit. At the end of each year, parliament has the opportunity to scrutinize the number of permits issued, thereby establishing a degree of accountability, albeit a very small degree of accountability.

With Bill C-35 in place, Canadians will never know who is being allowed into the country. Even worse, if a visitor commits a crime, he or she virtually is guaranteed not to face Canadian justice. It is long past time for Canada simply to stop sitting at international trade tables with countries and leaders that perpetrate serious human rights abuses and condone acts of terrorism.Yet the Minister of Foreign Affairs is giving himself and his department carte blanche to invite whomever they please to come to Canada with little, if any, security considerations.

Furthermore the legislation will ensure that foreign despots will be spared from embarrassment by protesters. It is simply wrong for the government to extend diplomatic immunity beyond what international convention requires. It is wrong for the minister to be able to forgo our immigration laws to invite the likes of President Suharto and shield him from criticism. Is it so awful that someone like Suharto occasionally is reminded of his deeds?

I am discouraged to see that the government seemingly has learned nothing from the APEC experience in 1996. The legislation actually contradicts the Hughes report which recommended that "generous opportunity...for peaceful protesters to see and to be seen...by guests of the event".

● (1145)

This legislation creates not only the authority but also the obligation for the government and the RCMP to repeat the 1996 APEC performance. Canada needs to lead by example by allowing Canadians not only to dissent peacefully but also to be seen by those they are demonstrating against.

Bill C-35 expressly states that our country should protect the dignity of foreign representatives. I suggest that if a foreign dictator comes to Canada, it is only his guilty conscience that would be troubled by peaceful protesters reminding him of his actions, not his dignity.

The advancement of Canadian values is supposedly the third pillar of Canada's foreign affairs policy according to the department. I fail to see how giving the minister a free hand to invite criminals into the country, how giving the police a blank cheque to restrict the movements of Canadians while at the same time failing to prevent government interference with police matters, advances Canadian values.

Diplomatic considerations such as the granting of immunity should never be allowed to override security considerations. Permission for individuals to enter Canada should remain entirely separate from the process of granting diplomatic immunity to foreign diplomats.

In conclusion, the government should not extend immunity from the criminal code beyond the requirements of international law and convention. The bill is deceitful. The Foreign Missions and International Organizations Act is not the appropriate place to legislate new statutory powers and responsibilities for the RCMP or to give the foreign minister new powers to override the Immigration Act.

The government is trying to slip these major changes through parliament by hiding them in an innocuous-looking act surrounded by mundane housekeeping provisions. No press release accompanied the tabling of the bill. No legislative summary or explanation was provided. The government is rushing the bill through the House to avoid scrutiny.

The Canadian Alliance has scrutinized Bill C-35 and as the official opposition we have highlighted the failures of this legislation. I hope the minister will heed our recommendations and do what is right by reconsidering some of the draconian powers being enacted by the bill.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I read Bill C-35 and was astonished to see what was written. I thought the bill was a response by the Government of Canada to the horrific crime which took place about a year ago when Catherine MacLean was run down by a Russian diplomat in Ottawa. He had apparently been on some recreational trip and on his way home ran two people down. One died. The other was severely injured and I understand will remain so for the rest of her life. It was a tragic event. The Russian was sent home. No charges were laid. He claimed diplomatic immunity. I thought that Canadians said there should be no diplomatic immunity for someone conducting himself in such a manner outside his responsibilities.

Going back to the concept of diplomatic immunity, it was created to enable countries to dialogue with each other without locking people up and throwing them in prison. We developed the convention that diplomats are immune in order that they may represent their governments to the host government where they reside. In this modern day, we are quite prepared to maintain diplomatic immunity when doing the job, but when Canadian laws are broken to the extent that the Russian diplomat broke the law, there should be repercussions. I thought I was going to find it in this bill.

What did I find? I found that the minister has extended diplomatic immunity to other people. He has not restricted diplomatic immunity to people who are living in this country and representing their nation to the Canadian government. At the beginning of the bill diplomatic immunity has been extended. Clause 1.(1) on page 1 states in part:

> "International organization" means an intergovernmental organization, whether or not established by treaty, of which two or more states are members, and includes an intergovernmental conference in which two or more states participate.

I have heard my colleagues talk about not letting anyone in simply because someone wants to attend a conference. That is not representing one government to the Canadian government. That is not being a diplomat. Why should they expect diplomatic immunity? They are coming here enjoying our hospitality while hopefully participating in a conference. There was a conference down the street just last week with all kinds of demonstrators and so on.

When diplomatic immunity is extended to people who want to participate in a conference held in Canada, that goes way beyond the fundamental concept of diplomatic immunity, including extending that privilege to ambassadors, even though we may be at war and in a hostile environment where they can come and speak without fear of arrest while doing their jobs. It should never allow people to come into Canada and while drunk run down women and children and think they can get off scot-free. It should never, ever be that way.

The bill on page 2, line 20, states "representatives of a foreign state that is a member of"—and these are the new words—"or participates in" an international organization shall, to the extent specified be entitled to more privileges.

I started thinking. As we all know, the world's most wanted man today is Osama bin Laden. If he wants to participate in an international conference in Canada, he can walk right in, say "Hi, folks", and we cannot touch him. Is that what we really want? Do we want crooks, criminals and people on the world's most wanted list to be granted diplomatic immunity not because they want to represent the government and speak on someone's behalf but because they want to participate in a conference in Canada? I cannot believe what I am reading in the bill. The Minister of Foreign Affairs says that out of the goodness of his heart, he will report to the House of Commons periodically if he is so inclined.

● (1150)

Where is it in the legislation? It is not there. Therefore the bill is being presented to the House of Commons and to the Canadian people under the false pretense of protecting Canadians from drunk diplomats running them down. It is not that at all.

We will now extend diplomatic immunity to anybody coming into Canada on a government passport who is here on a government mission. I cannot believe it. I do not think I have much else to say.

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Mr. Speaker, I share many of the same concerns my colleagues have mentioned already on Bill C-35. As it made its way through parliament, as my colleague from Cumberland—Colchester mentioned, the bill seemed rather innocuous at first. However when we take a look at it we realize some of the outstanding contradictions in the bill as compared to Bill C-36. My friend from Surrey North mentioned that in his speech. Others have mentioned it as well, and I agree.

The government has quietly attempted to extend diplomatic immunity and privileges to a whole host of new foreign visitors that would come to Canada to attend international conferences. Special visitor visas would supercede the immigration minister's power to allow potential visitors with a criminal past to come to Canada. They could otherwise be refused entry because of a criminal record.

I have to ask this question. Is this intended to take the heat off the minister of immigration? It seems this clause supercedes the issuance of a special permit.

When I was on the immigration committee for two years we had all kinds of debates on issues about the whole idea of issuing a special permit to an individual who would come from abroad.

Ms. Aileen Carroll: Talk about the bill.

Mr. Grant McNally: My friend from the Liberal Party, the parliamentary secretary, wants her turn to speak. I cannot quite tell whether or not she is agreeing with what I am saying. Perhaps she might want to listen, rather than voice comments quietly under her breath.

I am simply making this point. Is the intent of this clause in the bill to be able to sweep under the rug the whole idea of the issuance of a special permit which the minister of immigration previously would have had to give to individuals with criminal records coming to Canada? Is that the intent of this part of the bill?

It seems quite contrary in the climate that we have with Bill C-36 that the government is extending the issue of immunity in the bill. It would seem to me that the government would prioritise the legislation it brings to the House. Is this the issue that is gripping our nation today? I do not think so. There are many other issues having to do with what happened on September 11.

I have made this point several times in the House and I will make it again. We have outstanding issues of trade. We have the ongoing softwood lumber debate. That is impacting on all of Canada, but particularly on my area of British Columbia. There is an outstanding issue that has not yet been resolved. We have border security issues and integration of our trade with the United States. Where are the pieces of legislation that would solve those issues that are top of mind for Canadians?

We need to correct our existing system before we extend immunity and privileges to even more visitors who would come to Canada. It just seems to make sense that we would do that first.

My colleagues have mentioned some of the cases that have come up over the last several years where individuals have committed criminal activities in Canada and diplomats have participated in that. The most high profile one has been mentioned by my colleagues as well: the tragic death of Catherine MacLean in Ottawa who was struck and killed by a Russian diplomat. We know that he is now being charged with careless driving in Russia.

I want to focus on an amendment that was brought forward by my colleague from Cumberland—Colchester. It is a very commonsense notion that was defeated by the government at committee. It is one that would effectively report to parliament the names of individuals to whom this immunity was extended.

Why not have that transparent clause in the bill so that we would know to whom this blanket immunity is being extended? In so doing the Minister of Foreign Affairs could keep his promise on this point. It should simply lay out to whom this extended amount of immunity is being given.

● (1155)

Unfortunately that was defeated in committee. I believe that would have gone a long way toward building confidence and trust among all parties that this immunity would not simply be a blanket immunity used by many who might break the law when they are in Canada.

The use of diplomatic immunity has become distorted. The concept of diplomatic immunity is intended to protect foreign representatives from arbitrary harassment in the legal conduct of their affairs and not to allow them to hide from criminality. The concept of immunity is not to give people a blank cheque when they enter our country to do whatever it is they might want to do. It is there to protect them in the commission of their jobs.

In the context of Bill C-36, when we are having more restrictions put on Canadian citizens and their rights and their freedoms here the government at the same time is extending through this wide ranging immunity the rights of foreigners who would come to our country and who may break the law. It is mind boggling how we could have both of those bills before the House at the same time. It is very contradictory.

I hope it is something the government will address. It has an opportunity to do so because the bill is still before us in this place. Why not report to parliament once or twice a year, as my colleague has suggested, who is covered by this broad, sweeping immunity? Why not put those accountability measures not only into this piece of legislation but into others that are before this place too? If the government would take this approach I think it would find in general more support for the initiatives it comes up with.

When the government is not willing to do so it sends a negative message, which is to the detriment of the government's own initiatives.

I will close by saying that the bill extends immunity when it should not. The government has refused not only in committee but now at this next stage of the bill in the House to be more accountable, to build in some mechanisms to report on who will be getting immunity. I think that is wrongheaded. It is a shame it is not taking this opportunity to build consensus with this legislation. It is certainly not the number one issue seizing the nation today.

● (1200)

Mr. Scott Brison (Kings—Hants, PC/DR): Madam Speaker, it is with pleasure that I rise today to speak to Bill C-35. We know of cases involving the abuse of diplomatic immunity that have occurred in Canada and in other countries. In fact incidents have occurred in D.C. where diplomats have abused the privilege of diplomatic immunity to escape punishment and justice for crimes they committed. There is a growing recognition of the problems inherent in diplomatic immunity as applied now.

The notion of expanding the definition of diplomatic immunity to a broader category of individuals who are not necessarily diplomats but are involved in organizations and NGOs with fairly loose connections with government is deeply concerning.

Very little accountability is provided by a loose arrangement between a foreign NGO and that country's government. It will be very difficult for Canadian authorities to ask foreign governments to ensure that justice is done when individuals belonging to a non-government organization or some loose organization based in countries represented in Canada fall on the wrong side of the law.

We have not been successful in Canada in forcing foreign governments to actually ensure that justice is done when their government employees, diplomats or foreign service officers are found to have violated Canadian law. In some cases they have taken Canadian lives through their unlawful actions. The idea of expanding this immunity to a group that is less accountable to a foreign government and as such to Canadian authorities is absolutely wrongheaded.

The juxtaposition of the legislation with the proposed anti-terrorist legislation which would reduce Canadian civil liberties is telling because the government has a history at times of reducing the rights of individual Canadians, whether it is reducing the rights and privileges of parliamentarians or using extraordinary force such as that used at the Apex summit in Vancouver. In that case the government was trying to protect what it perceived to be the rights of foreign dictators, particularly at that point President Suharto of Indonesia.

In a foreign policy context the notion of engagement is that we should engage people like Suharto and governments like that of Indonesia in a dialogue such that we can teach them something about democracy, free market principles, freedoms and the principles we treasure in our democratic society of Canada.

Instead of our teaching Suharto something about democracy and freedom, what happened in Vancouver is that he taught the Canadian government a great deal about oppression and taking inordinate and extraordinary steps to crush legitimate protest. In times past I think the government has proceeded with policies that were not consistent with the principles of democratic freedom we value in Canada.

Clearly the legislation is wrongheaded. We cannot move further in the wrong direction. The government ought to be considering ways to ensure that we do not see any further loss of life and damage to Canadian families and property as a result of diplomatic immunity. Instead it is going in exactly the opposite direction and that is clearly wrong.

● (1205)

There is a role for Canada to play in a time as increased levels of demand exist for multilateral efforts on criminal issues. The notion of an international court and of greater powers, not just simply national powers, but authority transcends borders. In time we will see an increased level of pressure, even from countries like the U.S. which has traditionally been opposed to the growth of multilateral, multinational bodies in areas, for instance, of a world court.

As the U.S. becomes more multilateral and more supportive of multilateral efforts, for instance now in the war against terrorism, we may see some movement toward a greater level of international law and a judicial system that will be less nationally based and more multilaterally based, and these issues will become less germane.

Right now, until we have the ability through international law and through an international court system to ensure justice is done, we need defend the sanctity of our domestic laws and our domestic judicial system. Until we can do that in the current context, the idea of providing expanded levels of diplomatic immunity to a broader category of individuals, who would be less accountable to their foreign governments, is absolutely wrong. I certainly hope the government will see this prior to the passage of the legislation.

I am certain if Canadians at large were aware of what the legislation had the capacity to do, there would be overwhelming opposition to the it. It is going in the wrong direction and is worsening an already bad situation.

Mr. Grant McNally: Madam Speaker, I rise on a point of order. As there are five times as many members of the opposition than the two government members, I call for quorum.

● (1210)

The Acting Speaker (Ms. Bakopanos): Call in the members.

And the bells having rung:

The Acting Speaker (Ms. Bakopanos): We have quorum. Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Bakopanos): The question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Ms. Bakopanos): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Bakopanos): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Ms. Bakopanos): Call in the members.

The Acting Speaker (Ms. Bakopanos): The vote on Motion No. 2 will be deferred until 3 p.m. this afternoon.

* * *

[*Translation*]

CANADA NATIONAL MARINE CONSERVATION AREAS ACT

The House resumed from November 19, 2001, consideration of the motion that Bill C-10, an act respecting the national marine conservation areas of Canada, be read the third time and passed, and of the amendment.

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Madam Speaker, I am happy that the House is sitting today.

Everybody knows that Quebec and the Bloc Quebecois are in favour of measures to protect our environment. However, they will never accept that, in doing so, Quebec's constitutional rights be reduced, particularly because Quebec, as regards the environment, is a model in several respects.

We all remember that the Bloc Quebecois did not hesitate to support the government when it introduced its legislation to create the Saguenay—St. Lawrence marine park in 1997. In fact, that legislation and the one passed by the Quebec government provided for the creation of the first marine conservation area in Canada, and we are proud of that.

Through these pieces of legislation, each government continues to fulfill its respective responsibilities in the Saguenay—St. Lawrence marine park. This park includes only a marine area. Its boundaries may be changed only through an agreement between the two governments, provided there is joint public consultation in that regard. These are some of the main legislative provisions passed in 1997.

The main thing to remember, which the government seems to have forgotten, is that the creation of this marine park is the result of a consultation between the federal government and the Government of Quebec. Unfortunately, the federal government did not think it was useful to follow the same path with regard to Bill C-10. This may be a sign that when things are going well for the federal government, it is time to make some changes.

Other precedents could have been followed, like phase III of the St. Lawrence action plan, which was concluded in the following way.

In June 1998, the federal Minister of the Environment and Quebec's Minister of the Environment released phase III of the St. Lawrence action plan, the financing of which was shared equally between the two levels of government. This is another example of a project that was developed jointly, while respecting the areas of jurisdiction of each level of government.

Should the refusal to apply precedents that have been proven to work be considered as a lack of goodwill, since nowhere in Bill C-10 can we find the slightest element of consultation?

How, then, can the federal government be naive enough to believe that the Bloc Quebecois would support this bill? Instead of focusing on working together, this bill does something dear to this government, namely the unilateral introduction of marine conservation areas without any regard for Quebec's jurisdiction on its own territory and environment.

But there is more. As if this were not enough, far from limiting itself to interfering in Quebec's area of jurisdiction, and apparently believing that ridicule has never killed anyone, the federal government is duplicating its own jurisdiction. As a matter of fact, this bill will confirm the introduction of marine conservation areas, thus creating a new structure at Canadian heritage and bringing about a duplication of pre-existing federal structures, namely marine protection areas under the jurisdiction of Fisheries and Oceans Canada and protected marine areas under the jurisdiction of Environment Canada. This means we are not through with disputes and they will all originate from the same side.

What is clear for everyone is that Bill C-10 totally ignores the territorial integrity of Quebec, given the fact that the federal government is to become the owner of the land where the marine conservation area will be created.

● (1215)

But there is a problem: the 1867 Constitution. Indeed, section 92 provides that the legislature of every province may exclusively make laws in relation to the management and sale of the public lands. Quebec is still a province. Quebec may only be a province, nevertheless it is still a province, nobody will dare say otherwise; a number of Quebecers though would like nothing better than to have a different status.

Quebec legislation on public lands applies to all public lands in Quebec, including the beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf which belong to Quebec by sovereign right.

In addition, this same legislation provides that Quebec cannot transfer its lands to the federal government. But the federal government is not intimidated by Quebec legislation, it is a well-known fact. Canadian heritage is planning to establish marine conservation areas in the St. Lawrence, the St. Lawrence estuary and the gulf of St. Lawrence, three areas in which the submerged land is under Quebec's jurisdiction.

Time flies when one is speaking from the heart.

Canadian heritage wants to compel Quebec to give up its exclusive jurisdiction. What a nice example of co-operative federalism. It is very clear that the prerequisite for the creation of marine conservation areas in the St. Lawrence is the transfer of property rights to the federal government. Quebec will never agree to it.

According to Fisheries and Oceans Canada, the same territory could be zoned three different ways and come under three different federal departments enforcing their own specific regulations, all this under three different pieces of legislation.

Only God knows in which waters fish will feel like swimming. As for bureaucrats, I believe Moby Dick's stomach will not be big enough to house them all when they try to come to an agreement.

Again, since 1993 it is not the first time and certainly not the last time I am faced with a dilemma. If federal departments are unable to work together, how can we expect the federal government to be able to work with the provinces?

Marine conservation areas served à la Canadian heritage are like ketchup: I do not want any.

● (1220)

Mr. Robert Lanctôt (Châteauguay, BQ): Madam Speaker, the Bloc Quebecois wants to protect the environment, but is it necessary to ensure that protection by duplicating jurisdictions and services?

The creation of marine conservation areas meets the objectives of numerous international forums, such as the World Conservation Strategy of 1980. However, how can we not turn away from such an objective, as commendable as it may be, if it has the effect of bypassing the appropriation of our respective jurisdictions? It should be highlighted that Quebec has exclusive jurisdiction over the management and sale of public lands. That is what is provided in section 92 of the British North America Act, 1867. Why redo what has already been done?

It is unacceptable for the federal government to use environmental protection legislation to take over provincial lands and Quebec lands. It would be better to promote and encourage co-operation between Quebec and the federal government. It is time that this government would stop using a steamroller and a centralizing approach.

Besides, in Quebec, the legislation on public lands covers all lands, including the beds of rivers and lakes. Quebec has legislative jurisdiction over this area. It is exercising its legislative power and it respects the Constitutional Act. Why then have some federal legislation that would deny the exclusive jurisdiction of Quebec and the provinces? Is Quebec not competent enough to meet conservation objectives?

Let us not forget that the management of the bed of the St. Lawrence River is a Quebec jurisdiction by sovereign right. The protection of habitats and fauna is a matter of joint federal and provincial jurisdiction. In this respect, the Quebec government has already acted by establishing a framework for the protection of marine areas. It is also possible to protect habitats and fauna through co-operation.

The Bloc Quebecois would rather promote an attitude of co-operation, as was shown with the bill establishing the Saguenay-St. Lawrence marine park in 1997. Yet, despite this successful co-operation, once again we are seeing the federal government stubbornly opposing a process that is working well. Why is the federal government once again refusing to respect the Constitutional Act, and Quebec by this very fact?

I am concerned about the future of intergovernmental relations in crucial areas like the environment. How can we trust a legislative process that does not respect the public interest, and a government that does not respect its own departments? Let us not forget that the Department of Fisheries and Oceans already has a marine area protection program, and I want to insist on the fact that this program is already in place. Why are we creating a new one?

This bill is another example of pernicious interference on the part of a centralizing federal government in exclusive jurisdictions of Quebec and other provinces, and another example of the methods used by the federal government, which ignores other partnership experiences that were very successful. Why not follow a process that has worked very well and that would certainly work very well once again? Will the federal government respect Quebec some day?

The outcome of such a bill is obvious: confusion, but above all a lack of respect. It could result in a duplication of tasks and jurisdictions, within a government that does not even see it or that sees it and acts deliberately nonetheless, which is even more worrisome. How can the federal government justify this useless duplication?

How will we find our way through all these terms to protect the environment? With this bill, the government wants to create marine conservation areas through Canadian heritage, when there are already marine protection areas under the responsibility of Fisheries and Oceans Canada, and marine wildlife areas under Environment Canada. Again, how will we find our way through all this?

Even the government seems completely lost and conveniently forgets that programs to protect habitats and fauna are already in place.

● (1225)

There is a question that comes to mind: who will take precedence if there is conflict? Who will have the last word? Which department will be the one willing and able to respond to the questions and to deal with the discrepancies in application? The government will certainly not want to answer this, because that would be tantamount to putting one department on a lower footing than another. Would that be the intent of this bill?

Duplication and overlap are double-edged swords to the government. On the one hand, the government insists that environment is a priority, while on the other it exploits the environment in order to use a bill to foster national identity—imagine—and thus deny the true objective of this bill. Who, outside of Canadian Heritage itself, can tell us that Canadian heritage is defined as having environmental expertise?

The confusion that is certain to ensue will lead to a dangerous appropriation of resources, and will quickly become insurmountable. Even the staff of the various departments will be caught up in it. It is mind-boggling. We will not be the only ones to understand not a bit of it. It is easy to imagine just how this overlap is going to lead to confusion among the key stakeholders.

Who, really, will be administering the protective zones? Which department are people to contact in the event of conflict? Which department will really hold the means of dealing with offenders? Who is going to be able to find their way through the labyrinth of duplications, of overlapping departmental policies? These are just some of the questions that remain unanswered.

With this risk of confusion within one government, one can easily imagine what confusion there will be for other levels of government and for all stakeholders. If departments cannot work together within one and the same government, how will they be able to do so with Quebec and the provincial governments?

It is easy to understand why the Government of Quebec would refuse to co-operate with this bill. First of all, it is in flagrant disrespect of the exclusive jurisdiction of Quebec. Second, it is impossible for the federal government to provide any kind of precise answer as to the reasons this bill comes from Canadian heritage when Fisheries and Oceans already has a program in place.

The Bloc Quebecois is opposed to this bill because the federal government is planning to use it to appropriate lands that fall under the jurisdiction of Quebec and the provinces, by designating them as marine areas.

In addition, this bill does not respect the division of exclusive areas of jurisdiction as stipulated by section 92 of the British North America Act of 1867.

The Bloc Quebecois opposes this bill because it can only lead to endless administrative problems. It can truly be said at this point that the left hand does not know what the right hand is doing. The stakes are too high to be taken lightly. The effects are serious and will, in some cases, be irreversible. Therefore, respect for the division of exclusive jurisdictions is essential to preclude all ambiguity. Co-operation must be encouraged to avoid unnecessary and harmful duplication.

The Bloc Quebecois opposes this bill, because Canadian heritage is trying to take over jurisdictions other than its own. It is unacceptable that Canadian heritage should attempt to have legislation passed to acquire land, and under cover of the environment.

In short, the federal government, through Canadian heritage, is once again attempting to meddle in areas of Quebec's and the provinces' jurisdiction under cover of the environment.

Finally, the Bloc Quebecois opposes Bill C-10 because of the duplication of responsibilities among the various levels of government and departments within the same government.

The Bloc Quebecois wants the Liberal government to be forced to work in partnership and in co-operation with Quebec and all the provinces that have legislated in this area, thereby repeating what has already been successful, that is the Saguenay—St. Laurence marine park. In spite of all that, our amendment was turned down. It is for all those reasons that we are opposing this bill.

I would like to add that if we want the federal government to create and establish marine areas, there is an essential prerequisite. The government must own that territory.

● (1230)

As I already said, under section 92 of the Constitution Act, 1867, the management and sale of crown lands are matters of exclusive provincial jurisdiction. Furthermore, Quebec legislation on crown lands applies to all crown lands in Quebec, including the beds of waterways and lakes.

[*English*]

Mr. Bob Mills (Red Deer, Canadian Alliance): Madam Speaker, as the chief environment critic for the Canadian Alliance, it is my pleasure to speak to Bill C-10. I will broaden the base and talk not only about marine conservation areas, but also about the environment as it applies to a bill like this one and as it could apply to other bills.

I start off by commending our critic, the member for Skeena. As a new member he has done a wonderful job of presenting the views of his constituents and of a much broader constituency of Canadians who are concerned about the environment, the marine aspects of that environment and particularly concerned about parks and the creation of parks.

I did not serve on the committee and hear all the witnesses, but I did go through the legislation. Much of the legislation is like a lot of environmental legislation. It is much like the species at risk legislation that we are talking about in the environment committee. We basically say that this is good and we like to have parks. We think we should preserve species. We think we should have marine areas set aside. The problem is in the details. When we actually get into the details of what the government is planning to do, we find where the flaws and problems are. Today I will try to broaden that base and talk about those problems from a broader environmental aspect.

First of all, there is the area of co-ordination, the co-ordination of bureaucrats and acts that are already enacted by the Government of Canada. We have heard others mention that. For the most part overall we could conclude that heritage, environment, natural resources, fisheries and a number of other departments do not really know what each other is doing. There does not seem to be a co-ordinating mechanism. Some members might argue that it is up to the Prime Minister and his cabinet to co-ordinate these activities, but that does not seem to be happening.

We have an Oceans Act that allows for marine protection areas, but obviously that comes under a different minister. The Canadian Environmental Protection Act would allow for the protection of species, for environmental impact studies and for all sorts of things. I believe that is being amended by Bill C-19 which will come before the House soon. It generally is a good piece of legislation which allows the environment minister to do a great deal when it comes to setting up areas like these.

