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OFFICIAL REPORT
(HANSARD)

Thursday, April 18, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, April 18, 2002

The House met at 10 a.m.

Prayers

● (1000)

[*English*]

PRIVILEGE

ATTEMPTED REMOVAL OF MACE

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I gave notice yesterday of my intention to proceed with a certain question of privilege. However, in view of the international circumstances that have arisen overnight, I think it would be more appropriate to deal with that matter on another day in the very near future, and I would first ask for your permission to do so.

Second, I understand that there would be consent in the House to proceed at this time directly with statements by ministers and then to return to the normal daily routine of business when those proceedings have been completed.

The Speaker: Yes, the Chair regards the request of the government House leader with respect to the question of privilege as quite reasonable and the matter can be deferred without prejudice to any arguments with respect to timeliness.

Is there unanimous consent to proceed with statements by ministers at this time?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*English*]

NATIONAL DEFENCE

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, yesterday the House marked the celebration of 20 years of the Canadian Charter of Rights and Freedoms. Last night our nation was reminded of the precious cost that comes with standing up for the rights and freedoms that we hold so dear.

[*Translation*]

Last night, we learned that Canadian troops had been involved in a horrible accident during a live fire training exercise near Kandahar, Afghanistan.

Four of our soldiers, all members of the Princess Patricia's Canadian Light Infantry, were killed and eight more wounded.

We do not yet have all the facts, but it seems clear that our soldiers were hit by fire from a fighter jet belong to our U.S. allies.

President Bush called me when he learned of this to express his great sorrow and to extend his sincerest condolences to the families of our soldiers.

[*English*]

At times like these we grasp for words of comfort and consolation, but they are just words. They can never do justice to the pain and loss that is being felt this morning in Edmonton by mothers and fathers, wives and children who have received the worst news we could imagine. All we have in our power today is to tell them, as a nation, that they are in our thoughts and prayers.

The campaign against terrorism is the first great global struggle for justice of the 21st century. As in all such conflicts of the past, Canada has been on the front lines. The Canadian armed forces has set itself apart with their valour, daring and skill. If words cannot console this loss, they also cannot fully express the pride that all Canadians have felt about the exemplary way in which they have carried out their duties.

We have so many questions this morning. Extensive training for combat is meant to save lives. How is it that in this awful case it took so many lives? I want to assure the families and the people of Canada that these questions will be answered. Indeed, President Bush has pledged the full co-operation of the Americans with us in the investigation that is already underway.

For this moment, we must give over our hearts and prayers to the loved and the lost and to the families to whom our nation holds a debt of gratitude that is beyond mortal calculation.

● (1005)

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, Her Majesty's loyal opposition joins the Prime Minister in expressing sorrow over the loss of these brave souls who made the supreme sacrifice in defence of all we hold near and dear as a nation. We join their families and their comrades in mourning.

This great national tragedy serves to remind us, as generations before were reminded, that our soldiers, our brave soldiers, are among those noble few who volunteer to put themselves in peril in defence of our nation, our freedoms and our democracy. It should always be a great source of national pride that we have among us young people who volunteer, who join our armed forces willingly, knowing that any day, any hour, any minute they may be thrust into perilous situations. We should guard carefully the use of the word noble so that in times like this it can be used generously and accurately to describe and define our fine young people in uniform.

We know and take assurance in knowing that these tragic losses will not deter our military men and women, will not make them falter, will not make them hesitate now or in the future as they continue their fine and noble tradition of defending their nation and its admiring and proud citizens.

Princess Patricia's Canadian Light Infantry has a long, proud and honourable history. The brave men and women in Princess Patricia's Canadian Light Infantry know their history. Today's comrades in arms will be joined in their sorrow by former comrades in arms. They will, as members of Princess Patricia's Canadian Light Infantry have done in the past, draw strength from each other and give strength to the families and the loved ones left behind.

I want to address the families and the loved ones. Mere words will never suffice at a time like this, but please know that we are very proud of those loved ones who they have lost.

A poem was written nearly 100 years ago. I would like to read the second and third versus. It states:

> We are the Dead. Short days ago
> We lived, felt dawn, saw sunset glow,
> Loved and were loved, and now we lie
> In Flanders fields.
>
> Take up your quarrel with the foe:
> To you the failing hands we throw
> The torch; be yours to hold it high.
> If ye break faith with us who die
> We shall not sleep, though poppies grow
> In Flanders fields.

We pray for the wounded and their families and for their quick recovery. We will not forget them.

● (1010)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a tragic and unfortunate incident has occurred in Afghanistan. Four Canadian soldiers have lost their lives while another eight have been wounded.

On behalf of the members of the Bloc Quebecois, I join with the Prime Minister and all members of the House to express our deepest sympathies to the families and friends of those who died, and our wishes for a speedy recovery to those who were injured.

As for the families of all of the troops in Afghanistan, who woke up this morning to this terrible news, I would like them to know our thoughts are with them at this difficult time.

The Bloc Quebecois wishes to thank Canadian military personnel in Afghanistan and elsewhere, as well as their families.

What happened is all the more tragic because it occurred during an exercise. Any military operation brings with it a risk of loss of life. This is, of course, the tragedy of war, even in these days of so-called smart weapons, which are supposed to keep such mistakes from happening.

I must make it clear that the United States were quick to offer their co-operation in casting light on this tragic incident. An investigation of these events is imperative.

We can only hope that such a thing will never happen again.

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I join with all members of the House in expressing the deep sadness felt by all Canadians at the events that have happened in Afghanistan in the last 24 hours.

We are shocked and saddened to learn of the loss of four of our soldiers and the injury of eight others. The events affect most directly the loving families and dear friends of those who have been killed and injured, and we express our deepest sympathies and prayers to them at this time.

As a community we know the tragedy of this loss is felt by all Canadians. This morning across the country in schools, workplaces, community facilities, places of worship and the quiet of their homes, Canadians are coming to terms with an experience those of us who grew up in the latter half of the last century had believed and hoped would never be visited again upon the lives of our citizens.

In the community of Halifax that I am privileged to represent, military families join their loved ones on a regular basis to bid them farewell as they go off to serve their country in operations and exercises that can be very dangerous. When Canadian men and women were sent to Afghanistan and the region all Canadians struggled with the cruel reality that some might not return. It is a truth that is unsettling to those of us who have only known peace and rarely been touched by war.

Courage can come from knowing our military men and women accept the risks inherent in their work and are steadied by their training and the knowledge that their public service is essential to building the kind of global peace we value and would like to see for future generations.

We must give all the care, comfort and resources that military families require. We know their families are proud of them and always concerned for their safe return. Our thoughts and the thoughts of all Canadians are with the families of the injured soldiers as well.

Once more on behalf of my colleagues I express my deepest sympathies to the families who have lost their loved ones and extend our prayers to the eight injured soldiers for their full recovery and healing.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the whole House joins today in expressing our deepest condolences to the family and friends of the four Canadian soldiers whose lives were lost in Kandahar and the families of those who were injured.

No words can truly express the profound sorrow we as Canadians feel today. We can nonetheless express our admiration, pride and gratitude to the four Canadian soldiers who gave their lives to protect the values of freedom, democracy and respect that are so challenged by the threat of terrorism.

● (1015)

[*Translation*]

Terrorism is a universal scourge. Canada is not immune to it. That is why Canada's role in the war against terrorism is so important.

All Canadians recognize the matchless contribution of these four Canadian soldiers in this great struggle against terrorism. We admire their extraordinary courage. We salute their ultimate sacrifice. Their memory will be forever with us.

[*English*]

Even in these tragic circumstances hard questions must be asked and answered. War is always unpredictable but Canadians want to know the exact circumstances that led to Canadian soldiers being killed by friendly fire. Did the arrangement whereby American commanders direct Canadian troops have any impact on the casualties? Was there any incompatibility between the communications systems of our troops on the ground and the aircraft involved in the incident? Were the Canadian troops adequately equipped? Are the families of the dead and injured fully covered by the special duty pension order?

War involves loss. This war is worth waging. The safety of Canadians in combat requires the expression of the deepest sympathy and gratitude, and it requires of us the greatest determination to ensure our troops enter combat in the safest possible circumstances.

Our sympathy and thoughts are with the families of the dead and the injured. In that the whole House and whole country join.

[*Translation*]

The Speaker: I would ask the House to rise for a moment of silence in memory of the soldiers who so tragically died.

[*Editor's Note: The House stood in silence*]

* * *

PRIVILEGE

STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member from Mercier on March 19, 2002 relating to actions of the Chair of the Standing Committee on Foreign Affairs and International Trade during the committee's examination of Mr. Alfonso Gagliano as order-in-council appointee to the position of ambassador to Denmark.

[*English*]

I thank the hon. member for Mercier for raising this question as well as the hon. members for Burnaby—Douglas, Portage—Lisgar, Cumberland—Colchester, Winnipeg—Transcona, the former member for Gander—Grand Falls, the hon. government House leader, the Parliamentary Secretary to the Minister of Public Works and Government Services, and the hon. member for Pictou—Antigonish—Guysborough who all spoke to the matter.

● (1020)

[*Translation*]

The hon. member for Mercier, in raising the matter, argued that her parliamentary privileges were violated when the Chair of the Standing Committee on Foreign Affairs and International Trade disallowed certain of her questions, thus, in the member's view, hindering her right to question fully the witness's qualifications and competence as ambassador-designate.

The hon. member explained that she and other members of the committee had attempted to question the appointee as provided in Standing Order 111(2) that is, they wanted to "examine the qualifications and competence of the …nominee to perform the duties of the post to which he …has been appointed".

[*English*]

In support of the legitimacy of her line of questioning the hon. member also cited *House of Commons Procedure and Practice*, page 876 which states:

> Any question may be permitted if it can be shown that it relates directly to the appointee's or nominee's ability to do the job.

[*Translation*]

The hon. member argued that the committee Chair had exceeded her authority. By excluding questions about the ambassador-designate's previous work experience, the Chair prevented members from asking appropriate questions regarding the candidate's ability to fulfill his duties.

[*English*]

Furthermore, all hon. members who spoke to the matter raised the issue of freedom of speech as being fundamental to the work of parliamentarians.

[*Translation*]

In reviewing the facts of the matter, I found that the arguments presented by hon. members set out the difficulty clearly and concisely. However, as members know from many previous rulings rendered in this place, it has been the consistent position of past Speakers—and I have shared that position—that committees are masters of their own destinies. It is with the committee itself that lies the responsibility for resolving its own procedural disputes. These are matters in which Speakers have, almost invariably, chosen—wisely in my opinion—not to interfere.

I wish to draw to the attention of hon. members a previous ruling made in the House some years ago by Speaker Fraser, with regard to actions taken by the then Chair of the Standing Committee on Finance. In his ruling of March 26, 1990, Speaker Fraser made the following comments:

> A committee chairman is elected by the committee. Like the Speaker, he is the servant of the body that elected him or her. The chairman is accountable to the committee, and that committee should be the usual venue where his or her conduct is pronounced upon, unless and until the committee chooses to report to the House, which the Committee has not yet opted to do.

[*English*]

Unlike those of the Speaker, the decisions of committee chairs are subject to appeal. This represents an important indication of the independence of committees.

[*Translation*]

It is my understanding that, in the situation before us, the ruling of the committee Chair with regard to the disallowance of certain lines of questioning was appealed but that the Chair's decision was upheld. While I understand the frustrations of the hon. members, I cannot substitute my judgment for a decision taken either by a committee Chair or by a committee itself; the Chair cannot become an additional recourse for appealing decisions in committee. Committees must remain masters of their own procedure.

I am confident that committee Chairs continue to be mindful of their responsibilities to make fair and balanced rulings based on the democratic traditions of this place. Members of committees must also strive to resolve procedural issues in a manner which ensures that the rules are followed and that committee deliberations are balanced and productive for those committees.

Again, I thank all hon. members for their interventions in this matter.

● (1025)

[*English*]

I wish to inform the House that because of the ministerial statement government orders will be extended by 14 minutes.

ROUTINE PROCEEDINGS

[*English*]

AIR TRAVEL COMPLAINTS COMMISSIONER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) I have the honour to table, in both official languages, the report of the Air Travel Complaints Commissioner from July 2000 to December 2001.

* * *

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 four petitions.

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

OFFICIAL LANGUAGES

Ms. Yolande Thibeault (Saint-Lambert, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Joint Committee on Official Languages.

This report is a summary of the consultations that we had with officials from organizations representing minority official language communities. It is our hope that this document will help the President of the Treasury Board and minister responsible for co-ordinating issues relating to official languages in the drafting of his comprehensive action plan.

[*English*]

The committee wishes to underline the outstanding collaboration and support of the people who appeared before the committee and the people who served the committee.

[*Translation*]

We wish to thank researcher Françoise Coulombe, from the Parliamentary Research Branch of the Library of Parliament, as well as co-clerks Tonu Onu and Jean-François Pagé and their support staff for their invaluable contributions, which have enabled us to table this eighth report.

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-442, an act to amend the Employment Insurance Act.

He said: Mr. Speaker, I am pleased to introduce this bill. I hope that it will be selected to become a votable item. This bill proposes some 15 changes to employment insurance.

As we know, some changes have been made to employment insurance since 1996. Even though there is now a $42 billion surplus in the fund, some people do not even qualify for employment insurance benefits.

In short, the major changes proposed in this bill are to reduce the number of hours from 910 to 350; to increase the number of weeks for people who may qualify; to include self-employed entrepreneurs under the EI program; to increase the level of benefits to 66%, where it should really be.

This is a very important bill. We must also ensure that an independent commission monitors the employment insurance program.

[*English*]

As I have said, it is a pleasure for me to present this bill in the House of Commons. I hope it will be made votable shortly, especially since we have a $42 billion surplus in employment insurance.

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

* * *

ORGAN DONATION ACT

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP) moved for leave to introduce Bill C-443, an act to establish a national organ donor registry and to co-ordinate and promote organ donation throughout Canada.

She said: Mr. Speaker, as we approach National Organ Donor Week it gives me great pleasure to introduce an act to establish a national organ donor registry and to co-ordinate and promote organ donation throughout Canada.

The bill is intended to save lives by ensuring that Canadians in need of live saving organs can benefit from the most efficient and co-ordinated system of identifying and matching donors to meet the need.

We are painfully aware of the urgent need to improve our organ donation system. That has been driven home today by the news that the rate of organ donation in the country has fallen.

It is my belief and the belief of many others that we can benefit from this kind of legislation and we can make a difference in the lives of Canadians who are desperately in need of organs today.

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

* * *

● (1030)

COMMITTEES OF THE HOUSE

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, I move that the second report of the Standing Committee on Health, presented on Wednesday, December 12, 2001, be concurred in. It is a privilege for me to speak to the motion.

Almost a year ago the former health minister introduced draft legislation on assisted reproductive technology and related research. Before I get into that piece of legislation that was brought down as draft legislation I would like to give a history as to what brought us to that point because that was not the first attempt at such legislation.

The events leading up to it began in 1991. A royal commission report was tabled in 1993 just to sit on a shelf and accumulate dust. Nothing came of it. However, in 1997 Bill C-47 was put on the order paper only to die on it at the call of an election.

This is the third attempt at such legislation that would allow us to deal with an issue that is becoming more and more important. In fact, our newspapers are filled with reports of cloning and how stem cell research is being developed at the present time.

The former health minister presented a fairly extensive bill last May. Some of the subject matter of the bill dealt with cloning, surrogacy and stem cell research. There were two sides to that piece of legislation. There was a scientific side and a family building side, which is the reproductive side dealing with in vitro fertilization, surrogacy and all of that. It was a thorough two-stage piece of legislation.

There were a number of things that were prohibited in that piece of legislation: reproductive and research cloning, which some people term as therapeutic cloning; and commercial surrogacy. We said there should be no modification in the whole area of gamete donation and surrogacy. The maintaining of an embryo outside of a womb was prohibited and there were many others.

One of the activities that would be allowed under licensing was embryonic stem cell research. However, the most important piece in the legislation was the regulatory body that would oversee the prohibitions and the licensing of the overall department of assisted reproductive technologies and related research. Notably when the minister introduced the bill he said:

> There must be a higher notion than science alone…that can guide scientific research and endeavour. Simply because we can do something, does not mean that we should do it.

That bill was sent directly to committee. It was the first piece of legislation that came into this parliament and went directly to committee. It was a novel approach, one that I believe should have been taken up in many pieces of legislation introduced here because it gives us a non-partisan opportunity to deal with an issue before entrenchment, party lines and party division take over a subject.

The committee met over an extensive period of time, nine months, and dealt with several issues and heard from dozens of witnesses. We heard from the scientists who were eager and excited about getting into this subject matter. We heard from the ethicists and faith communities. We heard from parents struggling with infertility and surrogates. We heard from the offspring of assisted reproductive research. We heard from the disabled, legal counsels, legal experts, et cetera. All of these groups were very important.

I mention these groups because when we deal with a subject matter that is on the cutting edge of scientific research we sometimes think it should be driven by science and scientific interests alone. However, when we look at the subject matter it has many different facets to it.

● (1035)

It has much to do with parents and children. It has much to do with legality, with interest groups from the disabled and others. This is why we looked at all of those. There were differing perspectives and sometimes compelling testimonies on the complex subject that had many considerations. We heard compelling and moving evidence.

Meanwhile, development in this area kept rolling around, it did not stand still. Over this last year we have seen some phenomenal things happen. Members will recall some of the reports that came forward this past summer that groups were intent on human cloning. Something significant happened in the United States in August when President Bush announced that funding guidelines for embryonic stem cell research, and notably public funds, would not go into pre-existing embryonic stem cell lines. There would be no more killing of embryos with public money was basically what he was saying.

There is a memorable phrase that is well worth noting. He said that we did not create life in order to destroy it. However, things kept rolling along and we saw another challenge to this whole idea of human cloning in November when headlines proclaimed the first human had been cloned. This came out of an advance cell technology when an American privately funded company announced that it had used the clone technology to grow a cell that could eventually serve as a source of a human cell line. This embryo died in the Petri dish at six days of age.

We can see how this is developing and how things are moving along very quickly. During this same period the Canadian Alliance argued in committee that legislation should be tabled and the bill broken up in order to deal with the issues that we all agreed should not go forward and that we should stop therapeutic and reproductive cloning which are internationally recognized as deplorable acts. We suggested this and brought it to committee only to be turned away.

We continued with hearings throughout the fall and wrapped up in November. In December the committee met in camera to draw its final recommendations to the minister on the new legislation. One thing that was significantly different was in the intent of the legislation when it was introduced in May compared to what we had discovered over the nine month period. We wanted to change the original name to focus on building families because reproduction is all about reproducing cells and growing healthy families as a society. That is what is important as a nation. That is what is important as society goes forward.

We introduced the majority report and minority reports. The majority report included many provisions that the Canadian Alliance supported, such as a greater primacy for the principle of respect for human dignity, individuality and integrity of the embryo. We agreed with the banning of human cloning, whether it be reproductive or therapeutic, of commercial surrogacy or of animal-human hybrids, the combining of animal and human DNA.