The species at risk bill will be coming before the House for report stage and third reading very soon. The bill very specifically allows for the protection of endangered species. After months and months we have spent in committee listening to witnesses and working on the legislation it certainly is far reaching and allows for the protection of habitat and the protection of any species that might be endangered.

We have old acts such as the Migratory Birds Convention Act and the Fisheries Act. Both are very powerful acts which are used within Canada and which can be used right across the country and certainly would apply here.

There seems to be a turf war between various ministers who have to get pieces of legislation put on the table so they can lay claim to some aspect or other. I do not know whether it is a power trip or like a university professor who has to turn out so many papers every year. That is almost what the bill appears to be. It seems to be that heritage has not done much for a while so it had better come up with a piece of legislation that can be put before the House and the minister can then take credit for it.

Most Liberal members and most people who consider themselves Liberals think they have halos around their heads when they talk about the environment. The problem is that we see very little action. We hear lots of talk about the environment, that they are going to do great things about the environment, that yes, they care about the environment and yes, they are environmentalists but then they do not do anything.

● (1235)

There is all this confusion. There is a lack of consultation with coastal communities, provincial governments, scientists, the aboriginal society and so on. There is all this vague posturing with halos on but we see very little action.

When it comes to the environment it always comes down to trade-offs. We talk about natural areas versus a quality of life situation. I often use the comparison that there are two extremes in environmental concerns. There are those who would say let us keep everything natural and let us not impact on anything. Of course if we really wanted to carry that to the extreme, I guess all of those people would prefer to live in a cave and not have all of the modern conveniences that we enjoy. On the other side there are those who would probably pave the entire world and really would have no care for our air, water, soil and so on. Those are the extremes. I think most members of the House would agree that somewhere in the middle is the right ground and the ground Canadians would like to have.

It is like when we talk about oil exploration. We all could say that environmentally we are opposed to that. Yet when we have strict regulations that are enforceable, when we have the new technology and are conscious of the timing and the safety precautions, probably we could allow some of that exploration which then adds to our quality of life and does very minimal damage to natural areas.

As well we have to put forward in the House that we as small *c* conservatives care about the environment. All too often it is said that one has to be a fanatic, or sometimes a socialist, to care about the environment. That could not be further from the truth. It is a totally wrong concept.

Looking around the world we can find major coalitions where environmentalists together with corporations and with conservatives have done a great deal and have actually formed governments. We might look to Vincente Fox in Mexico. It was a coalition between him and the conservatives that resulted in the Government of Mexico that does care about the environment and has in fact put forward a great many environmental conditions.

I got back from Germany rather late last night. It is a perfect example. The green party is in coalition. The minister of the environment, whom we met with for three days, is actually from the green party. There are various coalitions around the world which put the environment into an important role. To try to label people as being pro or anti environment obviously is very wrong.

Again the Liberals talk a lot, but the Liberals do not do very much. I have a good example. Last month I was in a city in B.C. talking to a group of citizens about the Sumas plant which is being built in Washington state. There were no Liberals present at those hearings. The project affects a great many people in the Fraser Valley and in the Vancouver area. No Liberals were there, yet that was the perfect issue where they could have been involved.

What we have then is Liberal legislation coming forward with little consultation. The Liberals basically leave the details to the regulations and very little details in the bill itself. It is a concept of trust them, trust their bureaucrats and there is nothing there.

● (1240)

What we really need to talk about is consultation, co-operation and compensation. I move:

That the amendment be amended by adding:

"and that the committee report back to the House no later than the first sitting day in 2003".

The Acting Speaker (Ms. Bakopanos): I believe the amendment is acceptable.

[*Translation*]

Mr. Ghislain Fournier (Manicouagan, BQ): Madam Speaker, as the member for Manicouagan, I am pleased to rise today to support my Bloc Quebecois colleagues regarding Bill C-10, an act respecting the national marine conservation areas of Canada.

First, I want to reiterate the fact that our party supports environmental protection measures. I should mention that the Bloc Quebecois fully co-operated and supported the government when it introduced the act establishing the Saguenay—St. Lawrence marine park. This is an example that should be followed.

Also, the Quebec government initiated actions to protect the environment and the seabed.

It only makes sense to protect the environment, but all stages must be completed in co-operation with provincial governments. This time, contrary to what it did with the Saguenay—St. Lawrence marine park, the federal government is about to decide alone the rules to establish marine conservation areas, without taking into consideration Quebec's jurisdictions over its territory and its environment.

This is one of the fundamental reasons the Bloc Quebecois is opposed to this bill. The government does not seem to take into account the whole issue of partnership. The government, through Canadian heritage, is now proposing to set up a structure, namely marine conservation areas, that will interfere, as my colleagues pointed out, with marine protection areas in Quebec. We are talking about fisheries and oceans and marines areas, but there is the whole issue of ecosystems in existing national parks, which Canadian heritage is currently not able to protect.

This bill shows to what extent the federal government is about to get involved in provincial jurisdictions, even though the beds of waterways largely belong to the provinces. By this I mean that they belong to the provinces affected, namely Quebec.

Bill C-10 does not respect the territorial integrity of Quebec. As the hon. member for Châteauguay pointed out, the Constitution Act, 1867, provides that "the management and sale of crown lands are matters of exclusive provincial jurisdiction". It could not be clearer.

Furthermore, Quebec's legislation act on public lands provides that the bed of the St. Lawrence river and gulf belongs to Quebec by sovereign right.

This act provides that Quebec cannot transfer its lands to the federal government. As for the protection of habitats and fauna, it is a matter of joint federal and provincial jurisdiction. As a matter of fact, the government of Quebec plans to establish a framework for the protection of marine areas in the near future.

Moreover, according to Canadian heritage backgrounder on the bill before us, marine conservation areas are planned for, first, the St. Lawrence river, second, the St. Lawrence estuary and third, the gulf of St. Lawrence. These are three areas in which the ocean floor is under Quebec's jurisdiction.

Moreover, this bill will create a real cacophony because there is a lot of overlap. The federal government wants to establish marine conservation areas through Canadian heritage, marine protection areas through Fisheries and Oceans, and marine wildlife areas through Environment Canada. We would see the establishment of several superimposed areas; it does not make any sense.

● (1245)

I would like to highlight the rather skewed consultation process conducted by Canadian heritage. We are told that a consultation paper was sent to 3,000 groups across Canada. According to Canadian heritage, over 300 pages of answers and comments were submitted. But when the Bloc Quebecois asked for a copy, we only received 73 pages.

On top of that, the government is planning to pass framework legislation allowing it to establish 28 marine conservation areas without referring back to parliament. Opposition parties are asking that each future marine conservation area be put to a vote in parliament.

It should also be noted that the three opposition parties put forward amendments to prevent the federal government from acting unilaterally. But the Liberal members rejected these amendments alleging that they involved a provincial veto, even when the territory is under federal jurisdiction.

The Bloc Quebecois asked that the federal government be required to work with the province, which is normal, if that province has legislated with regard to the protection of marine areas as was the case with the Saguenay—St. Lawrence marine park.

A number of other amendments were put forward by a coalition made up of all opposition parties. The government turned down every single one of them.

Essentially, the federal government is attempting to appropriate marine subsurfaces, submerged lands under the St. Lawrence and in the gulf.

I believe that my colleagues have amply highlighted the fact that we should be following the example set by the Saguenay—St. Lawrence marine park, which, at the time of its creation in 1997, was the first marine conservation area in Canada. This marine area was created following the adoption of what is known as "mirror legislation", by the federal and Quebec governments. In this exemplary case, the park was created by both governments at the same time, without any transfer of territory.

As well, both governments continue to oversee their areas of responsibility. A co-ordinating committee was struck, made up of federal and provincial ministers. The Bloc Quebecois believes that this first marine conservation area should have served as a model for the federal government in establishing other marine conservation areas.

The Constitution Act, 1867 clearly sets out that the environment is a shared jurisdiction between the federal and Quebec governments. Furthermore, this bill by Canadian heritage comes at a time when there is a severe criticism of the rationalization of the fishery, which fails to take into consideration the needs and the reality of the industry and the communities affected by the fishery moratorium. I know something about this, because the people in my riding of Manicouagan depend on the fishery as one of their mainstays for survival.

Yet, the industry still remains unaware of the Minister of Fisheries and Ocean's vision as regards its future. How many people will remain employed? The government has also been criticized for its poor management of the fishery and for its responsibility in the collapse of ground fish stocks. So just how does the government intend to get coastal communities to co-operate in order to find viable solutions to establish marine conservation areas, zones and marine wildlife reserves?

In order to protect ecosystems, the government will need to have the co-operation of coastal communities, including the residents of my riding. First, the people of Manicouagan need economic assistance in order to survive and to feed their families, then they will be able to think about co-operating in establishing marine conservation areas.

● (1250)

This bill will not serve the interests of marine conservation areas and will only create disorder among all of the stakeholders.

For these reasons, the Bloc Quebecois will be voting against the bill.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, I am happy to rise in the House today to express my concerns about the legislation respecting the national marine conservation areas of Canada, Bill C-10, which brings back the former bills C-8 and C-48 introduced during the 36th parliament.

Of course, I was not in the House when these bills were introduced during the 36th parliament. However, this legislation easily attracted my attention and should be studied in-depth because Quebec was among the first to ensure public access to its waterways, as it so desires.

Protection of the environment has been a constant concern for the Bloc Quebecois. I remind those listening and the government that the Bloc Quebecois supported the government when it introduced its legislation to create the Saguenay-St. Lawrence marine park in 1997. That legislation provided for the creation of the first marine conservation area of Canada.

Unfortunately, this time, we cannot support such a legislation. I will only give three reasons why the Bloc Quebecois cannot agree to this legislation.

First, in Bill C-10, instead of focusing on working together, as it did in the case of the Saguenay—St. Lawrence marine park, the government is giving itself the right to establish marine conservation areas with no regard for Quebec's jurisdiction over its territory and environment.

Bill C-10 does not respect Quebec's territorial integrity. My colleagues from Manicouagan and Châteauguay were saying that it is under the Constitutional Act, 1867, that we have this territorial integrity. At the time, the provinces, including Quebec, were guaranteed exclusive jurisdiction over the management of crown lands.

At the same time, Quebec legislation concerning crown lands applies to all crown lands in Quebec, including the beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf, which belong to Quebec by sovereign right.

However, according to the notes provided by Canadian heritage on this famous bill, marine conservation areas are planned for the Gulf of St. Lawrence, as well as the river and estuary, three areas where the seabed comes under Quebec's jurisdiction.

This is a very clear example of federal meddling in a provincial jurisdiction. I find it terrible that, as Quebecers, we are once again subjected to provocation and lack of respect by the government, which wants to do only what it wants.

It is clear that this government is working to create almost voluntarily an explosive climate for Quebecers. It continually infringes areas exclusively under Quebec's jurisdiction and is endlessly trying to impose unreasonable legislation, whose content and effect Quebecers consider an insult to their intelligence.

There is another reason why we are not supporting this bill. Canadian heritage as is its practice all too often is proposing to put a new structure in place, the marine conservation areas, which will duplicate the marine wildlife reserves of Fisheries and Oceans Canada and the marine areas of Environment Canada.

Canadian heritage has done a poor job protecting ecosystems. Its decisions will take precedence over regulations already established under the Fisheries Act, the Coastal Fisheries Act, the Canada Shipping Act, the Arctic Waters Pollution Prevention Act, the Navigable Waters Protection Act and the Aeronautics Act.

● (1255)

It will be readily understood that this practice can only lead to a whole raft of problems with respect to marine protected areas, marine wildlife reserves and marine conservation area with regulations for each and other regulations superimposed by Canadian heritage.

We might quote from the testimony of Patrick McGuinness, the vice-president of the Canadian Council of Fisheries, who totally opposed this initiative because it is "ineffective and encumbers the administration of public affairs".

Third, we could talk about Canadian heritage's great achievements in protecting the ecosystems of existing national parks and its expertise in the field along with its role as leader in protecting our ecosystems.

They are far from brilliant. I will quote a few of the findings reported by the Panel on the Ecological Integrity of Canada's National Parks. This panel released a public report and urged the government to make the ecological preservation of parks a priority once again.

The same panel found that, in some national parks, the stress on the resource was so great that some species were disappearing. In Fundy park, in New Brunswick, three species have disappeared since the park was created. Only one of the 39 national parks of Parks Canada does not experience this stress. The situation is worse than what the panel of scientists expected. To make matters worse, there is a dramatic lack of scientists in national parks to evaluate ecosystems.

Allow me to doubt that Parks Canada and Canadian heritage can preserve marine conservation areas, since they do not have the minimal resources needed to protect national parks today.

A sensible and responsible government would have adopted a more logical approach, that is ensuring that only one department deals with the protection of our ecosystems and that departments involved arrive at an agreement in which they would transfer their responsibilities to the department in charge. Would that not make more sense?

In this case, I believe it would have been better to centralize all activities in one department, to give it the necessary resources to do its task and to ensure an adequate protection of marine conservation areas, administered and implemented by expert and competent people.

Moreover, the government is not only intruding unduly into provincial fields of jurisdiction—something that is extremely important for me—it is also squandering the money of Canadian and Quebec taxpayers in a tangle of complicated and endless legislative and administrative measures.

That is why the Bloc Quebecois will not support this bill. It is an act that is unrespectful of Quebec, legislation for which there has been no real consultation with stakeholders and that does not take into account the recommendations made by the government's own experts, who advised the government to solve the more urgent problems before doing anything else.

● (1300)

[*English*]

Miss Deborah Grey (Edmonton North, PC/DR): Madam Speaker, I rise to address the bill again. It has been in the House for quite some time, as we know.

This is Bill C-10 in its latest incarnation. Members will recall that it was Bill C-8 in a previous session. I had serious concerns with Bill C-8 and obviously concerns about this one as well. It looks like the government had some second thoughts about the bill. I am pleased to say that the government is moving in the right direction.

The bill would create four marine conservation areas representing five of the twenty-nine marine regions. I had several people in my office last year who were explaining and showing me maps of the marine regions. I know that we have national parks in the country.

I live in Alberta and we celebrate our national parks there. There is nothing more beautiful than riding a Honda GoldWing across Banff, Yoho and Jasper national parks. It is a tremendous experience. My husband Lew and I were able to do that this summer and we really enjoyed it.

If we are able to celebrate that in terms of national parks on land, we want to be able to celebrate the sea and marine heritage as well.

An hon. member: Not on a motorbike.

Miss Deborah Grey: Not on a motorbike, that is true. We want to be able to celebrate marine areas whether they are oceans, lakes or whatever. We have a marvellous heritage and beautiful waterways. We need to celebrate them and make sure that their safety and sanctity remain in place.

The bill would allow for the creation of future marine parks or the enlargement of existing parks by order of governor in council. Members will know that governor in council is a tremendously powerful tool. It can be used for good but it is also an amazing temptation to use for power because one does not need to mess around with all the to-do of having to go through parliament.

It is important to make sure that the House knows, accepts and endorses any changes that would take place regardless of what kind of legislation it is. We are currently working through the anti-terrorism bill after the events of September 11. We know how important it is that parliament be allowed and enabled to speak on it.

We have reservations about governor in council because we must make sure that it does not run roughshod over the democratic process.

A proposed amendment would be tabled in each House and referred to committee which would have the option of reporting back to the House. In order to defeat the proposed amendment the committee would have to report to the House that it disapproved of the amendment. If no such motion were proposed in either House after 21 sitting days the amendment could be made, thereby creating or enlarging an MCA.

It is important to bring things before the House. We are not here for the fun of it. It is not that we all love to debate although I am sure that is a characteristic most of us share. Nonetheless things should not be hived off through a backroom process and people should not whip things through. These things need to see the light of day. Canadians must be ensured that they know exactly what is going on.

The marine conservation areas could include seabeds, including the waters above them and species that occur within them, as well as wetlands, estuaries, islands and other coastal lands.

I am not a serious scuba diver. My husband and I have taken it up in the last few years and we enjoy it. How special it is to be able to appreciate not just what God has created overland and on the ocean but underneath as well. We saw some magnificent things while scuba diving in Mexico and St. Thomas in the U.S. Virgin Islands. They were unbelievable experiences we were allowed to share and we are very grateful for them.

We are concerned about the environment and about the ecosystem under the ocean. It is essential to make sure we protect them. When I look at the bill I want to make sure that it is safe and environmentally sound for creatures under the sea, for people who will be scuba diving, and for people who will be participating on the water or underneath it.

● (1305)

The concern I raised related to flight and boating patterns for people flying over or boating across conservation areas. We need to ensure that the legislation takes into consideration the concerns of commercial ventures and not simply environmental issues.

There have been some technical and minor substantive changes when I compare the bill to Bill C-8. Some of my concerns and reservations have also been addressed.

Bill C-10 includes the following changes from Bill C-8 which was introduced in the second session of the 36th parliament. There is a stipulation in subclause 2(2) that nothing in the legislation would abrogate or derogate from existing aboriginal rights. Those are things that are essential as well. We want to make sure that the aboriginal communities are consulted and not just having things announced to them. We want to ensure that the ecosystem is very balanced and in place.

There is an explicit requirement in subparagraph 5(2)(b) for provincial consent in the establishment or enlargement of a national marine conservation area. That is important because the provincial governments are the level of government that is closer to the people. Then one has municipal governments which are the closest level to the people, period.

I was at the Alberta urban municipalities association government luncheon in Edmonton on Friday talking to town councillors. All members can be assured that if a sewer backs up or if a dog is barking people do not phone their member of parliament. They phone their town councillor or their county reeve, the level of government which is most closely associated with the people.

The provincial government is just one level closer. It is essential for provincial governments to be able to buy into that. That is very wise. If a federal government ever goes over the head of a provincial government it runs the risk of ostracizing people and pushing people aside. No one stands to gain anything from that.

There is an allowance in subclause 4(4) for zones for sustainable use and for high protection of special features and fragile ecosystems within these marine conservation areas. That is good as we need to have sustainable environmental controls on it.

I will comment on the whole idea of economic development. These are essential things to a commercial airline such as Harbour Air on the west coast of British Columbia. It has been flying over these areas for years. We do not want any government going to an extreme and specifying that there can no longer be commercial flights.

We need sustainable use, economical development and environmental impact studies. All these things have to go together and they should complement each other not be at odds with each other.

There is a requirement in clause 7 for an interim management plan when government tables in parliament a proposal for the establishment of a marine conservation area. We must acknowledge how important this place is to the debate and implementation of those things and how important it is that government be wide open with its intentions.

People across Canada would then feel safer, more special and consulted. They would certainly buy into with a sense of ownership and pride any matter regarding a national marine conservation area. It is not that people are against it. They are nervous about what the government will do. They have had many experiences where an order in council was brought through and a regulation happened.

It is not as if they were asked if this was all right. They were not consulted to work something through together with government. Rather there was some great pronouncement from on high that this would be the way it was. Some claim they are from the government and are there to help them. That makes people more nervous than confident.

I am pleased to see that the government made some changes. I am looking forward to making sure that the bill is not only sustainable but that it celebrates our unbelievable commitment not just to yap about it but to look after our environment, national parks and national marine conservation areas.

● (1310)

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, I am pleased to speak to Bill C-10.

Bill C-10 is a rehash of two predecessors, identified at the time as Bills C-8 and C-48. This raises the following question: why did the government not pass C-8? Why did the Liberals, in their third mandate, not pass C-48?

There are a number of reasons why. In the latter case, it is because the Prime Minister decided to call a hasty election in order to catch his adversaries by surprise, particularly the new leader of the Canadian Alliance. He put vote-getting ahead of a number of bills, and this one, along with 22 others fell by the wayside. I remember, because one of those was a private member's bill on shipbuilding.

Now we are only a few weeks away from the anniversary of that election call, at which time that bill on shipbuilding had gone through all the stages, second reading, clause by clause examination in committee and report stage. All that remained was third reading, but the Prime Minister preferred to call an election. I know that my bill was not the only reason; it was primarily to gain political advantage, one might say.

There is another question. If the government had not yet passed this bill on marine conservation areas, it is certainly not because it was a priority. If it was not a priority during the two previous mandates, is it really a priority now? I doubt it. I would tend to believe that the government does not have much to offer to the House in terms of a legislative agenda while the anti-terrorism legislation is still in the planning and consultation stages. In the meantime, it gives us this bill to discuss.

As I recall, when we were dealing with Bill C-8 and Bill C-48, on each occasion I took part in the debate and spoke against those bills for the very same reasons.

We in the Bloc Quebecois often bring up the fact that there is duplication between the federal and provincial governments. This is another case in point. Under the Constitution, natural resources and public lands come under provincial jurisdiction. It is a proven fact.

Nevertheless and in spite of warnings, in spite of the opposition, and in spite of the result of botched consultations, we have this bill before us. If an independent firm were asked to report on the kind of consultations that were carried out on the bill, it would not be very likely that the same company would be hired again. The data is not conclusive.

Moreover, this duplication is, I do not know how to say this, "intrafederal". We are talking about creating marine conservation areas which would come under the Department of Canadian Heritage, but we already have marine protection areas under the responsibility of the Department of Fisheries and Oceans. We also have marine wildlife areas under the responsibility of the Department of the Environment.

It bears repeating: marine conservation areas, marine protection areas, and marine wildlife areas.

● (1315)

This, as my father would say, is a lot of hogwash. It is incomprehensible. By trying too hard to protect natural resources, the government may actually harm them, and I wonder about their motives. Apparently conservation is what they have in mind, but conservation in terms of heritage. I suppose that fish could be admired for their beauty or like any other typically Canadian item.

But these things are related and, during the consultations, people said "Yes, but there is a very distinct possibility when there is a desire to protect natural species for heritage reasons in the same areas as fisheries and ocean's marine protection areas". But fisheries and oceans officials want there to be more fish and fisheries products to feed us, as well as provide work for people in regions such as the Gaspé or the maritimes. The Department of the Environment is also concerned because all this is very closely related.

And precisely because it is closely related, should these three kinds of areas not come under the jurisdiction of one federal body? Imagine the situation for people in Quebec or in other provinces trying to manage projects or areas under the authority of one or the other of these three departments. The federal government is in the process of inventing a weapon by which it can attack provincial jurisdictions from three different angles. One would think we were in Afghanistan, so intense is the bombardment. This will not do. It is intrafederal duplication.

The member for Chicoutimi—Le Fjord is laughing, but I know that he agrees with me. He too thinks it is ridiculous. But now, he can no longer say so because he is sitting with the Liberal majority. He is obviously forced to toe the party line. But when he was on this side of the House, he was in favour. Then, he was right to support the creation of the Saguenay-St. Lawrence marine park.

Why was that a good project? Because there was an agreement between Quebec and the federal government intended not just to protect but to develop this beauty, which the member for Chicoutimi—Le Fjord could still develop.

I could give another example of co-operation that took place, but that is not moving as quickly as we would hope. I am referring to the St. Lawrence action plan, which concerns primarily the shores of the river. Many projects are waiting for funding and money. I saw the tremendous work done by priority intervention zones. The zone in my region is called the Zone d'interventions protégées de Chaudière-Appalaches. Several projects are waiting for money to develop and protect the environment, and to help the ecosystem.

But instead of that, what we have before us is a virtual bill, since it does not target a specific territory. This is an omnibus bill that would allow the government to get involved in jurisdictions that, again, belong to the provinces, this within a framework that does not include public lands alone, but also natural resources that belong to the provinces. This is being done after a rushed consultation process.

When we want a copy of the supposedly 300 pages on the outcome of these consultations, we are given 73. It is as if the protection of these areas were a military secret. It is almost forbidden to say where these areas will be located, as if this were a highly strategic piece of information. If this were a priority, the government would have included it the first time, in Bill C-8, and the second time, in Bill C-48. But it did not do so.

Now that things are quiet and that the government is not ready to go ahead with Bill C-36 because consultations are still going on, it is making us debate this issue in parliament.

I say that it is too bad for the Liberal government. Every time, we tell the government the same thing and say "You are getting involved in provincial jurisdictions. Instead of doing that, put money in your own jurisdictions, in national parks".

● (1320)

Instead, a report from the auditor general talks about negligence and insufficient staff and funds, before adding that it is an ill-protected area. And the government wants to develop more areas. This just does not make sense.

[*English*]

Mr. Scott Brison (Kings—Hants, PC/DR): Madam Speaker, it is a pleasure to speak to Bill C-10, an act respecting the national marine conservation areas of Canada.

I very much enjoyed hearing the comments of my colleague from Edmonton North. She mentioned the pleasure she derived from driving her Honda GoldWing through Canada's national parks, always on the pavement though, not through the woods and trails. That would not be possible in one of Canada's new marine parks. While it would not be possible, it would not be politically advisable either to do it on a Sea-Doo or perhaps a pumpkin, but that is another story.

The legislation in general makes a great deal of sense. For generations we have recognized the importance of protecting our parklands and national parks. These have been a source of pride for Canadians, as we recognize the importance of protecting our ecosystem and our natural environment, not simply for the sustainability of that environment but also for the pleasure that we and future generations derive from that national environment.

We recognize that we have the same responsibility over our coastlines and our water areas as we have over our lands. If we compare our responsibilities up to the 200 mile limit with those responsibilities we have over our terrain, they are almost identical. It is only intuitive that we move in the direction of recognizing the importance of protecting marine conservation areas in the same way we protect our national parks in Canada.

This is particularly important as we enter an age where ecotourism is becoming increasingly important. Many people who travel to Canada and its coastlines are not coming for theme parks or shopping. However, with the Canadian dollar having been bludgeoned so consistently by this government, perhaps shopping would not be a bad alternative.

In many cases, tourists who come here from other parts of the world come because of our unique, important and very special ecosystem and environment.

We have seen many examples of bad environmental policy in Canada in the past, in part, because we have taken for granted the wealth of our natural resources. Canada has wide open spaces and much natural beauty. In many ways we have taken that for granted over the years. We have seen bad environmental policy ultimately become bad economic policy. The cost to fix some of the catastrophic effects of decades of neglect does not take into account the sanctity of our lands and our natural resources.

Canadians can be united under the vision that bad environmental policy ultimately is bad economic policy. This becomes increasingly self-evident as ecotourism becomes a more important industry in Canada. That is certainly the case in our national parks and their surrounding areas and is obviously will be the case in our marine conservation areas.

I heard some concerns expressed in the House today, including some by the member for Dewdney—Alouette who has stewarded this legislation at committee for our caucus.

● (1325)

Some concerns that I share are the degree to which the federal government has a habit of consistently running roughshod over provincial jurisdictional boundaries. Instead of working with the provinces or with some subnational governments in a pre-emptive way to develop legislation that fully respects the sanctity of provincial and subnational jurisdictional boundaries, the government tends to create the legislation. Then, during the post-implementation period, it determines exactly how far it can push and trample on the legitimate jurisdictional responsibilities of provinces and other governments.

It would make far more sense for the government to sit down with provinces and subnational governments, consult pre-emptively and develop legislation as partners, as opposed to presenting legislation and ultimately creating what would and could very easily become an adversarial environment. It is unfortunate the government does not take that opportunity and take its responsibility more seriously to consult with and work with the provinces in a more genuine way.

The member for Edmonton North made a great point earlier. She said that if the federal government took a proactive role and worked with the provinces, this could be an initiative of which all Canadians could feel proud and which would be a uniting initiative as opposed to what ultimately can be a divisive initiative of the government.

Some other concerns I have heard expressed in the House have been addressed by the government. The government has moved somewhat and there has been some success at the committee level and beyond.

In terms of order in council powers, this government, more than any government before it, has abused those powers and that authority. As the power has become increasingly concentrated, not just in cabinet any more but in the Prime Minister's Office, we have seen a significant reduction in the role parliament and in the role of members of parliament in determining the priorities of legislation like this and in helping shape this type of very important legislation. That is unfortunate not just for members of the House, but it is unfortunate for every Canadian represented by members in the House. When we reduce the rights of parliament and the rights of individual members of parliament, we ultimately reduce the democratic rights of individual Canadians.

If there is something that can unite almost every member of the House, regardless of whether they are on the government side, in the back benches or in opposition, it is the need for greater parliamentary input. This is not just lip service to legislation to make the television viewers happy when watching our deliberations. It involves genuine input that shapes legislation which will have a significant effect on future generations. Institutional reform is something to which we ought to devote far greater effort.

We support in principle the direction of the legislation. It makes a great deal of sense at this juncture to move in this direction. However we believe that the provinces and other subnational governments should have been, and should be, consulted in a more vigorous way prior to the formation of this legislation. If we expect the subnational governments to be part of the solution, we cannot impose this type of legislation on them. We need to work with them to build legislation that will impact significantly on their general business.

● (1330)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Madam Speaker, as I do every time I stand to speak on national parks I want to quickly recite my own background and the relationship I have with national parks. My family and I decided in 1973 to move to a piece of property on a lake on the west side of the Rocky Mountains. We have lived there since 1974. We continue to live there today. Our family grew up there.

I have nothing but the greatest respect for the wildlife, the environment and the ecology. We have made a very strong personal family commitment to the environment, waking up in the morning and watching the bald eagles swooping down over the coots, or watching the muskrat burrowing out from the under the ice on some of our docks in the winter. I know our neighbours do not necessarily always appreciate the number of deer we have around in the winter because they chew at the hedges, but I live in an area with 500 people who have nothing but the greatest of respect for the ecology, the environment and certainly for all the wildlife species there.

With those personal qualifications, I would like to make some remarks on the whole issue of the establishment of the marine conservation areas. The change of the name from marine park, which is the name of the act from another parliament, to marine conservation area reflects a realization that national marine conservation areas are not simply parks in the water. Marine conservation areas involve a partnership among several federal departments.

Under the Oceans Act, the Ministry of Fisheries and Oceans can establish marine protected areas. Additionally, Environment Canada can establish national wildlife areas or marine wildlife areas under the Canada Wildlife Act, as well as migratory bird sanctuaries under the Migratory Birds Convention Act. We see, then, with respect to what the government is attempting to do here that there already are a lot of federal laws with respect to the protection of the marine conservation areas.

What is very unfortunate is that these national laws end up overlapping and creating many more layers, like layers of an onion, on top of all the provincial regulations as well. Because the act would be administered under Canada's national park agency, I would like to take a look at how the national park agency is currently relating to issues of ecological integrity and the environment.

I will refer to a document that was done by the Fraser Institute. I believe the name of the document is *Off Limits: How Radical Environmentalists are Shutting Down Canada's National Parks*. It was done by Sylvia LeRoy and Barry Cooper and I want to give them full credit for what I am about to say here. Bearing in mind that the marine conservation areas would be administered by Parks Canada, let me read from one of the sections in this report, which states:

> Much of the confusion over current parks policy stems from the language adopted over the course of a cumulative policy review process initiated by the federal government with the appointment of the Banff-Bow Valley Task Force in 1994. Reflecting recent trends in the wilderness conservation movement, ostensibly scientific discourse has been turned into highly charged political rhetoric in order to redefine the basic assumptions and parameters of parks policy. Specifically, the overriding consideration is to evaluate the impact of activities in the parks on what is called their "ecological integrity." No one would in principle argue against a common sense understanding of ecological integrity, or EI as it is called by Parks Canada officials and environmentalist groups. Obviously, preservation of the integrity—the wholeness and soundness—of the ecology—the natural environment—must be an important priority in park management. In fact, however, the effective meaning of EI is far from clear. As a technical term, a term of art, as the lawyers say, it has been used to promote everything from the common sense meaning of environmental stewardship, to a most unusual and basic restructuring of the mountain parks, especially Banff National Park.

● (1335)

> In the name of ecological integrity, it has, for instance, been proposed that Moraine Lake, the image of which used to grace the back of the $20 bill, be either bombed or poisoned so as to eradicate all non-native fish species described as "biological pollutants" by one government ecologist. Science projects already under way at the less well known Bighorn Lake are just as astonishing. There are trout in Bighorn Lake today, but according to EI advocates, once upon a time there were none. Ecological integrity today apparently requires that the existing fish be exterminated and the lake returned to pristine sterility. Bighorn Lake, a few miles from the Banff townsite, is a popular destination for hikers with fishing poles. It seems a curious policy of wildlife management that requires the extinction of wildlife.

It is this kind of extremism we see currently within Parks Canada which I am addressing as it relates to the future administration of this marine conservation area. When I visited Gros Morne National Park about three years ago I was astounded to see some of the largest mammals that I have ever seen wandering around in the wild in Canada. These were moose, absolutely gigantic moose. I was told that there were no fewer than 7,000 moose within Gros Morne park. Why have they thrived there? First, the top of the flat areas in Gros Morne park is a smorgasbord for the moose. It is perfectly and ideally suited for the moose, which is probably why God did not put moose in Newfoundland. Someone did. Someone introduced a pair of moose around the turn of the century. That pair has subsequently increased to 7,000 head and on top of that are literally eating Gros Morne out of existence.

In this report from the Fraser Institute we see on one side of the coin that selectively Parks Canada is prepared to poison Moraine Lake or to blow up the fish in Bighorn Lake so as to get back to a pristine standard, while on the other side of the coin, perhaps because the moose are so big and so magnificent, there is an absolute ban on any idea of there being a cull or any way of actually getting the number of moose under control, the balance being that the park likely within a number of measurable years will not be able to sustain those moose nor will the park be able to sustain itself and its ecological balance.

I visited Riding Mountain National Park about four years ago in the summer to find that someone had decided to plant some spruce trees on the far eastern boundary of the park. It was an area that was supposed to be a grassland or by nature was a grassland area. The spruce trees thrived and then we had spruce trees that were 80, 90 or 100 years old being cut down. These were beautiful clear spruce trees that were being cut down and burned because of park policy to try to return the area to grasslands.

On one side of the coin we are prepared to poison, blow up and annihilate fish. On the other we are not prepared to do anything about the moose that are destroying the park, but we are prepared to cut down and burn perfectly merchantable timber. This does not give me a whole lot of confidence in the environmental understanding of Parks Canada at this point.

I will read again from the Fraser Institute study, which states:

> Parks policy has tended towards ever-greater restriction on enjoyment in order to promote ever-greater preservation. With the completion of reports of the Parks Canada Panels on Outlying Commercial Accommodations (OCAs) in 1999 and on Ecological Integrity (EI) in 2000, this policy trend has been emphatically affirmed . Bolstered by the scientific discourse that established benchmarks in [the Banff-Bow Valley study], and aided by the legal advice of the Sierra Legal Defence Fund, the EI Panel has reinterpreted Parks Canada's historic dedication both to visitor use, and to park protection. Thus according to the Panel, "a proper reading of the National Parks Act of 1930 reveals that...there was no dual mandate." Rather, ecological integrity was the one and only goal. Such a revision of the plain language of the Act calls into question the legitimacy of the general process by which parks policy is made, and in particular it raises the issue of informed public involvement. Since new guidelines for outlying commercial accommodations and ski areas are to be settled within the parameters of the EI Panel conclusions, the economic impact of the revised understanding of ecological integrity is bound to be significant. Moreover, these same assumptions are also bound to establish the context of future amendments to the National Parks Act as well as of future changes to regulations and interpretive guidelines made by Parks Canada under the terms of the Act.

● (1340)

As I stated at the outset, my primary concern about this issue is that we are giving to Parks Canada, an organization of questionable ecological understanding at this point, a club that it will be able to use in the national marine conservation area.

[*Translation*]

Mr. Marcel Gagnon (Champlain, BQ): Madam Speaker, I am not sure if I am required to say it is my pleasure to speak to this bill, but I do not think that is the case. I would be lying to the House if I said that it is my pleasure to speak on this bill, for the simple reason that it is completely unacceptable for us, for all of the provinces and especially for Quebec.

The federal government has the knack when it comes to causing trouble; it is as though they have specialists working on it. When something is working fine, they find a way to introduce legislation to interfere as much as possible in provincial jurisdiction.

The bill contains titles that look good: protecting submerged lands, protecting the environment. By and large, these titles appear to please everyone and it is difficult to argue against them.

Yet this bill interferes directly in areas of provincial jurisdiction, clearly contravenes Canada's constitution. My colleague, the member for Châteauguay, an eminent lawyer, explained to what extent this bill is designed to go against common sense, against the rights set out in Canada's constitution.

A question that comes to mind is: Why does the government do everything it can to show disdain, be insulting and disorganize what should actually be organized? This is the question we may ask ourselves, because if the federal government wants to protect marine areas, I believe it could very well do it within its own area of jurisdiction, without disorganizing what can be easily organized, with the co-operation of all.

I had the opportunity to speak in this House about polluted submerged lands, for example, by Canadian Forces and by the federal government. If a am correct, those submerged lands have been intentionally polluted since 1952. I come back to this matter that is a federal responsibility because it is the polluter who must clean it up.

Back home, there are still 300,000 mortar shells on the bed of lake St-Pierre waiting to be fished out. The banks of the St. Lawrence have been damaged by the navy, by ships, a sector which I believe is entirely a federal jurisdiction. As a matter of fact, we would like to see the federal government assume its responsibilities in that area, which is without a doubt under its jurisdiction. There would be no problem. Everyone would be happy, though I suspect that pleasing Quebec is what the federal government dislikes the most.

We are always left grappling with situations with which the federal government refuses to deal. But when it is a matter of finding ways to interfere in Quebec's jurisdiction, for example, they are experts and are impatient to act.

Non only does the government try to duplicate what the provinces are doing, it also tries to do the same within its own areas of jurisdiction. Concerning protection of seabeds, three or four government departments are stepping on each other's toes. They will expand into provincial jurisdictions, namely in the area of environment. So there will be duplication. How can this bill be seen as a way to manage the country efficiently?

I find it somewhat disappointing to have to deliver a speech which goes against common sense, against what we should be doing here and against discussions which could move things forward.

● (1345)

I am always extremely disappointed to see how they do not seem interested in potential areas of cooperation. And yet, there are many of them. We cooperated after the events that took place this fall. The Bloc agreed to cooperate as much as possible for the good conduct of business in the wake of these events.

The discussions held in committee this morning on a bill were intended to further the interests of the whole of Canada and of Quebec. Unfortunately, a bill such as this one leads us to believe that everything is being done to destroy good understanding, scale down the jurisdiction of the provinces and increase dissatisfaction.

The Bloc Quebecois does not support this bill. Indeed, it is not the first time we speak to this legislation. I do not know how much an amendment can change a piece of legislation, but I do think that the best amendment we can put forward is for the government to step aside and work in its field of jurisdiction.

I would ask the federal government to assume its responsibilities and stop wasting our time with issues and legislation whose only purpose is to destroy harmony. It should act to clean up the banks of the St. Lawrence, Lake St-Pierre and the Jacques-Cartier River. It should recognize its responsibilities in these areas instead of constantly trying to annoy provinces and creating overlapping between its own departments.

● (1350)

Mr. Robert Lanctôt (Châteauguay, BQ): Madam Speaker, following the moving of the amendment to the amendment, I would like to rise again today because I believe it is very important that I make the following comments.

Once again today I am addressing the House, not only as a member of parliament, but also as a citizen concerned with protecting the environment.

Like my colleagues in the Bloc Quebecois, I am in favour of legislation aimed at protecting the environment and of measures focusing on environments at risk, on land or under water. Is it necessary to remind this House that the Bloc Quebecois supported the bill creating the Saguenay—St. Lawrence marine park?

Our support, however, is neither blind nor naive. We will continue to support pro-environment bills, but not at any price, not in just in any way. Hence our opposition to Bill C-10.

Our primary objection is that the federal government's intention is to use this bill to appropriate the lands and areas of jurisdiction belonging to Quebec and the provinces by creating marine areas.

As I explained earlier today, for the federal government to be able to take over everything, several critical elements must be present including as a prerequisite that it has clear title on the submerged lands. But it does not own them.

This is not only because the Constitution Act, 1867 says that the management and sale of public lands are an area of provincial jurisdiction, but also because Quebec's legislation on public lands applies to all public lands in Quebec including the beds of waterways and lakes as well as the bed of the St. Lawrence river, the estuary and the gulf of the St. Lawrence river, which belong to Quebec by sovereign right.

The Canadian heritage backgrounder mentions three areas: the St. Lawrence River, the estuary and the gulf of the St. Lawrence. The government wants to apply the bill to three areas under provincial jurisdiction.

The federal government would contravene section 92 of the Constitution Act, 1867, which provides that the management and sale of public lands are within the jurisdiction of Quebec and the provinces and not the federal government. The federal government cannot use an environmental protection measure to appropriate lands belonging to Quebec and the provinces. Rather it should seek the provinces' co-operation.

This is yet another example of the federal government's stubbornness about a process that works well. Again, the establishment of the Saguenay—St. Lawrence marine park is the result of co-operation and partnership.

Why does the government refuse to listen to reason? It was the case with the young offenders legislation. The Quebec approach, which is based on rehabilitation and reintegration, has proven effective, but the federal government continues its push for a hard line approach. Today, I realize that the government is using the same process with this bill in that it wants to pass it first and then look at the issues.

I fear for the future of intergovernmental relations because we cannot trust a process that does not respect the public interest and, more importantly, because we cannot trust a government that does not respect its own departments. The Department of Fisheries and Oceans already has a program of marine protection zones in place. I stress the fact that this program is already in effect.

The result of all this is a state of confusion, and particularly of lack of respect. This is a case where the winner will be the one that will manage to gain the upper hand. Within the same government, we could end up with a duplication of tasks and skills. Why do they want duplication? How can the government justify this duplication? Why is it necessary? How many levels are required? How far will the federal government go in its quest for duplication? What worries me about this scenario is the rivalry that will result.

● (1355)

On the one hand, we have the Department of Fisheries and Oceans, which has expertise in this area. There is the Department of the Environment, which also has expertise in this area. And, now, we have Canadian heritage, whose mandate is limited to promoting Canadian unity. Which of them can we trust? Which of them should we trust?

Canadian heritage uses the environment for national unity purposes, while fisheries and oceans manages our marine natural resources. Can we trust the federal government to make the right choice in this case? Sometimes, I wonder whether the government has any judgment left, let alone common sense.

My main concern about the bill is the flagrant lack of co-operation within the government itself. I strongly doubt whether such behaviour would reassure the other levels of government regarding the introduction and enforcement of a bill whose intentions are noble, but which really boils down to unhealthy rivalry.

This brings me to another question: who will have the upper hand in the event of conflict? Which department will have the last word? If the federal government answers this, it will be tantamount to revealing its true objective and its true nature as far as the purpose of this bill goes. This could easily become a double edged sword.

On the one hand, the government insists that the environment is a priority, while on the other it takes advantage of this fine principle to flog national identity, using Canadian heritage which, I would remind hon. members, possesses no expertise whatsoever as far as the environment is concerned.

The result is pitiful. Even if we do not go so far as to call it a downright dangerous appropriation of funds and resources, there is confusion, total and insurmountable confusion. There is such confusion that even those in charge of the various departments are lost themselves. There is no way of sorting it out. Confusion reigns among the departments.

If there is confusion amongst the departments, it is easy to imagine what confusion there would be among the key stakeholders. Which department will be the one to really administer this protected zone? Which one will really be in charge of the stakeholders? Which will penalize those breaking the law?

All of these questions remain without answers, and no answers will be forthcoming, for there is no one capable of answering without sinking into a morass of duplicating and overlapping policies.

STATEMENTS BY MEMBERS

● (1400)

[*Translation*]

MARCELLE FERRON

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Madam Speaker, yesterday we learned the sad news of the passing of Quebec artist Marcelle Ferron.

Born in Louiseville, Marcelle Ferron was one of the key artists to modernity in our country. From her first solo show in Montreal in 1949, to the retrospective on her work at the Musée d'art contemporain de Montréal in 2000, Marcelle Ferron was always an innovative and involved artist. In 1948 she cosigned the *Refus global*, the manifesto that marked Canada's cultural life.

In 1961 she was awarded the silver medal at the Sao Paulo Biennial, and she was the first woman to win the prestigious Prix Paul-Émile-Borduas in 1983.

On behalf of the Government of Canada, I salute her for her work and offer my most sincere condolences to her loved ones.

* * *

[*English*]

HEALTH

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Madam Speaker, last year Saskatchewan's Premier Romanow appointed a commission on health care in Saskatchewan headed by Mr. Ken Fyke. The report was submitted to the current premier, Lorne Calvert, on April 6 of this year. Among other things it recommended 50 fewer hospitals, a reduction in acute care beds and suggested turning family physicians into salaried employees of the health districts.

The Fyke report was submitted only three days after the government commissioned former Premier Romanow to head a commission on the future of health care in Canada. These studies cost millions. Thankfully Saskatchewan has not yet taken action on the Fyke report. The Romanow report will not be completed for another year.

Saskatchewan was the birthplace of medicare. Yet its NDP government policies are eroding health care. The Liberal government contributes only about 12 cents of every dollar expended on health care. This also contributes to the erosion.

In Saskatchewan like a rock refers to a song or a tough truck—

The Acting Speaker (Ms. Bakopanos): The hon. member for Niagara Centre.

* * *

MULTICULTURALISM

Mr. Tony Tirabassi (Niagara Centre, Lib.): Madam Speaker, in 1996 the UN general assembly declared November 16 the International Day of Tolerance. Tolerance is the foundation of democracy and human rights and the foundation of civil society, but we should never forget that the responsibility for tolerance rests with all of us.

Today more than ever we need to rededicate ourselves to our common values of tolerance, respect and equality, values that have come to define who we are as Canadians.

Unfortunately many people around the world are still victims of intolerance. We must continue to be vigilant in our efforts to educate. We must continue to ensure we work to promote tolerance of diversity around the world.

Cultural diversity has been a fundamental Canadian characteristic since our beginning. Intolerance of others has no place in Canadian society. It undermines our fundamental values of respect, equality and security and causes damage to our multicultural, tolerant and law abiding society.

Let us use the observance of this important day to reaffirm our faith in the tolerance of all peoples and beliefs and to strengthen the mutual respect that is fundamental to our Canadian values.

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[*Translation*]

FETAL ALCOHOL SYNDROME

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Madam Speaker, in April 2001, private members' motion M-155 called for the introduction of warning labels on the risks of congenital abnormalities associated with drinking alcohol during pregnancy.

In response to this motion, the Minister of Health asked the National Advisory Committee on Fetal Alcohol Syndrome/Fetal Alcohol Effects to study the issue and come up with a recommendation.

I am pleased to announce today that the committee supports this motion and urges that the warning labels be a part of a comprehensive prevention strategy.

The Committee recommended that a visual logo accompany the written information and that there be a number to call for help. As well, each time that liquor is sold, information on the dangers associated with consuming alcohol during pregnancy should be provided.

Over the coming months, Health Canada will study the advisability of this approach, taking expert recommendations into consideration. I look forward to seeing these labels on the market as soon as possible, and I would like to congratulate the minister and the National Advisory Committee for this good initiative.

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● (1405)

[*English*]

WAYNE FAST

Mr. Bill Graham (Toronto Centre—Rosedale, Lib.): Mr. Speaker, it truly is an honour to pay tribute to the life and career of police constable Wayne Fast who served the Toronto police service with great distinction for more than 25 years including 6 years in 51 Division in my riding of Toronto Centre—Rosedale.

Constable Fast believed strongly in the value of community policing, an element of police work that is more important than ever in our complex urban environment. This was reflected in his work advising community members on crime prevention and improving safety in Regent Park in my riding.

His partner, police constable John Segriff, noted that Wayne was a very dedicated police officer and was well respected by his fellow officers and the community.

I extend my sincere condolences to his wife Karen and daughters Jacqueline and Marni. I hope they will always take comfort and satisfaction in knowing that our communities are safer and healthier places in which to live because of the good work of their husband and father and officers like him.

* * *

NATIONAL CHILD DAY

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, today is National Child Day which recognizes the adoption of the United Nations Convention on the Rights of the Child in 1989.

It has been said many times that our children are our future. This is definitely the case. We must stand together to protect our children and ensure a future for them. We must strive to build healthy relationships with the children in our lives.

A great amount of joy can be found with the time spent with our children. We must encourage their talents, applaud their achievements, nurture their spirits and instill in them a love for learning and exploration.

If today's children are to become tomorrow's leaders we must do all we can to provide for them a country with a sound future, a country that is economically and socially viable, a place they can call home. I encourage all those who have children in their lives to take time today to continue to guarantee for them a bright and happy future.

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SCIENCE AND TECHNOLOGY

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, everyone remembers September 11 as the date of the tragic incidents at the World Trade twin towers. However the week of September 11 was also the United Nations International Week of Science and Peace.

This special week of action was an opportunity to raise awareness about the links between scientific advances and global peace and security. Universities, scientific institutes and professional associations across the country held lectures, seminars and special debates to raise public awareness about these topics.

Scientists around the world are constantly working on ways to share their knowledge with one another and to begin a dialogue between political leaders and the public in the hope that it will help advance socioeconomic progress and human rights.

At this time when individuals are so concerned about security issues I urge Canadians to think about the ways in which science and technology can be used to achieve peace and security.

[*Translation*]

MARCELLE FERRON

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, Marcelle Ferron is known as the artist of light. Her passing is a great sorrow to all those who admire her painting and glasswork. Fortunately for us, however, Marcelle Ferron, a woman who has left her mark on her century, leaves behind a body of work that will ensure her immortality.

A sovereignist and lover of freedom like so many other Quebec men and women, she joined with Paul-Émile Borduas in signing the *Refus global* manifesto in 1948. As a person living on the fringes of the society of that time, she chose to exile herself to Paris where the liberating atmosphere enabled her to create her luminous body of work, which has made her a leading artist of the 20th century, one known the world over.

Her commitment to public art resulted in the magnificent glass adorning various public spaces throughout Quebec.

Our most sincere condolences are extended to Madame Ferron's family and friends. Quebec will always remember this artist, who will continue to illuminate the world of art and painting for a long time to come.

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[*English*]

MINING

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Mr. Speaker, today a special event is happening on Parliament Hill as senior representatives of the mining industry are here for Mining Day. On behalf of the Minister of Natural Resources I extend my greetings to all delegates and congratulate them for their outstanding work in the mining industry.

The Canadian mining industry is a global leader and it is one of the few industrial sectors where Canadian knowledge, technology, expertise and leadership dominate internationally. Investing $350 million a year in R and D, Canadian mining is one of the most productive and innovative sectors of the Canadian economy.

● (1410)

[*Translation*]

The mining industry has played a significant role in Canada's economy and is a major ally for the development of the new economy. The mining industry accounts for close to 400,000 jobs Canada-wide.

[*English*]

Let us continue to work together to ensure Canadian mining reaches new levels of achievement, leadership and opportunities because mining works for Canada.

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AGRICULTURE

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, the recent World Trade Organization talks held in Qatar were heralded as a success for Canada and all the countries of the world.

While the agreement promises to eventually phase out all forms of agricultural export subsidies and deal with production distorting domestic support, these changes will take up to 10 years to take effect. Canadian farmers cannot wait a decade for things to improve while they are fighting droughts, floods and blockades of their products at the border.

We in the official opposition call on the government to implement serious change and implement it now. There are things that could be done. We could eliminate the fuel tax for producers to help them out in the current cash crisis, support and promote the official opposition proposal for a rapid response process for dealing with agricultural trade disputes, encourage farmer driven and owned value added processing and give grain farmers the marketing choice they are asking for.

These are just a few of the things the Liberal government must do now, not 10 years from now, to support this vital industry.

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AIRLINE INDUSTRY

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, the Competition Bureau needs new rules in order to act more quickly and prevent future collapses like that of Canada 3000.

The bureau seems to be incapable of swift action to preserve competition in the airline industry. Canadians have watched small competitors bleed to death for weeks and weeks while the bureau ponders whether to step in. The announcement that it almost acted before Canada 3000 went under is another case of too little, too late.

Atlantic Canada depends on air transport to save it from economic isolation. Reliable, regular and affordable access to the airways is an essential part of Atlantic Canada's infrastructure, no less than the highways, railways or seaways.

I believe Canada could support competing airlines but this could only happen if there is an effective referee to put an end to predatory pricing. It is essential that the Competition Bureau implement new rules to prevent Air Canada from driving out any airlines that set up shop here in the future.

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NATIONAL CHILD DAY

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, today is National Child Day.

In 1989 members of the House unanimously resolved to eliminate child poverty in Canada by the year 2000 but, tragically, 1.4 million children still live in poverty and the gap between the rich and the poor just keeps growing. That means more children joining parents in the queue at homeless shelters, more children being fed from food banks and more aboriginal children seeking suicide as a way out.

The government's response to children's needs is nothing short of a crime. Adopting the UN convention on the rights of the child means little when we drop to 11th on the international poverty index with barely a whimper.

Canada's poverty today is avoidable, unnecessary and unfair. Government policies, dismantled social safety nets, jobs lost to unfair trade agreements and lucrative breaks to the wealthy are to blame.