We also agreed with having an accountable, regulatory body to deal with this legislation as this science develops into the 21st century. We need a body that will deal with the things we could not have recognized, that we could not have come to terms with or foreseen, but we must have a body that is truly accountable to Canadians and truly accountable to the House if we are to be able to move forward.

Unfortunately the Liberals would not agree with a moratorium on embryonic stem cell research. Their recommendation number 14, on page 16, stated:

> Research using embryos be a controlled activity requiring a licence—

As we thought through exactly where we should go on this very important piece of legislation,we came up with a minority report. There were eight things that we wanted to highlight. One was the urgency of the legislation. We cannot afford to wait any longer. We cannot afford to fail with this piece of legislation because of the way science is moving forward, so we said that it should happen by the end of March.

We said that there should be respect for human life. We said that in the conflict between ethics and science, where ethical accountability conflicts with scientific possibility, the ethical should prevail. With regard to regulations on the embryonic stem cell research, we said that we should back off for three years and allow science to work on the adult stem cell side, which is not fraught with ethical dynamics and dilemmas in any of the research being done or anything coming out of the research. We said we should take a breather as science catches up and we should put our energies where they can be most valuably used, where our precious Canadian dollars for research can accomplish the most. We are seeing many things happen even in the last few months with regard to the excitement that adult stem cells are creating and what actually can be accomplished. We are seeing such things as Parkinson's and muscular dystrophy actually being cured through the adult stem cell.

We said that we should respect provincial jurisdictions. With respect to privacy and accessibility to information, we said that when the rights of the donor conflict with the rights of the child, the rights of the child should prevail. We are saying that we must have statutory standing in front of that regulatory body for all interests, not just the scientific interest. As well, we should have a free vote in the House when the legislation comes forward.

Since we tabled our report there have been several developments. I would like to underscore some of them and the need for this legislation in Canada. In January we learned that for years Industry Canada has been issuing patents on human genes. The health committee was under the impression that patents would not be issued for human genes. We recommended against gene patenting. The concept here is no different from that of developing a telescope, looking out into the universe and discovering a star. It is fine to patent the telescope. It is not appropriate to patent the star. Patenting a human gene is no different.

In February, a Kentucky fertility specialist, Dr. Zavos, pledged to begin efforts to clone a human being, in an undisclosed country outside the United States. Everyone has to understand that in the cloning process only .5 of the clones are really ever born healthy enough to grow into a full human being. In the United States, for example, if only .5 of clones, only one out of every 200, are born whole, then we would want to have those born in a society or in a country that socially picks up all of the disasters that come out of that. I would suggest that they are very possibly targeting Canada and we could potentially be seeing this kind of experiment happening on our soil.

● (1040)

Also in February it was announced that a woman with faulty genes would get an embryo without those faulty genes. We are hearing story after story with regard to designer babies. We are talking about deaf parents who wanted to ensure that they had a deaf son so they had another embryo from a surrogate to make sure it would happen. We are seeing designer babies happening before our eyes, particularly in the last six months.

Recently a committee in the United Kingdom's House of Lords recommended that research on the embryonic stem cell would be permitted to continue, that therapeutic cloning would be allowed and that the first embryo bank of stem cell research would also be established. It is interesting to look at the United Kingdom and its experience over the last 10 years. It had a regulatory body that would allow only the destruction of embryos that were left over from in vitro fertilization. Just a month or so ago it changed the rules and now it is allowing embryos to be designed solely for the purpose of research and also allowing them to be developed to take stem cells from them, which would be the same as therapeutic or research cloning.

We can see the slippery slope we would be on as a nation if we were to open the door and go beyond the line, killing life to be able to do research on that life.

In March the Canadian Institutes of Health Research, and this is a Canadian institute, announced guidelines allowing federal research funding to be directed to embryonic stem cell research. It was a complete end run on parliament. There is no regulatory body in place to deal with this, but the CIHR decided it would take it upon itself. It was interesting yesterday when we heard from the president of the CIHR, Dr. Bernstein. We asked him about some of these important issues and why he would bring forward his guidelines at the eleventh hour, after waiting a decade, and pre-empt the work of parliament. His answers were less than convincing.

It is interesting as well to see how his guidelines differ from the standing committee's report, a report that recommends a declaration of human dignity, individuality and integrity. As well, it is important to note that this all party report stated that research on an embryo should take place only if there is no other category of biological material that can be used. We can see that after 20 years of research of embryos being used in animals, we have cured nothing.

The new CIHR rules ignored these recommendations.

Early last week it was reported that the first cloned baby was on its way through the efforts of an Italian fertility specialist, Dr. Antinori. He claims to be in an Arab country and to have cloned a child that is eight weeks along in its mother's womb at the present time. We do not know how many others are happening around the world, but we know this is coming. We know the urgency is there.

Also last week, President Bush denounced all forms of human cloning and announced his support for legislation currently in progress on the banning of human cloning. He said “Life is a creation, not a commodity”. Finally, last week scientists linked to a group in Quebec claimed that they have already implanted cloned embryos in women. If they are experimenting on our soil, there no law to stop them. Science fiction is quickly becoming science fact.

On Friday we asked the government to assure us that the cloning experiments were not taking place in Canada. We received no such assurance. It is imperative that legislation on cloning and research on human embryos be debated in the House as soon as possible. We know that there are groups intent on cloning humans. The CIHR has pre-empted parliament by saying that research on embryos should go ahead.

The minister has pledged to have that legislation by May 10. We have now waited eight years for legislation on these issues. The House of Commons Standing Committee on Health has carefully considered draft legislation and made its report to the House. Parliament is eagerly waiting to receive and debate the legislation on assisted reproduction, promised by the minister within the next month.

● (1045)

The CIHR's announcement has pre-empted that debate and has usurped the authority that rightly belongs to parliament in regard to making fundamental decisions on human life. The minister's acquiescence in this regard is an affront to a long process involving parliamentarians that precedes this announcement. Decisions on issues of such importance and controversy as embryonic stem cell research and human cloning must be made by parliament, not by unelected, unrepresentative, arm's length organizations funded by federal governments. Genome Canada stepped over the line last week, as it has now $11 million, $5.5 million from federal funds, toward embryonic stem cell research.

Canadians deserve to have their voices heard in parliament before a decision is made on these issues. The time for action is now.

● (1050)

Mr. Paul Szabo (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, I appreciate the member's comments on what is certainly a very important report. This report showed how committee members in fact can work together in a non-partisan way. It deals with some very sensitive issues and I would like to make a statement. I hope that the member will be able to comment on some of the thinking of the committee as I know he is a member of that committee.

Dr. Françoise Baylis was on the dais with the president of the Canadian Institutes of Health Research to announce the guidelines on stem cell research. I would like to quote from a statement she made to the health committee. She stated:

> The first thing to recognize in the legislation and in all your conversations is that embryos are human beings. That is an uncontested biological fact. They are a member of the human species.

This really focuses the issue to the fact that we are talking about the disposition of a human being, the human embryo. In fact most discussions start off with people saying that we have in vitro fertilization, there are these unwanted fertilized eggs, the embryos, and therefore rather than simply discard them, let us use them.

I wonder if the member would comment on the logistics here. It appears to me that the in vitro process generates more eggs for fertilization than are normally necessary. In fact they drug women to super-ovulate and they harvest perhaps 25 eggs. Then they might implant two or three eggs. If more than one takes, they do a fetal reduction. It seems to me that the solution to this problem or this ethical dilemma is to perfect the process of freezing women's eggs and simply thaw them when they are needed for the in vitro process. In that case there would be no surplus embryos and that would deal with the ethical problem.

Mr. Rob Merrifield: Mr. Speaker, I thank the hon. member for his question. I would be pleased to comment on it because it is a very important issue. Science has really gotten us into this mess in the sense that we have not had the opportunity to freeze an embryo prior to the scientific advancements over the last few years. When it comes to solving the problems that science has gotten us into, I believe that science has the potential to and probably will get us out of this mess.

The member is right in the sense that when science gets to the place where it can freeze the egg and not the embryo, it gets around the ethical dilemma. That is actually happening in Australia. There is some evidence of that right now. They think that perhaps a year or two down the line that will be very much a reality.

However, we are very concerned. The committee looked at in vitro fertilization clinics. In fact we have put in some flags, which will be fleshed out in the regulatory body when legislation comes forward, with regard to the ethics of the number of eggs that are actually fertilized. We think there should be some limits there because of the ethical or unethical treatment of infertility practices.

Science has gotten us into it. Science can get us out of it. It is a very important issue.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, I compliment my colleague on his well prepared and well delivered remarks today. This is a huge issue.

I would like him to address what I feel is once again a slight of parliament by the health committee spending many hours looking at the issue and preparing a report. I know the official opposition, with the former member, Preston Manning, had a lot of input into the issue and came up with a minority report with some good recommendations.

We have all received many letters and have heard many comments from constituents in our ridings who do want to have input into this issue. Through the actions of the CIHR this has been circumvented to some degree. I think that is wrong. Parliament should have supremacy.

I would like the member to comment a little further on the whole idea of using embryonic stem cell research from what is left over from the in vitro fertilization process. Does he feel that this is not the right way to go? What would happen if we did go down that road?

● (1055)

Mr. Rob Merrifield: Mr. Speaker, I thank my hon. member for the question and the discernment he has with regard to the pre-empting of parliament by the CIHR.

If there was ever a situation of putting the cart before the horse this is it. It is unbelievable that the Canadian Institutes of Health Research, which is 100% federally funded, would take the very valuable taxpayer dollars and use them for embryonic stem cell research, and use guidelines that deal with one of the most difficult issues that we have on ethics and the ethical dilemma that parliamentarians have to deal with in this piece of legislation. It is unbelievable that we could be pre-empted by this group.

Not only that, then we have the other group, Genome Canada, which just last week took $5.5 million from the industry minister and put that into embryonic stem cell research without any regulations in place, although it says that it will adopt the Canadian Institute for Health Research's guidelines, which really go beyond anything that the majority report has suggested.

It is absolutely appalling to see parliament and parliamentarians pre-empted. We need to consider the people we represent and their will on this issue. They have not had an opportunity to speak on this. We absolutely must bring this forward as soon as possible so they can have their voices heard.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I will begin by thanking the health critic for the Alliance in his efforts to bring this serious matter before the House. I concur with him when he says that action in this area is long overdue and to reiterate our concern to have the matter resolved in parliament and to begin to ensure we have a proper regulatory process in place to govern this very complex and controversial area.

In addition to the critical matter of stem cell research that he raises, I would like to ask him a few short questions on some issues that I think are important and critical to the developments in this area.

The first question has to do with a concern I think we all share, which is commercialization in the area of reproductive technology. Does the member support that concern and, if he does, is he prepared to work with us to get the federal government to bring reproductive technology into the non-profit public sector?

Second, does he support efforts to stop the number of applications before the Canadian patent office trying to get patents on genetically engineered human stem cells? As well, does he support the idea of the government reviewing on a precautionary basis rather than a risk assessment basis the safety of fertility drugs? Does he agree that we need to advance the whole area in conjunction with the Women's Health Bureau of Canada and with the women's centres of health excellence across Canada.

Finally, does he agree with our need to develop a national strategy on genetics based on respect for human dignity and diversity and that we must do so in conjunction with persons with disabilities and their organizations that are so involved in this area?

Mr. Rob Merrifield: Mr. Speaker, I think I addressed some of those questions in my earlier remarks. When it comes to the issue of children, it is really all encompassing around the draft legislation that we looked at, which is why we renamed it "Building Families". When we are faced with the ethical dilemmas that are in the legislation, we are saying that where the scientifically possible conflicts with the ethically acceptable, that the ethically acceptable has to prevail. When we have the rights of a donor compared to the rights of a child, the rights of the child have to prevail. Those are fundamental and I think they garner a significant amount of agreement, at least at committee level. We would like to get that into the House so that we can debate it here.

I would agree with the member. When it comes to the child and where we need to go with the legislation, she is right. When it comes to a national strategy, believe me, we need legislation first then we will talk about national strategy and a regulatory body that is accountable to the House.

● (1100)

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I move:

That the House proceed to orders of the day.

The Acting Speaker (Mr. Bélair): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Call in the members.

● (1140)

[*Translation*]

Before the Clerk announced the result of the vote:

Mr. Jean-Guy Carignan: Mr. Speaker, I support the motion.

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

(Division No. 274)

YEAS

Members

Adams
Alcock
Anderson (Victoria)
Assad
Assadourian
Augustine
Bagnell
Barnes
Bélanger
Bertrand
Bevilacqua
Binet
Blondin-Andrew
Boudria
Bradshaw
Brown
Bryden
Bulte
Byrne
Calder
Caplan
Carignan
Carroll
Castonguay
Catterall
Cauchon
Coderre
Collenette
Comuzzi
Cuzner
DeVillers
Dion
Discepola
Duplain
Easter
Eggleton
Finlay
Gallaway
Godfrey
Goodale
Graham
Grose
Harb
Harvard
Hubbard
Jackson
Jennings
Karetak-Lindell
Keyes
Kilgour (Edmonton Southeast)
Kraft Sloan
Lastewka
Leung
Lincoln
Longfield
MacAulay
Macklin
Malhi
Manley
Marcil
Marleau
Martin (LaSalle—Émard)
Matthews
McCallum
McCormick
McGuire
McKay (Scarborough East)
McLellan
Mills (Toronto—Danforth)
Mitchell
Murphy
Myers
Nault
O'Brien (London—Fanshawe)
O'Reilly
Paradis
Patry
Peschisolido
Phinney
Pillitteri
Pratt
Proulx
Redman
Reed (Halton)
Regan
Richardson
Robillard
Saada
Scherrer
Scott
Sgro
Shepherd
Speller
St-Julien
Steckle
Stewart
Szabo
Thibault (West Nova)
Thibeault (Saint-Lambert)
Tirabassi
Tonks
Ur
Valeri
Vanclief
Whelan
Wilfert– — 106

NAYS

Members

Abbott
Anders
Anderson (Cypress Hills—Grasslands)
Asselin
Bellehumeur
Benoit
Bigras
Blaikie
Borotsik
Bourgeois
Brien
Burton
Cadman
Casey
Casson
Comartin
Crête
Davies
Day
Desjarlais
Desrochers
Dubé
Duncan
Elley
Epp
Gagnon (Québec)
Gagnon (Champlain)
Gallant
Gauthier
Girard-Bujold
Godin
Guay
Guimond
Harris
Hearn
Hill (Prince George—Peace River)
Hilstrom
Jaffer
Johnston
Kenney (Calgary Southeast)
Laframboise
Lanctôt
Lebel
Lill
Loubier
MacKay (Pictou—Antigonish—Guysborough)
Marceau
Martin (Winnipeg Centre)
Meredith
Merrifield
Mills (Red Deer)
Moore
Nystrom
Obhrai
Pallister
Penson
Perron
Picard (Drummond)
Proctor
Rajotte
Reid (Lanark—Carleton)
Reynolds
Ritz
Rocheleau
Roy
Sauvageau
Schmidt
Skelton
Solberg
Spencer
St-Hilaire
Stinson
Thompson (Wild Rose)
Vellacott
Wasylycia-Leis
Williams– — 76

PAIRED

Nil

[*English*]

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

Orders of the day. On a point of order the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons.

* * *

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think that if you were to seek it you would find unanimous consent for the following motion. I move:

That the motion of Wednesday, April 17 permitting the Standing Committee on Fisheries and Oceans to travel to Vancouver and Port McNeil, B.C., be amended by striking the words "from April 20 to 26" and inserting therefore the words "from May 6 to 10".

(Motion agreed to)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I believe if you were to seek it you would find unanimous consent for the following motion. I move:

That, in relation to its study on the Examination of the Free Trade Area of the Americas in view of strengthening economic relations between Canada and the Americas, the Subcommittee on International Trade, Trade Disputes and Investment of the Standing Committee on Foreign Affairs and International Trade be authorized to travel to Sao Paulo, Brazil, Santiago, Chile, San José, Costa Rica, Lima, Peru, Bogata, Colombia, from April 28 to May 12, and that the necessary staff do accompany the committee.

(Motion agreed to)

GOVERNMENT ORDERS

● (1145)

[*English*]

SPECIES AT RISK ACT

The House resumed from April 16 consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendment) from the committee, and of the motions in Group No. 4.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I rise on a point of order. I move:

That the member for Saint Albert be now heard.

The Acting Speaker (Mr. Bélair): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Call in the members.

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

(Division No. 275)

YEAS

Members

Cadman	Casson
Day	Duncan
Epp	Meredith
Merrifield	Mills (Red Deer)
Moore	Rajotte
Reynolds	Ritz
Schmidt	Skelton
Williams– — 15	

NAYS

Members

Abbott	Anders
Anderson (Cypress Hills—Grasslands)	Benoit
Burton	Elley
Gallant	Harris
Hill (Prince George—Peace River)	Hilstrom
Jaffer	Johnston
Kenney (Calgary Southeast)	Spencer
Stinson	Thompson (Wild Rose)– — 16

PAIRED

Nil

● (1220)

The Deputy Speaker: I declare the motion lost.

● (1225)

Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance): Mr. Speaker, I would like to commend my colleagues who supported me for their good judgment and wisdom. Those who did not will be dealt with another day.

I am pleased to rise and speak to Bill C-5, which is the species at risk act. I would like to begin my presentation by clearly saying that the Canadian Alliance is committed to protecting and preserving Canada's natural environment and the endangered species.

However the bill borders on unconstitutionality. It proposes to relieve Canadians of the right to enjoy ownership and full control of their property based on a bureaucratic decision and provides no compensation to any Canadian who is deprived of the enjoyment of their property rights.

Sadly, this was one of the things that was taken away from Canadians 20 years ago through the charter of rights. In the bill of rights, which I support very strongly, it was clearly established that Canadians had the right to free ownership and control of their properties and would not be deprived of it without due process. In that explanation there was compensation that would be required.

For the benefit of our audience, our point about Bill C-5 is this. Someone has a piece of property and a little critter of some sort shows up on the property that has been or could be deemed a species at risk, such as a three toed purple frog. If a decision is made that this particular critter is deemed an endangered species, then without notification by the state police, and I mean the Liberal government, a process can be enacted and put underway to take away a piece of that landowner's property. This would be done to provide a habitat of any size, as determined, for this so-called endangered species without any notification to the landowner. That is about as unconstitutional as I can possibly imagine, when the state can implement a process without any notification to the person who will suffer a consequence by it.

Members know that the Standing Committee on the Environment and Sustainable Development spent approximately nine months dealing with this issue. It called witnesses from all across Canada, many who were experts in this field. The committee provided a sterling report to the government on its findings. It provided a number of recommendations that would have made Bill C-5 somewhat palatable to most Canadians and, of course, palatable to most opposition members.