We call on the government to set clear targets to eliminate poverty in the upcoming budget. Nothing less will do for Canada's children on this National Child Day and every day of the year.

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[*Translation*]

NORMAND LESTER

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the controversial *Heritage Minutes*, which were secretly sponsored by the Canadian government, sought to make Canadians and Quebecers believe that they share a common history, in the hope of creating an artificial Canadian identity. The most recent book written by journalist Normand Lester shows that it is impossible to write a national history on which there is a consensus in Canada.

For example, Mr. Lester points out that Prime Minister John A. Macdonald thwarted the Metis people at the same time that he let their leader, Louis Riel, be hanged. Macdonald's cynicism led him to take a sick man to court, to resort to lies and to falsify documents to make sure he would be found guilty and executed. Let us not forget that Macdonald provoked the massacre of Metis people by mobilizing over 5,000 militiamen.

History always has a perspective and it is of course interpreted differently by different people.

Normand Lester's book reminds us that there are two sides to a coin.

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NATIONAL CHILD DAY

Ms. Diane St-Jacques (Shefford, Lib.): Mr. Speaker, in 1993, the Government of Canada passed Bill C-371, the National Child Day Act, which designates November 20 of each year as National Child Day.

This day marks the adoption, by the United Nations, of the Convention on the Rights of the Child. By ratifying that convention in 1991, Canada pledged to ensure that all children are treated with dignity and respect.

This commitment implies that children must have the right to express themselves, be protected from mistreatment and violence, see their basic needs met, and benefit from every possible opportunity to fulfill their potential.

Let us continue together the work already begun to achieve our objectives by improving the conditions that will ensure the health and well-being of our children, and by getting them involved in decisions that will affect their future.

On this special day, let us celebrate children and let us think about their lives, their achievements and their vision for the future.

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● (1415)

[*English*]

AIRLINE INDUSTRY

Ms. Val Meredith (South Surrey—White Rock—Langley, CPC): Mr. Speaker, despite the minister's claims to the contrary, competition in the airline industry is sadly lacking, but it did not have to be this way.

Two years ago the transport committee put together an excellent report on restructuring Canada's airline industry, a report that had multi-party support. The transport committee had a number of recommendations that could have increased competition in Canada's airlines and benefited the travelling public.

While the committee recommended initiatives like Canada-only carriers, a modified sixth freedom, reciprocal cabotage and an increase in the foreign ownership level from 25% to 49%, the minister refused to implement them in his legislation.

With the recent demise of Canada's second largest airline, will the minister explain to Canadians why he chose to ignore these recommendations that would have increased competition in Canada's airlines?

ORAL QUESTION PERIOD

[*English*]

TERRORISM

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, on virtually every issue since September 11 the government has fumbled and stumbled.

Whether it is terrorism legislation, airline security, deporting dangerous criminals, purchasing anthrax, securing the perimeter or even the decision to go to ground zero, it has fumbled and stumbled, and yesterday, incredibly, it fumbled and stumbled again on the decision to send 1,000 troops to Afghanistan. One day we hear the troops will be sent there on 48 hours notice. Yesterday we heard they would be brought home if there is a big fight. Today we heard they will not go at all.

Will the Prime Minister assure the troops, their families and Canadians what the policy is today?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is not very complicated. A week ago we were asked if we were ready to send troops there to help deliver aid to the people who needed it. We said that we had 1,000 good Canadian soldiers available and that we would put them on 48 hour notice.

Since that time the British and French have tried to go there without an agreement and have had to back away. We are not like the opposition. We think first and then we make sure that when we get there we will be able to do the job we are expected to do.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, how about thinking first about our troops?

It is one thing to say that we will stand shoulder to shoulder with our allies. It is time we started saying that we will stand shoulder to shoulder with our own troops. Apparently two-thirds of the Hercules force is not even equipped to send troops.

Will the Prime Minister give a statement of support to our troops today, to their families and to all Canadians by letting us know that the $2 billion per year extra that is required to support our armed forces will be in that December budget?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the best way to reassure the families is not to create horror stories which they try to fabricate all the time to frighten Canadians who serve Canada in the armed forces.

Everywhere they went the Canadian soldiers have done a great job over the last eight years. We have always been proud of them.

I do not think it is very good for the opposition party to try to scare the families in situations like these ones.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, our troops are brave everywhere and that is why they need to be rewarded.

[*Translation*]

Mr. Speaker, we ask questions on the war in the House every day, and we never get answers. The citizens of this country know what is happening in Afghanistan thanks to the news on television.

How can we be assured of having objective television coverage, when the Liberals are suspending a Radio-Canada journalist because they do not agree with his ideas? Why this censorship and press gag?

● (1420)

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): The Government of Canada does not make decisions regarding employees of a crown corporation.

[*English*]

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, what is really scary is that when it comes to Afghanistan and the war against terrorism, the government cannot even commit 1,000 troops who have trained together. It cannot sustain operations. It cannot even get our troops there because 11 of the 32 Hercules aircraft are not ready to go. The government is obviously not ready for this conflict.

Will the Prime Minister commit today to a new white paper so that he will have the military ready for the next conflict?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, now it is a white paper for next year when the troops perhaps will be leaving in a couple of days.

I just want to tell the hon. member one thing. Whenever the troops were asked to go somewhere, either Africa, the former Yugoslavia, the Golan Heights or elsewhere, they have always been able to get there in planes. None of them were forced to walk from Canada to there.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the troops are always ready and willing to go. That is the way they are.

The government has been caught flatfooted. It is totally unprepared for this. Since it has been in power, it has allowed the military to become a shadow of its once proud self. It will take a real commitment to our military to get it back on track. Our men and women serving in the forces deserve better than what this government has given to them.

When will the Prime Minister begin the process to develop a new white paper so that our troops will get better?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the minister of defence is doing an excellent job in handling the files of the Department of National Defence. In the last eight years the United Nations, NATO and so on have asked Canada to participate in every mission and we have been there.

A few weeks ago, when the secretary general of NATO was in Ottawa, he complimented me for the effective work the Canadian troops had done in that area, especially in Macedonia when they were asked to go at the last minute to help disarm citizens.

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[*Translation*]

CANADIAN BROADCASTING CORPORATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, history is not an exact science and historians admit that it is open to various interpretations.

But now, journalist Normand Lester has just been suspended by the Canadian Broadcasting Corporation for publishing *Le Livre noir du Canada anglais*, a book which contradicts the view of Canada's history propagated at a cost of millions by this same crown corporation.

Since the CBC should really be encouraging diversity of opinion, does the Prime Minister think it is right for a journalist to be suspended for having criticized, off the air, the version of Canada's history that his government wants to impose as the official one?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Canadian Heritage answered clearly earlier.

These decisions, which were taken by Radio-Canada management, have nothing to do with the government. We were not consulted. It is an internal disciplinary decision, which will be analysed.

It has grievance procedures and so forth, and there will eventually be a decision. The government is not responsible for this situation.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the House will recall, however, that when, in the wake of September 11, the Canadian Museum of Civilization considered postponing an exhibit of Arab art, the Prime Minister made his views very clearly known. The message was heard and the museum reversed its decision.

Without telling Radio-Canada how to run its affairs, will the Prime Minister stand in his place and denounce the suspension of Normand Lester for what it is: censorship?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I hope that the member is not asking us to interfere in matters having to do with hiring practices in a crown corporation.

It is quite the opposite because, if a government were to interfere in this, it would have to step down.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, my question is for the Minister of Canadian Heritage, who is responsible for reporting to the House of Commons on the conduct of crown corporations under her authority.

In 1998, Don Cherry insulted Quebecers on the CBC. Nothing came of it, because apparently the opinion he expressed was his own.

Why does Radio-Canada all of a sudden feel the need to suspend Normand Lester, who offers a different view of Canadian history? The minister is accountable? Then let her provide an accounting here.

● (1425)

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, the Government of Canada was not involved in either case, as should be the case.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, acting like a hypocrite and washing her hands of the matter is no way for the minister to assume her responsibilities.

Robert Guy Scully offers his interpretation of Canadian history, and the government approves it and provides financial support. Normand Lester offers his, and he is reprimanded and suspended.

Why is history all of a sudden so distressing to Radio-Canada when it provides another perspective?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, the member has said we provided funding to Robert Guy Scully. The government also provided funding for Normand Lester's book.

* * *

[*English*]

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Prime Minister. Anxiety is mounting over the possibility that the war in Afghanistan will spread to other countries. The U.S. has many countries on its hit list, with no known evidence that they are linked to the September 11 attacks.

Today the Minister of National Defence is in Washington, so I would like to ask the Prime Minister: Will the defence minister express forcefully today in Washington Canada's opposition to the war being extended beyond Afghanistan?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, our position has always been that if there is no clear evidence the war should not be expanded elsewhere. We made that view known very early in the process. Remember that right after September 11, some people in Washington were urging that troops be moved into Iraq. I said publicly then, and I say it today, that it was not advisable to do that. The terrorists were protected in Afghanistan. Troops had to go there to try to get the terrorists. The Taliban refused to return them, so they had to face the consequences.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, nevertheless, the American rhetoric toward several other countries is escalating and people are deeply worried. The British government has already signalled clearly its opposition to expansion of the war outside of Afghanistan.

When will Canada do the same in unequivocal terms? Will Canada tell the U.S. president that solid evidence before the United Nations, not escalating rhetoric through the media, would be needed before Canada would even consider any possibility of military engagement in some other country?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the leader of the NDP should have listened to me. I just said a few seconds ago that we said that it should not be expanded. Of course her supplementary question was ready, but she had already received the answer.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, my question is for the Prime Minister. Yesterday the Minister of National Defence acknowledged that the Sea Kings, which Canada sent to Afghanistan, cannot protect themselves against enemy missiles or radar or laser tracking. He said that was okay because "they are not going directly into battle".

Osama bin Laden blew up the USS *Cole*. He flew murderous planes into the Pentagon and the twin towers. Those targets were not directly in battle. What kind of dream world is the Prime Minister living in that he sends into a battle zone against terrorists Sea Kings that are more poorly equipped now than they were 10 years ago?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the helicopters are equipped with the instruments needed for the tasks with which they are confronted. The leader of the fifth party in the corner is trying to scare people, while brave soldiers are getting on these helicopters. They know they are in a dangerous position. They need the support of the opposition, not scaring the families like the leader of Conservative Party is doing at this time.

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, it is not a national secret that the Sea King helicopters should have been replaced some time ago. Everyone in the House of Commons knows that, as well as that they require preventive maintenance and major overhauls to keep them flying.

On September 21, 1998, the minister of defence told the House that the upgrades to the Sea King communications systems were "under way". Could the Prime Minister now confirm that the upgrades have now been completed and is he prepared to say that reports published by *Jane's Defence Weekly*, the international military journal, to the contrary are absolutely false?

● (1430)

Mr. John O'Reilly (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, let me make it very plain that the Sea Kings we have employed in Operation Apollo are appropriately equipped to defend themselves against any probable threats in the current situation.

ANTI-TERRORISM LEGISLATION

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, Canadians are surprised to learn that those convicted of acts of mass murder under the anti-terrorist legislation are eligible for parole in 25 years. Why does the government have so little regard for human life that mass murderers are free to kill as often as they choose without being denied parole eligibility? Why are mass murderers eligible for a discount on justice?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I am sure my hon. colleague is not indicating to the public that these individuals would be released into society. The fact of the matter is they are eligible for parole. If they have a life sentence, life is life.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the question is why that is true. Bill C-36 also fails to criminalize membership in proven terrorist organizations. Even though a court has in fact found that an organization's goal is to promote terrorism, there is no prohibition against joining that organization.

Could the minister explain why Canadians should tolerate membership in organizations whose only purpose is to destroy freedom and democracy in our country?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have said before, what is important here is the conduct. What is important are the actions carried out by these individuals. That is why we have taken the approach of defining that conduct as facilitation, participation, a wide range of different kinds of conduct that strike at the very heart of that which we want to get at, which is terrorist activity. It is conduct that we must make sure is dealt with and is an offence and is criminalized.

* * *

[*Translation*]

TERRORISM

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the American President recently signed an order authorizing the creation of special military tribunals.

The Bloc Quebecois has supported the anti-terrorism measures, but supporting the creation of military tribunals for non-American terrorists who flout the American constitution is out of the question.

Is the Prime Minister prepared to stand up in this House and tell us that he too rejects the idea of these special military tribunals?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, first of all, we need more information on the American proposal. We know that international conventions have provisions for the creation of tribunals based on the principle of military law, but at this point in time we do not know exactly what the U.S. is proposing.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, we are basing our conclusions on the press release and the statements by the President himself.

Eighty countries lost citizens on September 11, and the entire international community felt the impact of these attacks. It is the entire international community, via the United Nations, which should judge the terrorists.

Does the Prime Minister intend to promote the idea of a special international criminal tribunal mandated to judge the perpetrators of these terrorist attacks?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have discussed this question in connection with the creation of the international criminal court.

What we have here is, in fact, a criminal act committed in the United States. First of all, even taking international conventions into consideration, the U.S. has first right to judge it.

For the moment, this is a totally hypothetical question because those accused of this crime have not been apprehended.

* * *

● (1435)

[*English*]

IMMIGRATION

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, Hassan Almrei was arrested in Mississauga in a raid on October 19. CSIS believed that he was a member of an international network of extremism for Osama bin Laden.

Yesterday the federal court ruled that there was reasonable grounds for links to terrorism. Will the minister ensure that her system swiftly deports such an individual?

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the member opposite knows that I cannot comment on individual cases, particularly those that are before the courts.

What I can tell him is that it is a priority for my department and for this government to remove as quickly as possible those people who are inadmissible to Canada, especially those who we believe pose a security threat.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, the country is watching how well the immigration minister protects us. Certainly the Americans are watching, and the minister has not inspired a lot of confidence. Look at the lineups at the border for example.

How the minister handles refugee Almrei reflects upon our security and our economic interests. What is the minister going to do to fix the system that has allowed Almrei to be accepted first of all as a refugee and then apparently cannot be deported?

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, we all know that there are people who come to Canada and ask for protection who do not need protection. We also know that there are people who come to Canada who ask for protection and who in fact are inadmissible to Canada. That is what the Immigration and Refugee Board sorts out.

Under the new Immigration and Refugee Protection Act, we have done everything we believe is reasonable to try to make that as fast as possible because the goal is to provide protection only to those people who are in genuine need and to those who are not admissible or not—

The Speaker: The hon. member for Lac-Saint-Jean—Saguenay.

* * *

[*Translation*]

INTERNATIONAL AID

Mr. Stephan Tremblay (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, yesterday the Minister of Finance tried to tell the House that the federal government had increased spending on international development assistance. That is not the case.

Will the Minister of Finance admit, that in real dollars or as a percentage of GDP, the result is the same: international assistance has been cut significantly by this government, between the time it came to power in 1993 and today?

[*English*]

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, as we all know that CIDA received an increase in the budget of 2000. There was a commitment for an increase in aid levels for the next budget as well. The Prime Minister has been clear many times publicly as has the Minister of Finance. We will wait to see the budget.

[*Translation*]

Mr. Stephan Tremblay (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, will the government make a commitment to increase humanitarian aid at least to the level it was at when it came to power, in other words, 0.45% of the gross domestic product?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the Bloc Quebecois has asked for $8 billion in tax point transfers. They have also asked for another $5 billion to stimulate the economy and $600 million for debt reduction.

Now they are asking for another $2 billion for international aid. It wants to break our bank the same way it wants to break up Canada.

* * *

[*English*]

IMMIGRATION

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the RCMP last month raided the offices of the Immigration and Refugee Board of Canada on corruption charges.

We know that the minister will give us her standard answer of how she cannot comment because there is an ongoing investigation, but would she tell us what new measures she has taken to prevent corruption in her department?

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I can tell the member opposite that whenever there are allegations or suggestions of inappropriate behaviour, they are investigated and looked into because we take those kinds of allegations very seriously.

However, I want him to know that when there are allegations made at the immigration and refugee board, the chairman has all the tools necessary to take appropriate action.

● (1440)

[*Translation*]

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the problem with this minister is that she is constantly in a reacting mode, instead of being proactive.

The Immigration and Refugee Board of Canada has offices across the country.

What new initiatives has the minister implemented to protect Canadians across the country against the fraudulent and criminal activities that seem to be taking place in her department?

[*English*]

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, as I said, we take any allegation and any evidence presented extremely seriously and refer it immediately to the RCMP, which has the responsibility for conducting investigations.

I repeat, if there are any allegations concerning the immigration and refugee board, I know that the chair of the board takes those concerns as seriously as I do. He would also call in the RCMP. He has all the tools necessary, as chair of that independent, quasi judicial board, to take appropriate action.

* * *

AGRICULTURE

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, agriculture was one of the major issues faced at the World Trade Organization meeting in Qatar by some 142 countries last week. Yesterday our Minister for International Trade congratulated the Minister of Agriculture and Agri-Food for his help at that meeting.

Would the minister please indicate to Canadians and to the House how Canadian farmers will benefit from the agreements reached in Qatar?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, as the Minister for International Trade said yesterday, we did reach our objectives at the WTO meetings in Doha last week.

There are clear objectives in the ministerial text which will now allow Canada to go ahead and pursue our objectives of the elimination of export subsidies, increased market access for agriculture and agri-food products and substantial reductions in trade and production distorting domestic subsidies.

I want to thank the officials, the industry people and the MPs who were there with us and supporting us.

ANTI-TERRORISM LEGISLATION

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Justice who repeatedly said in the House that she would listen to the committee considering Bill C-36, that she would listen to the witnesses and respond to public opinion on this matter.

Could she tell the House why today, before the committee, she refused to listen to the many, many Canadians who came before the committee? They asked for a real sunset clause on more than just the two clauses that she has indicated will be subject not to a sunset clause but to some kind of twilight zone into which the minister wants to put these two amendments and which amounts really to a 10 year sunset clause.

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me first of all say that again I thank the committee for the work it has done and the many witnesses who have appeared before it.

In fact, the government has listened. One of the things that we heard was that there was concern in and around the operation of two provisions in particular.

Today I announced that the government is willing to provide a sunset clause. I do not know why the hon. member would refer to this as anything less. We are indicating that those two provisions will cease to exist unless members of the House and the Senate make it—

The Speaker: The hon. member for Winnipeg—Transcona.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the minister knows that it was not just those two clauses that many people wanted sunsetted. People were particularly concerned about the definition of terrorist activity and even as amended, there remain concerns. This would have been one other clause, for example, to which the minister could have given a real sunset clause and did not.

Again I ask the minister, why did she not listen to the committee and to the many witnesses who identified not just those two clauses, but many as being eligible for a real sunset clause?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the suggestion that we would sunset definition sections of this legislation is, with all due respect, hard to believe. As the Prime Minister and others have said, the threat of terrorism, the war against terrorism will not be short term. What we all have to understand is that our first obligation is to ensure the safety and security of Canadians. We will not sunset key definitions like terrorist activity that strike at the very heart of that which would destroy, maim and kill innocent people.

● (1445)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, my question is also for the Minister of Justice.

Based on today's testimony, the minister has clearly ignored most of the unanimous recommendations from the special Senate committee on Bill C-36, the anti-terrorism bill. Those include ignoring the recommendations which would sunset the ability of the minister to control information and sidestep parliamentary watchdogs.

Why has the minister chosen to exempt these hide and seek certificate processes from those which would be sunsetted in Bill C-36?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member does not understand the process of issuing the certificate. As of today, if a committee decides to accept the amendments proposed, my issuance of that certificate would be subject to judicial review by a judge of the federal court.

I cannot imagine a better process of review that provides greater protection to Canadians in relation to that provision.

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I think we understand only too well. By the minister's testimony at committee today, it is now abundantly clear that the government is intent upon increasing its ability to eavesdrop, gut the privacy and access to information acts, sidestep government appointed watchdogs and above all, avoid accountability for its actions.

Where in the anti-terrorism legislation are the checks and balances to ensure the government or future governments do not misuse these powers? Where is the provision for an independent oversight official to monitor the legislation who is not controlled by the government?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member is obviously not aware that in relation to this legislation, normal oversight processes continue. For example, there is a public complaints commission as it relates to the RCMP. There are civilian oversight mechanisms that apply to all local police.

Ministers of the government or any future government have to report to the House on an annual basis. Judicial review of almost all actions that could be taken under this legislation exist. In fact, today we have reinforced the prospect of judicial review.

I honestly do not know where the hon. member is coming from.

* * *

INTERNATIONAL AID

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, the government wants to increase foreign aid and has repeatedly said that its priority is rebuilding Afghanistan. Under the minister, CIDA has lost its focus and has become an agency for rewarding her friends.

Why give the minister more money when she cannot even use the current aid budget effectively?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, with all due respect, the member is completely off base. He is totally and categorically wrong.

The government spends its aid money on providing 45 million children with vitamin A capsules just in the last several weeks in Afghanistan and Pakistan despite the hostilities, providing $150 million additional to fight HIV-AIDS across the world and providing assistance to children who could have died of malaria and TB as well.

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, let me remind the minister that she has no CIDA deployment in Afghanistan to evaluate, monitor and co-ordinate aid distribution. The British are making commitments to ensure aid effectiveness, but our minister has a habit of giving untendered contracts to her campaign workers and has a record of mismanagement according to the auditor general.

Will this unco-ordinated and ineffective response be the hallmark of her aid policy in Afghanistan?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, as usual the member has his facts all wrong. He is categorically wrong.

First, with respect to Afghanistan I am in touch on a constant basis with CIDA staff in Pakistan, with our partners the Red Cross and United Nations human rights representatives who are now in Kabul, as well as the Red Cross who have people in Kabul, and the world food program. We talk on a regular daily basis. I know exactly what is going on. The humanitarian response on the ground is effective. Canada is also providing tactical assistance for the world food program to get food over the roads and the mountains. We know exactly what we are doing in Afghanistan.

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[*Translation*]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the chief actuary of Human Resources Development Canada expects the employment insurance plan to have a record surplus of $8 billion at the end of the current fiscal year.

Will the Minister of Human Resources Development finally admit that the employment insurance fund surplus is swelling as we speak because far fewer unemployed workers qualify for benefits and those who do receive them are for a shorter period?

● (1450)

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, on this side of the House we have taken a balanced approach to managing the employment insurance fund. That means on the one hand watching employment insurance premiums come down every year since 1994 where they began at $3.07 and are now at $2.25. On the other hand, where study and proof warrants, we make and expand our benefits.

At a time when more Canadians are turning to the employment insurance fund, I believe that that balanced strategy pertains today as well as earlier.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, does the Minister of Human Resources Development not find it a scandal that, at the very moment the employment insurance fund is headed toward a surplus of $8 billion, she is continuing to refuse to honour the promise of Liberal ministers, who promised employment insurance reform during the election?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, on the contrary, what I find scandalous is that the member continues to ask about expanding benefits in the employment insurance fund when it is he and his party who voted against Bill C-2, a bill that was specifically brought in to support seasonal workers.

I would ask him what he says to the 340,000 Quebecers who are now receiving money as a result of that bill being passed when they ask him why he voted against it.

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AIRLINE INDUSTRY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, after the September 11 attacks the transport minister gave $100 million to Air Canada to cover its expenses for the two and a half days that the skies were closed. Days later Air Canada launched Tango, which the head of Canada's Competition Bureau says was anti-competitive and designed to run Canada 3000 out of business.

Why did the transport minister not make a condition of the $100 million to Air Canada that it not launch Tango and destroy domestic air competition with taxpayers' money?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member should know that with respect to competition policy there are certain guidelines, some of which were included in the statute we passed a couple of years ago. It is up to the commissioner to enforce those guidelines. It is not up to the Minister of Transport to enforce the Competition Act.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, it is not up to the transport minister to finance the destruction of airline competition either. Air Canada has announced plans to expand the Tango program thereby destroying competition even further in Canada's skies. We do not know who its next victim will be.

Will the transport minister amend the sections of Bill C-26 so that Air Canada can no longer launch regional discount carriers and destroy competition in the country?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, what I have said publicly is that perhaps there are some more powers that the commissioner should have to deal specifically with the airline industry. We are in discussions with him and obviously my colleague the Minister of Industry. These are possibilities now with the bill before the House.

I find it rather odd that the member would stand today and basically argue against the compensation package the government gave to Canada's airlines, especially to Air Canada.

* * *

INTERNATIONAL AID

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, every day we hear about the plight of poor people in poor countries dying from preventable illnesses, lack of care and shortages of skilled workers. Mothers, children and families are suffering. Just today the Montreal *Gazette* reported that AIDS, TB and malaria kill a mind numbing 15,000 people a day. That means since September 11 an estimated 1.05 million people have died from these diseases.

Donations to the global health fund have dropped substantially during this time frame. Could the Minister for International Cooperation explain what Canada has been doing on this very important issue?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, a year ago Canada expanded the programs on HIV-AIDS to the tune of $220 million over a period of five years for programs provided on the ground by CIDA. The Prime Minister recently announced $150 million to the global health fund which addresses HIV, malaria and TB. As well, today I released an action plan for CIDA which brings the health and nutrition spending from $205 million to about $305 million, which on a yearly basis almost doubles our spending on health and nutrition.

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TAXATION

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, the grinch who stole Christmas has struck early this year. The Minister of National Revenue has mailed out what could amount to hundreds of thousands of letters to individuals receiving the disability tax credit, notifying them that they must re-prove their disability. This mailing includes 100,000 paraplegics, some going back to 1996 who according to the Canadian Paraplegic Association are legitimate claimants with no hope of a cure.

Why would the minister, especially at this time of the year, want to burden and disrupt disabled people with such an insensitive and punitive initiative?

● (1455)

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, the Canada Customs and Revenue Agency of course conducts periodic reviews of accounts to ensure the integrity of the self-assessment system we have in place. In regard to the matter raised by the hon. member, we do understand the sensitivity of the review. We have been in touch with different associations across Canada. We are conducting this review in the appropriate manner.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, humbug. People who are paraplegics do not have a cure and should not have to go through the trouble.

Health care already is under a real problem. Could the minister explain to Canadians how he can spend the hundreds of thousands of dollars for the mail, and millions of dollars for doctors' usage and hospital fees for paraplegics to have to prove that they qualify for this tax credit?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, I just do not know why the hon. member wants to score cheap political points with this issue.

We do understand that across Canada we have one of the best tax systems in the world. The Canada Customs and Revenue Agency is doing wonderful work. We do have to proceed with periodic reviews of some accounts of course to ensure that the self-assessment system in place is protected. We are in touch with the associations in order to make sure we are doing a good job. We are working with the people to ensure the integrity of the system.