The committee spent exhaustive amounts of hours, days and weeks dealing with the bill and putting a report together. There was majority approval on it, and I understand on many items there was unanimous approval. After presenting to the government a report which the committee believed was a very successful end to a long exercise and after hearing all the witnesses, the government simply trashed the report from the environment committee was trashed. That is unbelievable.

● (1230)

I will give the House a little humour. Two days ago the Minister of the Environment stood up in the House during question period on a question from either the Bloc or the NDP. The minister started out his answer by saying, first of all, let us be clear, this was a democratic process. He was not even talking about Bill C-5, but about something else. He said that in case his hon. friend across the way did not know, "democracy consists of listening to people". That is a direct quote from the Minister of the Environment, the same minister who ordered the trashing of the environment committee report. In a surprise for him, the committee members went out and listened to people from all across the country and brought back the comments, involving themselves in a most democratic process.

When I heard the minister's comment, I was just astounded by the hypocrisy of what he said in the House and what he did to the report of the environment committee. I understand that there were over 300 amendments put forward by the committee, good, solid amendments that were all supported by the committee. Nevertheless, the report was trashed by the Minister of the Environment and his people.

What we have here is a formula that will be so detrimental to Canadians across the country, particularly but not exclusively to hard-working rural Canadians who rely on their land as a source of income or food, and I am speaking of the farming families, and to Canadians who have sought to escape the city core and have bought a two acre, three acre or five acre hobby farm in the country in order to provide a clean environment for their kids, both from a social and a nature point of view. This formula places this whole idea of getting back to the land at risk, because who really owns the land now? The people may have ownership of it, but they certainly do not have jurisdiction over it according to the bill.

I want to wind up by saying that the government has really dumped all over the people of Canada with the endangered species bill. No one, it appears in the government's mind, has the right and the security to own and enjoy property. In winding up I want to make a motion. I move:

That the debate be now adjourned.

● (1235)

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

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

(Division No. 276)

YEAS

Members

Abbott	Anders
Asselin	Bellehumeur
Bergeron	Bigras
Brien	Burton
Cadman	Casson
Crête	Desrochers
Dubé	Duceppe
Gagnon (Québec)	Gagnon (Champlain)
Gallant	Gauthier
Girard-Bujold	Guay
Guimond	Harris
Hill (Prince George—Peace River)	Hilstrom
Laframboise	Lanctôt
Loubier	Marceau
Merrifield	Mills (Red Deer)
Perron	Picard (Drummond)
Ritz	Rocheleau
Roy	Schmidt
Skelton	Spencer
St-Hilaire	Toews
Williams– — 41	

NAYS

Members

Adams	Anderson (Victoria)
Assadourian	Augustine
Bagnell	Bakopanos
Barnes	Bélanger
Bertrand	Binet

Blondin-Andrew	Borotsik
Boudria	Bradshaw
Bryden	Bulte
Calder	Cannis
Caplan	Carroll
Castonguay	Catterall
Coderre	Collenette
Cuzner	DeVillers
Dion	Easter
Eggleton	Finlay
Gallaway	Godfrey
Godin	Goodale
Graham	Grose
Harvard	Hearn
Hubbard	Jackson
Jennings	Jordan
Karetak-Lindell	Keyes
Kilgour (Edmonton Southeast)	Kraft Sloan
Laliberte	Lastewka
Leung	Lill
Lincoln	Longfield
MacAulay	MacKay (Pictou—Antigonish—Guysborough)
Macklin	Malhi
Manley	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Matthews
McCallum	McCormick
McDonough	McGuire
McKay (Scarborough East)	Mitchell
Murphy	Myers
Nault	O'Brien (London—Fanshawe)
O'Reilly	Paradis
Phinney	Pratt
Proulx	Redman
Reed (Halton)	Regan
Richardson	Robillard
Saada	Scherrer
Scott	Sgro
Shepherd	Speller
St-Julien	St. Denis
Steckle	Szabo
Thibault (West Nova)	Thibeault (Saint-Lambert)
Tirabassi	Tonks
Ur	Valeri
Vanclief	Whelan
Wilfert– — 99	

PAIRED

Nil

● (1315)

[*Translation*]

The Deputy Speaker: I declare the motion lost.

[*English*]

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, in the interests of Canadians, the Standing Committee on Environment and Sustainable Development devoted considerable effort to hearing from witnesses across the country and carefully reviewing Bill C-5.

One of the standing committee's significant contributions is the proposed establishment of a national aboriginal council to provide advice on the implementation of the bill and to the Canadian Endangered Species Conservation Council.

Aboriginal peoples in Canada manage a considerable amount of the habitat on which species at risk depend. Many in turn depend on wildlife for sustenance and for making a living. As a result of their unique relationship with the earth, aboriginal peoples also possess knowledge about the biological status of species and about measures that can be taken to improve this status. This information is critical to achieving the goals of Bill C-5. For the first time in wildlife legislation, Bill C-5 recognizes the value of aboriginal traditional knowledge by requiring that it be considered, together with scientific and community knowledge, in the assessment of species at risk.

I would like to pause here for a moment and talk about the aboriginal working group on species at risk. This group includes representation from Canada's national aboriginal organizations. The aboriginal working group participated in the development of Bill C-5 and continues to provide advice to the federal government on the development of species at risk legislation. We do not want to lose access to the kind of advice and input from the aboriginal working group that has helped to inform the policy behind the bill. We need a mechanism to ensure that it continues.

I am pleased that the record will show the importance of the efforts of the aboriginal working group. The establishment of a national aboriginal council on species at risk is consistent with the Government of Canada's commitment to strengthening its relationship with aboriginal peoples. This is a great step forward.

By establishing the national aboriginal council on species at risk, we are recognizing and putting into law the importance of the relationship of aboriginal peoples to land and wildlife. The establishment of this formal advisory body puts into law what has been happening in practice, thereby strengthening the government's commitment to aboriginal involvement. With this council, with this legislation, and with the incorporation of aboriginal traditional knowledge into the assessment and recovery of species, we are moving forward.

We have said for nearly nine years that we all share in the responsibility of protecting wildlife. Perhaps no group demonstrates a commitment to that responsibility more than Canada's aboriginal peoples. The national aboriginal council on species at risk will set into law a partnership that has already produced many positive results. It is a partnership we are also working hard to foster with others, with landowners, farmers, fishermen, conservation groups and those in the resource sector, which will be aided by the proposed species at risk legislation.

● (1320)

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I appreciate your recognizing me, because if it goes to a vote it does not always work out that way.

I am glad to rise on Bill C-5 and talk about the problems—

Ms. Marlene Catterall: Mr. Speaker, I rise on a point of order. I wonder if it is in order for the member for St. Albert to be heard at this time when the House voted against hearing the member for St. Albert.

The Deputy Speaker: Procedurally it raises a very interesting question, but I am quite prepared to rule in favour of the member for St. Albert.

Some hon. members: Hear, hear.

Mr. John Williams: It certainly helps when you know who your friends are, Mr. Speaker.

Some hon. members: Oh, oh.

The Deputy Speaker: As we would say in common talk, “Don't go there”. The hon. member for St. Albert.

Mr. John Williams: Bill C-5, species at risk, and I am not talking about myself, Mr. Speaker, I am talking about the bill and the issues within it.

One of the issues that has been raised by our critic is that this is a new piece of legislation that is breaking new ground. We would like to see the legislation brought back to the House after a five year trial period to find out how well it worked. One would think that would be appropriate. It affects a large number of people in this country, a large number of landowners. Every Canadian has an opinion on species at risk and we would certainly want to ensure that our species at risk are preserved, but not at the cost of individuals. They should not be required to pay for public policy. There are many other aspects that would encroach and intrude into people's lives, especially the lives of landowners and the way they manage their property.

I would have thought it would have been quite appropriate and that the government would have agreed that after five years a committee of the House would be asked to review the legislation. However the government said no.

This concept of democracy, listening to the opinions of the House, unfortunately has no effect on the government today. I cannot say how disappointed I am that the government would not listen to a request that five years after the legislation is introduced, an all party committee of the House would be asked to re-examine the legislation to see the impact it had on our society and on the people it specifically affected, and to see whether the regulations, as they were written, are appropriate and fair. Is that asking too much? I did not think it was asking too much. My colleagues did not think it was asking too much. Unfortunately, an all party committee to examine this five years down the road is too much for the government.

We do live in an open society. Transparency and openness should be the order of the day. Democracy means that people's input and people's opinions should be heard. However, like so many other bills and legislation around this place, the government has the first word and the last word. What the opposition and Canadians have to say does not seem to be very relevant. It is a rather unfortunate situation.

One of the things the bill deals with in significant amounts is property rights. If a species at risk is on somebody's land it means the owner can no longer use the land for his or her enjoyment. The owner must ensure that the species at risk on his or her land is protected and there is no compensation for that. Why should a few people in Canada carry the burden and the cost of public policy? I cannot understand why the government would adopt that type of attitude. It seems absolutely and patently unfair that it would take that position.

I think back to the hepatitis C scandal. We paid out hundreds of millions of dollars in compensation because the government did not follow appropriate practice and people died or became very sick because of the hepatitis C situation. We also had the AIDS situation where again the government was culpable on that issue too and it paid out. We have the residential schools situation with our natives, which is a very unfortunate circumstance, and the government is paying out for that too. The government pays and rightly should pay for problems that it causes and for the implementation of public policy but on species of risk it will not.

● (1325)

I do not know why the government will not provide compensation. Should it? Of course it should. I want to emphasize this point. Why should one individual or a few individuals in the country cover the cost of public policy?

We did have an all party committee of the House look at the legislation. It proposed numerous amendments. All the parties agreed that the amendments were appropriate. Government members, who also sit on that committee, agreed that the amendments were appropriate and the bill would be enhanced by these particular amendments, so that when it came back to the House for report stage and third reading the bill would be improved by the debate of the committee members who had a particular interest in that particular subject, who had heard from witnesses with expertise in this particular area and from witnesses who would be affected by the legislation. The amendments were then introduced here and the government said that it was not the way it wanted to go. It wanted it done its way.

What is the point of having committees? What is the point of having debate in the House if no one listens? The species at risk legislation, recognizing our responsibility to protect species at risk, is something every Canadian knows would enhance our stature in the world, but the way it is being done, the heavy-handedness, cannot be condoned.

I am rather appalled that the government would do this. This is surely a non-partisan affair because we do want to protect our environment. We do want to protect these multitude of species, some of which are at risk, but the way the government does it turns off the opposition in the House. We are the ones who are supposed to form the debate. We are the ones who are supposed to have input into public policy, advise the government on what it should be doing and approve what the government wants to do. However, as we can see, the party whip on the other side cracks the whip and the result is preordained. Everyone knows before the vote is even taken what the results will be.

The points that really concern us are: no review of the legislation after five years even though it enters a whole new area of Canadian and legal jurisdiction; the heavy penalties; not knowing how it will be administered; and not knowing how it will work. Parliament should be reviewing that but the government has said no. Property rights and public policy should not be at the expense of a few Canadians.

We must let the committees of the House work. As the chairman of the public accounts committee, we feel that we do a fair amount of good work. We work closely with the auditor general. We bring out waste, mismanagement, accusations and allegations of corruption, and so on. I would like to think that every other committee in the House would feel that their contributions are making a difference, but when their recommendations are ignored by the government when they get into the House, we wonder why it would be all worthwhile.

It is disappointing. It could have been good legislation. It could have enjoyed all party support. It does not because of the attitude of the government.

● (1330)

[*Translation*]

Mr. Yves Rocheleau (Trois-Rivières, BQ) Mr. Speaker, personally, I am very happy to speak today, April 18, 2002, the day after the 20th anniversary of the patriation of the Canadian constitution, which resolutely and wittingly denies the existence of the Quebec people. As a result, Canada still fails to recognize the existence of the Quebec people, in addition to other dishonourable measures when it comes the Quebec people. This a patriation and a constitution that no Quebec government has ever recognized, regardless of its political colours.

This event, which we do not hear nearly enough about and which thankfully was discussed a great deal yesterday, is a very serious event in the recent history of Canada and Quebec. As we saw yesterday, the current government is trying to gloss things over, referring to the charter of rights instead of to the real event, which was the patriation of the constitution, of the unilateral move made by Pierre Elliott Trudeau, this pseudo-democrat who had risked his head, and the future of his party, to make changes following the no result of the referendum. It is important to remember this.

The changes made were contained in the charter, the patriation and the new constitution, which not only failed to recognize the Quebec people, but which weakened the powers of the National Assembly then, and still now.

Indeed, it is in the same vein that Bill C-5 was introduced, an act respecting the protection of wildlife species at risk in Canada. It is important to view the introduction of this bill in its historical context.

This is an outcome of the Rio convention on biodiversity, signed at the time by the Government of Canada. The government wanted to follow up on it in 1995, then again in 1997. The bills were strongly opposed throughout Canada, and all died on the order paper. The government came back this year with Bill C-5.

In Rio, and this is an important element in the debate and in the underlying constitutional issue, the government made a commitment to, and I quote:

> —develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.

There is a commitment made to develop new provisions; this was done in this case as with others. Canada is signing treaties, not only without the consent of the House, which means that those elected to represent the people are not involved in the decision because there is no debate, but also without consulting the provinces.

In Rio the Canadian government made some very significant commitments in this area, without consulting the provinces, and Quebec in particular, which had—as I may elaborate on later—legislation in place since 1989 to protect endangered species.

Bill C-5 replaces Bill C-65, which was introduced in 1996. One of its key points dealt with the creation of COSEWIC, the Committee on the Status of Endangered Wildlife Species. In a report dated April 11, 2000 by Environment Canada, the following statement was made:

> To date, the Committee on the Status of Endangered Wildlife in Canada, COSEWIC, has designated 340 wildlife species in Canada as being at risk. Of that total, 12 are extinct, 15 others are extirpated in Canada, 87 are endangered, 75 threatened and 151 vulnerable. Of the 97 species whose status has been recently reassessed, 26 are headed toward endangered status.

● (1335)

The problem is therefore a real one. The governments and other stakeholders must intervene, but the rules must also be respected. Here we have the federal government creating a very unwieldy structure in which those mandated to do so, termed in the legislation competent ministers—nothing personal here, that is what the law says; we will identify no one, we will make no personal judgments—are the ministers responsible for Canadian heritage, fisheries and oceans, and the environment. One important point is that clause 10 reads as follows:

> A competent minister may, after consultation with every other competent minister, enter into an agreement with any government in Canada, organization or wildlife management board with respect to the administration of any provision of this Act.

Whereas clause 11 reads:

> A competent minister may... enter into an agreement with any government in Canada, organization or person to provide for the conservation of a species at risk.

This says a lot about the role that the Canadian government has decided to play in the lives of Canadians from coast to coast. Quebecers must be increasingly aware of this. Something very important is happening here, in this place, and in the Langevin building. It was decided here, following the 1995 referendum, which Quebecers almost won when they came so close to giving themselves a country, that Canada should never live again the intense hours that it experienced on the evening of October 30, 1995. Canada does not want to go through this again. It has decided to take the bull by the horns and to make this government the Government of Canada.

This is what underlies this bill and clauses 10 and 11. This is clearly stated in the social union agreement. The Canadian nation building is being carried out at the expense of Quebecers and Quebec, where legislation had been in place since 1989, and with total disregard for all existing laws. This is happening in every sector. We saw it with the millennium scholarships. Today, we are seeing it with the protection of species at risk. We saw it with parental leave and with marine areas.

There is no need to mention the government's shameless propaganda. It is so bad that even dromedaries in Africa display the Canadian flag. The government has a problem with visibility, or else it is obsessed with it. Sixty five per cent of the propaganda budgets, including for summer festivals, are spent in Quebec.

This government is present everywhere. Quebecers must realize that the federal government has decided that it would call the shots in every sector, thus showing its contempt for the constitution, for the history of Canadian federalism and for the National Assembly and government of Quebec.

I hope that Quebecers will keep this in mind. This government made a decision to patriate and use the 1982 constitution without a mandate, without consultations and without a referendum. Quebecers must take note of this and they must think about it, because there is no future for them in the Canada that is being built.

● (1340)

[*English*]

Mrs. Karen Redman (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, it is a distinct pleasure to get up in the House and speak to such an important topic.

I have had the privilege of being in the House since 1997. Every day we deal with legislation that is important to Canadians. I can think back to the Newfoundland Schools Act, the Quebec school act and when we brought Nunavut into existence on April 1, 1991. There have been significant pieces of legislation.

[*Translation*]

The bill before the House of Commons today is very important for Canadians.

[*English*]

There is no question that nature is part of Canada's identity. We flock in record numbers to our national parks. We boast about our wide open spaces. We revel in our reputation as a country of the outdoors. We are the envy of many countries around the world. While nature is part of the Canadian identity it is at the core of the way of life of Canada's aboriginal peoples. They are people of the land, with vast and rich stories and a vast knowledge of nature.

The Standing Committee on the Environment and Sustainable Development worked long and hard in its study of the proposed species at risk act. Its work must be praised and is of great value. It has added a great deal to an already sound and well considered approach.

At report stage we are dealing with what would seem to be a number of motions, but most are housekeeping motions. They would clean up the text to ensure consistency in wording throughout the bill while maintaining the intent of the hard and valuable work of the standing committee in drafting amendments.

We accept in principle the standing committee's proposal to develop a stewardship action plan under Bill C-5. Work is already underway on the development of a federal, provincial and territorial Canada wide stewardship action plan. There have been meetings and discussions. Much progress has been made in this area.

However we want to avoid legislating mandatory federal government programs which add to the complication of making future resource commitments in law. We want to ensure we have sufficient time to develop a plan in co-operation with others including landowners, resource users, aboriginal people, provinces and territories. That is why the government motions would remove a one year deadline and provide the minister with the authority to develop a stewardship action plan in consultation with the Canadian Endangered Species Conservation Council.

The federal commitment to stewardship has already been reinforced by the Habitat Stewardship Program. Under the program $45 million over five years has been targeted to stewardship activities. The program is now entering its third year. It has fostered many new partnerships and allowed old ones to accomplish more. It has brought new partners into the fold of stewardship across all regions of Canada.

For the $5 million in the first year of funding the program attracted non-federal funding of over $8 million. In other words, for every $1 spent by the federal government under the Habitat Stewardship Program $1.70 worth of non-governmental resources was contributed to the projects.

In the second year of the stewardship plan $10 million for more than 150 projects has already been allocated. For example, the Habitat Stewardship Program includes projects that focus on improving the habitat of the threatened spiny soft-shell turtle in the Thames River. It has contributed to carrying out field propagation and release programs for the endangered eastern loggerhead shrike and protecting the native prairie habitat on which the endangered burrowing owl depends. I realize these species are of great import to the Speaker because he read out all the names in English, French and Latin.

Throughout the outreach and public education, and these are important initiatives, more than 25,000 landowners and nearly 50,000 people have been directly contacted to raise their awareness of their local area. We have also provided more favourable tax treatment for the contribution of ecologically sensitive lands. Over 20,000 hectares have already been donated as ecological gifts.

The federal government is a steward in the protection of species at risk and their critical habitats in Canada. Landowners, farmers, fishers, aboriginal people, conservation groups, workers in the resource sector and many others are stewards. They all deserve credit for the stewardship work they do. Bill C-5 would encourage us to do more. It deserves our support.

● (1345)

Just as we cannot underestimate the importance of conserving and protecting species at risk and their habitats, neither can we underestimate the importance placed on Bill C-5 by Canada's first peoples. The formation of the proposed legislation has involved aboriginal peoples in a variety of ways. They have been at the table for many rounds of discussion. They have provided a significant advisory capacity by helping us fully understand the issues, needs and capacities of aboriginal peoples to help in the protection of species at risk.

The role and importance of aboriginal traditional knowledge would be entrenched in Bill C-5. These are the people whose traditions tell us about the habits and patterns of birds and animals. These are the people who know because they have been told by their parents and the parents of their parents that certain plants can survive in certain places. This knowledge would help us protect species and plan effective recoveries. We would incorporate traditional aboriginal knowledge in our assessment and recovery process in a formal way. This is quite unique.

I spoke about the intense involvement of representatives of Canada's aboriginal peoples in the development of Bill C-5. This became part of a formal process through the National Aboriginal Council on Species at Risk, a group which has provided advice to the Canadian Wildlife Service, the Parks Canada Agency and the Department of Fisheries and Oceans for a number of years. Its advice is invaluable. We want to continue to benefit from its advice and input which has helped inform us so well in making the policy behind Bill C-5.

I acknowledge the invaluable contribution of my colleagues the hon. members from Churchill River, Nunavut, Western Arctic, Yukon and the Northwest Territories. I also commend my hon. colleagues from the north for their effectiveness in ensuring the voices and viewpoints of Canada's aboriginal communities are reflected in the legislation. The standing committee has said we need a mechanism to ensure this continues. We agree.

I am heartened by the interest that has been shown by members on all sides of the House. Many members of the official opposition have been moved to speak to the legislation. I commend the critics on the opposite side of the House for the interest and productive activity they have given to the committee's work.

However it saddens me to hear things repeated because many people who watch the proceedings on television do not have the benefit of being able to read the act or the committee transcripts. In clause 129 of Bill C-5 the government has set out a review mechanism which would take place in five years. I would hate Canadians to be misled into thinking we have in any way ignored the transparency and accountability the Standing Committee on Environment and Sustainable Development worked so hard for.

Bill C-5 would be effective. It would work on the ground. It is what Canadians have said they want. We as a government have responded.

● (1350)

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, listening to the parliamentary secretary talk about the bill it would seem everyone in the House is saying what a wonderful piece of legislation it is. It could be if the government listened to the recommendations made by a number of members on both sides of the House, in committee and otherwise. The basis of the bill is good but a number of the clauses are not.

There are two ways of looking at the issue. First, we could look at the bill itself with its strengths and weaknesses. Second, we could look at what a piece of legislation like it is supposed to do. In looking at the second part we should question how well the government would look after species at risk. Would it only panic when a species was in such a state that recovery was impossible? What would the government do to identify species that were potentially at risk to make sure they did not reach the critical stage?

I will look at the issue both ways, starting with a look at the bill itself. There are a few clauses in Bill C-5 that cause tremendous concern. First, there is concern about the government's commitment to look after species on land the government controls. The government's commitment in this regard is weak and not clear at all. However that is the typical commitment of the present government.

Second, the people who own land on which we find species determined to be at risk have a lot of concerns about this piece of legislation. There is absolutely nothing in it to guarantee they would be compensated for any portions of their land. In some areas significant portions of their land could be designated as habitat for certain species.

Let us imagine we have a nice piece of farmland anywhere in the country on which we have nice ponds where we like to walk, swim or boat. Let us imagine a nice country cottage overlooking a lake with lawns and pasture land. We get a knock on the door and a guy says the words we always fear: "I am from the government and I am here to help". He tells us we have a beautiful piece of land and there is a valuable resource on it: a species at risk. We say that is wonderful. Then the government official proceeds to tell us that because it is a species at risk and the habitat cannot be disturbed we can no longer control our own piece of property.

Unless we get clear and distinct definitions as to what compensation would be available for land declared an area of protected habitat, it would be foolish for anyone in the House to support such a piece of legislation. It would leave constituents across the country holding the bag. It would allow the government to take credit for protecting species when doing so at someone else's expense.

There are several other problems in the bill including the review process. However I will come to the other side of the issue: What would the government do to protect species that were potentially at risk?

I am glad to see we are joined by the Minister of Fisheries and Oceans. He knows better than anyone in the House that in the waters over which he has jurisdiction, and perhaps in waters slightly outside his jurisdiction, there are species that are certainly at risk. One of the ones we have not yet talked about a lot is the Atlantic salmon.

● (1355)

In his own province of Nova Scotia and certainly in Newfoundland and Labrador and other areas there are many groups and agencies very concerned about the environment and the fisheries, They are concerned about the potential this fisheries provides for the economy of the region, both in commercial fisheries and recreational fisheries, and in keeping the species alive as a basis of sustainable development.

One of the things each group mentioned as we talked to them about the future of the stocks, particularly Atlantic salmon, is the effect of the growing seal herds on species of fish, whether they be trout or salmon. We ran across this as the fisheries committee visited Nova Scotia and we have seen it in Newfoundland and Labrador in relation to not only salmon but cod stocks as well.

The seal herds have multiplied tremendously and are certainly not at risk. However the species upon which they feed are at risk. If six or seven million seals eat one pound of fish a day, that is 365 days multiplied by one, multiplied by six or seven million. Imagine the amount of fish being eaten. Multiply that by 40 and the amount is horrendous. We cannot have sustainable development of our cod and salmon stocks or other fish in the ocean unless we control other species that are growing above and beyond the accepted norm.

Seals are now seen around river mouths where they have never been seen before and eating salmon going up the river to spawn and smaller salmon coming down. In the spring and through the summer there are numerous seals in these regions. That is providing a major concern and certainly one the minister will have to deal with.

The FRCC in its report released a couple of days ago talked about the cod stocks in the gulf. This affects the member's province and my province as well. The seal herd was again highlighted as a problem.

I am sure others will pick up the challenge of informing the government to change the legislation to ensure it is acceptable for the majority of people in the country.

STATEMENTS BY MEMBERS

[*English*]

MIDDLE EAST

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, anyone who has watched the images of human suffering, both Israeli and Palestinian, cannot help but feel the human pain, leaving aside issues of blame and moral equivalence.

What is needed at this point is the resolve and recommitment on both sides, in an acknowledgment of each other's pain, to the following: an end to all incitement, terror and violence; withdrawal of Israeli forces from Palestinian cities and towns; proclamation of a ceasefire and termination of states of belligerency; and respect for human rights as a code of conduct.

It includes mutual confidence building measures, involving on the Israeli side withdrawal, settlements freeze and lifting of curfews and closures; and on the Palestinian side, an end to incitement and terror, an end to the glorification of suicide bombers, and education for peace.

It also includes comprehensive humanitarian assistance to Palestinians under international supervision; implementation of the Tenet plan and Mitchell proposals; revival of political negotiations with a view to the ultimate establishment of an independent, democratic Palestinian state living in peace alongside, and in recognition of, the right of Israel to live in peace within secure and recognized boundaries.

* * *

NATIONAL DEFENCE

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, just a few short weeks ago moms and dads, and children were saying their goodbyes to each other. There were hugs, tears and prayers for safety as our brave soldiers left home for service in Afghanistan. A number of people in my riding were saying Godspeed to their neighbours, members of the Princess Patricia's Canadian Light Infantry.

Today we share with them their sadness and grief upon hearing the news that four of them have lost their lives in that service and that eight more have been injured, some very seriously.

There are no words which are adequate to express our deep felt sorrow and grief for the families of the victims of this unfortunate accident. Our hearts go out to these families and we share their profound grief.

* * *

● (1400)

ARTS AND CULTURE

Mr. Shawn Murphy (Hillsborough, Lib.): Mr. Speaker, I rise today to recognize the performers, organizers, leaders and adjudicators who participated recently in the maritime music festival which was held last week in Charlottetown, Prince Edward Island.

Many choirs and bands from all maritime provinces came to Charlottetown to perform in this concert. The Confederation Centre of the Arts hosted performances of more than 40 bands. The Delta Prince Edward had over 20 jazz groups and there were many choral performances at the First Baptist Church.

After each performance each band or choir, as the case may be, met with a nationally recognized adjudicator to be assisted with their individual performance. It is opportunities like this that truly showcases maritime music and encourages local talent.

In addition to being a showcase, it was also an educational opportunity for regional musicians to interact with each other.

* * *

SUMMERSIDE

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, today marks the 125th anniversary of the incorporation of the city of Summerside.

The contribution the citizens of Summerside have made over the past 125 years is incalculable. Whether in the field of politics; medicine; sports; industry, such as shipbuilding, machinery construction or the silver fox industry; the military or the export of island products, Summerside and its citizens have contributed to the island way of life to such an extent that because of them Prince Edward Island has been enriched beyond measure.

Indeed Canada has been enriched beyond measure. The celebration begins tonight. We wish the city of Summerside, the most progressive city in Canada, a happy anniversary.

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VAISAKHI

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, last Saturday the Canadian Sikh community held its annual Vaisakhi celebration. It was my pleasure to attend the Vaisakhi ceremony arranged by the Khalsa Diwan Society of Vancouver.

This society was founded in 1906 as the first Sikh society in Canada. It has over 60,000 registered members and plays an active role in the economic, social and religious activities of the Vancouver community. The annual Vaisakhi parade is one of the highlights of the year. It attracts more than 50,000 people to a 303-year old celebration of freedom, equality and peace among the Sikh people.

I wish to congratulate the Khalsa Diwan Society and the Canadian Sikh community for their contributions to our communities and our nation.

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NATIONAL DEFENCE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, many of us woke up this morning to the shock that Canadian soldiers serving in Afghanistan had been killed and wounded while on a training exercise near Kandahar.

One can only imagine the grief and anguish felt by the families who were informed that their loved ones were involved. For many friends and family members of the Canadian forces the fear of a phone call in the middle of the night is something they think about daily.

The Canadian Alliance joins with all Canadians in mourning the tragic death of our brave soldiers. These individuals answered their country's call in the aftermath of September 11. All Canadians owe them a great debt of gratitude: Sergeant Marc Leger, Corporal Ainsworth Dyer, Private Richard Green and Private Nathan Smith. To all their comrades in the Princess Patricia's Canadian Light Infantry, we recognize their loss.

On behalf of the official opposition, the Canadian Alliance, we offer them our thoughts and prayers. We will not forget.

* * *

VAISAKHI

Mr. Gurbax Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, first let me express my sadness and regrets after the tragic events of last night.

This month Sikhs in Canada and around the world are observing Vaisakhi, the 303rd birthday of the Sikh faith, Khalsa. The founder of the Sikh nation, Guru Gobind Singh Ji, preached equality, compassion, tolerance and human rights. It is important to affirm the diversity and tolerance that are so basic a part of our Canadian heritage especially following the terrible events of September 11.

I invite all my colleagues to participate in the Vaisakhi annual event immediately after question period today in the railway committee room from 3 p.m. to 4.30 p.m.

I wish to thank the Prime Minister, all members of the cabinet and my colleagues from all parties for their continued support and involvement with me since 1993.

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● (1405)

[*Translation*]

FONDATION BEAUDOIN-DESROSIERS

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I am pleased to highlight the work of an exceptional couple from my riding. Over the last 21 years, Michel Desrosiers and France Beaudoin have adopted some ten children with disabilities in need.

These children, aged 2 to 21, come from across Quebec. The Beaudoin-Desrosiers' decided that they wanted to provide a real family life for these children, and they hope to be able to adopt more children. This has become their life's work.

Caring for several children with disabilities requires a considerable amount of money to purchase specialized medical equipment. In 1995, they established the Fondation Beaudoin-Desrosiers, to fulfill the dream of allowing children to live in a family environment.

I invite everyone to support this foundation and to give generously so that it can meet the growing needs of these children.

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[*English*]

NATIONAL DEFENCE

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, as chair of the defence committee and indeed on behalf of the committee I would like to express my heartfelt condolences to the family, friends and comrades of Sergeant Marc Leger, Corporal Ainsworth Dyer, Private Richard Green and Private Nathan Smith who were killed last night in the tragic friendly fire incident near Kandahar.

I hope the families of these brave soldiers know that we feel their loss profoundly, we share their grief and we mourn with them.

To those who were wounded: Sergeant Lorne Ford, Corporal René Paquet, Master Corporal Curtis Hollister, Corporal Brett Perry, Private Normal Link, Corporal Shane Brennan, Master Corporal Stanley Clark and Corporal Brian Decaire, each and every one of us is praying for their full and speedy recovery.

To their families, friends and comrades, they too are in our thoughts and prayers. I hope this terrible accident will cause all Canadians to reflect on the service and sacrifice of the men and women of the Canadian forces.

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AGRICULTURE

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, this week Cypress county in my riding declared itself a drought disaster area. Year after year of drought in southern Alberta has left pastures devastated and dugouts empty. No water and no grass means that for the fourth year in a row ranchers will have to sell off herds or send them out of the area in search of greener pastures.

Last weekend while Edmonton was being blanketed by snow, southern Alberta was blanketed and blasted by a severe dust storm, a storm that led to a terrible car crash that claimed four lives. For oldtimers it must have looked like the 1930s all over again.

The agricultural year is just beginning and farmers and ranchers in southern Alberta are already in trouble. I urge the federal government to move quickly to assure ranchers that it will extend the tax deferral for sale of breeding stock until pastures can support grazing again. I urge the government to put in place an enhanced safety net program that covers disasters like the drought that has seized southern Alberta.

WATERLOO REGIONAL CHILDREN'S MUSEUM

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, the Waterloo Regional Children's Museum presents a place where art and technology meet to stimulate creativity and motivate learning. It is a place of wonder and adventure that we can share with our children.

This exciting concept is one that clearly mirrors the character of the Waterloo region itself. While Kitchener is home to technological leaders and innovative research, it is also a place where the earliest forms of agricultural practices remain in use. The children's museum explores the diversity and development of our culture and presents a unique learning opportunity.

I am proud to say that the federal government is sharing in the local community's commitment to the museum with funding of $675,840 through the Cultural Spaces Canada Program.

The children's museum is the culmination of artistic interpretation and cultural heritage. Like many in our community I eagerly await the doors to open so we can share in this experience.

* * *

PERCY DEMERS

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, it is with great sadness that I rise today to pay tribute to a great humanitarian and healer. Dr. Percy Demers was an extraordinary and committed physician, a specialist in cardiac and internal medicine.

The devoted husband and father of seven has been described by all who were fortunate enough to have known him as an exceptional doctor, human being and father. I extend my deepest condolences and those of my entire constituency to his wife, Patricia, and his family.

The even greater tragedy of this loss is that Dr. Demers and his family were victims of our health care system, the very system that he had given so much of his life to serve and sustain. Just hours before the tragic slaying, Dr. Demers' son, now charged with his death, was turned away from the emergency room while accompanied by Dr. Demers. Why? Because no emergency psychiatric care was available for him. Had he received the timely medical attention he so desperately needed, this tragedy may well have been avoided.

Our overburdened medical system has failed the Demers family and the people of our community. Let this be a—

The Speaker: The hon. member for Matapédia—Matane.

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● (1410)

[*Translation*]

WOMEN FARMERS OF THE LOWER ST. LAWRENCE

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the women farmers of the Lower St. Lawrence make a remarkable contribution to their region's development, particularly as shareholders in family farms.

Some 36% of women farmers own shares in family farms of the Lower St. Lawrence, compared to 19% across Quebec, almost double the Quebec average.

These women do not limit their participation to accounting or management, but work where they want in the various activities and related organizations.

This is based on the information provided by the Conseil du statut de la femme du Québec in a statement of opinion on the living conditions of women and regional and local development in the Lower St. Lawrence region.

It should come as no surprise then that Ms. Sophie Gendron of Kamouraska was chosen as Quebec's woman farmer of the year.

Thanks to all these women who work toward the development of their region.

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[*English*]

NATIONAL DEFENCE

Mr. Stan Keyes (Hamilton West, Lib.): Mr. Speaker, it is always a terrible blow to a community when we lose a young person. That blow is particularly keen when the individual in question is a respected, dedicated member of our Canadian armed forces.

One of the four soldiers lost today was from my hometown of Hamilton. I would like to express my deep sympathy to the families of all those lost and to let those injured in this terrible accident know that they are in our prayers for a speedy recovery.

As a Hamiltonian, I would like to extend my condolences to the friends and families of our lost soldiers and to tell them today that their loss is borne by our entire community. I am certain the good people of Hamilton will provide condolences and support through this difficult time. Nonetheless the names of the casualties specific to each Canadian community will not be released immediately out of respect for the families.

While nothing can soften the blow of such a tragedy, it underlines the courage and dedication of the members of our armed forces who choose to put themselves in harms way to serve a greater good.

It is my sincerest hope that some small comfort can be shared among the loved ones of those good soldiers to know they died in the service of the principles of human dignity, respect and justice.

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NATIONAL DEFENCE

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, it is a sad day in the House today.

I have had the opportunity of gaining a personal appreciation for the men and women of the Canadian armed forces through my association with Canadian Forces Base Shilo. I have learned that the military is a big family and that military family has suffered a terrible loss.

This country has suffered a terrible loss not here at home, but almost half a world away. Today Canada mourns the four soldiers who have made the ultimate sacrifice. We also hold hope for their eight comrades for a full recovery. Today we are reminded of the men and women who serve to protect our security and our freedom.

I know I speak on behalf of all of my constituents, particularly those residents of CFB Shilo, when I express my deepest sympathy to the friends and families of those lost soldiers. We open our hearts and we offer our most sincere condolences.

* * *

NATIONAL DEFENCE

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, today comes with the news of the tragic death and injury of Canadian soldiers in Afghanistan. As we collectively mourn their loss, another branch of our armed forces continues to make Canada a safe place.

The Canadian rangers reached the magnetic north pole on Tuesday reaffirming Canada's sovereignty in the north. The rangers braved minus 50 degree windchills, shifting ocean ice, and polar bears.

Founded in 1947 as the first line of defence in the north, this patrol marked the rangers' 60th anniversary and was the largest and longest patrol in their history. The rangers in Nunavut are renowned for their superb winter survival skills, making them among the world's best at winter tracking and search and rescue.

Over the years the rangers have trained with their counterparts in the regular forces. I know they join with us in expressing their deepest condolences to the families and colleagues of our fallen soldiers.