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[*Translation*]

AIR TRANSPORTATION

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the Minister of Transport refuses to intervene in regional air transportation, adopting instead a wait and see attitude and letting things take their own course.

Because of his approach up to now it still costs more to fly to the Magdalen Islands from Montreal than it does to fly to Paris.

Does the Minister of Transport not agree that it is time he initiated discussions with potential purchasers of Canada 3000 and proposed federal government assistance in exchange for guarantees of service to regions in Quebec and eastern Canada?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we are looking for competition among companies that are currently in operation, such as Air Transat, and other small companies. We believe the private market and sector will provide solutions for the airline industry.

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[*English*]

THE G-20

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, this past weekend Canada hosted meetings of the G-20, of the international monetary and financial committee and also the development committee, in Ottawa.

Could the Secretary of State for International Financial Institutions tell us what was accomplished at these meetings?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, that is a brilliant question.

Let me state five things that we have accomplished in discussions with the U.S. officials. We agreed on ways to speed up cross-border traffic. The G-20 also agreed to enlist the help of its membership in a co-ordinated effort against global financing of terrorism. Third, all the members of the G-20 agreed to pursue growth policies to counter the current economic slowdown. Fourth, there was agreement that the World Bank is going to help out developing countries. Fifth, members agreed to facilitate the international debt problems of the poorest countries.

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HUMAN RESOURCES DEVELOPMENT

Mr. Greg Thompson (New Brunswick Southwest, PC/DR): Mr. Speaker, earlier today I met with the HRDC minister and provided her with documentation detailing abusive behaviour against EI recipients by her department. We have been down this road before. I raised this issue earlier this year.

With a downturn in the economy, is this the type of behaviour we can expect over the course of a long, cold winter? Or will the minister make a commitment to review this abusive and unfair treatment of our unemployed and take specific action to stop it?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I want to thank the hon. member for providing me with the documentation with which he has some concern. Indeed, I will undertake to review it with my officials to ensure that employees are working within the code of conduct that is respectful of individuals and of course the Privacy Act.

I also want to thank the hon. member, however, for recognizing and supporting those members of my department who have the responsibility to ensure that those who apply for employment insurance are indeed eligible for it.

* * *

● (1500)

AGRICULTURE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, my question is for the minister of agriculture. In the most optimistic scenario post-Qatar, it is going to be another eight years before those international subsidies begin to decline. That is eight more years for Canadian farmers, many of them on the short end of the stick, in terms of trying to sell their product into an international market.

My question for the minister of agriculture is, what plans can he tell the House that he has to enhance the position of Canadian farmers between now and 2009?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we are constantly working on the safety net package that we have. For example, the improvements that have been made over the last two or three years are demonstrated this year when $3.9 billion in program payments between the federal government and the provincial governments in Canada will be made to Canadian producers this year.

We will go forward and build on those programs to improve them and to strengthen them at the same time that we are negotiating around the objectives that were set last week at the WTO, in order to level the playing field in the future.

NATIONAL DEFENCE

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it is not the role of government to promote a particular religion nor is it the role of government to stand against a particular religion. The Christian military chaplains have now been ordered by the army not to mention the name of Jesus Christ in their public ceremonies.

This continues a disturbing trend we saw at the Swissair memorial, where the government said the name of Christ was not to be mentioned in prayers, and in fact on Parliament Hill in the memorial for September 11 when prayer was banned altogether.

This is political correctness gone crazy. Will the Prime Minister please reassure Christians and all religions that the government will stop its attack on—

The Speaker: The hon. Parliamentary Secretary to the Minister of National Defence.

Mr. John O'Reilly (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, I had the pleasure of attending the swearing in of Chaplain General Maindonald on a recent Sunday in Ottawa. All world faiths were represented. It was a true ecumenical service with a multicultural nature, a true representation of Canada.

GOVERNMENT ORDERS

[*English*]

CANADIAN COMMERCIAL CORPORATION ACT

The House resumed from November 19 consideration of the motion that Bill C-41, an act to amend the Canadian Commercial Corporation Act, be read the second time and referred to a committee.

The Speaker: The House will now proceed to the taking of the deferred recorded division on Bill C-41, an act to amend the Canadian Commercial Corporation Act.

Call in the members.

● (1510)

[*Translation*]

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

(Division No. 169)

YEAS

Members

Adams	Allard
Anderson (Victoria)	Assad
Assadourian	Augustine
Bachand (Richmond—Arthabaska)	Bagnell
Baker	Bakopanos
Beaumier	Bélair
Bélanger	Bellehumeur
Bellemare	Bennett
Bergeron	Bertrand
Bigras	Binet
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Bourgeois

Bradshaw	Brien
Brison	Brown
Bulte	Caccia
Calder	Cannis
Caplan	Cardin
Carroll	Casey
Castonguay	Catterall
Cauchon	Chamberlain
Charbonneau	Chrétien
Clark	Collenette
Comuzzi	Copps
Cotler	Crête
Cullen	Dalphond-Guiral
DeVillers	Dhaliwal
Discepola	Doyle
Dromisky	Drouin
Dubé	Duceppe
Duhamel	Duplain
Eyking	Finlay
Fontana	Fournier
Fry	Gagliano
Gagnon (Québec)	Gagnon (Champlain)
Gauthier	Godfrey
Goodale	Graham
Grey (Edmonton North)	Grose
Guarnieri	Guay
Harb	Harvard
Harvey	Herron
Hill (Prince George—Peace River)	Hubbard
Jackson	Jennings
Jordan	Karetak-Lindell
Karygiannis	Keddy (South Shore)
Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Laframboise	Laliberte
Lalonde	Lanctôt
Lastewka	Lavigne
Lebel	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	MacKay (Pictou—Antigonish—Guysborough)
Macklin	Mahoney
Malhi	Maloney
Manley	Marceau
Mark	Marleau
Matthews	McCallum
McGuire	McKay (Scarborough East)
McLellan	McNally
McTeague	Ménard
Meredith	Mills (Toronto—Danforth)
Minna	Mitchell
Murphy	Myers
Nault	Normand
O'Brien (London—Fanshawe)	O'Reilly
Owen	Pagtakhan
Paquette	Paradis
Parrish	Patry
Peric	Perron
Peterson	Pettigrew
Phinney	Picard (Drummond)
Pickard (Chatham—Kent Essex)	Pillitteri
Pratt	Price
Proulx	Provenzano
Redman	Reed (Halton)
Regan	Richardson
Robillard	Rocheleau
Rock	Roy
Saada	Savoy
Scherrer	Scott
Serré	Sgro
Shepherd	Speller
St-Hilaire	St-Jacques
St-Julien	St. Denis
Stewart	Strahl
Szabo	Telegdi
Thibault (West Nova)	Thibeault (Saint-Lambert)
Thompson (New Brunswick Southwest)	Tirabassi
Tobin	Tonks
Torsney	Tremblay (Lac-Saint-Jean—Saguenay)
Ur	Valeri
Vanclief	Venne
Volpe	Wayne
Whelan	Wood—192

NAYS

Members

Abbott	Ablonczy
Anders	Anderson (Cypress Hills—Grasslands)
Bailey	Benoit
Blaikie	Breitkreuz
Cadman	Casson
Chatters	Comartin
Davies	Day
Desjarlais	Duncan
Epp	Fitzpatrick
Forseth	Gallant
Godin	Goldring
Grewal	Harris
Hill (Macleod)	Hilstrom
Hinton	Jaffer
Kenney (Calgary Southeast)	Lill
Manning	Martin (Winnipeg Centre)
McDonough	Merrifield
Moore	Nystrom
Obhrai	Pallister
Penson	Proctor
Rajotte	Reid (Lanark—Carleton)
Reynolds	Ritz
Robinson	Schmidt
Skelton	Solberg
Sorenson	Spencer
Stinson	Thompson (Wild Rose)
Toews	Vellacott
Wasylycia-Leis	White (North Vancouver)—56

PAIRED

Members

Alcock	Asselin
Bachand (Saint-Jean)	Bryden
Coderre	Dion
Gray (Windsor West)	Guimond
Loubier	Martin (LaSalle—Émard)
Plamondon	Sauvageau
Tremblay (Rimouski-Neigette-et-la Mitis)	Wilfert

The Speaker: I declare the motion carried. Thus, the bill is referred to the Standing Committee on Foreign Affairs and International Trade.

(Bill read the second time and referred to a committee)

* * *

[*English*]

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

The House resumed consideration of Bill C-35, an act to amend the Foreign Missions and International Organizations Act, as reported (with amendment) from the committee.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the report stage of Bill C-35. The question is on Motion No. 2.

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent that those who voted on the previous motion be recorded as voting on the motion now before the House, with Liberal members voting no.

The Speaker: Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

● (1515)

Mr. Richard Harris: Mr. Speaker, the Canadian Alliance will be voting yes to the motion.

[*Translation*]

M. Pierre Brien: Mr. Speaker, the members of the Bloc quebecois will vote yes to the motion.

[*English*]

Mr. Yvon Godin: Mr. Speaker, members of the NDP are voting yes to this motion.

Mr. Jay Hill: Mr. Speaker, PC/DR members present this afternoon will be voting no to this motion.

[*Translation*]

(The House divided on Motion No. 2, which was negatived on the following division:)

(Division No. 170)

YEAS

Members

Abbott
Anders
Bailey
Benoit
Bigras
Bourgeois
Brien
Cardin
Chatters
Crête
Davies
Desjarlais
Duceppe
Epp
Forseth
Gagnon (Québec)
Gallant
Godin
Grewal
Harris
Hilstrom
Jaffer
Laframboise
Lanctôt
Lill
Marceau
McDonough
Merrifield
Nystrom
Pallister
Penson
Picard (Drummond)
Rajotte
Reynolds
Robinson
Roy
Skelton
Sorenson
St-Hilaire
Thompson (Wild Rose)
Tremblay (Lac-Saint-Jean—Saguenay)
Venne
White (North Vancouver)—85

Ablonczy
Anderson (Cypress Hills—Grasslands)
Bellehumeur
Bergeron
Blaikie
Breitkreuz
Cadman
Casson
Comartin
Dalphond-Guiral
Day
Dubé
Duncan
Fitzpatrick
Fournier
Gagnon (Champlain)
Gauthier
Goldring
Guay
Hill (Macleod)
Hinton
Kenney (Calgary Southeast)
Lalonde
Lebel
Manning
Martin (Winnipeg Centre)
Ménard
Moore
Obhrai
Paquette
Perron
Proctor
Reid (Lanark—Carleton)
Ritz
Rocheleau
Schmidt
Solberg
Spencer
Stinson
Toews
Vellacott
Wasylycia-Leis

NAYS

Members

Adams
Anderson (Victoria)
Assadourian
Bachand (Richmond—Arthabaska)
Baker
Beaumier
Bélanger
Bennett
Binet
Bonin
Borotsik

Allard
Assad
Augustine
Bagnell
Bakopanos
Bélair
Bellemare
Bertrand
Blondin-Andrew
Bonwick
Boudria

Bradshaw
Brown
Caccia
Cannis
Carroll
Castonguay
Cauchon
Charbonneau
Clark
Comuzzi
Cotler
DeVillers
Discepola
Dromisky
Duhamel
Eyking
Fontana
Gagliano
Goodale
Grey (Edmonton North)
Guarnieri
Harvard
Herron
Hubbard
Jennings
Karetak-Lindell
Keddy (South Shore)
Kilgour (Edmonton Southeast)
Kraft Sloan
Lastewka
LeBlanc
Leung
Longfield
MacKay (Pictou—Antigonish—Guysborough)
Mahoney
Maloney
Mark
Matthews
McGuire
McLellan
McTeague
Mills (Toronto—Danforth)
Mitchell
Myers
Normand
O'Reilly
Pagtakhan
Parrish
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proulx
Redman
Regan
Robillard
Saada
Scherrer
Serré
Shepherd
St-Jacques
St. Denis
Strahl
Telegdi
Thibeault (Saint-Lambert)
Tirabassi
Tonks
Ur
Vanclief
Wayne
Wood—163

Brison
Bulte
Calder
Caplan
Casey
Catterall
Chamberlain
Chrétien
Collenette
Copps
Cullen
Dhaliwal
Doyle
Drouin
Duplain
Finlay
Fry
Godfrey
Graham
Grose
Harb
Harvey
Hill (Prince George—Peace River)
Jackson
Jordan
Karygiannis
Keyes
Knutson
Laliberte
Lavigne
Lee
Lincoln
MacAulay
Macklin
Malhi
Manley
Marleau
McCallum
McKay (Scarborough East)
McNally
Meredith
Minna
Murphy
Nault
O'Brien (London—Fanshawe)
Owen
Paradis
Patry
Peterson
Phinney
Pillitteri
Price
Provenzano
Reed (Halton)
Richardson
Rock
Savoy
Scott
Sgro
Speller
St-Julien
Stewart
Szabo
Thibault (West Nova)
Thompson (New Brunswick Southwest)
Tobin
Torsney
Valeri
Volpe
Whelan

PAIRED

Members

Alcock
Bachand (Saint-Jean)
Coderre
Gray (Windsor West)
Loubier
Plamondon
Tremblay (Rimouski-Neigette-et-la Mitis)

Asselin
Bryden
Dion
Guimond
Martin (LaSalle—Émard)
Sauvageau
Wilfert

The Speaker: I declare Motion No. 2 lost.

[*English*]

Hon. John Manley (Minister of Foreign Affairs, Lib.) moved that the bill be concurred in.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent that members who voted on the previous motion be recorded as voting on this motion, with Liberal members voting yes.

The Speaker: Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

Mr. Richard Harris: Mr. Speaker, the Canadian Alliance will be voting no to this motion.

[*Translation*]

M. Pierre Brien: Mr. Speaker, the members of the Bloc Quebecois will vote against the motion.

Mr. Yvon Godin: Mr. Speaker, members of the New Democratic Party vote no to this motion.

[*English*]

Mr. Jay Hill: Mr. Speaker, the PC/DR coalition is opposed to this motion.

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

(Division No. 171)

YEAS

Members

Adams
Allard
Anderson (Victoria)
Assad
Assadourian
Augustine
Bagnell
Baker
Bakopanos
Beaumier
Bélair
Bélanger
Bellemare
Bennett
Bertrand
Binet
Blondin-Andrew
Bonin
Bonwick
Boudria
Bradshaw
Brown
Bulte
Caccia
Calder
Cannis
Caplan
Carroll
Castonguay
Catterall
Cauchon
Chamberlain
Charbonneau
Chrétien
Collenette
Comuzzi
Copps
Cotler
Cullen
DeVillers
Dhaliwal
Discepola
Dromisky
Drouin
Duhamel
Duplain
Eyking
Finlay
Fontana
Fry
Gagliano
Godfrey
Goodale
Graham
Grose
Guarnieri
Harb
Harvard
Harvey
Hubbard
Jackson
Jennings
Jordan
Karetak-Lindell
Karygiannis
Keyes
Kilgour (Edmonton Southeast)
Knutson
Kraft Sloan
Laliberte
Lastewka
Lavigne
LeBlanc
Lee
Leung
Lincoln
Longfield
MacAulay
Macklin
Mahoney
Malhi
Maloney
Manley
Marleau
Matthews
McCallum
McGuire
McKay (Scarborough East)
McLellan
McTeague
Mills (Toronto—Danforth)
Minna
Mitchell
Murphy
Myers
Nault
Normand
O'Brien (London—Fanshawe)
O'Reilly
Owen
Pagtakhan
Paradis
Parrish
Patry
Peric
Peterson
Pettigrew
Phinney
Pickard (Chatham—Kent Essex)
Pillitteri
Pratt
Price
Proulx
Provenzano
Redman
Reed (Halton)
Regan
Richardson
Robillard
Rock
Saada
Savoy
Scherrer
Scott
Serré
Sgro
Shepherd
Speller
St-Jacques
St-Julien
St. Denis
Stewart
Szabo
Telegdi
Thibault (West Nova)
Thibeault (Saint-Lambert)
Tirabassi
Tobin
Tonks
Torsney
Ur
Valeri
Vanclief
Volpe
Whelan
Wood—146

NAYS

Members

Abbott
Ablonczy
Anders
Anderson (Cypress Hills—Grasslands)
Bachand (Richmond—Arthabaska)
Bailey
Bellehumeur
Benoit
Bergeron
Bigras
Blaikie
Borotsik
Bourgeois
Breitkreuz
Brien
Brison
Cadman
Cardin
Casey
Casson
Chatters
Clark
Comartin
Crête
Dalphond-Guiral
Davies
Day
Desjarlais
Doyle
Dubé
Duceppe
Duncan
Epp
Fitzpatrick
Forseth
Fournier
Gagnon (Québec)
Gagnon (Champlain)
Gallant
Gauthier
Godin
Goldring
Grewal
Grey (Edmonton North)
Guay
Harris
Herron
Hill (Macleod)
Hill (Prince George—Peace River)
Hilstrom
Hinton
Jaffer
Keddy (South Shore)
Kenney (Calgary Southeast)
Laframboise
Lalonde
Lanctôt
Lebel
Lill
MacKay (Pictou—Antigonish—Guysborough)
Manning
Marceau
Mark
Martin (Winnipeg Centre)
McDonough
McNally
Ménard
Meredith
Merrifield
Moore
Nystrom
Obhrai
Pallister
Paquette
Penson
Perron
Picard (Drummond)
Proctor
Rajotte
Reid (Lanark—Carleton)

Reynolds	Ritz
Robinson	Rocheleau
Roy	Schmidt
Skelton	Solberg
Sorenson	Spencer
St-Hilaire	Stinson
Strahl	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Toews
Tremblay (Lac-Saint-Jean—Saguenay)	Vellacott
Venne	Wasylycia-Leis
Wayne	White (North Vancouver)—102

PAIRED

Members

Alcock	Asselin
Bachand (Saint-Jean)	Bryden
Coderre	Dion
Gray (Windsor West)	Guimond
Loubier	Martin (LaSalle—Émard)
Plamondon	Sauvageau
Tremblay (Rimouski-Neigette-et-la Mitis)	Wilfert

The Speaker: I declare the motion carried.

(Motion agreed to)

[*Translation*]

The Speaker: I wish to inform the House that, because of the recorded division, government orders will be extended by 15 minutes.

* * *

● (1520)

CANADA NATIONAL MARINE CONSERVATION AREAS ACT

The House resumed consideration of the motion that Bill C-10, an Act respecting the national marine conservation areas of Canada, be read the third time and passed, and of the amendment and subamendment.

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, normally I would not use the two minutes that I have left, because I had many opportunities to speak this morning. However, given the importance of Bill C-10, to which we are opposed, I will use those two minutes.

Before oral question period, I was saying that there is confusion within the government's own departments, whether it is Fisheries and Oceans, or Environment Canada. Now, in addition to these two, Canadian heritage wants to be responsible for certain areas, this strictly for Canadian unity reasons.

With this much confusion within the federal government itself, it is easy to imagine the confusion there would be at other levels of government. To whom would a provincial government such as Quebec go in connection with the administration of a protected zone? I have no idea.

This confusion gives rise to another problem as well. The problem is a fundamental one. If the departments of a government cannot work together, how can we expect provincial governments to co-operate? It is understandable that the Government of Quebec would refuse to co-operate in this project. The federal government is unable to tell us clearly and precisely why this bill comes from Canadian heritage, when Fisheries and Oceans Canada already has a marine area protection program. The Bloc Quebecois cannot but oppose such an incredible administrative muddle as this.

The way this bill is to be implemented is not clear; it cannot be clear, because of the very nature of its objectives. Canadian heritage is trying to take over jurisdictions that are not its own. It is also trying, with this bill, to take over areas that are not its areas, and thus to meddle once again in provincial jurisdictions and in Quebec's jurisdiction, under cover of the environment. How far will the federal government go in taking over jurisdictions that belong to Quebec and the other provinces?

I reiterate my opposition to Bill C-10 on protected marine areas for several reasons, including the overlap of the responsibilities of departments and especially because of the indirect approach taken in appropriating jurisdictions that belong exclusively to Quebec and the other provinces.

Once again, the federal government has chosen to introduce a bill that ignores action already taken, and successfully. I am talking of course about the agreement regarding the Saguenay—St. Lawrence marine park.

I fear for the future of people who believe in this government, which takes no account of their interests. I fear for the future of our environment when the objectives of a bill put before us ignore its primary focus, the environment.

In closing, I want people to understand what we are saying here. The Bloc Quebecois is in favour of protecting the environment, but we cannot be naive to the point of agreeing to pass this bill. The government tried to get the House to pass similar legislation in previous parliaments through Bill C-8 and Bill C-48. Now we have Bill C-10, which creates overlap and through which the government is trying to use crown lands.

[*English*]

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Mr. Speaker, it is a pleasure to speak to Bill C-10 one more time. I begin my comments by saying that the coalition will be supporting the bill although I do take into account some of the comments made by my colleagues from other parties on the whole notion of trust. There have been occasions in the past when the government has indicated that it would do things in a certain way and it turned out to be exactly the opposite.

When we studied Bill C-10 in committee we had the government act in a number of ways to try to include the concerns raised by witnesses, by me and by my colleagues, in particular my colleague from the Alliance representing Skeena. The government moved a bit on some of those issues.

One of the biggest concerns was the whole area of provincial and federal jurisdiction. If a marine conservation area is to be established in an area under federal jurisdiction, from the federal government's perspective there is no need for it to consult although it said it would consult. That is positive.

In an area that is under provincial jurisdiction the legislation clearly outlines that the provincial and federal governments must be in agreement with the establishment of a marine conservation area.

Generally speaking the concept of a marine conservation area is a positive one. It is a good idea to set aside 29 marine parks in different regions of the country, one representing each region and sub-region, so that we can maintain these areas not only for now but for future use and enjoyment as well.

I believe there is balance in the legislation in that other activities are allowed to occur in a marine conservation area such as fishing and others. Those items are clearly laid out in the bill.

Those who listened to the debate throughout our deliberations on Bill C-10 will know that concerns were raised by the Alliance indicating that the bill went too far and did not allow for enough consultation, flexibility or resource development.

Our friends in the NDP say the bill does not go far enough to protect the environment. Our friends in the Bloc have concerns about the bill mainly because of the provincial jurisdiction aspect. We understand that is their concern. It is a concern for all of us as well. My colleague in the Bloc previously pointed out the whole issue of trust.

In the past the government has infringed on areas of provincial jurisdiction. Even in a bill where the process is clearly laid out the way there is a bit of hesitance to accept the federal government's role in the way that it will actually carry out the process laid out in the bill.

The legislation will be passed because the government is in support of it. It has a majority in the House. Regardless of what opposition members do, if it is a piece of legislation the government wants to go through the House it will go through the House.

If the bill is to be successful and if the creation of these marine conservation areas is to go ahead in a way that takes into account consultation with local regions and with provinces, it is dependent upon the government, and particularly the minister of heritage because the bill is under her area of jurisdiction, that it be implemented in such a way that a marine conservation area will never be established against the will of local communities or provincial jurisdiction. We hope that would be the case.

● (1525)

The government assured us that it was not its intent and drafters of the legislation told us that as well. However, as others have said in this place, we have heard those words before. When we hear them over and over and the actions do not add up to the words, we tend to hesitate in putting trust and faith in a government that has not always lived up to its promises in the past.

We could spend some time talking about promises made by the Liberal government since it took office in 1993. There were things like the GST, helicopters and all kinds of other issues, but I will not digress.

Those kinds of things give us reason to question whether or not the government would implement the bill in the way that it says it would. It is only when the government commits by its actions and lives up to its word that it is able to move ahead and build trust not only with members of parliament from other parties but also with the people we represent in different regions across the country.

It is my hope that this would be the case with Bill C-10. I came to study the bill later than some of my colleagues. It has had several incarnations in the House and we are at the point where the legislation can go ahead.

We support the establishment of marine conservation areas but qualify our support hoping that the government will continue the consultative process with local communities and provinces before establishing one of these areas.

Once established, it is hoped that the government would stick to its word to continue with advisory committees from the local areas to monitor the implementation of the marine conservation areas and to monitor the activities in the areas. If the government does not follow through on that it will give rise to the objections we had and prove those who oppose the bill to be right. It will only be with the test of time that we will see whether or not the government delivers on the commitment of consultation.

There are many concerns about the bill. We in the PC/DR coalition do not believe it to be a perfect bill. We have qualified support for it since we support the notion of marine conservation areas. We believe there has been some balance struck in the bill, but it will only be a supportable notion if the government proceeds in a way that ensures consultation and that the conservation areas are put in locations with the agreement of those communities.

● (1530)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

● (1535)

The Deputy Speaker: Accordingly the vote is deferred until tomorrow, Wednesday, November 21, at 3 p.m.

* * *

[*Translation*]

CARRIAGE BY AIR ACT

Hon. John Manley (for the Minister of Transport) moved that Bill S-33, an act to amend the Carriage by Air Act, be read the second time and referred to a committee.

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I am pleased to rise today to speak to Bill S-33, an act to amend the Carriage by Air Act. This act gives lawful effect to the Warsaw convention and its related instruments known as the Warsaw system.

This system is a global regime of common rules which limits carrier liability for the injury or death of a passenger and the damage, loss or delay of baggage or cargo during international air transportation.

The act was last amended in 1999 when Canada ratified the Guadalajara supplementary convention of 1961 and Montreal protocol no. 4 of 1975, both related instruments of the Warsaw convention.

The amendments proposed in this bill would give effect to the 1999 Montreal convention, which brings together in one convention the most positive elements of the Warsaw convention and its related instruments.

The Montreal convention modernizes the Warsaw system by introducing new and important provisions. One of them will allow international passengers to choose their own local system of law when making claims.

Another new provision will establish in law the two-tier carrier responsibility regime the industry, Air Canada in particular, has had in place since 1997, via a general agreement with the industry.

This two-tier regime operates as follows: at the first tier level, the carrier will assume unlimited liability, irrespective of fault, for claims of death or injury of passengers during international carriage by air, to a limit of approximately$216,000.

The second tier permits carriers to use certain legal defences for claims beyond that limit for death or injury of international passengers.

Note that, unlike the Warsaw convention, this two-tier regime does not set a limit for claims of real damages by international passengers.

Some of the key stakeholders were involved in the drafting of the Montreal convention and strongly support its signature and ratification by Canada.

The international carriers have long recognized that a carrier limit of responsibility for passengers is an obsolete concept, considering the interminable claims proceedings which nowadays might easily exceed these amounts.