* * *

● (1415)

NATIONAL DEFENCE

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, Canada's worst fears became reality today. Four soldiers were killed in the war on terrorism, Canada's first loss in a declared war in 50 years. Their families and friends mourn today. Our nation's people are stooped with sympathy as our flags are brought to half mast.

It matters not who delivered the blow that felled these men, the theatre of war is a perilous place of unpredictable life threatening circumstance. The responsibility of all war dead is that of the protagonist, not of the peacemaker.

These members of the 3rd Battalion Princess Patricia's Canadian Light Infantry served their country with courage and distinction and gave the ultimate gift to our nation: their lives. They now join with 120,000 other Canadian soldiers since Confederation, their lives laid down for our country, the true price of the peace we enjoy today.

Let us not forget their sacrifice. Let us welcome home Afghanistan war veteran wounded and never forget the dead.

ORAL QUESTION PERIOD

[*English*]

NATIONAL DEFENCE

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, as I said earlier today, on behalf of the official opposition and our leader, Stephen Harper, the Canadian Alliance joins with all members of the House in offering our condolences to the families who lost loved ones tragically in Afghanistan and to our forces who have lost some of their finest in this terrible accident.

Could the Minister of National Defence take this opportunity to update Canadians on the progress of any investigation into this accident and what care is being provided to those who were injured?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I appreciate the sympathies that are expressed by the hon. Leader of the Opposition. I know all members of the House have their thoughts, their prayers and sympathies with the families and the loved ones of those who have been killed and injured.

We will fully look after the families. The veterans affairs programs for pensions and services and health care services will be provided to them. Certainly the rear parties of the battle group and the family resource centres are helping look after their present needs with respect to funeral arrangements and appropriate honours will be given in the traditional military fashion by the Canadian forces.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I appreciate the defence minister's comments on this matter. Like him, the Canadian Alliance supports our troops.

The families of our fallen soldiers must also be foremost in all our minds. Could the defence minister tell Canadians what efforts are being taken to keep the families of our soldiers informed about the status of their loved ones?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the families were all contacted during the night to advise them of the accident. There will be an ongoing communication with them. The Prime Minister will himself this afternoon be contacting the families on behalf of the government and all members of the House to express condolences.

Furthermore, with respect to an investigation which the hon. member asked about, there will be a board of inquiry, the normal kind of procedures that are followed by this. Details of that will be announced soon.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, Canadians everywhere were saddened at the tragic loss of life in this incident. Could the defence minister tell Canadians how they might express their regret and show their loss and sorrow? Is there anywhere they can send their messages so they can be forwarded to the families and to our soldiers?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, yes, there will be that opportunity. The details of that are being worked on right at this point in time.

Certainly the defence department, myself as the Minister of National Defence, or the local MPs of any party would be happy to receive and forward to the Canadian forces and to the families any sympathy statements. As for other means, those are being worked on and will be announced shortly.

[*Translation*]

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, the government has indicated that it wishes to opt out of the Northern Command announced yesterday by the United States.

How does the government hope to influence American policies when it is outside the decision-making process?

● (1420)

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we are not disengaging from the northern command. The northern command is an internal United States military structure. It is one of 10 commands. No other country is involved with any of the other commands, even though the geographic interest covers the entire globe.

In our particular case, the general who will hold northern command will also doublehead as the head of Norad. Norad will continue to have the same kind of high level binational reporting structure.

Meanwhile, since the details have not been worked out about the northern command, we continue to explore how we can work together and enhance co-operation between the two countries in the interests of our people.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I think Canadians are having a hard time understanding. We are talking about a decision made by the United States which in fact is going to influence and cover Canadian territory.

Canadians are having a hard time understanding why the government is not wanting to directly engage and has not been directly engaged in the parameters of the discussion. We obviously need that clear communication between what the United States is doing and what is going to affect Canadian territory.

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we still have every sovereign right with respect to our territory.

I think there is a misunderstanding as to what this matter is all about. It is an internal organization where they want to protect the United States. Of course they are interested in what happens in Canada and other parts of the northern area.

We have been having discussions with them since last fall. They have said they are going to have a northern command. It has not been officially started and will not be until October. We have plenty of time to continue with the discussions we have been having as to how we can enhance our co-operation in the interests of both of our citizens, their safety and their security.

[*Translation*]

THE ENVIRONMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Nick Taylor, a Liberal senator and chair of the Senate's energy and environment committee, says that political donations by the oil and coal lobby to candidates to succeed the Prime Minister are already paying dividends. According to him, these donations are creating an "irresistible force to do nothing" within the government which, not so long ago, was determined to ratify the Kyoto protocol in 2002.

Will the Deputy Prime Minister tell us whether the pressure from ministers enjoying the support of this lobby is the reason his government is taking a second look at ratifying the Kyoto protocol?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Absolutely not, Mr. Speaker. In fact, our commitment continues to be exactly what the Prime Minister said it was this week.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): "One day", as the other gentleman would say, Mr. Speaker.

We recently learned that TransAlta, a coal producer, made a donation of $25,000 to the leadership campaign of the Minister of Finance, which led this former environment critic to say on Tuesday that the Kyoto protocol should be ratified only if it could be shown that it would help solve the problem of climate change. Honestly.

Does the Deputy Prime Minister not find this quite a coincidence: political donations are made, ministers start putting on the pressure, and then the government backtracks on the Kyoto protocol?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Not at all, Mr. Speaker. This is not necessarily the conclusion at all. Naturally, political donations should be transparent and above board. But there are certainly completely different points of view among the people and groups making donations.

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, this tendency to flip-flop is not limited to the Minister of Finance alone. Now we have the former Minister of Health doing a mammoth flip-flop and expressing serious reservations on the appropriateness of ratifying Kyoto, when not long ago he was claiming to be extremely concerned about the health of the population.

Are we to conclude that the Minister of Industry has also been influenced by the oil lobby, since he too is a candidate for the Liberal leadership and thus vulnerable to pressure from those who are opposed to the ratification of Kyoto?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the government has a policy and the government will reach a decision, and that decision will be a government decision.

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, is the Deputy Prime Minister going to realize that the only solution available to him to limit what is beginning to look more and more like a major shift, is to state right now, with no ifs, ands or buts, that Canada will be ratifying the Kyoto protocol in 2002?

● (1425)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the position of the Canadian government is very clear. The Prime Minister of Canada told the House on April 16, "We plan on doing everything we can to ratify the Kyoto protocol", but "We will not make any decision without taking into consideration the views of the provinces and the private sector".

* * *

[*English*]

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the heart of every Canadian goes out today to the loved ones of our soldiers who were killed and injured in Kandahar.

It is 50 years since Canadian soldiers died in an offensive military mission. According to the Pentagon, 2% of American soldiers were casualties in World War II, the Korean war and Vietnam as a result of so-called friendly fire. By the time of the gulf war, this had increased to 24%.

Can the minister help explain to Canadians what this phenomenon results from? What specific measures does the Canadian government take to ensure that our soldiers in harm's way at the hands of their enemies do not find themselves in harm's way at the hands of our allies?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we take every precaution possible to reduce the risk levels. We know that going into a high risk area is inherent in the military operations that they engage in, but we do everything possible to reduce that risk. It goes into their training. It goes into the rules of engagement. We expect that our allies do the same thing as well.

Unfortunately, there are these accidents that do occur. In this particular case, we will have a board of inquiry, a full investigation to determine what caused it and what needs to be done to prevent it from happening again.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I think every Canadian family really is in mourning for those who have been killed, for their families and for those who have been injured. My question to the minister arises around his confirmation of a board of inquiry, and those families will take part I am sure from the announcement that such an inquiry will be held, as it should be. However, I am sure the minister is aware that such inquiries can very often be dragged out. They can go on for a very long time and operate in a very secretive way.

Could the minister, recognizing the fear that exists in the hearts of military families, particularly as a result of what has happened in the last 24 hours, give some assurances that he will use every—

The Speaker: The hon. Minister of National Defence.

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we want to get to the bottom of this just as quickly as we possibly can. I can assure the hon. member we want to know what happened. We want to take further measures to reduce the risk to any of our troops, and I know the families do too. We owe it to the families and to the Canadian people to find out what happened.

Yesterday I had a call from Secretary Rumsfeld. He indicated that he wanted to join with us and co-operate to the fullest extent possible in getting to the bottom of this matter so that corrective action can be taken and so people will understand what really happened.

[*Translation*]

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, yesterday, the United States announced the creation of a new continental defence system, which will take effect in five months. The regions included are the United States, Canada, Mexico and part of the Caribbean.

Would the government have us believe that the United States was acting entirely on its own? When is the Prime Minister going to tell us what deal he made with the Americans regarding continental defence?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, no deal has been made except an agreement that we would consult and have discussions. We started those last fall, long before the hon. member indicated his concern about this matter because we wanted to ensure that the status of Norad remained at a high level, a binational command. We wanted to ensure we would have an opportunity to look at an enhanced defence and security relationship with our neighbour, the United States, and that is what we will do.

They have announced the position but the fleshing out of it is yet to happen. The discussions with the United States and Canada are still ongoing.

● (1430)

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, when this minister was in Mexico last January, he forgot being briefed about Canadian troops taking prisoners in Afghanistan. Can he remember if he discussed with Mexican authorities a U.S.-led integrated command for North America? If so, did those discussions involve extending some aspect of Norad to include Mexico?

The minister admits there are discussions. Will he spell out to parliament within the next couple of weeks or now how the new integrated North American command will affect Canada and Canadian control and command of the Canadian armed forces?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I never forgot anything. Let me make it quite clear that Canadian troops will continue to be, as always, now and in future, commanded by Canadians in the interests of the sovereignty of our country and in the interests of the policies of this government.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, yesterday the Prime Minister said that the sovereignty and defence of Canada will be assured by the Canadian government, yet the chair of the government's own defence committee said that to preserve our sovereignty in light of the proposed northern command Canada must dramatically boost its military spending.

I would like to ask the Prime Minister this. How does his government propose to defend Canada and its sovereignty when it continues to underfund our military?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, talk about forgetting. The hon. member seems to have forgotton that we have increased spending by some 20% over the last four years, that we have committed another $5 billion over the next five years, that we have bought new armoured personnel carriers, new search and rescue helicopters, new submarines and that we have state-of-the-art equipment for the navy and our frigates. There are so many areas in which we have increased the quality of life for our troops and the training of our troops, and we will continue to provide what our military needs to do the job effectively.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the truth is the government spends less on our military than it did when it took power. That is the truth.

The Prime Minister also said yesterday that the northern command is their business not ours. We are talking about an American defence perimeter that covers all of Canada and we are not even involved. Sovereignty means that Canada has some control over our own defence.

Why will this government not get serious about sovereignty by making investments in our military a priority so that the defence of Canada is not left solely to the Americans?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, it is not left solely to the Americans. We have a partnership between the two countries in terms of defence of the continent and we will continue to have that.

The hon. member seems to have got quite confused about this northern command. He told the press yesterday that he thought Russia was a member of the northern command. That is not the case at all. There is no other country that is a part of the northern command other than the United States.

We are talking with them to see how we can enhance the security and defence of our continent and our respective sovereign countries.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, as part of the sustainable development strategy for 2001-2003, the Minister of Transport undertook to examine locomotive engine emission standards in order to reduce atmospheric emissions for 2002.

This is exactly what the Bloc Quebecois is asking the minister to do: introduce standards to protect the environment and, at the same time, save the 650 jobs in danger of disappearing at GEC Alstom in Montreal. Will the minister live up to his commitment soon, yes or no?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the hon. Minister of Transport and I are trying as hard as we can to find ways of reducing greenhouse gases.

The hon. member's suggestion will be looked at closely. Railway equipment must be periodically renewed.

We will examine all the circumstances before taking any decision.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, GEC Alstom is the only company in Canada with the technology and the expertise to manufacture and modify diesel engines so as to reduce polluting emissions. The government tells us it wants to reduce these emissions and ratify the Kyoto protocol. Here is its chance to prove it and, at the same time, help a company in Montreal, where 650 jobs are at stake.

Yes or no, does the minister want to help save 650 jobs and protect the environment by making a formal commitment to issue standards soon?

● (1435)

Hon. David Anderson (Minister of the Environment, Lib.): Naturally, Mr. Speaker, there are many ways to help the economy to grow and reduce greenhouse gases at the same time.

We on this side have often said that it is very important to realize that reducing greenhouse gases does not always have a negative impact on the economy.

* * *

[*English*]

GOVERNMENT EXPENDITURES

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, in 1992 the present Minister of Public Works and Government Services demanded to know "Why does this tired old government think that the rules are made to be broken?"

Ten years ago the minister knew that a sole source contract, signed in the dead of night behind closed doors, was wrong. We can appreciate that the Challengers may one day need replacement, just like the government, but we see no reason to ignore the rules to do it.

This contract is too big to be sole sourced, does not represent any emergency, can be fulfilled by more than one firm and it is definitely not in the public interest at this time. Who ordered this minister to break his own rules?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the rules do provide for it when there is only one known supplier. Believe it or not there is only one known supplier of a Bombardier Challenger jet, and I hate to surprise the member, but that is Bombardier. They are the only people who produce it so we bought it from that firm, a Canadian firm with proud Canadian workers producing an excellent, world class Canadian product.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, nobody is concerned about the quality of the Challengers. What we are concerned about is the quality of the contract. In 1986 while in opposition, again the Minister of Public Works and Government Services said "Sole source contracts can only be given where there is a pressing emergency in which a delay would be injurious to the public interest".

Now that he is on the government side, will he just admit that his department has broken all the rules to purchase two Challenger jets from his friends at Bombardier? It is a kind of sneaky subsidy thing. When will he just cancel the order?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, at the risk of repeating what the hon. member should know already, the rules provide for it when there is only one known supplier of a product. There is only one known supplier of Challengers. I have gone through that.

Second, there are only four aircraft in the fleet now and there will only be four afterward. Obviously we will not be having five different makes of jets. For continuity in terms of the fleet, we will get the same kind of plane. Of course it is the only Canadian made plane. As I said before, we will not buy a foreign made plane for Canadian heads of state or the head of government. No other country would do that either.

* * *

[*Translation*]

GUARANTEED INCOME SUPPLEMENT

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, after having denied that the problem exists, Liberal members are now joining the Bloc Quebecois in inviting seniors to apply for the guaranteed income supplement for which they are eligible.

If the government really wishes to treat seniors fairly, what is it waiting for to grant full retroactivity for what they were denied through the government's error?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, as I have said before, making sure that seniors have access to benefits to which they are eligible is a priority for the government. That is why recently we have been increasing our outreach in community groups. We have been advertising in local newspapers. Indeed, we are very glad that members of parliament too are reminding their citizens of the important guaranteed income supplement.

It is an important piece of a pension structure that really has improved the circumstances for Canadian seniors and we want to ensure that all seniors who are eligible have access to the benefit.

[*Translation*]

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, it would have been nice if this had been done eight years ago.

Why is the government limiting retroactivity for the guaranteed income supplement to 11 months, when it is prepared to go back much further when it comes to collecting money from taxpayers?

Will the Liberal members from Quebec join me again in forcing the government to treat senior citizens fairly, and allow full retroactivity?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member is right that there has always been a provision for retroactivity in the guaranteed income supplement. If the hon. member is so interested and concerned about retroactivity, is he talking to his colleagues in the government of Quebec and asking them why there is no retroactive provision in social assistance for that province, for example, and for this very important housing benefit?

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AUDITOR GENERAL'S REPORT

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, let me quote the auditor general when she was speaking about a specific contractor last Tuesday. She said:

> He also determined the level of funding requirements and got the Department's approval...In effect, he was allowed to set his own terms and to act as if he had full authority to represent the government.

We have heard how the minister of public works in opposition criticized the government at that time for the way it handled contracts. Let me ask him this now, in spite of his earlier comments. Why does he now use taxpayer money to reward his Liberal friends?

● (1440)

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I have absolutely no idea to what the hon. member is referring. Perhaps he could inform the House to which contract he is referring.

I can tell him that 92% of the contracts are awarded on a competitive basis. That is higher than any other jurisdiction. The aim is to have every contract, where it can be done, done in a competitive way. It is the principle by which I administer my affairs. If he does know to what issue he is referring, perhaps he could tell the rest of us.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I guess he did not read the auditor general's report. It is at paragraph 8.19. The auditor general also said that Health Canada and Public Works and Government Services did not follow the government contracting rules and regulations when it spent over $25 million on the Canada Health network website. Although the website was developed, there was no assurance that the best value was received. The assets purchased were underused and over claims were made.

My question to the minister of public works is this. Why does he continue to stonewall and tell us that we are getting value for money when obviously the Canadian taxpayer is getting taken to the cleaners?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, on the last issue that was raised, the allegation of overpayment, my department informs me, and this is something that occurred some time ago, that there is no evidence of overpayment.

In regard to the advance contract award notice for the contract of InnovAction, no challenges were received for that one. In the case of the Global Exchange contract, if that is what he is referring to, there was one challenge but it was withdrawn. In the case of the advance contract award for Devlin Multimedia, two challenges were received but they were both rejected because the firms did not indicate that they could provide the service.

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CANADIAN COAST GUARD

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, members of the Canadian Coast Guard Auxiliary have been providing essential search and rescue support for the coast guard and for Canadians for over 24 years. These volunteers are often the first to arrive in response to distress calls on the water.

What action has the Minister of Fisheries and Oceans taken to ensure this outstanding non-profit organization can continue to help save lives?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I would like to thank the member for Egmont for this excellent question. The Department of Fisheries and Oceans is very proud to be associated with 4,600 volunteer members of the Canadian Coast Guard Auxiliary. Each year working side by side with Canadian coast guard officers they save over 200 lives across the country.

Today I was pleased to sign a five year contribution agreement which will provide $22.5 million to cover the costs to the auxiliary of search and rescue operations, education, training, insurance and out of pocket expenses. We thank these volunteer people very much.

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THE ENVIRONMENT

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, given the waffling by the government on its commitment to ratify Kyoto and given that the Liberal chair of the Senate environment committee has raised concerns about the motives of Liberal leadership candidates being influenced by donations from anti-Kyoto industry lobbyists, will the government commit to ratify Kyoto and reassure Canadians that ministers of the government will not be bought off by industry backers to scuttle Kyoto?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, perhaps I could repeat in English what I said earlier in French and quote the position of the federal Government of Canada put forward in the House two days ago, and that is "We plan on doing everything we can to ratify the Kyoto protocol...". That is a quote. The second quote is "We will not make any decision without taking into consideration the views of the provinces and the private sector", and third, "...we would work to ratify it", the protocol, "in 2002". Those are quotes from the leader of the government. That is the position of the Government of Canada.

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AIRLINE INDUSTRY

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the Minister of Finance will not review the impact of the government's security tax on air travellers for six months. This week the Tourism Industry Association of Canada held an emergency air travel issues forum. Many said six months is too long to wait. By then it will be too late to undo the damage this new GST will inflict on our tourism industry over the crucial summer months.

For the sake of our $54 billion tourism industry and the half million jobs that go with it, will the Minister of Finance immediately review the government's security tax with the affected stakeholders, not just the officials who advised him to impose the tax with no analysis of its impact?

● (1445)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Minister of Transport has in the House and on many occasions outlined the many series of measures and the large investments the Government of Canada is putting in across the entire airline support system. Those are moneys that are very important under the circumstances within which we live today. Under those circumstances, it is only fair that those who benefit from those services should in fact pay for them.

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JUSTICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, this week marked the 20th anniversary of the charter, yet fundamental questions remain about the rights of our most vulnerable citizens, children.

The Sharpe case in British Columbia gave broad interpretation to the defence of artistic merit, leaving children vulnerable. Any material that exploits or degrades children through images or writing is offensive to Canadian community standards. All forms of sexual depiction of children are corrosive and detrimental to their development.

Will the Minister of Justice act responsibly and quickly by instructing his legion of lawyers to draft legislation to eliminate the artistic merit exception that leaves children open to abuse?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member is referring to a very sensitive issue. We all know that the government is committed to protecting children in Canada.

Of course I cannot comment on the question of the Sharpe case since it is still before the courts at this point in time. I would like to tell the member that the charter of rights is a cornerstone in the country. The provision we have in the criminal code is being looked at in order to make sure that we find a balance, but also to make sure that we protect the children of our country. The Department of Justice is looking into the matter.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, we would like to see the Minister of Justice showcase some of that pluck and passion he gave us yesterday. The minister and the government have a responsibility to exhibit leadership and courage on behalf of children. The government must consider all the options available to act on the victimization of children. It is not the fault of the courts when parliament abdicates its responsibilities due to lack of courage or initiative on the part of the government.

Along with drafting tougher legislation and a commitment for resources and police and protection workers, will the minister encourage the British Columbia attorney general to appeal the Sharpe decision? Will the federal government seek intervener status in that case?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we will see what will happen on the Sharpe question. Of course I cannot comment on that specific case for reasons that are obvious.

Of course the government is very committed. We are actively involved in the matter. Bill C-15A will give us another tool in order to make sure that we will keep protecting our children. As I said last week, the Department of Justice is actively looking into it with other members of parliament who are working on the file.

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CANADIAN INSTITUTES OF HEALTH RESEARCH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, yesterday the president of the CIHR said that he had met with the Minister of Health at the end of January and he told her of his plan to fund research on human embryos before legislation was passed. When she did not object, he went ahead with the plan.

The minister colluded with the president to make a mockery of parliament and the standing committee. Why did the minister do it?

Hon. Anne McLellan (Minister of Health, Lib.): In fact, Mr. Speaker, as the hon. member knows, Dr. Bernstein is head of an arm's length granting council in the country. Dr. Bernstein, out of courtesy, gave me a heads-up that in fact the council's consultation process was completed and that it would be proceeding with the publication of its guidelines.

In fact, I would have been very concerned had Dr. Bernstein not given me that heads-up.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, the minister should have told the president to back off. She showed her own disrespect and low regard for parliament by allowing an undemocratic institution to effectively pass laws on sensitive moral issues, which she herself has a responsibility to introduce.

Will the minister cancel all funds for research on human embryos, including that of Genome Canada, until parliament passes legislation?

● (1450)

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as I have indicated, the government will be introducing legislation as it relates to assisted human reproduction on or before May 10.

Genome Canada is an arm's length organization that reports through the Minister of Industry to parliament, just as the CIHR is an arm's length institution that reports to parliament through me.

I find it a bit disturbing that this is the member who talks so often about the lack of guidelines in this country as it relates to things like stem cell research. In fact, the CIHR has filled an important void at this point, a void that ultimately will be filled by legislation.

[*Translation*]

TELECOMMUNICATIONS

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, yesterday, the Minister of Intergovernmental Affairs challenged us to find a single supreme court judgment that goes against Quebecers' interests.

Will the minister admit that the supreme court judgment recognizing the federal government's exclusive jurisdiction over telecommunications was very prejudicial to Quebec's interests, given the importance of this sector for Quebec's economic and cultural development?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, first, this was not a judgment based on the charter. Second, Quebecers have two governments with constitutional powers: the provincial government and the federal government.

When I look at what the federal government is doing for communications, or culture, where the federal government alone spends more than do the provincial and municipal governments together, I say that the federal government is a government that serves Quebecers well.

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the federal government may be spending more, but it also has more money because of the fiscal imbalance.

At the time, the Quebec minister of culture and communications stated "The current situation clearly shows the inadequacy of the Canadian constitutional framework in the area of communications".

Does the minister realize that the minister who was upset by this decision at the time is the current Liberal candidate in Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles, Liza Frulla, and that there are people in his own party who are opposed to him and to his vision on this issue?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, we will not list all the disagreements and diverging views that may exist on the other side, because it would be a waste of time.

But one thing is sure: the Canadian federation is one of the world's most decentralized. The Quebec provincial government has more responsibilities than any other entity in a federation.

Yesterday again, the Quebec premier said something absurd. He said that if the American constitution were amended without the agreement of the states of New York, California and Texas together, it would be an international scandal. But this happens all the time, because, in the United States, constitutional amendments require the support of 75% of the states. It might be appropriate—

The Speaker: The hon. member for Red Deer.

[*English*]

THE ENVIRONMENT

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, Margot Wallstrom, environment commissioner for the European Union, has clearly explained that Canada will not get Kyoto credits for natural gas exports to the United States, yet the government still presses for such a deal.

The U.S. is not part of Kyoto. Even if it were, it is not reasonable that Canada should get credit for American emissions reductions. Is this lack of credits a deal breaker, and will the minister finally say we are opting out of Kyoto?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the position of the Alliance Party is extraordinary. Here we are attempting to get credits for gas exported from the province of Alberta, the province of British Columbia and the province of Nova Scotia so that we can in fact continue to supply the American market with gas from Canada because it does replace far more difficult fuels, namely coal from Virginia, Colorado and Wyoming, which in fact creates much greater emissions.

I cannot understand why the hon. member would want us to reduce the opportunities for exports from Alberta, from British Columbia and from, of course, Nova Scotia.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, if Canada is given credit for natural gas exports to the U.S. then we should also get extra penalties whenever we sell coal to Japan. Using the government's logic, we would have to pay back credits to Germany when we buy these environmentally friendly technologies.

What a bureaucratic nightmare you are creating, Mr. Speaker—

Some hon. members: Oh, oh.

Mr. Bob Mills: Mr. Speaker, through you, will the government finally reject Kyoto and implement a made in Canada climate change program, as the Canadian Alliance has been advocating for so long?

● (1455)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I am sure none of us would suggest that you would create a nightmare of any type whatsoever and certainly not a bureaucratic one.

What I will suggest to the hon. member is this: that if we can achieve what we are seeking with respect to clean energy exports it is very advantageous for the province of Alberta. I would add that last weekend the environment minister of the province of Alberta pointed out how important this was and how wrong the European commissioner on environment is. Now I discover the Alliance is supporting the European commissioner on the environment. It is an extraordinary position.

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AGRICULTURE

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, my question is for the Secretary of State for Rural Development. Statistics Canada studies now show that employment in rural areas has declined rapidly in the last three years, specifically in agriculture. In fact, it has been the largest decline in 35 years.

The secretary has just attended a conference in Charlottetown with rural people from all across Canada who had a lot of ideas on encouraging and strengthening the economies in rural Canada. Could the secretary inform the House what action he plans to make rural Canada's a more vigorous and prosperous economy?

Hon. Andy Mitchell (Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario), Lib.): Mr. Speaker, the hon. member points out some very important issues. That is one of the reasons that we brought 500 rural Canadians from across the country to engage in a from the bottom up process to develop policy.

There were many issues discussed, but I want to tell members that one thing was key, that is, to have a successful Canada, to be a successful nation, then both component parts of Canada must be strong, both urban Canada and rural Canada. The natural resources wealth of this nation exists in rural Canada. We must support the network of communities that sustain it.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the new U.S. farm bill threatens the livelihoods of Canadian farm families. For example, the U.S. law threatens to dramatically increase the subsidies paid for pulse crops like peas and lentils. If this happens, U.S. production will go up, world prices will go down and Canadian profits will disappear.

The minister of agriculture was recently in Washington, D.C. Could the minister tell us if he got any guarantees that these subsidies will not be applied to pulse crops?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I was pleased to be accompanied by the chair of the Canadian Pulse Growers, and others, on the trip to Washington last week. We made our views very clear to those in the United States, as they make their views on issues clear to us. We will write our laws here and, yes, they will write their laws there, but we demonstrated very clearly our concern that if the United States does that in the pulse industry it will be the only country in the world doing so, and therefore it will be affecting the market and production.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, I will give the minister a chance to write a law. The Grain Growers of Canada, the Canadian Federation of Agriculture, the Keystone Agricultural Producers, the Agricultural Producers Association of Saskatchewan and the Wild Rose Agricultural Producers of Alberta have calculated that foreign subsidies are taking $1.3 billion out of the pockets of grains and oilseed farmers.

These agriculture associations have called for a $1.3 billion injury compensation program. Will the agriculture minister write the law and provide the program?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the support of the federal government and the provincial governments has $1.8 billion available for farmers this year. The program payments to Canadian farmers last year were above $1.3 billion. They were $3.7 billion.

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[*Translation*]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, according to figures released by the Department of Finance , as at February 28, 2002, nearly $4 billion from the EI fund had been redirected, in this past fiscal year alone, to the government's consolidated revenue fund. This means that not one red cent of it will benefit the unemployed directly.

Do not these figures speak clearly to the fact that, year in and year out, the bulk of Canada's debt is being paid by the unemployed, thanks to the cynicism of the Minister of Finance?

● (1500)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the hon. member knows very well, since 1986 all figures, EI included, are part of our consolidated revenue fund. This means that they are certainly used for workers; they are used to help them. They are used in numerous ways, including some that directly benefit the workers of Canada.

* * *

[*English*]

ARMENIA

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

On April 24, next week, Canadian Armenian communities and people from around the world will remember and commemorate the Armenian genocide that took place over 87 years ago in 1915.

What is the position of the Canadian government on this very tragic moment in the history of mankind?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I would like to thank the hon. member for the work that he has consistently done for the Armenian community in this country.

As he will recall, the government and the Prime Minister on many occasions have expressed the sympathy of our government and our people for the tragedy that occurred to the Armenian people with the collapse of the Ottoman Empire.

In specific terms, in 1996 we in the House dedicated the week of April 20 to 27 in memory of the Armenian people and the suffering they had. In 1999 we remembered specifically the tremendous tragic fate that occurred in that country.

We still urge that we should consider these tragic events in their historical context and remember that we must move forward and try to ensure peace and harmony among all people.

[*Translation*]

SOCIÉTÉ RADIO-CANADA

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, in a brief presented this morning to the Standing Committee on Human Resources Development, the CBC communications union states that the Raddio-Canada has violated the Employment Equity Act by not declaring all its temporary workers. The effect of this is to skew the reality on equity within the corporation.

Since the Minister of Labour was informed of this situation by the union in mid-March, could she inform us of the measures she has taken to call Radio-Canada management back to order?

Hon. Claudette Bradshaw (Minister of Labour and Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, Radio-Canada is currently involved in negotiating a collective agreement. It is important for all discussions concerning Radio-Canada to be part of a new collective agreement.

[*English*]

The Speaker: The Chair has notice of a question of privilege.

* * *

PRIVILEGE

MINISTER OF CANADIAN HERITAGE

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I rise today under the provisions of Standing Order 48. I regret that this issue must be brought to your attention again. It has been demonstrated that the Minister of Canadian Heritage has misled the House.

On Tuesday during question period I asked the minister about a contract, for which there was no tender, regarding the royal visit in October. I asked her why Columbia Communications group got the contract.

The minister's response was:

> Contrary to media reports, the contract has not been awarded.

I have obtained a copy of the opportunity abstract. It is called an advance contract award notice and is posted for 15 days. It was posted April 15 and expires April 29. If no other submissions are received, the contract is awarded.

The department has determined that it is awarding this contract untendered in the amount of $400,000 and it has 15 days for anyone to say to the contrary.

I repeat the minister's answer:

> Contrary to media reports, the contract has not been awarded.

The minister's intentionally implied incorrect information is that the department plans on awarding it but that it will not be stamped until April 29.

On page 111 of the 22nd edition of Erskine May it states:

> The Commons may treat the making of a deliberately misleading statement as a contempt.

On page 141 of the 19th edition of Erskine May it states:

> Conspiracy to deceive either House or any committees of either House will also be treated as a breach of privilege.

We have a statement made by the minister in the House and a document that contradicts the statement.

On November 3, 1978, a member raised a question of privilege and charged that he had been deliberately misled by a former solicitor general. Acting on behalf of a constituent who suspected that his mail had been tampered with, the member had written in 1973 to the then solicitor general who assured him that as a matter of policy the RCMP did not intercept the private mail of anyone.

On November 1, 1978, in testimony before the McDonald Commission, the former commissioner of the RCMP stated that they did indeed intercept mail on a very restricted basis and that the practice was not one which had been concealed from ministers. The member claimed that the statement clearly conflicted with the information he had received from the then solicitor general. The Speaker ruled that there was a prima facie case of contempt against the House of Commons.

In the case involving the Minister of Canadian Heritage I present to you today, Mr. Speaker, we also have a statement that clearly conflicts with the information I have received.

The records of the House, as well a document that I am prepared to give you, Mr. Speaker, is sufficient evidence to allow you to rule this matter to be a prima facie case of contempt against the House.

Mr. Speaker, you ruled in a similar case on Friday, February 1, 2002, in regard to misleading statements made by the Minister of National Defence. The hon. member for Portage—Lisgar alleged that the Minister of National Defence deliberately misled the House as to when he knew that prisoners taken by Canadian JTF2 troops in Afghanistan had been handed over to the Americans. You said, and I quote:

> The authorities are consistent about the need for clarity in our proceedings and about the need to ensure the integrity of the information provided by the government to the House. Furthermore, in this case, as hon. members have pointed out, integrity of information is of paramount importance....

Mr. Speaker, if you find this to be a prima facie question of privilege, I am prepared to move the appropriate motion.

● (1505)

Hon. Paul DeVillers (Secretary of State (Amateur Sport), Lib.): Mr. Speaker, the minister unfortunately could not remain but she did speak to me on the subject. Obviously, from the description of the documentation that the hon. member just gave, there is a clear distinction between a notice that is subject to a 15 day review and the actual awarding of the contract.

So that factually the minister's answer was correct. No tender has been awarded at this point.

The Speaker: The Chair will take the matter under advisement and get back to the House at an early opportunity. I thank the two hon. members who have made submissions on this matter for their intervention.

The Chair has notice of a point of order from the hon. member for Battlefords—Lloydminster.

POINTS OF ORDER

ORAL QUESTION PERIOD

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, yesterday, in response to a question from my colleague from Macleod, the Minister of National Defence twice stated that he would be happy to table the cost breakdown on the contract for the new Challengers.

Unfortunately, I guess he forgot shortly after question period. I am wondering if the Chair could maybe expedite that for us. Maybe the minister could table it today.

The Speaker: The Chair has certain powers but they are not ones that enable me to table documents on behalf of other hon. members. Perhaps the hon. member for Battlefords—Lloydminster, in addition to having raised the matter so capably now as a point of order, could drop a little note to the minister reminding him of his undertaking. I suspect he might find the necessary documentation would be forthcoming. We will hope so and I am sure if not, I will hear from the hon. member again.

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BUSINESS OF THE HOUSE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, today being Thursday, it is my duty at this time to ask the Leader of the Government in the House of Commons what business he has for the remainder of today, tomorrow and the following week.

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as the House knows, for four days this week the House could have had thoughtful and fulsome debate on the report stage of Bill C-5 about species at risk. Unfortunately, the official opposition did not appear particularly interested in that.

Nevertheless, I will continue to consult with opposition House leaders to try to reach agreement on how to complete the debate on that very important legislation and I hope that there will be more interest shown than we have seen so far.

In the meantime, the House will proceed this afternoon with consideration of the Senate amendments to Bill C-15A, amending the criminal code. Tomorrow we will debate Bill S-34, respecting royal assent, followed by Bill S-40, respecting financial clearing houses.

On Monday we will return to any unfinished business from this week and, if there is time, we will turn to Bill C-15B, which of course is another criminal code amendment.

Later next week, if Bill C-50, the bill dealing with the WTO, and Bill C-49, dealing with excise, are in fact reported back to the House from committee in time, we will deal with their final stages as well as concluding any business left over from Monday.

As the House already knows, Tuesday, April 23 and Thursday, April 25 will be allotted days.

● (1510)

Mr. John Reynolds: Mr. Speaker, I rise on a point of order. I just want to say I regret that the government House leader missed my thoughtful two hour speech yesterday afternoon.

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL LAW AMENDMENT ACT, 2001

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.) moved the second reading of, and concurrence in Amendments Nos. 1(*b*) and 2 amde by the Senate to Bill C15A, and act to amend the Criminal Code and to amend other acts; and that a message be sent to the Senate acquainting Their Honours with the non-concurrence this House with the amendment numbered 1(*a*) made by the Senate to Bill C-15A, an act to amend the Criminal Code and to amend other acts, because the amendment could exempt offenders from criminal liability even in cases where they knowingly transmit or make available child pornography.

[*English*]

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to rise today to introduce the debate on the Senate amendments to Bill C-15A, an act to amend the criminal code and to amend other acts, in short, the criminal law amendment act, 2001.

Hon. members will be aware that Bill C-15A received third reading and was passed by the Senate on March 19. After careful study and reflection, the Senate adopted three amendments to Bill C-15A. The House now has an opportunity to consider and vote on these amendments. I will briefly summarize the amendments in the order that they appear in the bill. They are as follows.

First is an amendment to clause 5 of the bill to add new subsections 163.1(3.1) and subsection 163.1(3.2) to the criminal code, the effect of which would be to exempt Internet service providers, ISPs, from criminal liability for the new offences of "transmitting", "making available" and "exporting" child pornography, where the ISP "merely provides the means or facilities of telecommunication". This is referred to as amendment 1(a) in the message from the Senate.

Second is an addition to clause 5 of Bill C-15A to amend subsection 163.1(6) and subsection 163.1(7) of the criminal code in order to ensure that the defences that are currently available in relation to child pornography offences apply equally to the new offence of accessing child pornography. That is referred to as amendment 1(b) in the message from the Senate.

Third is an amendment to clause 71 of the bill, that is, proposed subsection 696.2(3) of the criminal code, dealing with the process for review of allegations of wrongful conviction which would limit the minister's power to delegate the exercise of the new investigative powers to members of the bar of a province, retired judges or any other individual who, in the opinion of the minister, has similar background or experience. This is referred to as amendment 2 in the message from the Senate.