Ratification of the Montreal convention by Canada would implement this form of unlimited, rather than limited, liability on the part of the carrier, with respect to international passengers.

The Montreal convention also retains the positive aspects of the Warsaw convention, including the unification of the rules for international carriage by air, which continues to be vital to the harmonious administration of international carriage by air.

Bill S-33 amends the act so that Canada can join other countries, including the United States and our other principal trading partners, in a concerted effort to ratify the 1999 Montreal convention.

For the Montreal convention to take effect internationally, it must first be ratified by a quorum of 30 nations. To date, 70 nations have signed the Montreal convention, including the United States and all of Canada's other principal trading partners. Twelve of the 70 signatories have ratified the Montreal convention since then.

By ratifying this convention, Canada will play a role in helping to set up a new international regime of carrier liability which could potentially reduce litigation and accelerate the settlement of claims.

● (1540)

Until then, however, the Warsaw convention will continue to apply. It will remain in effect for countries which have not yet signed or ratified the Montreal convention and with which Canada has established bilateral ties for international carriage by air.

In conclusion, I urge all my colleagues to support Bill S-33, which would give effect to the Montreal convention in Canada and would, as a result, rework and modernize the rules of the Warsaw convention, provide for unlimited liability and establish new rules of jurisdiction allowing passengers to choose their own local system of law when making claims. I hope that this bill will be passed as quickly as possible.

● (1545)

[*English*]

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I rise to speak to Bill S-33, an act to amend the Carriage by Air Act. The bill exists for only one purpose. It adds the convention for the unification of certain rules for international carriage by air signed at Montreal on May 28, 1999, as schedule VI to the Carriage by Air Act.

Bill S-33 is the third transport related bill to be tabled in the House since September 11. It is the third transportation focused bill to avoid such timely and important topics as the death of airline competition in Toronto, Montreal, Halifax and St. John's; the collapse of Canada 3000; the launch of Air Canada's Tango, and the urgent need to address present airport security concerns.

The Minister of Transport has laid before parliament three bills since September 11: Bill C-34 on September 26 to create the transportation appeal tribunal, Bill C-38 on October 25 to amend the Air Canada Public Participation Act and Bill S-33 on September 25 to update an airline liability convention passed in 1929.

All are important but none are of any real urgency whatsoever to everyday Canadians. The government has allowed the Standing Committee on Transport and Government Operations to hold hearings and pretend to be working on weighty matters. Meanwhile across the country an airline went bankrupt, thousands of people at Canada 3000 and Air Canada lost their jobs, Canadians called for air marshals on flights, and the travelling public called for better and tighter airport security.

I hope the Standing Committee on Transport and Government Operations will consider these matters within the context of meaningful legislation because they are the transport related topics foremost in the minds of Canadians and, most important, to encourage Canadians to keep flying.

I shall focus my attention on the task at hand which is the consideration of Bill S-33. If anyone is wondering why this subject should concern the House, the answer is found on the back of every airline ticket issued for international travel. There are two pages in English and French right beside the coupon that the airline takes when it issues a boarding pass. It includes the following notice:

> If the passenger's journey involves an ultimate destination or stop in a country other than the country of departure the Warsaw Convention may be applicable and the Convention governs and in most cases limits the liability of carriers for death or personal injury and in respect of loss or damage to baggage.

The reference to the Warsaw convention invokes a legal regime that governs the process by which airline passengers or their families may make a claim against an airline for death or injury resulting from an accident during an international trip. The process was designed in 1929 to build confidence in the fledgling air industry and it consisted of two main planks.

First, article 28 allowed a claim to be brought in one of three places: the carrier's head office, the place where the ticket was bought or the place of destination. For example, in the case of Air India 182 which was destroyed by a terrorist bomb on June 23, 1985, the family of a Buffalo resident travelling from Toronto to London on that fateful flight could bring a claim in Buffalo where the ticket was bought; in London, the place of destination; or in Mumbai, India, the airline's principal place of business.

Second, article 22 made the airline liable for death or injury to passengers and limited this liability to 125,000 gold francs, then worth roughly $138,500 in today's Canadian currency.

In essence the convention was a great idea. On the one hand claimants did not have to travel halfway around the world to present a claim, as inevitably one of the potential places to present a claim was nearby. On the other hand airlines were prima facie liable for injury or death to passengers so claimants did not have to go through a lengthy or complex trial to get the money.

As many of today's airport security procedures around the world reflect the aftermath of September 11, the 1929 Warsaw convention was very much a creature of its time.

A decade earlier, from June 14 to June 15, 1919, Captain John Alcock and Lieutenant Arthur Whitten Brown made the first non-stop aerial crossing of the Atlantic. Five years earlier, on April 26, 1924, Imperial Airways initiated daily London-Paris air service. Two years earlier, on May 21, 1927, Charles A. Lindbergh astounded the world by landing in Paris after a solo flight from New York across the Atlantic in *The Spirit of St. Louis*.

In the year preceding the drafting of the Warsaw convention both the first U.S.-Australia and the first California-Hawaii flights landed safely at their destinations.

In 1929 a several hundred mile long trench was dug in the Arabian desert so that Imperial Airways could launch a service from London to Delhi via Cairo and Baghdad without the pilots getting hopelessly lost while flying over the vast expanse of sand. On September 24, 1929, James H. Doolittle became the first to fly from takeoff to landing entirely by use of instruments and radio aids and without reference to the ground.

The venerable DC-3 had not yet flown. It would be a decade before Pan American Airways would fly the first trans-Atlantic passenger service. Some of the engineers who would build the 747 four decades later had not yet been born.

In 1929 KLM turned ten, Qantas turned nine, Imperial Airways turned five and Lufthansa turned three. Trans-Canada Airlines would not be created for another eight years. To say that the international airline industry was in its infancy is a huge understatement.

The Warsaw convention boosted consumer confidence in the airline industry at the very moment that confidence was needed most. Like most countries, Canada ratified the Warsaw convention and implemented it in domestic law by adding its text as schedule I of the Carriage by Air Act.

The years passed, technology improved and airlines became safer. Where once airline accidents seemed to be a daily occurrence, better training, aircraft construction, navigation and instrumentation led to a vastly improved safety record. The safety was so improved that on March 26, 1940, U.S. commercial airlines completed a full year of flying without a fatal accident or serious injury to a passenger or crew member.

Two other technologies would dramatically improve both airline safety and passenger comfort. The first of these was the Boeing Stratoliner, which made its maiden flight on July 8, 1940. It had a pressurized cabin which allowed it to fly at altitudes of up to 20,000 feet thereby avoiding turbulence. The second was the Boeing 707 which made its maiden flight on July 15, 1954, introducing the world to the jet age.

The years passed and accidents still occurred although safety had dramatically improved. In an 18 month period between October 1952 and April 1954 six de Havilland DH-106 Comets crashed at various airports in Italy, India, Pakistan and Africa.

A new engineering concept called metal fatigue was discovered, as was the inadequacy of the now 25 year old liability limit in the Warsaw convention. Legislators began to realize that the Warsaw convention needed a touch up right about the same time that Boeing engineers were putting the final touches on the 707 prototype.

● (1550)

The buying power of the 125,000 gold francs also declined rather dramatically and what had once been seen as a quick, fair settlement was now rather paltry. On September 28, 1955, negotiators from around the world met at The Hague for the purpose of modernizing the Warsaw convention. The result of the negotiations was The Hague protocol and article 11 doubled the former liability limit to 250,000 gold francs, largely restoring its buying power.

Canada ratified the protocol and included its text as schedule III to the Carriage by Air Act. For a short time it appeared that the Warsaw convention, as amended at The Hague in 1955, would be a success. However with growing inflation the buying power of 250,000 gold francs began to wane.

There were two further attempts to modify the convention: the Guadalajara convention of September 18, 1961, and Montreal Protocol No. 4 of September 25, 1975. Neither raised the liability limits, although Canada ratified both by adding them as schedules V and IV respectively to the Carriage by Air Act.

In the absence of further amendments to the Warsaw convention which might raise the liability limits, skilful lawyers tried a variety of means to get around the limits.

Article 3 of the convention required the delivery of a passenger ticket and required that the ticket contain "a statement that the transport is subject to the rules relating to liability established by the convention". Moreover, article 3.2 of the convention required the carrier to deliver a ticket in order to avail itself of the provisions which limited its liability.

As early as 1965 in Warren v Flying Tiger Line, the U.S. court of appeal, second circuit, considered whether a passenger had to be given a ticket including the statement of limited liability prior to boarding the plane.

At around the same time another line of cases was studying the fascinating question of how large the print had to be in order to give the passenger true notice of the limitation of liability. In 1966 the district court of New York heard the case Lisi v Alitalia and decided that four point print was too small, leaving open such crucial questions as what font and type size might be acceptable.

Font and type size arguments were a favourite way of getting around the liability limitations. For many years they were a principal weapon in any court case against a carrier, especially when the ticket stock had been printed in another country and was being examined in a U.S. court.

In both Canada and the United States the issue of type size went all the way to the supreme court. In 1979 the Supreme Court of Canada in Ludecke v C.P.A.L. permitted 4.5 point type. In April 18, 1989, the U.S. supreme court in Chan v Korean Airlines stated that carriers would no longer lose the benefit of the convention's liability based on type size arguments.

Nonetheless it was obvious that $20,000 U.S. was an inadequate amount to compensate a family in Europe or North America for the death of a loved one, notwithstanding that the $20,000 could be got almost immediately without the need to go to trial.

Thus lawyers began to explore article 25 of the Warsaw convention which excluded limited liability in cases where the airline was guilty of wilful misconduct. The article essentially said that there were cases in which the airline's negligence was so great that the Warsaw convention limits should not apply. In other words, had the airline taken reasonable measures, the accident would not have happened and the passengers would not have died.

This line of argument has been used in virtually every case involving suspected terrorism or the shooting down of an aircraft such as Air India 182, Pan Am 103, EgyptAir 990 and Korean Airlines 007.

Claimants who manage to prove that an airline was grossly negligent can get more than $20,000 U.S. in compensation from an airline for the wrongful death of a passenger. In virtually every other case claims are limited to $20,000 U.S., unless the passenger was travelling to, from or via the United States.

America has a higher standard than the rest of the world. While the rest of the world explored ways to get around the $20,000 limit, the U.S. imposed the Montreal agreement on all international carriers serving the United States. The agreement dates from May 13, 1966, and raises the Warsaw convention liability limit to $75,000 U.S.

As part of the agreement the following text appears in airline tickets of virtually all international carriers serving the United States:

> Advice to international passengers on limitation of liability. Passengers on a journey involving an ultimate destination or a stop in a country other than the country of origin are advised that the provisions of a treaty known as the Warsaw convention may be applicable to the entire journey, including any portion entirely within the country of origin or destination.

● (1555)

> For such passengers on a journey to, from, or with an agreed stopping place in the United States of America, the Convention and special contract of carriage embodied in applicable tariffs provide that the liability of certain carriers, parties to special contacts, for death of or personal injury to passengers is limited in most cases to proven damages not to exceed U.S. $75,000 per passenger, and that this liability up to such limit shall not depend on negligence on the part of the carrier.
>
> For such passengers travelling by a carrier not a party to such special contacts or on a journey not to, from, or having an agreed stopping place in the United States of America, the liability of the carrier for death or personal injury to passengers is limited in most cases to approximately U.S. $10,000 or U.S. $20,000.

Back in 1966, Canada could have followed America's lead and insisted on similar or even identical wording to be applied to all travel to, from and via Canada. This was not done.

Today, some 35 years later, the government presents Bill S-33 through which the government essentially ratifies the Montreal convention which creates a new higher liability regime. If and when the Montreal convention enters into force, Bill S-33 would automatically raise the liability limits on all round trip international flights originating in Canada and on all flights between Canada and another ratifying country.

The Montreal convention was concluded on May 28, 1999, and to date only 12 nations have ratified it. Canada will be the 13th. Both Mexico and Japan ratified it over a year ago, while in the past year Canada has done nothing. Neither the United States nor any of our trading partners, except for Japan and Mexico, have yet ratified the treaty and it will likely not come into force until they do. The convention needs another 17 ratifications before it enters into force, and this could take decades. For example, Montreal protocol No. 4 was concluded on September 25, 1975, but did not enter into force until June 14, 1998, some 23 years later. Thus, there is no urgency whatsoever in Bill S-33.

The government has waited until today to ratify the Montreal convention and could wait several more years. The higher liability limits of the Montreal convention do not apply to anyone until 30 countries ratify it. There really is no rush for the legislation.

If the government really wanted to increase the Warsaw convention liability limits beyond the current paltry sum of $20,000, it would do well to follow America's lead and adopt a regime similar to the U.S. government's imposed Montreal agreement of 1966, which is what it did. Thirty-five years have passed and it is not too late to follow America's lead.

To my knowledge our government has never considered such a step so one can only conclude that raising the liability limits is not a burning concern for the government. In the meantime, the higher liability limits do apply on Canada-U.S. transborder flights and on all travel via the United States.

The Montreal convention raises the Warsaw convention liability limit from around $8,300 U.S. to roughly $135,000 U.S. For that reason alone we should support Bill S-33 which would ratify the Montreal convention and make it an instrument of our domestic legal system.

The Montreal convention also makes it easier for claimants to get their hands on the money and deals with such modern day realities as code shares and e-tickets.

Bill S-33 is a good idea but it is not one that is more urgent than the aviation security legislation which the American congress passed just this past week.

Since September 11 my office has been flooded with calls relating to airline competition, the need to improve airport security and to put air marshals on planes. Rather than debate the issues that are foremost on the minds of Canadians, our government has chosen to update a 72 year old treaty.

Bill S-33 is worth supporting but, like so many other transport related bills brought before the House since September 11, it does not address a pressing concern. We will support the bill but in supporting it I want to clearly state that it is time the House considered aviation security legislation today. That issue, unlike the modernization of the Warsaw convention, is foremost on the minds of Canadians.

This is the third non-urgent transport related bill that the House has seen since September 11. While we will support it, it is no more urgent than the other two. It lets the government claim to be working while adopting largely motherhood legislation that will have relatively little immediate impact on most Canadians.

It is time to stop posturing. It is time to stop the busy work and get down to the transport issues that concern Canadians. At committee I will be calling for the bill to be passed as quickly as humanly possible so that we can be ready to deal with the aviation security legislation that Canadians have called for each and every day since September 11.

We support Bill S-33 as it is important legislation, but within the context of what the country is facing, what the air industry is facing and what Canadians want this place to address vis-à-vis aviation security and competition in the air industry, the legislation is of little concern to Canadians.

● (1600)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, first of all, as transport critic for the Bloc Quebecois, I am pleased to rise today to speak to Bill S-33.

I would like to help all the Quebecers and Canadians who are watching us to understand how Parliament works with regard to the way legislation is implemented.

I will read the summary of Bill S-33:

This enactment implements in Canada the Convention for the Unification of Certain Rules for International Carriage by Air signed at Montreal in 1999 (the "Montreal Convention"). The Montreal Convention consolidates and modernizes the rules of the Warsaw Convention and associated documents. It provides for unlimited liability for damages in the case of death or injury to passengers arising out of accidents during international air carriage, simplifies ticketing requirements, provides for electronic documentation and establishes a new jurisdiction that will allow most passengers to bring actions in the place of their domicile.

To be perfectly clear, this bill that is submitted to the House today, in November 2001, implements a convention written and signed in Montreal in 1999.

The main stakeholders in the air transport industry from all over the world met in Montreal. Most major airlines were present. There were representatives from Air Canada, from Canadian Airlines, which no longer exists, from Air Transat and from the Air Transport Association of Canada. A fairly large Canadian delegation attended the meeting since it took place in Montreal.

That meeting led to a very important convention to change the way things were done in the area of liability so that air carriers would be liable for larger amounts than the ones agreed upon in the outdated 1929 Warsaw convention. The decision was made to increase the liability of air carriers.

That convention was negotiated in Montreal in 1999 and ratified by Canada on September 25, 2001, after the events of September 11. No matter what could have happened in Canada, the Montreal convention would not have been ratified by Canada at that time. We waited until after the events of September 11 to ratify a convention that was negotiated in our country, Canada, and in my country, Quebec, more precisely in Montreal. This convention was negotiated with all industry stakeholders, and Canada did not ratify it until September 25 of this year. This is how things work in Canada. It always takes the government a few years to react.

My colleague from the Alliance mentioned that this is the fourth bill introduced by the Minister of Transport since the beginning of the session. With such a pompous title, an act to amend the Carriage by Air Act, we could have expected, especially after the events of September 11, more important changes than a mere increase in the liability of air carriers in case of accident.

Such is the harsh reality facing those Quebecers who are watching us and airline employees who no longer have jobs, the 9,000 Air Canada employees, the 1,400 Air Transat employees and the 4,800 Canada 3000 employees, who took the hardest hit. These people lost their jobs because their employer went bankrupt. Over 2,000 jobs were lost at Bombardier and about 1,000 at Pratt & Whitney.

So for a major industry that has suffered phenomenal job losses since September 11, the minister moves the second reading of a bill to amend the Carriage by Air Act, but all it deals with is the issue of air carrier liability in case of accident.

I repeat that Canada did not ratify this convention until September 25. Had something happened in Canada on September 11, this convention negotiated and signed in Montreal in 1999 would not have been ratified at that time.

● (1605)

This is how the Liberal government operates. It is always a few years late. This is the harsh reality for airline industry workers who are listening today and who have lost their jobs since September 11. It is the harsh reality for all citizens of Canada and of Quebec who are trying to understand how we can hope that this Parliament will produce legislative amendments that address real problems.

There is nothing in this bill for the travellers who lost the price of their airfare when Canada 3000 went bankrupt for instance. There is nothing that would guarantee that those who lose what they paid for an airline ticket because of a bankruptcy such as that of Canada 3000 would be reimbursed in future.

A few years from now, there will probably be another legislative amendment. The men and women of Quebec and of Canada who buy airline tickets in times as difficult as those we are now experiencing and in which there could well be other companies that close their doors, as Canada 3000 did, will not be reimbursed because the federal Liberal government has decided not to invest in getting the airline industry back on its feet in Canada. That is the reality.

Other airlines may well go bankrupt in the years to come. It is not something we want to see, but it is the harsh reality. Again today, in response to questions I asked him, the minister said that the market must be allowed to operate freely in times as difficult as these, when a disaster such as that of September 11 has put families, employees, the human capital of the airline industry, which was highly competitive internationally, in the street.

I raise my hat to the workers in Canada's airline industry, who made it one of the most competitive in the world. Our government has decided to let the market operate freely. It has not followed the example of the Americans, who invested over $15 billion right away. Just days after the sad events, they announced a massive investment to revive the airline industry throughout the United States. Of this $15 billion, $5 billion is in the form of a direct investment and $10 billion in the form of loan guarantees. That is what the Americans did.

Meanwhile back home, all the minister announced is a $160 million investment to help pay the outrageous insurance bills that all the airlines in Canada had to pay. The minister decided to compensate them for losses that they incurred following the six days of restricted airspace. Canada decided to reimburse the companies and set up a system of loan guarantees, in which it announced a loan guarantee of $75 million for Canada 3000, knowing very well that this company was going to close its doors. This is the harsh reality.

The transport minister announced a loan guarantee of $75 million to Canada 3000, with such demanding conditions that he knew at the outset that Canada 3000 would close its doors. The proof is that one week earlier, the directors of Canada 3000 refused a job sharing proposal that was to be covered by employment insurance and that would not have cost the company a penny. They refused the proposal to have their employees share their work knowing full well that the company was being forced into bankruptcy and that such a program would be of no use to them.

This is the harsh reality. The government, with its day by day management, has allowed us to witness airlines shut down, losing jobs in a highly competitive sector; men and women who are very competitive and skilled have lost their jobs in recent weeks because of events that had nothing to do with them.

It is not the fault of workers in the airline industry that the events of September 11 took place. Today, they are paying the price, and we are telling them "Listen, the free market is going to take care of you". Obviously, the market is going to kick employees out into the street and shut down businesses.

It will continue to get worse as long as the government maintains its policy of telling airlines "you have to sell off your assets". That is what the government did. It said to Air Canada, which had asked for assistance, "you have assets, sell them off". It did the same thing with Canada 3000: they were forced to sell off their assets before the government would intervene. But we saw the sad results: they sold off so much that they had to declare bankruptcy. That is the reality.

● (1610)

There is nothing today in Bill S-33 to help the people who bought tickets from Canada 3000 and lost their money. Why? Because this bill follows up on a convention signed in Montreal in 1999, which was drafted by the airline industry the world over, including the major Canadian carriers. Canada ratified the convention only on September 25, 2001, or after the tragic events of September 11. Today, it is still being discussed and will shortly be voted on.

I wish to assure the House that the Bloc Quebecois will be voting in favour of Bill C-33. One cannot oppose virtue, since it will cost the government nothing.

This bill requires airlines to have insurance. Their responsibility will be enhanced, because the 1927 Warsaw convention had the unfortunate effect of limiting carrier responsibility to $35,000. In the event of a major catastrophe resulting in death, the maximum was $35,000. Obviously, it was high time these amounts were changed, since they were no longer realistic, since more than 70 years had passed since the Warsaw Convention was signed.

Now the level of liability is limitless. Airlines are required to have loss compensation insurance, which is totally reasonable. Once again, however, there is nothing in Bill S-33 to help the men and women who invested in the air industry, who booked flights on Canada 3000, were not reimbursed and will therefore lose their money.

In two years there will likely be a new act guaranteeing, via independent insurance, that anyone purchasing a ticket from an airline that goes bankrupt will be reimbursed.

This then is day-to-day management: the inability to react rapidly when there is a problem. In Canada it always takes a few years to do so, something that never fails to amaze me.

It is important that the people listening to us, the Canadians and the Quebecers, understand that this convention was negotiated by stakeholders in the world industry, including Canadians, in 1999 in Canada, in Montreal, and that Canada finally signed it on September 25, after the events of September 11.

It probably signed the convention for this very reason, in case there were an accident in Canada and we got a mere $35,000 per passenger in the event of passenger deaths.

This is hard to imagine for those watching, for airline industry employees who have lost their jobs—the 9,000 who lost them at Air Canada, the 1,400 at Air Transat and the 4,800 who lost them so brutally with the bankruptcy of Canada 3000, not to mention the jobs at Bombardier and Pratt & Whitney.

What is needed is a policy of massive intervention in the aviation industry. The Bloc has been calling for such a thing since the start of this crisis. It contends that the Americans, who do not have a reputation for being the most liberal, whose society is very conservative, especially in matters of free trade and who tend to leave the free market to its own devices, decided to invest a massive $15 billion to protect the aviation industry. Canada invested only $160 million.

We can look at this proportionally, per capita. The Americans invested $15 billion for 300 million inhabitants, Canada invested $160 million for 30 million inhabitants—ten times less what the Americans invested.

This is the harsh reality and it is difficult to accept for workers who have lost their jobs in the airline and aviation industries, both highly competitive sectors in which Canadian companies are among the world's top performers.

Canada has decided that it would not support its airline industry, that it would let the free market dictate things. By contrast, the United States is going to support that industry, as did Switzerland. The Swiss and American companies that are going to get help from their governments will surely buy equipment which, hopefully, will have been made in Canada and in Quebec.

It is difficult to explain to those who will buy this equipment, to the countries that will provide subsidies or assistance to their industry, why they should buy equipment made in Canada, considering that our country has decided not to support the airline industry. If we do not support the airline industry, it is not Canada 3000 that will buy aircraft tomorrow, because that company is bankrupt. This is the harsh reality.

● (1615)

Canada is not supporting a highly competitive sector, but it expects countries that will have helped their industries to buy equipment in Canada, through their industries.

The Liberal government made a mistake. It is never too late to realize that one has made a mistake and this is an obvious mistake as we can see with Canada 3000 going bankrupt.

Despite investments of $160 million—which is proportionally ten times less than what the Americans invested—which were supposed to help the airline industry make it through the crisis, we lost one company, the second largest airline carrier in Canada. Indeed, Canada 3000 has shut down its operations.

There are also other regional businesses that will be forced to shut down. Canada has five so-called major carriers, but there are others, like Air Alma. Regarding these other regional carriers, the Liberal government policy, delivered by the Minister of Transport who has decided to favour the free market, is to say: "We will not support them, but when we do, we will support only the five largest carriers". The government's rationale is that if these large carriers are doing well, it will boost business for all the other regional carriers in Canada.

I hope we do not see other airlines shut down their operations. It would be catastrophic for service to cities located in the regions, and not small communities as the minister and others on the Standing Committee on Transport like to call them. Cities located in the regions have as much right as large urban centres to enjoy 21st century air transport. They are entitled to have access to air transport, which is the fastest means of transportation, at reasonable rates so people can get on with their business.

I will repeat again that it is important that Quebecers and Canadians who are watching us realize that the government is submitting to the House today Bill S-33 which ratifies the Montreal convention negotiated in 1999.

It took two years for this bill, which the Bloc Quebecois will support, to be submitted to the House. But, once again, I must say that this is how it works in Canada. It takes forever for a bill to be finally introduced and passed.

The 1999 convention, which increased the liability of air carriers in case of accident or death, was not signed by Canada until September 25 of this year, after the events of September 11. It does not even contain a reimbursement clause for those who bought airline tickets from companies that may be bankrupt at the time when the tickets are supposed to be used.

That is the harsh reality. Once again, this bill comes too late.

● (1620)

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, it is an honour to speak in the House today on behalf of the New Democratic Party and on behalf of my constituents in Vancouver East on the second reading of Bill S-33, an act to amend the Carriage By Air Act.

Bill S-33 is largely technical legislation. The main purpose of the bill is to allow Canada to ratify the Montreal convention. The Montreal convention was developed in 1999 at a meeting of the International Civil Aviation Organization. The Montreal convention establishes a comprehensive and up to date set of international rules defining and governing the liability of air carriers in the event of loss of baggage or cargo, delay of international flights, or the death or injury of a passenger. Those are certainly important aspects to be covered and the NDP is pleased to be supporting the bill as a result of the Montreal convention.

I listened with interest to my colleague from the Bloc. It is ironic that we have this legislation before the House today because it represents one tiny piece of a much bigger picture of what the aviation industry in Canada is facing today, which concerns us all. It is a crisis. The bill before us today in no way addresses the fundamental consequences and issues facing both airlines, airline workers and the travelling public.

I also want to add my comments on the bankruptcy of Canada 3000, Canada's second largest airline. Thousands and thousands have been laid off which has caused huge insecurity for the workers, their families and local communities. In terms of the ripple effect and the impact this has had on people's lives, we can only begin to understand. Even beyond Canada 3000, the layoffs in Air Canada since September 11 have also caused enormous distress.

The bill only deals with a very small piece of what we are facing and yet all these other things are going unattended. I certainly add my voice to others in the House and those of my party who have called on the government to be much more proactive in its approach to dealing with our airline industry in Canada.

My colleague, the member for Churchill, our transportation critic, has done an outstanding job in questioning the minister and government members on exactly what it is the government intends to do to not just rescue in an immediate sense Canada's aviation industry but its long term plan. I think that is a question that is still unanswered. I think there is a lot of concern and anxiety in the travelling public who now have a lack of confidence about what it is they face in terms of safety, security, affordability and a certainty that Canada's airline industry and the various carriers that exist will be able to continue to operate.

The one thing we know, in this vast country of ours from east to west and north to south, is that we depend on airlines to move people and goods around. We also recognize the demise of our transportation industry in terms of rail, but there is no question that airline travel across Canada is very important to business and local communities that would otherwise be very fragmented and isolated.

Having dependable service and knowing there is a vision and a plan for Canada's aviation industry, is clearly within the mandate, the responsibility and the duty of the federal government.

● (1625)

While we are debating the bill today I absolutely want to add my voice to the others who are calling on the government to take a much stronger position on the question of the future of our airlines. There is no doubt we are now seeing the consequences not only of September 11 but of years and years of deregulation and privatization.

The Minister of Transport, as my colleague from Regina—Qu'Appelle pointed out so well in the House, has presided over the demise of six airlines. It makes me wonder whether anyone on the government side is in the driver's seat. Are they one step ahead of the game in figuring out what needs to be done or are they just watching what is going on?

We point these things out today even though we are dealing with a bill that is limited in scope. This is just the tip of the iceberg. We want to say loud and clear that the government must provide a sense of confidence not just to the House but to the Canadian public. It must assure Canadians that our airline industry has a promising and secure future and that people will not be dinged and find out their airline tickets do not mean anything any more.

People go to the airport and find that suddenly the pieces of paper that cost them $300, $500 or more do not mean anything. They must tear them up and figure out how they will get home. This is hardly what one would expect to see in Canada. This is a pretty serious situation.

We call on the government to be much more proactive in its response and planning. We call on it to articulate a vision which will secure the public interest after so many years of deregulation and privatization. It must come forward with an expression that our transportation industry and our airline industry is of national interest. There must be involvement by the federal government to uphold the public interest.

In terms of Bill S-33, the new set of rules governing the liability of carriers would modernize the Warsaw convention system. The convention dates back many years to 1929. Although it has been amended and supplemented over the years the convention still sets levels of liability for damage or loss of cargo and baggage. It also sets compensation levels for victims of air accidents, obviously something that very much concerns people these days.

The Montreal convention would be of considerable benefit to Canadian air travellers. Those who have lost luggage or had it damaged would benefit. Current levels of liability are low, resulting in a significant limitation of compensation. It is important that the new convention upgrade and update levels of compensation. The new limit would allow most passengers whose luggage is lost or damaged to receive full compensation. That is something that is important in the bill.

The major feature of the Montreal convention is the concept of unlimited liability. This is an important feature. The Warsaw convention, the earlier convention under which we operated, had set a limit of approximately $8,300 U.S. in the case of death or injury of a passenger. Clearly these kinds of liability limits are completely out of date and out of line in today's world.

The new Montreal convention would introduce a two tier system. In the first tier there would be strict liability up to a level of $135,000 U.S. irrespective of a carrier's fault. The second tier would be based on the presumption of fault by a carrier and would have no limit of liability. That is important in terms of the ability of the travelling public to know the second tier exists and that there is no limit of liability.

The convention would provide a mechanism for the periodic review of liability limits. This is an important element since one of the reasons a new set of rules is needed is the fact that earlier liability limits are completely out of date and have no provision for renewal.

● (1630)

The Montreal convention includes other important elements. Air carriers would need adequate insurance to cover their potential liability. This would ensure carriers would have the financial resources to pay in cases of automatic payment or litigation. In the case of an accident air carriers would need to provide advance payment to entitled persons to meet their economic needs. This would provide some financial protection for Canadian air travellers.

The new convention would provide another area of jurisdiction that is of benefit to claimants. It would allow a claim to be made in the country of the passenger concerned provided the carrier involved operated services to and conducted business in that country.

This would mean legal action for damages could be initiated in Canada for Canadians involved in accidents outside Canada as long as the air carrier was active in Canada. That is an important protection for the public. It would give air passengers an easier and more straightforward route through which to apply for compensation.

We are pleased to see this included in the convention. I have never experienced it myself but one reads about what happens when accidents occur. It is hard to imagine the horrific wrangling, bureaucratic paperwork and mess people must go through to make compensation claims. It is something none of us would want to experience. The fact that the convention would provide a more accessible route to apply for compensation is important.

The Montreal convention seeks to establish uniform rules governing the liability of airlines. It would help achieve equality and fairness in compensation arrangements.

Canada signed the Montreal convention in 1999 so it is fairly recent. It was done with a view to ratification. We in the NDP believe Canada should enact the legislation and facilitate that ratification. It is the sensible and right thing to do. The convention cannot come into force until it has been ratified by at least 30 of the ICAO's 185 member states. As such, the NDP is prepared to support the bill at second reading.

However our support for the bill in no way changes our significant concerns about the future of Canada's airlines. We will continue to stand in the House and urge the government to engage in an open debate. In question period, in committees and in debating legislation we will urge the government to come forward with a plan to provide a better sense of security for Canada's airline industry into the future.

We in the NDP believe that must involve an active role for the federal government. Moving down the road of further privatization, loading it all on to Air Canada and having a monopoly system that does not allow other carriers to exist would not be healthy for the aviation industry.

I remember the days when Air Canada was a public interest. It was a corporation that had public ownership. There was a lot more security in those days. There was a sense of accountability in terms of what we could expect to see from Air Canada in the way of performance. All that has gone. It is tragic that so many people's livelihoods have been affected by the massive layoffs and the fact that the government has not had a vision for the future of our airlines.

We in my party support the bill although we know it is limited. We reiterate our call for the government to be more proactive and come forward with a national plan to provide greater security for the aviation industry and the travelling public.

● (1635)

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I will add my views to the issue. The world as we knew it changed after September 11. September 11 changed the air industry altogether.

We have seen thousands of people lose their jobs whether in the airline industry or supporting industries. We have seen international carriers worldwide shut down. Air travellers all over the world were stranded and lost money. They had to find alternative means of getting home.

Canada and the Liberal government are among the world leaders in moving quickly and responsibly in responding to the industry's concerns. I can quote the positive actions we have taken to support the airline industry but Canadians countrywide are aware of them.

It is a tough road we are on. Not only the airline industry has been affected. Other industries are facing hard times such as the travel, hospitality, entertainment and tourism industries to mention a few. Even the taxicab industry is hurting. Bill S-33 is needed. It would address these issues. I urge all members to support its quick passage.

The NDP says it is supportive of the bill. What section of the bill does my colleague across the way believe would not protect the interests of Canadians?

Ms. Libby Davies: Mr. Speaker, I thank the member for his comments. He recognizes that there is great insecurity among Canadians that goes far beyond the bill.

We in the NDP want to see the government take much firmer action in terms of providing security to Canadians. The whole issue of airline security and the fact that there is a lack of confidence in it is one indication of where the government needs to step in.

We have heard the minister say he is introducing measures to bring this about, but it is unclear whether the measures would ensure a uniform system across the country that would increase the level of safety for the travelling public. It is unclear whether they would ensure high standards of work and training for the people involved. All these measures are important.

While the bill deals with matters of liability and compensation we must all work to make sure the airline industry is as safe as possible so we can minimize accidents and compensation.

These are some aspects of the bill we believe need to be followed up. I would encourage the hon. member as part of the government caucus to make sure the issues are addressed and brought forward so that members representing different parties in the House have some common goals in that regard.

● (1640)

Ms. Val Meredith (South Surrey—White Rock—Langley, PC/DR): Mr. Speaker, it is always nice to follow all my colleagues who have mentioned the details of the bill, but I will repeat them just to put it on the record.

The bill actually came through the Senate. It is interesting that the government chose to use the Senate to bring it forth.

The bill implements the convention for unification of certain rules for international carriage by air which was signed in Montreal in 1999. I know my colleague thinks that is quite recent, but it was almost three years ago when Canada and other countries signed it with the commitment to bring in legislation to put the different convention provisions into law.

The Montreal convention consolidates and modernizes the rules of the Warsaw convention, an associated document. The convention provides for unlimited liability for damages in the case of death or injury to passengers arising out of accidents during international air carriage. It simplifies ticketing requirements, provides for electronic documentation and establishes a new jurisdiction that will allow most passengers to bring actions in the place of their domicile.

As I mentioned, this convention was signed in 1999, almost three years ago. Although I would agree that it is important to bring international standards into the airline industry that deal with certain aspects of international air travel, one wonders whether they foresaw, and one would assume they did not, the tragic events of September 11 which have changed the way all of us, not only governments but passengers and airlines, look at air travel.

In this age of globalization, there is definitely a need to develop consistent rules. That is why the United Nations set up the International Civil Aviation Organization, which is more commonly known as ICAO and headquartered in Montreal, to develop standardized rules. This legislation was developed at the tri-annual general assembly of the ICAO in Montreal in May of 1999. Now three years later parliament is trying to deal with this convention and to put in the necessary legislation.

Having signed this document two years prior to the September 11 terrorist attacks, individuals who dealt with the issue obviously did not foresee the terrorist attacks where they would use airliners filled with passengers as instruments of major destruction. The legal ramifications of what happened on September 11 are yet to be addressed and are an ongoing concern.

One has to question who will be responsible for the billions of dollars of damages caused by those incidents.

This legislation talks in terms of liabilities the airlines have to pick up and the extent to which airlines have to pick them up. One has to question whether or not there is an appropriateness that has to be challenged with the legislation at this time.

I think the governments rose to the occasion. When the insurance companies, and there are few around the world that insure airlines, withdrew their protection and their insurance liabilities for terrorist attacks, governments around the world were very quick to react. It is yet to be known whether that is a short term issue or whether it will be a long term concern for governments in having to provide that kind of liability insurance.

Having said that, the question is still on the table. Not having foreseen what was going to happen with the airline industry and not having foreseen that airplanes might be used as a weapon of major destruction, the liability factor that this convention is committing airlines to may not be realistic.

● (1645)

Although the coalition is supporting this legislation at second reading, our concern is that at committee not only should the airlines be present but insurance companies should be as well. We have to really look at what it is that this convention will hold the airlines to and whether it is realistic with the new realities post September 11.

The second question that has to be asked is why it took three years for the government of the day to address the convention. My colleague from the NDP sees it as a recent issue. Three years for a government to react to an international concern shows perhaps a lack of concern for ICAO as an agency and a lack of respect for where it fits on the international scene in trying to bring some kind of consensus among nations on how to deal with issues on airline travel.

If there is any industry that is global, it is airline travel, and three years is far too long for the government to have taken to react and respond to the incident. Now that it has responded three years after the fact, one has to question whether or not it is appropriate.

I look forward to the bill getting to committee and having some very serious questions asked, not only of the insurance companies and airlines, but also of the government on its handling of the issue of liability and insurance, which is part of the bill.

As far as sharing information internationally on ticketing procedures, that is something we are all looking forward to from a security point of view. It is about time that all countries, including Canada, talk to one another on who is buying airline tickets, where they are going, and having that kind of intelligence in the system. I hope this legislation will allow that process to not only happen but will be supported by the government, the airline industry and any other parties involved. We look forward to the bill going to the committee and hope that improvements can be made.

* * *

BUSINESS OF THE HOUSE

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, following discussion among all parties, I think you would find unanimous consent for the following motion. I move:

That any division requested during consideration of private members' business on November 22, 2001 and November 26, 2001 be deferred to 3 p.m. on November 27, 2001; and that Motion No. 411 be withdrawn.

The Deputy Speaker: Does the parliamentary secretary have consent to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

CARRIAGE BY AIR ACT

The House resumed consideration of the motion that Bill S-33, an act to amend the Carriage by Air Act, be read the second time and referred to a committee.

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

Some hon. members: Question.

The Deputy Speaker: The question is on Bill S-33 at second reading. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Transport and Government Operations.

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

Mr. Geoff Regan: Mr. Speaker, I rise on a point of order. I wonder if you would find unanimous consent to see the clock as 5.30 p.m. so that we could proceed to the consideration of private members' business.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

The Deputy Speaker: It being 5.30 p.m. the House will now proceed to consideration of private members' business listed on today's order paper.

Mr. Ted White: Mr. Speaker, I rise on a point of order. At the end of question period today, the Speaker said that the hours for government orders had been extended by 15 minutes. I know it is only a technical matter, but I am not sure whether we should actually adjust the clock from 5.30 p.m. to 5.45 p.m., which was the time that members' business was scheduled to start. I do not know if it is important or not, but I bring it to the attention of the Chair.

● (1650)

The Deputy Speaker: In my view it would be more proper to say that it is 5.45 p.m.

PRIVATE MEMBERS' BUSINESS

[*English*]

THE SENATE

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance) moved:

> That, in the opinion of this House, the government should take measures to provide that the Governor General summon only fit, qualified and democratically elected people to fill Senate vacancies for provinces that have legislation providing for the election of Senators.

He said: Mr. Speaker, the motion is seconded by the hon. member for Souris—Moose Mountain.

The reform, retention or abolition of the upper chamber was the subject of intense debate and discussion in the Manitoba legislature in 1876, the New Brunswick legislature in 1892, the Prince Edward Island legislature in 1893, the Nova Scotia legislature in 1928 and in Newfoundland in 1934. For other Commonwealth examples we could cite the debate and discussion of this subject in the New Zealand legislature in 1951 and the frequent discussion to this day in the Australian lower house about how to amend its own house.

The first point I want to make about the Senate as it is currently constituted in Canada is that it is defective and it was fraudulently constructed from the very beginning. The new Senate created in 1867 was not to be democratically accountable. It was to be appointed, which virtually guaranteed that in a time when democracy was in ascendancy, an appointed Senate would decline in influence, respectability and effectiveness in relation to the lower house.

Second, I argue that the Senate was and is a compromised house. By the end of the 19th century it had become apparent that it was already a compromised institution. It was compromised in terms of accountability, compromised in terms of patronage that was driven by partisanship and it was compromised in its ability to represent regional interests. Its equality was compromised by its ineffectiveness.

Abraham Lincoln said it most succinctly when he described the compromise made by the American founding fathers. "The convention that framed the United States constitution had this difficulty: The small states wished to so frame the new government that they might be equal to the large ones regardless of the inequality of population; the large ones insisted on equality in proportion to population". What did the American founders do? These are Lincoln's words: "They compromised it by basing the house of representatives on population and the senate on states regardless of population, and the executive on both principles".

In Canada we started out down the same road, but when we compromised the compromises, everything fell apart. Representation by region or province in the Senate was compromised by patronage. Then we starting jigging the numbers of senators allotted to each province, departing further from the principle that Sir John A. himself enunciated in the confederation debates, that the great divisions into which British North America is separated should be represented in the upper house on the principle of equality.

Then in later proposals, like the Charlottetown accord, it was even proposed that some seats in the Senate be based on race and some on gender, some by direct election and some by provincial appointment, until there is no discernible principle left as the basis for Senate representation to guide the Senate's activities.

Similarly over the same period, successive federal governments began to compromise representation by population in this House: minimum numbers of seats for Prince Edward Island and Quebec, over-representation for rural ridings to compensate for their geography, under-representation for cities, under-representation for the fastest growing provinces of the past decade like British Columbia.

Since 1867 with respect to parliamentary representation and successive Liberal and Tory regimes, they have compromised the compromises until we have neither genuine representation by population in this House nor genuine representation by province or area in the Senate. By compromising the compromises they have rendered both chambers less effective in serving the public and less effective in representing the national interests than they would otherwise be.

I want to quickly identify some other problems that Canadians have with the Senate as it is currently constituted and managed and its cost. The Senate has cost roughly $1 billion over the past 25 years. This breaks down to $354 million for senators' salaries, $133 million for senators' travel, office expenses of $72 million, and Senate administration services of $441 million.

I would argue that Canadians do not believe that they have received anywhere near $1 billion worth of benefits from this institution. Certainly Canadians have not received $1 billion in legislative improvements as a result of sober second thought in the Senate. Certainly Canadians have not received $1 billion in effective representation of regional interests.

For example, I do not know exactly what percentage of that $1 billion in Senate representation represents the costs allotted to British Columbia for its Senate representation. However during the last 30 years, British Columbia's big major provincial and regional issues, from the state of the west coast fishery to the unique B.C. aboriginal issues, to the unique constitutional positions of British Columbia over the years, to B.C.'s views on equalization have been given nowhere near the representation on the national stage that the fastest growing province, which will be Canada's second largest province, deserves.

The only way that two British Columbia senators have managed to get into the headlines and get the attention of this place or the national media was one switched political parties and the other one mused publicly about the concept of separation.

● (1655)

Regional representation of B.C. interests in the Senate has been completely ineffective. The same can be said for Senate representation of regional interests in almost every other part of the country. The cost of the Senate is staggering. The benefits, particularly with respect to regional representation, which Sir John A. himself said was the reason for it being set up, are negligible. I say this as an ominous conclusion, since if the abolition of the upper House is studied in the provinces of Canada and in other British jurisdictions, the principal argument for the abolition of the upper House has in the end been the excessive cost in relation to minimal benefits.

If these grievances and defects are not addressed, what will be the inevitable result? The result will be increasing public dissatisfaction with the Senate and that dissatisfaction will grow into anger and the anger will result not in demands for reform but in demands for complete abolition of the Senate itself. In fact this is the position of the NDP, a position which commends itself to many as long as it is not critically examined, but I will do that right now.

The reason why I and the official opposition oppose the abolition of Canada's Senate, despite our vehement opposition to the Senate as currently constituted, is very simple. It is a reason that rests on the very nature of our country and the prerequisites for good government and national unity. I ask NDP members, particularly members from the west and members from the Atlantic provinces, to think about this: If we were to abolish the Senate, Canada would have a one House parliament in which the heavily populated areas of southern Ontario and southern Quebec would have an absolute majority of the seats in the House, regardless of whether it is dressed up in the concept of proportional representation, which is what the NDP demands. They will have an absolute majority of seats in the House. In such a parliament, I ask, how could the regional interests of Atlantic Canada, western Canada, northern Canada, northern and rural Ontario and northern and rural Quebec ever be properly addressed?

If Canada were a small country, perhaps the effective representation or accommodation of regional interests could be ignored. However, Canada is the second largest country on the face of the earth. Our regions are big enough to be countries on their own. National unity as well as good government therefore demands that we develop national institutions which recognize and accommodate regional interests rather than ignore or subjugate them, or rather than leave regional representation exclusively to the provincial governments. They have enough on their plates without having to come to Ottawa to complain about their needs.

There is a way that other big federations, the U.S., Germany and Australia, have addressed this. They have reconciled the interests of heavily populated areas with those of thinly populated areas by properly adapting the two house parliament to their needs. It is high time, in fact, that Canada did the exact same thing.

For those who think this would represent some Americanized departure from our form of federation or the British parliamentary system, let them study and improve upon the Australian model rather than the American model if they prefer. Suffice it to say that what we should be striving for in terms of parliamentary institutions is a two house parliament that works: a lower chamber based on genuine representation by population in which the heavily populated areas rightly enjoy greater influence, but also an upper chamber in which there are equal numbers of senators per province, as in the U.S. or Australia, where the thinly populated regions have greater influence. This is a way of counterbalancing the regions, the differences and the concerns of the country.

It is the position of the official opposition, therefore, that we should abolish those features of the Canadian Senate which render it useless and repugnant to voters and taxpayers. We should abolish patronage appointments, abolish inequality of representation and abolish ineffectiveness.

However, we do not believe in throwing out the baby with the bath water. Let us not be tempted to believe that abolition would simply be the first step toward a reformed Senate. If the Senate is completely abolished, as the NDP believes it should be, it is highly unlikely that it will be replaced in the foreseeable future with a reformed Senate that respects and will accommodate the concerns of the regions. Among the members of the House who are suddenly advocating Senate abolition I have detected no strong interest in establishing any other checks and balances on themselves as members of parliament, in particular the regional checks and balances that a reformed Senate would provide.

The official opposition envisions a Senate the objectives of which are threefold. I do want to get specifically to one area so I will skip ahead and revisit what our specific objectives are when I have my final five minutes.

That area is this one. It has been mentioned by members of the Progressive Conservative Party, and indeed members of the government, that the Charlottetown and Meech Lake accords were effective movements in the direction of Senate reform. However, the poorly conceived token effort at Senate reform contained in the Meech Lake accord consisted of a proposal to appoint senators from a list submitted by the relevant province, provided the appointee was also acceptable to the federal cabinet. Really, why not just appoint them itself? Why not cut out the middlemen and appoint who it wants?

● (1700)

There was also a promise to convene a first ministers conference at which Senate reform would be further discussed. It was a promise not unlike the promise on the GST which was addressed in the 1993 campaign as well. Since every province would have a veto over future constitutional reforms and the Quebec government had already declared its antipathy toward a triple E Senate, the promise of Senate reform through a first ministers conference mandated by Meech was utterly meaningless. Obviously these meagre Meech provisions for Senate reform were unacceptable to those who desired genuine Senate reform and who had developed a comprehensive proposal for a Senate that was elected, with equal representation and effective powers.

As hon. members will know, after the collapse of the Meech Lake accord the Mulroney regime made one more attempt at constitutional reform, an effort which culminated in the Charlottetown accord of 1992. While the process whereby Charlottetown was developed gave some belated attention to securing public input, mainly through the Spicer consultation, its Senate reform proposals were hardly more in tune with thinking in western Canada, where Senate reform had been under active consideration for more than 10 years, than those of Meech. The Senate reform proposals of the Charlottetown accord were contained in section II(A) of that agreement.

I will quote two parts of that. Section 8, under the heading "An Equal Senate", stated:

> The Senate should initially total 62 Senators and should be composed of six Senators from each province and oneSenator from each territory.

Section 9, aboriginal peoples' representation in the Senate, stated:

> Aboriginal representation in the Senate should be guaranteed in the Constitution. Aboriginal Senate seats should be additional to provincial and territorial seats, rather than drawn from any province or territory's allocation of Senate seats. Aboriginal Senators should have the same role and powers as other Senators, plus a possible double majority power in relation to certain matters materially affecting Aboriginal people. These issues and other details relating to Aboriginal representation in the Senate (numbers, distribution, method of selection) will be discussed further by governments and the representatives for aboriginal people in the early autumn of 1992.

It should be noted that there we had a Conservative government and a Progressive Conservative Party representing, ostensibly, rhetorically, conservatism in the country and they were proposing the idea of allocating seats permanently and specifically locked in the constitution, allocating seats to people on the basis of race. That is not conservatism and, certainly in western Canada, the next campaign spoke lowly of that proposal.

The Charlottetown accord contained 10 clauses pertaining to the Senate of Canada. Four of the clauses were supported at that time by our party, the Reform Party, their content having been part of our party platform since 1987. They included: clause 8, which provided for an equal number of senators per province; clause 10, which made it clear that the Senate would not be a confidence chamber and that the defeat of a bill in the Senate would not bring down the government in the House; clause 15, giving the Senate power to ratify or reject federal appointments for regulatory boards and agencies like the Bank of Canada; and clause 16, providing that senators not be eligible for cabinet posts.

We acknowledged these positive features of the Charlottetown agreement and were supportive of them. However, Senate reform proposals, which left the Senate both undemocratic and ineffective in safeguarding regional interests, were not good enough in the Charlottetown accord. The Charlottetown agreement did not contain a clear statement of the purpose of a reformed Senate. That is where the trouble started.

If it had been clearly stated that the purpose of a reformed Senate was to balance representation by population in the House of Commons with the democratic representation of provincial and regional interests in the Senate so that the laws reflected the interests of both heavily populated and less populated areas, it would have been much easier to define the power and structure required to achieve that objective.

I drafted this private member's bill after 1998. The province of Alberta, through its own provincial laws, decided that it would hold a Senate campaign and it elected its own senators in waiting. There was a vacancy in the Upper Chamber and the Prime Minister, out of arrogance, said to the premier of Alberta that he would not appoint the choice of the people to represent Alberta's interests in Ottawa. He said he would appoint someone he wanted. It was utterly undemocratic and utterly unfair. The province of Alberta was left behind. If this private member's bill had been law, Alberta today would have a voice in the Upper Chamber representing its interests rather than that of the Prime Minister.

● (1705)

Mr. Joe Jordan (Parliamentary Secretary to the Prime Minister, Lib.): Mr. Speaker, I am very pleased to rise to speak on the motion introduced by my colleague from Port Moody—Coquitlam. I was struck by the content of his speech. It seems to be some sort of rationalization as to why his party voted against Charlottetown.

I would suggest to him that Senate reform is certainly not an issue that is new to the House. About seven years after the BNA Act was brought into law, I think, the House debated Senate reform. I think the Senate itself started debating Senate reform in 1909 in terms of suggesting that there be term limits and that the provinces play a role in the appointment of the senators.

The fundamental argument or discussion we are having here today is about the system of government we have. I find it strange that a party which continually argues for democracy and for decentralization of power would then turn around and chastise the Prime Minister for not summarily throwing the constitution out the window and changing the rules of how the country is governed just because Alberta has a Senate election.

I think there is an inherent contradiction in that statement, in that scorched earth policy that the Alliance Party brought in, and the Reform Party before it, until they realized that it was burning the ground under their own feet. How can they come to Ottawa and decide, in the course of a year and a half, that somehow they have all the answers and they will fix our system of Senate reform?

The system of government that we have in this country is a system that has evolved. This government has said consistently that it is open to looking at the issue of Senate reform. However, the issue of Senate reform is far and away wider and more complex than simply putting in a process to elect senators.

The hon. member says we should look at Australia. We absolutely should look at Australia if we want to understand the effect of unintended consequences. If we look at parliaments that have derived from the British parliamentary system, they are systems that are rooted in majoritarianism: the majority rules. That is the system we have. We do not have the American system. Australia has taken on a bit of a combination, with an elected senate.