The government recognizes the important role played by the Senate in its consideration of this legislation. The government accepts the second and third amendments and acknowledges that these changes are improvements to the bill. I urge hon. members to vote in favour of these two amendments. However, the first amendment dealing with the Internet service providers is a different matter. I urge hon. members to reject this change to the bill. Let us look more closely at these amendments.

The second amendment to clause 5 of the bill is a consequential amendment that adds a cross-reference to the new offence of accessing child pornography into subsections 163.1(6) and 163.1(7) of the criminal code. As already noted, the sole effect of this amendment would be to ensure that defences that are currently available in relation to all other child pornography offences apply equally to the offence of "accessing" child pornography under subsection (4.1).

This amendment is necessary to avoid creating an unfair situation where a defence that is available to other and possibly more serious child pornography offences would not be available to a charge of "accessing child pornography". This amendment corrects an oversight and the government supports it.

● (1515)

Turning to the third amendment, hon. members will be aware that the federal Minister of Justice exercises special post-appellate powers in review of criminal convictions. Proposed subsection 696.2 (2) provides the minister with the investigative powers of commissioner under part I of the Inquiries Act. This will provide the minister with the power to compel the production of documents and the attendance of witnesses to provide information.

These additional powers of investigation are needed to improve the range and extent of the reviews of alleged wrongful conviction. Proposed subsection 696.2(3) as passed by the House would have allowed the minister to delegate the exercise of those investigative powers to "any individual".

An amendment was made to subsection 696.2(3) in the Senate to specifically state that the minister may only delegate the exercise of those investigative powers to "any member in good standing of the bar of a province, retired judge or any other individual who in the opinion of the minister has similar background or experience".

The government supports this amendment for the following reasons. It is important that those persons investigating cases on behalf of the minister have the ability to obtain the necessary information in order to thoroughly review and investigate a case so that a full report may be made to the minister as to whether or not a remedy is appropriate in a particular case.

Section 690 currently does not provide any powers to compel witnesses to give information or documents. Therefore there is no way that the information sought can be obtained if it cannot be obtained voluntarily.

For these special post-appellate powers to be exercised in a well balanced and reasonable fashion, the Minister of Justice needs to rely on sound legal advice based on good and reliable information.

The highly complex legal nature of these post-appellate conviction reviews requires that the people investigating these matters and eventually providing advice to the Minister of Justice possess a considerable knowledge of criminal law, the law of evidence, police practices and the workings of the judicial process. Therefore a legal background or substantial experience in law should be a requirement for a person to be designated as an investigator with the power to compel the production of evidence and the attendance of witnesses.

The Senate amendment allows the minister to appoint people the minister will trust and directs the minister's choice to persons having specialized legal experience. Again, the government accepts and supports this amendment.

Returning now to the first amendment to clause 5 of the bill, I ask hon. members to give careful consideration to this amendment as it is very problematic. It was made in an attempt to respond to concerns expressed by the Internet service providers to the effect that they could be convicted of "transmitting" or "making available" child pornography without any knowledge or intention to do so simply by virtue of the fact that they provide the "means" by which child pornography is disseminated.

These concerns are not well founded. New child pornography offences in Bill C-15A as well as the existing offences require both a guilty mind and a guilty act, a fact acknowledged by the Internet service providers. As with other criminal code offences, an offence of transmitting child pornography requires two critical components, the first component being an intention to transmit child pornography and the second component being the physical act of transmitting child pornography. Even without the Senate amendment, ISPs would not commit a child pornography offence when they do not have the knowledge of the content of the material stored on or going through their system.

● (1520)

Apart from being unnecessary, there is a more serious problem with the Senate amendment. The amendment exempts the ISPs from criminal liability in all cases where they merely provide the means or facilities of telecommunication. This exemption would apply even in cases where an ISP is aware that it is being used for the dissemination of child pornography because the ISP would still "merely provide the means or facilities of telecommunication". As I mentioned earlier, ISPs who are unaware that their facilities are being used for such purpose would be insulated from criminal liability without the need for the amendment because they would not have the mental element, or the guilty mind if you will, that is necessary for committing a child pornography offence.

There is another problem with this amendment. The offences proposed by subclause 5(2) are not limited to the commission by means of the Internet. By exempting only the ISPs, the amendment ignores those who are responsible for other means or facilities that may be used for disseminating child pornography. Whether they be a courier, a taxi driver or even a trucker, they could unknowingly be used as a "conduit" or means of transmitting child pornography. Accepting an amendment to protect only one of the actors involved would cast a doubt on the legal fate of the other actors.

For all of these reasons, this amendment should be rejected by the House.

In conclusion, I strongly urge all hon. members to vote in favour of the second and third Senate amendments, amendments 1(b) and 2 in the message from the Senate, and to vote against the first amendment relating to the Internet service providers. That would be amendment 1(a) in the message from the Senate.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I am pleased to rise with respect to the issue.

I remind members in the House that in the fall all opposition parties agreed to pass Bill C-15A as quickly as possible if the justice minister would agree to split the omnibus Bill C-15 into two parts. That did occur. Bill C-15 became Bill C-15A and Bill C-15B so we could move ahead as quickly as possible on Bill C-15A as a whole. However in view not only of the comments raised today but of other issues, events have overtaken the legislation. In particular, the decision of the British Columbia supreme court in the Sharpe case has raised new and troubling concerns hon. members will need to address.

Bill C-15A would create the offence of luring a child by means of a computer system. Under this offence a child would be defined by the ages already set out in the criminal code. Accordingly, it would be a crime with a maximum punishment of five years to use the Internet to lure a person under the age of 18 for purposes of prostitution, child pornography, sexual assault, incest or, where the accused is in a position of trust, sexual touching. It would prohibit the use of the Internet for luring persons under the age of 16 for abduction from his or her parents and for luring persons under the age of 14 for sexual interference.

Under Bill C-15A transmitting, making available or exporting child pornography through a computer system would be an offence punishable by a maximum penalty of 10 years. The bill would prohibit persons from intentionally accessing child pornography on the Internet. The maximum penalty would be five years and the material could be liable to forfeiture.

A motion has been brought forward to ask that a message be sent to the Senate to acquaint their honours that this House disagrees with the amendment. I too have concerns about the clause. Generally speaking we support the intent of the Senate to protect innocent third parties from prosecution without an appropriate level of mens rea. I will not get into the legal discussion because the parliamentary secretary has gone into it in some detail. I agree with many of the parliamentary secretary's comments in that respect.

I will address the concern of mens rea. The government's concern that the protection is too broad and may exempt some offenders is valid. There should be an amendment to require criminal intent or state that there must be a clear expression of criminal intent. I noted with interest the government's position with respect to mens rea. It indicated there is some clarity but has not proceeded in the same fashion with respect to Bill C-5, which has been the subject of substantive and fruitful debate with respect to a number of issues.

Lately it has been more about the protection of property rights. The government should not have the ability to take away people's property without fair and reasonable compensation being determined by the courts or some other objective tribunal. Compensation should never be left solely in the hands of the government. Property is far too important an instrument in our society to be left at the free disposal of government.

● (1525)

Not only did we in my party have concerns with respect to property rights in Bill C-5. We were concerned the bill would not accept one of the most important legal principles in a just and democratic society: that where one is charged with a criminal offence there be an appropriate level of mens rea. We must examine this statute closely to ensure it is there. We do not want to see innocent third parties, whether Internet providers, couriers, truck drivers or anyone, prosecuted for a criminal offence where there is no appropriate level of mens rea.

While the Senate amendment was a valid concern, the response the Senate has provided to the House is not satisfactory in ensuring that while innocent people would be safe from prosecution the guilty would be appropriately convicted where an appropriate level of mens rea was demonstrated in the context of the prosecution.

The second issue I will deal with is much more troubling. The amendment would replace subsections 163.1(6) and (7) of the act with:

> (6) Where the accused is charged with an offence under subsection (2), (3), (4), or (4.1), the court shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has artistic merit or an educational, scientific or medical purpose.

I emphasize the words artistic merit.

The amendment would apply existing defences for child pornography to child pornography on the Internet to ensure consistency. This must be carefully considered in light of the March 26, 2002 B.C. supreme court decision on the child pornography case involving Mr. Sharpe. It was ruled that he could not be convicted for his violent writings because they had artistic merit despite being sadomasochistic in nature and glorifying these types of acts by adults in relation to children.

Members on this side of the House and we in the Canadian Alliance believe the decision does not properly reflect society's interest in protecting children from sexual predators. In protecting Mr. Sharpe's violent writings which target vulnerable children the court's interpretation of artistic merit has been too broad.

We urge the British Columbia attorney general to review the case carefully. He has the power to do so. In British Columbia if the attorney general instructs an appeal he must set it out in writing. Whatever the mechanism, whether he personally instructs the appeal or whether it is done by crown prosecutors acting on his behalf, I urge the B.C attorney general to appeal the Sharpe case.

● (1530)

There are a number of other concerns. I will take time to examine a proposal and give credit to the hon. member for Pickering—Ajax—Uxbridge. Yes, he is on the other side of the House but I commend him for taking a proactive role in bringing together members of the House with members of the police and other communities to deal with the troubling decision of the B.C. supreme court.

On Tuesday, April 16 almost 30 members of parliament met with police officials, psychiatrists and others related to this important issue who work with the police in prosecuting these matters. We had a profitable discussion. The hon. member for Calgary Southeast was there and contributed in a positive way to the discussion. We saw things that absolutely horrified members of parliament. We heard the anxiety of police and other professionals regarding the problematic issue of child pornography.

The police showed us pictures. They were run of the mill pictures in the context of this horrible activity which showed physical and sexual assaults on children. I am not a good estimator of age but they were very young children. The police told us children as young as six months or younger are subjected to this kind of abuse in Canada and pictures and other materials depicting the abuse are circulated on the Internet or through written documentation.

I can only imagine what it must be like to be a police officer on the front lines trying to protect our society against this filth. They have to examine it on a daily basis to present cases to court and achieve convictions. It is a difficult situation. In one case police seized 400,000 pictures. Can we even imagine 400,000 pictures? The police must go through each and every picture and categorize it to present a brief to defence counsel for the purposes of the defence. One case in Toronto has virtually overwhelmed the unit in charge of these investigations.

The police need our assistance. The children of Canada need our assistance. I examined the provisions of the criminal code this morning. I looked at the defences available with respect to advocating genocide and hate literature. I did not see anything in the criminal code that said people were allowed to advocate the killing of another human being and have an exception of artistic merit.

Can members imagine me standing and arguing in the House that butchers who advocate hate and the murder of human beings should have the defence of artistic merit? It is inconceivable. Yet for some reason parliament has said this when talking about the sexual and violent abuse of children as young as six months and even younger.

● (1535)

There were some horrifying things that were taught to us that evening, sexual assault on children where the umbilical cord was still present. I cannot even imagine it.

When I was a prosecutor I prosecuted pornography cases. I was involved on behalf of the government of Manitoba in the Butler case. This involved so-called adult pornography. I was horrified by some of things I saw. The deterioration of the ability of our law not only to protect adult human beings but now children is very troubling.

In the Butler case the supreme court clearly said that the combination of harm and sexual exploitation was not acceptable. It is sufficient for parliament to prohibit that. We have clear direction from the supreme court in the Butler case that says the combination of those two, the exploitation of sex in conjunction with violence, is wrong and parliament has the legal and moral right to pass laws that prohibit that in respect of adults.

What do we say about children? We say that, yes, we can abuse or depict pictures of children as young as six months old being violently abused. Yet we are worried about the defence of artistic merit. How can there possibly be, in a free, just and democratic society, an ability to ever tolerate that kind of abuse of children? How can the weighing of the interests of freedom of expression against that kind of harm ever come out to that conclusion? Then that kind of material must be banned.

I was troubled by a number of supreme court decisions. I took a position on behalf of the government of Manitoba against it, to see the expansion of freedom of expression to include things beyond our traditional British and Canadian understanding of free expression as relating to the exchange of political ideas and other types of ideas. That was certainly the understanding that most had when we enacted the charter.

I appeared before the supreme court on behalf of the government of Manitoba in the reference to subsection 193.1(1)(c) of the criminal code relating to the communication of prostitution or prostitution-related messages. The Supreme Court of Canada said the communication for sexual purposes on a public street corner was protected by free speech.

It upheld the legislation itself, the prohibition against that, on the basis of subsection 1. As a result the prohibition stood in that case. In the Butler case, it said that pornographic materials fell within subsection 2(b) of the charter of freedom of expression. As a result it upheld the prohibition on the basis of subsection 1. Given the result we wanted, we won the case.

If we look at the reasoning of that decision, there is the genesis of the result we see in the Sharpe decision, the breaking down of the abhorrence of this kind of activity.

● (1540)

The issue that is before us today is much more significant than it would have been even a month ago. When the first Sharpe decision came out members on this side said to use the notwithstanding clause. They said to get rid of that decision because it was wrong, it was perverse. We wanted the government to appeal the decision using the notwithstanding clause right away to stem the tide of this filth.

What was said by ministers on the other side, but not all members on the other side I might add, was that they had faith in the British Columbia court of appeal to do the right thing. The British Columbia court of appeal did not do the right thing. It absolutely did the wrong thing.

As politicians we should not be afraid to say that a court has made a mistake. The courts enter the political arena and make decisions on political bases, no less than members of the House do. The only difference is that if I were to stand in the House and say that freedom of expression should include the sexual exploitation of children, I would be expelled from this House, and rightly so.

Unfortunately, or perhaps fortunately, we do not have the same kind of control over the judiciary because it is independent. Independence does not mean that it cannot be held accountable. Ultimately it is this House that must hold it accountable if it comes out with perverse decisions.

That is the purpose of the notwithstanding clause, to correct the serious mistakes that have been made that damage the fabric of our nation and destroy the broader societal values that hold our country together. The kind of decisions that were made by Justice Duncan Shaw tears apart the moral fabric of our nation.

We not only have the right but the obligation to move in that direction. When the British Columbia court of appeal failed to do the right thing this House should have done the right thing by passing the notwithstanding clause and appealing that court's decision in the Supreme Court of Canada. The notwithstanding clause is a five year term. It is a temporary override but we should have used it and we should not apologize for it.

Our political agenda is different than the political agenda of the courts. The political agenda of the courts is primarily to defend the individual rights of Canadians. Our responsibility is to look at that decision, weigh it and to say that through the use of the notwithstanding clause the individual rights of a child pornographer to glorify the violent sexual exploitation of children should be subject to the wishes of the people of Canada in preventing that type of activity from occurring.

● (1545)

I want to get back to what the hon. member for Pickering—Ajax—Uxbridge said. He prepared an important paper for our discussion on child protection issues and options. He just presented this paper to me and I have had occasion to read some it. The ideas are good ones. They come as a result of the committee meeting that he chaired. True to his word he said he would work quickly on this issue to get something before us so we could consider this at our next meeting.

It is important for us to consider this at our next meeting. The member deserves to be commended. However it is not just the meeting of that group of 30 MPs who need to consider the recommendations that flow out of the discussions that all of us had on Tuesday, April 16.

There are numerous decisions and recommendations made in this paper. In view of the Senate motion, the Sharpe decision, and the work that has been done on this paper we need to think very clearly about what we should be doing as a House.

There are all kinds of amendments. One of the amendments that must be made which is not set out specifically in the member's paper, but which was raised by the police and other members at that meeting, is the keeping of information by Internet providers. It was stressed at the meeting of April 16 that police, in investigating these serious crimes, were met with the challenge that there was no obligation on the part of Internet providers to store information.

One might think that is a huge challenge but it is not. Other countries have laws where they require the retention and storage of this information for six months, a year or otherwise. It can be done. It is done in other countries and it can be done here. We must bear that in mind.

The recommendations, the issues identified and the options set out in this paper must not be considered by only members on this side of the House, backbench members or frontbench members across the way. The Minister of Justice must read this document. This is good work. It is the expression of the careful thought of the people present at that meeting and the expression of the hard work of the hon. member for Pickering—Ajax—Uxbridge, and it should not be discarded.

Parliamentarians and ministers stand up, throw their hands up and say what will we do about this? There is a good start here. It is not just because it corresponds with my thoughts on many of the issues. Perhaps it was a happy coincidence but this comes from years of reflection by the member on this issue and by other members on this issue.

There are issues and I want to deal with some of them because they are important. I want the record to show that there are solutions to these problems. It is not sufficient for us to say that the courts have decided and we would like to help the people of Canada but we cannot. To shrug our shoulders is an avoidance of our responsibility.

● (1550)

Parliamentarians, government policy advisers and government lawyers look at the charter as a barrier to social progress and programs that need to be implemented. Instead of looking at what the problem is and setting out a solution that works, often these policy advisers look at the charter, anticipate what the reaction of judges is going to be and then create the policy in that context. The result is a solution that does not work.

We have seen it in the context of the organized crime law. I can tell the House, not because I am a prophet but because I know, that legislation will fail. It will fail because the excuse that was offered consistently in refusing to follow recommendations that would have ensured effective legislation was "our charter does not allow us to do that kind of thing".

Rather than setting it out in the legislation and addressing the problem, they concerned themselves with what the reaction of the judges would be. We should not do that. We should create solutions that address the problems and then prepare the legal arguments that justify our position. That is the nature of the political debate, or it should be the nature of political debate between the House and the judiciary in the Supreme Court of Canada.

We should not make an apology that we have genuine political differences and genuine differences of interest. We do not think consistently on all occasions. We share general principles to which we want to adhere and see enacted to strengthen our country.

The point I am getting to is the options paper that was written. This paper in a thoughtful way, mindful of constitutional parameters in a general way, suggests solutions that work and presents us with options. There are options that may affect an appropriate result. For example, issue two on page two of the options paper gets right to the Senate amendment and that is why this discussion is relevant. The member has written:

> The defence of artistic merit 163.1(6) as currently expressed by the Supreme Court of Canada and interpreted by Justice Shaw exempts child pornography clearly harmful to children as the subject of criminal prosecution.

He brings forward four options, some not necessarily exclusive of each other but options that we should be considering.

The first one is to eliminate the defence of artistic merit to child pornography by repealing section 163.1(6) of the Criminal Code of Canada. People ask how we can repeal the defence of artistic merit when in the judgment of the supreme court there is a reference to artistic merit. Have we constitutionalized the defence of artistic merit in respect of child pornography? We have not done it in respect of hate literature or the advocacy of genocide. Why should children be the subject of abuse, of violent sexual attacks, and allow these sexual predators to rely on artistic merit?

● (1555)

If we amend the legislation to delete artistic merit completely, I want to hear the Supreme Court of Canada say "There is artistic merit in the sexual abuse and the depiction of that sexual abuse of six month old children". If that is what the court is going to say, then the House has another responsibility and we have alternatives, but let us not anticipate what the court is going to say.

Personally I do not believe that Mr. Justice Shaw got it right. I think he got it wrong. The judiciary should be given a chance. We need to appeal this matter, but in the meantime let us look at the option of eliminating the artistic merit defence. In this respect, I have a serious problem with the motion.