What we have that Australia does not is the supremacy of one House. We have an elected body and a Senate that is appointed and serves, in Sir John A. Macdonald's terms, as a House of "sober second thought". This member can stand up here and rail against the effectiveness of the Senate—

An hon. member: Of sober thought.

Mr. Joe Jordan: Of sober thought, my colleague adds.

I would just point to very recent times and the role the Senate played in the clarity bill and the role it is currently playing in the anti-terrorism legislation. To somehow equate the method they are chosen by and the legitimacy is, I think, a bit of a stretch.

Senate reform has been an ongoing debate in the country. It is certainly nothing new. The Charlottetown proposal was part of a larger attempt to bring closure to a constitutional issue. Again, I do not think Canadians have an appetite right now to open up that constitutional debate. We might be able to find a collection of people who say the existing system is not meeting whatever needs they define as being important, but I would further suggest that finding a common ground on what that solution should be will prove extremely difficult, not that I do not think that exercise needs to be undertaken.

To go back to the Australian model, what they have with two elected houses is deadlock between the two. In our system the Senate very rarely vetoes bills coming from the House of Commons. It may try to improve them, but it does not exercise its constitutional veto because it understands that the elected body has supremacy.

In Australia it has evolved into two elected bodies, two partisan houses, which do not serve any real purpose. If we are to go down that road then we have to take a serious look at what the NDP is proposing, because an elected Senate, as far as I am concerned, does not make a whole lot of sense in the larger scheme of how government in this country works. In Australia, the other thing that happens with an elected senate is that pressure builds because it is pretty hard to defend the regional allocation of seats or states.

● (1710)

If we look at quotes very recently by one of the Australian senators from Tasmania, he himself said that he could no longer defend the fact that a small state like Tasmania is given equal representation as larger states.

Again I would just caution my hon. colleague that on the surface it may look like a good idea but the unintended consequences have to be taken into consideration.

In terms of Senate reform and what people mean by Senate reform, that too has evolved over time. Until very recently, Senate reform proposals and motions in this place and the other place have focused on what the Senate does and reforming that appointed body. Very recently Senate reform has become absolutely fixated on the election of senators and how they are chosen. It somehow equates that method of selection with legitimacy in terms of the role they play in the government.

I do not know what the issue is that the member has with the appointment process. We appoint the judiciary in the country as is done at the federal level in the United States. It is not an uncommon system. The role of the Senate is clearly defined and it performs that role well. I firmly believe that if we were to go ahead and make this one change we would be eroding regional representation. We would have a hard time convincing colleagues from Atlantic Canada that it is a good idea.

Let us look at what the current Senate is made up of. Right now about one-third of the senators are women compared to about one-fifth of the MPs in this House. Which is more representative of Canada? It is the highest percentage of women in any Canadian legislative body. In fact it is the fifth highest of any legislative body in the world.

There are politicians from the House of Commons, from provincial legislatures, municipal politicians, lawyers, doctors, religious leaders, musicians, hockey players, farmers, teachers, journalists, business people, federal and provincial civil servants, men and women with deep roots in volunteer and political activities. Their average age is about 12 years older than the average age in the House of Commons. They bring considerable experience and life experiences.

Mr. James Moore: Democracy is more important.

Mr. Joe Jordan: My colleague is chirping about democracy. I would ask him—

The Acting Speaker (Ms. Bakopanos): I apologize to the parliamentary secretary but this is not a debate. You can carry the debate outside the House, I have no problem with that, but in the House please address your questions, answers and comments to the Chair.

Mr. Joe Jordan: Madam Speaker, on the issue of democracy, if we are going to elect senators and say that just because we elect them it is democratic, but then force allocations that do not represent the population base in the country, I do not know what we would call that. I guess we would call it democracy light.

The Senate is not democratically selected by design. It is appointed and is more representative of the people of Canada than those of us who have to go through the electoral process. It is a very good cross-section of Canadians who have had successful careers and who apply that knowledge to the task at hand. As Sir John A. Macdonald pointed out that it is a house of sober second thought, making sure that governments do not move too swiftly.

In conclusion, I am not necessarily at odds with my colleague in terms of Senate reform. We have to take a look at the various aspects that run through virtually countless proposals for Senate reform, that is, the method by which they are selected, what it is they do, and the distribution and areas they represent. What the motion does is it takes one of those three things and says to address it. To simply elect senators and say the situation will be solved is very naïve.

What we need to do is undertake a fundamental discussion in the country about the role of the Senate, how senators are selected and the areas they represent. We have to include all the range of that spectrum. At one end is the status quo, at the other end is to abolish it altogether. Clearly the motion is too narrow to have any use at all. As the Australian situation points out, it could in fact have very negative unintended consequences for the country. Therefore I will not be supporting the motion.

● (1715)

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Madam Speaker, before the member for Port Moody—Coquitlam—Port Coquitlam leaves the House, I would like to commend him for introducing the motion on greater democracy in our parliamentary system. It is extremely important that we democratize our parliamentary institutions and our voting system.

I want to say to him before he leaves that during the decade of the 1980s, I was the NDP critic for constitutional affairs for all five constitutional rounds. The most difficult issue I had to deal with pre-Charlottetown and the Beaudoin-Dobbie report and the Beaudoin-Edwards report, was the whole issue of what was to be done with the Senate.

The meetings went on for weeks and weeks here before Charlottetown. We kept leaving the Senate issue to last. It was more difficult than the division of powers. It was more difficult than the charter of rights. It was more difficult than language rights and all kinds of other very complicated issues.

It was interesting that at the very end we had a three party agreement on the Senate. This may surprise the member. Maybe he has already studied it. We recommended at that time that we elect the Senate and do it totally by proportional representation. The interesting thing was that we had all party agreement on it which took considerable compromise for our party, for example, and its historic position, and for other parties as well. That proposal of the House of Commons went to the first ministers. The first ministers decided to jettison that particular proposal.

It is a very complicated issue that we are dealing with today. It is historically very difficult. I commend the member for raising it. I think he means well when he says we should elect senators or appoint the senators who have been elected by certain provinces that have legislation to elect them. I see one major problem with that, and I say this in a very sincere way. I believe we would have all kinds of very unintended consequences if we were to appoint the senators whom different provinces elect.

Alberta has legislation to elect a senator. If we started doing that for Alberta, we would find that the other provinces would probably start doing the same thing. Before we knew it, in a very unintended way, we would have a completely elected Senate.

The powers of the Senate are the ones that were decreed upon it going back to 1867. The representation of the Senate is based on the population, the demographics and the intent of the Fathers of Confederation back in 1867. Once we legitimize the Senate, those senators who are then elected will not agree to any serious reform that would diminish their powers.

We would have 24 elected senators in Ontario, 24 in the province of Quebec, only six in the province of British Columbia and 10 in new Brunswick. British Columbia would only have six senators out of 104, which is 5% of the Senate, and the population of B.C. is already well over 5% of Canada and is growing very rapidly. In an unintended way we would lock in a very unfair system with tremendous distortions in representation. Prince Edward Island has four senators for some 130,000 people. British Columbia has a population of some three million or thereabouts. If in effect we were to put the cart before the horse by agreeing to allow the Prime Minister to appoint senators elected by the provinces based on the current representation, my fear is we would never change the representation in the Senate.

The current Senate actually has considerable powers. It does not use those considerable powers because senators are not elected. However, if they were elected, why would they not use those powers? They would have as much legitimacy as the House of Commons. Why would they not use those powers? We would invite deadlock between the two houses. That was not something that was foreseen by the people who drafted the Canadian constitution. They saw it as an appointed house with the House of Commons superseding the Senate in terms of powers. That would be one of the unintended consequences.

I can tell the member that when we dealt with the Charlottetown agreement a number of years ago, when different proposals were made, we always had difficulty in terms of representation and powers. If we had a vision of an elected Senate with a lot of powers, then there was no way under the sun we could get equality of the provinces. Ontario and Quebec would not stand for it, and why would they with so many people? Ontario and Quebec have two-thirds or 70% of the people of this country. Why would they agree to equality with Saskatchewan, Prince Edward Island, New Brunswick and so on?

● (1720)

If we reduce radically the powers of the Senate to the point where it is not very relevant, why have a Senate at all? It is like a dog chasing its tail. The proposal, which is really well intended in terms of democracy and democratic reform, is putting the cart before the horse.

The question is what do we do? Historically I believe we should abolish the place. Prior to Charlottetown we came to the point of view that we would elect the Senate but we would do it totally by proportional representation. I am back to just abolishing the place because I do not think we are ever going to reform it.

I remember when Brian Mulroney came to the House of Commons as prime minister he wanted to abolish the Senate. Many prime ministers have wanted to reform the Senate: Prime Minister Trudeau; Prime Minister Pearson; Prime Minister Diefenbaker. Many prime ministers wanted to reform the Senate but it is never going to happen. It is easier just to abolish it, get rid of it.

In polls today about 5% of Canadians support the existing Senate with the existing powers, existing representation and so on. The other 95% are split roughly 50:50 between Senate reform and the abolition of the Senate. In the polls over the past five or six years, the abolition movement in Canada has been growing each and every year. People are frustrated spending $60 million a year on an unelected, unaccountable, undemocratic institution.

The member from British Columbia raised a very good question. He directed it to the NDP in general about what happens to the smaller provinces and regions if we have only one house, a unicameral system. The Senate is supposed to fulfill two responsibilities. One is a check and balance on the powers of the House of Commons. The other one is regional representation in the central institution of parliament.

In my opinion we cannot have the abolition of the Senate in isolation. We have to look at a democratic and growing reform mechanism. If we abolish the Senate, the checks and balances the Senate is supposed to have should be brought into reforming the House of Commons itself. MPs need more power, the committee chairs, the finance committee, all the committees need more power, more independence.

We are the most handcuffed parliamentary system in the world in terms of having confidence votes on almost every issue and having very few free votes. The Prime Minister should not have the power to make all the appointments that he does. There should be a ratification process by the relevant parliamentary committee. We should have fixed election dates, fixed budget dates to democratize our system. If we did that, we would move some of the checks and balances that were intended to be held in the hands of the senators by the drafters of the constitution in the first place into the House of Commons. We would have checks and balances on the executive or the government.

That is one important function of the Senate we can bring into the House of Commons and make the role of the ordinary member of parliament a great deal more meaningful than it is today. I have been here since 1968, except for four years. I have seen the erosion of the power and the relevancy of this place, the erosion of parliamentary democracy.

More power is being concentrated in the hands of the executive. It got worse during the latter part of the Trudeau days and worse yet during the Mulroney days. It is worse now during the days of the current Prime Minister. If anyone has to verify that, ask Liberal backbenchers about the power of the Prime Minister's Office and the lack of power of individual members of parliament. We cannot ask them publicly because our parliamentary system now has so much power in the hands of the Prime Minister and the executive that a government backbencher cannot speak out. It has to be changed.

With regard to regionalism, if we are going to get rid of the Senate we should bring in a system of proportional representation where the will of the people is reflected accurately here in the central institution, the House of Commons. We would have a parliamentary system, a voting system where if a party got 10% of the votes it would get 10% of the seats in the House. The regions would be represented here in the centre. Any kind of government or parliament in the world that has some measure of proportional representation tends to have a better national vision in how it governs. It forces all parties to have a national vision.

When the Liberal Party cannot win seats in the rural prairies or the NDP does not win seats in Quebec or the Alliance does not win seats in Newfoundland, we all as political parties tend to narrow our focus in terms of what we concentrate on. We need a system of proportional representation or a measure of proportional representation in order to reflect the will of people here in the House of Commons.

● (1725)

If we abolished the Senate, reformed the electoral system, reformed parliament and made parliament more democratic, I think we would have an institution that would make all Canadians a lot more proud than they are today.

The intentions of the member are honourable but I think if we elected a Senate based on existing powers and on existing representation we would be making the big mistake of locking into our parliamentary system a mechanism that was designed over 100 years ago.

* * *

BUSINESS OF THE HOUSE

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Madam Speaker, there has been consultation among House leaders and I think you would find unanimous support for the following motion. I move:

> That, notwithstanding any standing order or usual practice, at 2 p.m. on November 21, 2001, a minister of the crown may propose the introduction and first reading of a bill entitled "an act to amend certain acts of Canada, and to enact measures for implementing the biological and toxin weapon convention in order to enhance public safety".

By way of explanation, this is a bill for which members will receive a briefing tomorrow morning. In order to permit members to ask questions tomorrow at question period, we would seek this particular method to introduce the bill before question period rather than after because it is Wednesday.

The Acting Speaker (Ms. Bakopanos): The House has heard the terms of the motion. Is there agreement?

Some hon. members: Agreed.

(Motion agreed to)

THE SENATE

[*English*]

The House resumed consideration of the motion.

Mr. Scott Brison (Kings—Hants, PC/DR): Madam Speaker, it is a pleasure to rise today to speak to the private member's motion put forward by the member for Port Moody—Coquitlam—Port Coquitlam. I commend him on the motion. It is important for us to debate issues of such importance here in the House. This is part of an institutional reform debate that I think we ought to be having more frequently.

As many of us reflect on our views of parliament and what we expected from parliament prior to being elected, I think most of us thought we were coming to a place where this would be the kind of issue we would sink our teeth into, debate, constructively propose ideas and then arrive at solutions for some of the problems facing Canadians.

Instead, sometimes we find we are put on a treadmill once we arrive in Ottawa, fed parliamentary gainsburger and kept busy so as not to offend the sensibilities of the Prime Minister's office and the cabinet. I am not saying that specifically as a representative of the opposition, but these are comments that frequently reflect the views of members opposite who are sitting in the backbenches and not regularly consulted.

I enjoyed the comments of the hon. member for Regina—Qu'Appelle as to the need for a more holistic approach to institutional reform and to address the secular decline in the role of a private member that has occurred over the last 30 years. I think that is absolutely essential.

On the issue of an elected Senate, when I look at the qualities of some of our senators and at some of the very positive work that is done in our senate, particularly at the committee level, I think the committee that most closely reflects my activities on the House of Commons finance committee would be the Senate banking committee. I would have to say that in many cases, and perhaps the public is not as aware of this as it might be, we have a very effective Senate and some very effective Senate committees.

Some of our Senate committees have a depth and breadth of experience that would be impossible to duplicate here in the House for a number of reasons. I would not go as far as to say that sometimes the qualities required to develop public policy are mutually exclusive with those required to be elected but, that being the case, there are many people in our Senate who take their jobs very seriously, who work extremely effectively and who can draw on a level of experience that does not necessarily exist in the House and who might not be compelled to run as elected representatives.

Of course my party and former Prime Minister Mulroney appointed Stan Waters as an elected senator from Alberta, so there is a history to this. However that was an ad hoc appointment and the member is suggesting something much more significant.

One challenge or an unintended consequence that I think the member for Regina—Qu'Appelle alluded to is that currently, in terms of constructive opposition to government legislation, the Senate is actually more effective at this particular juncture than is the House of Commons opposition in many ways.

If we look at the House, it is not our fault specifically and there has been a decline of the role of the private member over the last 30 years, but we do not give adequate scrutiny to legislation in the House. The government railroads legislation through the House. We do not even give adequate scrutiny of spending.

There was a time when estimates were debated on the floor of the House of Commons. Now it is a perfunctory approach to the estimates. They are introduced and there is a tiny bit of discussion but there is very little substantive debate. There was a time when ministers, par for the course, had to defend their estimates on the floor of the House of Commons and that was the regular practice.

My concern is that if we were to move toward an elected Senate without fundamentally changing and reversing some of the decisions made over the last 30 years in terms of the role of private members in the House, we would actually be strengthening what Jeffrey Simpson referred to as the friendly dictatorship.

● (1730)

In some ways, we could have an elected body in the Senate that actually would be elected along the same lines and could reflect essentially the same numbers as would be in the House and the Prime Minister would ultimately have even less opposition than what exists currently.

With time allocation, the government, the Prime Minister's Office and, to a certain extent, the Cabinet continues to railroad legislation and initiatives through the House. If we look at the recent anti-terrorism legislation, the most effective and most constructive opposition to that legislation, I believe, came from the Senate. We have the minister today agreeing to I think 100 amendments. I do not think that level of compromise emanated from the House of Commons as much as it did from constructive opposition in the Senate.

I would argue that since 1993 the Senate has acted, in many ways, more effectively and, not through the fault of any party or any individual in the opposition based on institutional memory, there were some skills that were inherent in the experience of those in the Senate that were drawn on that actually provided very effective opposition during that period.

Ministers are more easily compelled to go to Senate committees than they are to House committees. When they go to those Senate committees, I would argue that in many ways they are grilled more comprehensively than they are at House committees.

Those are some of the issues that I think we need to address. However I am sure the hon. member would not want to see a greater of level of power transferred as a result of this, and through some unintended consequence, to the Prime Minister's Office and to cabinet.

That being the case, we have supported, in fact on our last platform, studying and moving toward an elected Senate. It makes a great deal of sense in the context of overall institutional reform and reversing many of the changes that have occurred over the past 30 years which have reduced the role of the private member in the House. To move toward an elected Senate without making those changes would be a very serious mistake.

Further to that, we also have to give thought as to the length of terms. In some ways, one of the benefits we have in terms of an appointed Senate is that many issues I believe are dealt with in a more long term way by senators, where they have a greater respect for the long term public policy implications when they are not focused necessarily on elections in three years and on public opinion.

We have seen such a movement toward poll based public policy in this country and elsewhere in democracies. Sometimes when we base our decisions on short term polls as opposed to long term impact of public policy initiatives we are very badly served.

If we were to move toward an elected Senate, I would posit that we should seriously consider eight year or six year terms or terms that would be of greater length than those of the House and would provide an opportunity for a more Burkean approach to some of the issues. I am sure the hon. member, based on our previous discussions, would support that.

If we were to not move in that direction, I would be afraid that we would have an upper chamber with many of the same faults that have evolved in our lower chamber which have emanated from a power hungry PMO and an all too malleable cabinet. I think we have to approach this in the very long term.

I have a document in front of me entitled "A Legislative and Historical Overview of the Senate of Canada", October 1993. It is a summary in point form of some of the issues and some of the contributions of our upper chamber.

● (1735)

I am certain that the hon. member would not want to leave Canadians with the wrong idea that our upper house has not been working actively to provide sound and constructive opposition to the government during the last seven or eight years. He would probably agree with me that the Senate has played a very vital role with a divided opposition over the last several years in terms of holding the government's collective feet to the fire during these confusing political times.

Mr. Rick Laliberte (Churchill River, Lib.): Madam Speaker, I thank the hon. member for raising the issue and bringing about debate on the parliamentary structure and the different roles the houses play for our country and our government.

He indicated that the history of debates which have accumulated up to now, especially those surrounding the Charlottetown accord, spoke about the role of aboriginal peoples and the intention of inclusion of aboriginal peoples.

There is a debate to abolish the other house and make a single house. I would like to share the idea of three houses of parliament. When the country was created the crown negotiated with aboriginal nations through treaties. It was not aboriginal peoples; it was aboriginal nations. Those nations are alive and vibrant in Canada. The Neheyo which is part of the Cree, the Dene, Mohawk, Musqueam, Squamish, Huron and Algonquin are vibrant nations.

It would be very advantageous and crucial at this time in our debate to include these nations as part of the governing structure of Canada. I offer as a third house an accumulation of aboriginal nations of the country.

This third house actually exists in a building called the parliamentary library. The parliamentary library was a gift given to us in 1916 because it survived the fire of 1916. The square building on Parliament Hill burned but the round one did not. The symbol of the circle is very sacred because it is a symbol of the medicine wheel. If we look at the floor plan of the parliamentary library it symbolizes the medicine wheel with all directions pointed on it.

I want the hon. member to put this point into context because looking at only an elected Senate is a narrow perspective. I would like to broaden the member's perspective in this regard.

I would like to take an holistic view of how the country is evolving. We are a very young country. We are barely shaking off the cloaks of colonialism. They are not even freshly off our shoulders yet. We are trying to rejuvenate a country and a governing structure that can serve the best interests of the country with pride, confidence and certainty. That will not take place unless we see a rightful place where aboriginal nations are recognized. That would be a fine example.

We had an honourable citizen recognized yesterday, Nelson Mandela. His people chose the rainbow coalition as a means to include all the peoples in South Africa to create a country. It is time for Canada to look into this debate.

I look at the symbolism of this room. The room is rectangular in nature and designed for us to fight in. Opposition and government members are two sword lengths away so we do not hurt ourselves. I look at the parliamentary structures in Europe where the symbolism of this parliament was adopted. The European parliament and the German Bundesrat are both in circular form. The Swedish parliament is in a semi-circular form.

Canada is begging for the symbol of unity. It is not only the debate between Quebec and the rest of Canada or between the French and the English. It is time for all of us to unite.

We can keep the country strong, united and vibrant if the aboriginal nations are given their rightful place. An aboriginal parliament could address the major economic, social, health and environmental issues affecting our aboriginal communities. We need to come together and find out what our responsibilities are so we can exercise the responsibilities we have in housing, education, law, business and trade. These are responsibilities that were here before the country was formed and even before other persons found their way here.

● (1740)

These responsibilities have to be exercised and nurtured. If we do that a consciousness in this country will be awakened.

I must give honourable mention to the member who brought forth this debate which allowed me to address the issue. It is time that we look at the holistic perspective of the Canadian government, its parliamentary structures and the symbolism of unity that this country is dying for.

It is an honour to raise this issue today. The debate may come back if the motion is defeated. However I encourage the new member who has found his way to the House of Commons to continue to try to find a rightful place for this parliamentary structure. I hope I can contribute to that.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Madam Speaker, I congratulate my colleague for bringing this topic to the floor of the House. I must say that the past hour has been extremely enjoyable for me. I have been listening to speakers from all parties in the House debating something that needs to be debated.

As Mark Twain said "Everybody talks about the weather but nobody does anything about it". We have been talking about the Senate for years and long before some of the speakers tonight were even born. However we have not changed anything. I agree with my colleagues that we need to sit down and discuss this issue.

I point out something very fundamentally different between Canada and the United States. In history 101 or whatever it is now regarding Canada, the professor would probably tell us right off the bat that the existence of Canada is a sin against nature or a sin against geography.

We cannot go on with the discrepancies in numbers that currently exist. For example, Quebec and Ontario have more people in the Senate than the entire western half of the country. That is absolutely not right. I have nothing personal against senators. I know all the senators from my province.

We have to do something in a hurry as Canadians from coast to coast look upon a bicameral institution of government as a bit of a joke. I do not say that in a demeaning way. I say that we should have this debate again and I congratulate my colleague for bringing it before the House.

● (1745)

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Madam Speaker, I thank the hon. member, the great member of parliament for Souris—Moose Mountain in Saskatchewan, for his kind words.

I only have five minutes but I want to comment briefly on each of the presentations that were made after mine. I will offer my comments in reverse order.

The member for Churchill River, the former NDP member who was elected on the principle of abolishing the Senate, now believes not only in sustaining the current institution but in creating a third institution. He thinks having it circular is somehow a good idea. I am trying to be a bridge builder. The hon. member should note that these two things can be accomplished. The United States senate sits in a semi-circular room and is elected on the triple E basis of equality for all states.

The member for Kings—Hants applauded the quality of work that has been done in the upper chamber by certain members of our Senate. There is no question that quality work gets done in the current Senate. I am thinking specifically of Bill C-36 and the amendments being made to it. The Senate has made a substantive contribution regarding the issue of drugs. It has done substantive work in debating how to go forward on the issue and whether to reform our current regime in the war on drugs.

Let us imagine that every member of the current Senate was elected and had the democratic legitimacy to talk about issues the House may not be talking about but on which it may want to slowly move the ball. Let us imagine Senators engaging in debates with vigour, putting forward legislation, aggressively amending legislation before the House and effectively working in the Senate chamber. It would have a remarkable impact for Canadians on the quality of legislation coming not just out of the House of Commons but out of parliament.

The NDP member for Regina—Qu'Appelle said the Senate should be abolished. He has held that view for quite some time. However it should be noted that his constituents in Saskatchewan would be left way behind.

The population of Saskatchewan is dropping by a point or two a year. There is talk about restructuring the seats in the House of Commons. Saskatchewan would not get more seats. It could not have fewer seats election by election but proportionately it would have a smaller and smaller voice in this place.

If we got rid of the Senate the views of Saskatchewan would have a weaker and smaller voice. Saskatchewan is dealing with health care reforms, a potential change of government coming down the pike where it is hoped Mr. Hermanson will become the next premier, and aboriginal issues as the proportion of its aboriginals rises dramatically relative to other provinces. Saskatchewan has substantive issues. For it to have a weaker and smaller voice in this place would do a total disservice to the home province of the hon. member.

The member mentioned the principle of a unicameral legislature. Unicameral legislatures work well in provinces but they do not work in large, vast countries like ours where we have diverse populations. Unicameral legislatures only work in unitary systems. Canada is a federal system with diverse needs and views which must be accommodated in a system that understands, respects and represents those views.

Last but not least, the almost right hon. member for Leeds—Grenville who was elected by a majority of 40 or 50 votes chooses his words carefully in this place. I will repeat my motion to remind Canadians what it says:

> That, in the opinion of this House, the government should take measures to provide that the Governor General summon only fit, qualified and democratically elected people to fill Senate vacancies for provinces that have legislation providing for the election of Senators.

The hon. member said the example of Alberta in 1998 where it has Senate election laws would be unconstitutional. That is not true at all. All the constitution says is that the Prime Minister must appoint senators. It says nothing at all about the mechanism the Prime Minister uses to select the person he or she appoints. The motion is totally constitutional. It would put the power back into the hands of the public.

The member said it is great that more than 50 per cent of our current senators are women. That is not a virtue in and of itself. A greater virtue is the principle of democracy. We should strive for excellence and hope for equality, not strive for equality and hope for excellence. There are greater principles here. There is the principle of representation, the principle of democracy, and the principle of putting this House and the upper chamber back into the hands of Canadians where they belong.

Given that the hon. member for Leeds—Grenville is the only member who can prevent this from happening, and given that he was elected with only a 50 seat majority, I seek unanimous consent from the House to make private member's Motion No. 361 votable so we can have a full debate about the nature of democracy in Canada.

● (1750)

The Acting Speaker (Ms. Bakopanos): Is there unanimous consent to make the item votable?

Some hon. members: Agreed.

Some hon. members: No.

The Senate

[*Translation*]

The time provided for the consideration of Private Members' Business has now expired. As the motion has not been designated as a votable item, the order is dropped from the order paper.

[*English*]

Accordingly the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 5.50 p.m.)

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