The second option is to amend section 163.1(6) to apply a community standards test similar to the Butler decision. What a wonderful opportunity we have here. If in the context of adult pornography where there is a combination of violence and sex that can be prohibited on the basis of community standards, why would the same defence not be available in the context of child pornography and the abuse of children? Eliminate artistic merit and bring in the community standards test specifically. I am surprised that there is not already implicit in that offence the understanding that somehow the community cannot tolerate this kind of activity.

The third option is directly relevant to some of the comments I have been making. The member has identified the option to include the definition of child pornography as part of the hate crimes section 319, which has a different and more restrictive exemption. Again this is a very different type of exemption. There are exemptions but they are not of the nature that we have seen that allow the child pornographers to do what they do to our children and our grandchildren.

The last option under issue two is to amend section 163.1(6) to exclude material of which a prominent characteristic is not the description of a legal sexual activity involving children or which is not intended for sexual gratification. It is a little more technical but it is an option.

To the minister who might be tempted to throw up his hands and shrug his shoulders, although I have not seen him do that yet and he has not commented on the decision, I would ask him to read this paper before he does that. I would ask the parliamentary secretary to the minister to read the paper and consider our options. Let us not apologize for standing up to protect children from sexual, violent abuse.

In summary, I feel that these are issues which needed to be said. I again thank the member for Pickering—Ajax—Uxbridge for the paper. True to his word, he delivered in record time. On behalf of all the members who are in the House or were at the meeting on April 16, I thank the hon. member. This is a good start and we can conclude on a positive note if the minister and the cabinet consider these options and recommendations very seriously.

● (1600)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I am very pleased to speak today to the amendments made by the Senate to Bill C-15A, an act to amend the Criminal Code, which deals with child pornography.

I will begin by giving a brief background to Bill C-15. The opposition parties and the Bloc Quebecois asked the government to split this bill, because it addressed a lot of unrelated issues.

We asked the government to split Bill C-15 in two distinct pieces of legislation, Bill C-15A, to deal with child pornography, and Bill C-15B, to address firearms and cruelty to animals.

The government agreed. So, I am very pleased to speak, on behalf of my hon. colleague from Berthier—Montcalm, to the amendments made by the Senate. I would like to take this opportunity to congratulate my colleague for his remarkable work on the issue of justice.

Last week, I attended an event in his riding which brought together over 300 people. It gave me the chance to realize how much his constituents appreciate his excellent work on justice.

I would like to state the Bloc Quebecois' position with regard to the first amendment proposed by the Senate. We are, as is the government, against this amendment. It was aimed at ensuring that people whose equipment is used for illegal purposes, probably without their knowledge, would not be prosecuted. But it opens a door that is wider than the one it is trying to close. This amendment is totally useless. It is even dangerous.

The concept of *mens rea* is implicit in the criminal code. Therefore, the custodian of a computer that would be used by a third party for illegal purposes cannot be prosecuted if there was no criminal intent, which is required for any criminal offence.

However, with the amendment proposed by the Senate, the custodian would be protected against prosecution even if he or she was fully aware of the purpose for which the equipment was used. The concept of intent is no longer important. Whether that person was aware or not of what was going on, he or she cannot be prosecuted and can therefore facilitate pedophilia with total impunity.

As I said at the beginning of my speech, the Bloc Quebecois is against this amendment to Bill C-15A. It is totally useless and even dangerous.

As for the second amendment proposed by the Senate, the Bloc Quebecois is in favour of that amendment. It is simply aimed at correcting what was probably an oversight resulting from the creation of a new offence related to juvenile pornography.

Obviously, if we protect from prosecution any person who produces, distributes, sells or possesses juvenile pornography for educational, scientific or medical purposes or in cases where such material has artistic merit, then we must afford the same protection to those who access it. Through this amendment, the senators have shown a lot of imagination in finally clarifying that clause of the bill.

As for the third amendment, we are in favour of it because it specifies those to whom the powers of the Minister of Justice can be delegated.

● (1605)

The old wording read "any individual". The new wording specifies that the suitable people will be, and I quote:

> —any member in good standing of the bar of a province, retired judge or any other individual who, in the opinion of the Minister, has similar background or experience—

With this amendment proposed by the Senate, the minister's powers to act cannot be delegated to just anyone. This is comforting, because we are talking about child pornography, and those to whom the powers of the minister are delegated must at least be competent people who are able to identify the issues involved.

I would have appreciated it if the government had demonstrated as much openness toward the bill that I introduced last week regarding sexual offences, more specifically pedophilia, as it has demonstrated toward Bill C-15A.

My colleague from the Canadian Alliance said earlier that we have the moral right to pass legislation to protect our young people, the children of this country. We, as legislators, must do so, given that young people are not able to.

The issue that my bill dealt with was no bigger than that of child pornography, in Bill C-15A. However, it was a current issue.

Why are these amendments being proposed to the criminal code regarding child pornography on the Internet? Because the criminal code needed updating, and today, 20 years later, we are in the age of the Internet.

This bill allows us to deal with the age of the Internet. Everything that our friend from the Canadian Alliance described, in referring to the meeting that he attended, is true. We can no longer hide our heads in the sand about what is happening on the Internet. It was time to act.

This same openness should have been demonstrated when it comes to criminal acts committed by pedophiles against youth under the age of 14. This is also a current issue.

Last week, instead of being open-minded and acknowledging the problem, instead of realizing that it was no longer an option to keep one's head in the sand about all the sexual offences being perpetrated against our children these days, the Parliamentary Secretary to the Minister of Justice should have demonstrated the same open-mindedness and given some thought to a problem which all members on both sides of the House have been lobbied about at their riding offices or here in the House of Commons. Increasingly, we are talking about pedophilia.

In my riding, and in Quebec, 40,000 people signed a petition calling on the government to take action with respect to pedophilia against young people under the age of 14. This was not just something I dreamed up.

Over 40,000 people signed a petition, which I tabled in the House, calling on the government to amend the criminal code for this offence.

After I spoke last week, I received many calls in my riding, as did other colleagues. People did not understand the government's refusal to take action on this problem, which is just as serious as child pornography.

● (1610)

I am still very moved. I remember all the young people who came to talk to me about this issue in my riding office. They told me "The government must give us some means, it must help us. We cannot act. We are the victims. We do not have the means to overcome this psychological, physical and mental ordeal".

The purpose of my bill was to open the door a little bit to allow these young people to come and express themselves, to see a ray of light. Indeed, when one opens the door and there is a bright sunshine, a little ray of light brightens up the house. I wanted to help them have that.

The Parliamentary Secretary to the Minister of Justice only talked about big money. He said that it would cost too much, that it did not make sense, that the answer was no. He only talked about big money. He did not put himself in the place of the young people who are the victims of these criminal acts. He did not want to do that. He did not even recognize that the problem existed.

I only asked him to allow these young people and their parents to come and tell their story. They could have come to a committee sitting and explained to parliamentarians what they and their parents are going through. We could have finally opened the door a crack and taken a close look at this issue, as we are doing with child pornography on the Internet. My request was rejected. Both times I asked for the unanimous consent of the House, two female government members refused to give that consent. This hurt even more. Us women are confronted with this issue.

It is the same thing with this bill. Yes, the Bloc Quebecois supports amendments Nos. 2 and 3 from the Senate, but it is opposed to amendment No. 1. We had to take action, and this government allowed us to do so. As the Canadian Alliance member said, it designed tools to deal with abnormal things that can be seen on Internet sites involved in child pornography.

Let us face it: there is a growing number of perverts. We are not immune to everything that relates to perversity. We cannot think about all the things that these people can imagine. But today, with these amendments, we can give some powers to people in positions of authority, so that, at last, child pornography on the Internet can be monitored more closely.

There are other problems affecting our young people. The Canadian Alliance member was telling us about assaults on children younger than six, about dreadful photos on the Internet. Everything connected with pedophilia is dreadful. It affects the child's soul as well as his body. His inner being is violated. The member spoke to us of photos on the Net. These young people have been violated to their very core.

I trust that this government, which has shown open-mindedness concerning this problem, will note that in future I will not give up.

● (1615)

I will continue my crusade against pedophilia and will introduce a new bill that will focus even more clearly on sexual acts relating to pedophilia.

We can keep our heads in the sand no longer. As the Canadian Alliance member has said, and I would like to repeat his words, parliament has the moral right to pass legislation to help and protect our children. Our children are our future and they are the ones who will be responsible for the development of this country. If we act, our young people will be able to have a healthy future, psychologically, physically and mentally.

I congratulate the senators for their open-mindedness; their two amendments clarify the issues. We can finally say that they have been able to be of use as far as this bill is concerned.

Child pornography is a major problem. I beg this government not to stop any of its efforts relating to the sexual abuse of children.

● (1620)

[*English*]

Mr. Dan McTeague (Pickering—Ajax—Uxbridge, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak today to a bill referred to the House of Commons by the Senate, Bill C-15A.

At the risk of being extemporaneous, I may have to basically confine my comments to my rudimentary knowledge of the bill, but it is important for us to understand that the context of the bill is a very laudable attempt by the House of Commons to modernize its thinking on the fundamentals of child pornography as it is transmitted and disseminated through the Internet.

It is also equally a bill that has come as a result of a compromise, as has been mentioned earlier by previous members. It is a question of dealing with matters more specifically in a way that would divide this omnibus bill into two areas so that parliament could deal with this very weighty and laudable issue.

I had no idea that the bill was coming up. During the intervention of the member for Provencher, he mentioned a document which I circulated. It is basically an agreement among the 37 members of parliament who attended a meeting which I scheduled in light of the decision, the second round of Sharpe, by Justice Shaw of the B.C. supreme court some three weeks ago. The decision of course, in light of the supreme court decision of the previous year, upheld the validity of the more questionable sections dealing with possession of written material.

This clearly sounded alarm bells for all members of parliament. I want to assure members that the issue of child pornography, and by implication the issue of child pornography for all Canadians, is one that we in our totality do not accept. There is no doubt in the minds of 85% to 90% of Canadians that no amount of the benefit of the doubt should be given to anything other than the protection of children.

It is for this reason that the decision taken by the supreme court, and more recently by Justice Shaw, triggered the need for parliament to act in a way that it was not prepared to do some two and a half years ago. The genesis on this is very clear. Yes, indeed, the hon. member for Provencher mentioned that his side of the House had proposed a motion dealing with the notwithstanding clause. I think there are a panoply of options available to this parliament to address what is for most Canadians a very serious wrong, and I say so respectfully to the supreme court and to the justices with respect to the recent decision.

One of them of course is the notwithstanding issue and the ability of the House to consider in instances where it believes, as it should in this case, that the fundamental right of the protection of children must be paramount.

There is obviously a question that deals with whether or not the Supreme Court of Canada made a correct decision. I will go to section 163 of the SCC decision in January 2001 in which the issue is the defence of artistic merit, which incidentally is contained in the bill but is not amended in the bill proposed through the Senate. It says that where a court finds artistic merit, that it will adjudge that to be a sufficient defence against the prosecutorial powers and the weight of the criminal code as it deals with child pornography.

In essence, the qualification was of such a low threshold that justices in the majority said that artistic merit, however small, would be a sufficient defence to allow somebody who was in possession of written material to provide an excuse or not to be prosecuted. This of course was part and parcel of the decision made just some weeks ago in British Columbia by the same supreme court that earlier referred the issue and referred the child pornography section 163, inter alia, to the Supreme Court of Canada by striking them down.

This has clearly left a vacuum. One can talk of a moral vacuum. One can also speak of a legal vacuum. The reality however is that there is more than just the question of artistic merit. There is also the question of advocacy and counselling, which is really the basis on which the decision was made to allow, in this case, Mr. Sharpe to get off free or receive a get out of jail free card as it relates to written material.

● (1625)

Bill C-15A is an excellent attempt at modernizing parliament's view of child pornography as it is disseminated around the world, but I see two problems.

First, law enforcement agencies across the world and in Canada have readily identified the need for Internet service providers not just to bear some responsibility, but more important, to ensure that the images which they are storing and providing on behalf of clients are also kept for a period of time. The 37 members of parliament who attended the round table function two nights ago know exactly how it is done. There is a technical and serious problem if we do not hold ISP Internet service providers accountable for the undertakings of their accounts. If there is a dissemination of this harmful, deleterious information, then it may be lost forever. That would be the destruction of evidence even if the police and peace officers were able to obtain by warrant or other means the necessary information to provide a conviction.

Bill C-15A also speaks to the shortcomings of resources that can be handled at the House of Commons. This is not a provincial matter, but rather a federal matter that can be dealt with right now in a very timely fashion.

The second concern, which I hope will also be subject to more debate by members of parliament, is the consideration of the much wider impact of artistic merit, which I suspect will create an inordinate amount of controversy over the next few weeks. Parliament has the unique opportunity to begin tackling that. This could be done perhaps with the wisdom of our justice department, the Minister of Justice and his very capable parliamentary secretary who is just a few ridings over from me and a very able member of parliament for the Port Hope and Cobourg area. I am speaking about the member for Northumberland.

I want to talk more broadly about the issue of child pornography because it has been raised in this case.

The hon. member for Provencher talked about my region of Toronto. Many of us were astounded, shocked and probably are still recovering from the idea that there may be as many as 400 pedophiles using the Internet to disseminate material that is directed against children. Our law enforcement agencies are unable to detect these individuals. There is a problem of enforcement. The problem of enforcement is further complicated by the needs, as I was told recently, since January 1.

I pointed out to many colleagues in a letter sent to them some weeks ago that some 750,000 images of over 10,000 different children, some as young as three days old, have been portrayed in pictures seized by police. That is a very small number the police and enforcement agencies have been able to impact. We have a very serious problem that knows no bounds, but for which there must be the blunt instrument and determination of parliament to understand and apply appropriate language.

Most members of parliament should expect to receive within the next 24 hours a copy of proposals and options as well as the issues surrounding child pornography. This material will not just assist this side of the House but will assist all parties to come together on an issue that must not be divided on party lines. I was heartened to hear members of the opposition say that they were not looking to score political points on this. I think they too, as we on this side, recognize the value and importance of getting the wording in the legislation right.

I want to be very careful here. I do not think we should use the notwithstanding clause to protect children until such times as we have exhausted the wording that we think is necessary to protect children. I do not want this House of Commons or parliament to fall or be divided on the basis of semantics, words and language. The irony about words being such an important consideration for the protection of children is that it is simply trivialized by those who say the written word means nothing.

● (1630)

There is an obvious dichotomy that the words have to be written legislatively to protect children against pedophiles. At the same time, the words mean absolutely nothing, particularly when it comes to being in the hands of those who create or possess this information or worse, disseminate it. There is an obvious contradiction there. The House of Commons will have to try to resolve that. It will have to resolve that as quickly as it humanly and possibly can.

I have been challenged by the belief that somehow those who have written information which leads in many cases to the rape, torture and masochism of young children might in some way have some artistic merit and that the merit is somehow subjective.

A child molester and a pedophile are people who have a sickness. These people can never be cured of that sickness. It is a disease. It requires therapy, not obtuse legal reasoning. I cannot give a much better display of where we have surrendered our obligation to posterity than in the case where parliament does not act to fill the void.

I am convinced that the Minister of Justice and parliament are of one mind, that all issues must be put aside until we can deliberate on this issue to ensure the maximum penalties and force of law and to ensure that the charter of rights and freedoms brought forth by the hon. prime minister of many generations ago, Pierre Trudeau, is not intended in any way, shape or form to undermine the rights of children. I point out that while there are those who talk about fundamental freedoms, particularly section 2(b), freedom of thought, belief, opinion and expression, they certainly would not have precluded the life, the liberty and the security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice.

The constituency which we are speaking of is a constituency that pervades our society and thankfully so. For if it were not for children we probably would not have a future generation.

Let us understand something about child pornography. When minors are involved in a situation where their names or identities are reproduced around the world and are reproduced permanently, that puts those children in a position of victimization.

The House was in an uproar a few years ago about Martin Cruz, an individual who had been molested by pedophiles. We know what happened to poor Martin after his plea and his passionate coming out to talk to people about this issue. He took his own life because he was tormented by what had happened to him over generations. No human being should suffer that kind of indignity. Whether we talk about the issue of consent, human beings should be put in the position where a person in a position of trust can take advantage of them and forever inflict a wound which can never ever be healed.

I share the frustrations of members of parliament, but I also know that many members of the House have worked diligently and have a pretty good idea of those things that need to be done. We need one important element. This parliament must decide the laws of this land. This parliament must be the vanguard of the rights, the liberties and aspirations of human beings and of Canadian citizens who enjoy benefits and rights thereof.

We need to ensure that the role of the supreme court and the courts are there to interpret the limits of law, not to write in the law. I respectfully submit that in the case of the Supreme Court of Canada on Sharpe, they got it wrong. Parliament must now get it right.

To that end, it is fortuitous that the minister has brought forth through the Senate Bill C-15A.

● (1635)

Its timeliness is not to be gainsaid but it also means that there are opportunities here for us to use this as a model of what we plan to do in the not too distant future.

I know the appeal period for the decision in British Columbia is about to expire. It may be as soon as April 25. On behalf of members of parliament I would like to encourage the attorney general of the province of British Columbia, and by saying encourage I do not to tell him what to do but simply to urge to encourage him to seek the appeal.

Like the hon. member for Provencher, I think there were a number of errors in law. They are too weighty and would probably take me over 10 or 15 minutes to deliberate. I understand, in the interest of time, that what we can do here as a House of Commons is to work diligently, ensure that the amendments reflect the expectations of the public and that we do not get caught in dilatory or nonsensical defences or excuses that somehow obfuscate and derogate our understanding of the importance of protection of people within society who must have the life, liberty and security of person to be able to benefit from the things that make us unique as Canadians.

Parliament had to rush in 1993 to use certain wording. The intent may have been right, the wording may have been wrong but the intent to protect children must always be paramount whether that be a decision of the House of Commons or that supreme court.

We cannot allow people to undertake fishing expeditions at the expense of people who happen to be the most vulnerable in society but who happen to be the most precious constituency that we have in this country.

I boldly commend the Minister of Justice for having the courage to bring this forward. I look forward to working with members of parliament, to look at the number of options that they and experts have raised and to make this parliament not just relevant in our time but relevant for future generations to come.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, it is an honour and a privilege for me to speak today to Bill C-15A regarding the Senate amendments and to the larger picture with which we have to deal, child pornography.

This is an issue that is very close to my heart. I have a daughter whose career is counselling people who have gone through severe sexual abuse from quite early ages. I have heard some of the horrific stories from her of the results of that abuse and the life changing experience that causes. As my hon. colleagues have pointed out, there is no healing from that.

I certainly appreciate the comments that were made about the need to write the laws in parliament and to see our judiciary back them and enforce them rather than write them. We need to address these issues because of the tremendous, traumatic experience it is for those who are allowed to slip through the cracks.

I thank my hon. colleagues for their presentations and their willingness to stand up and speak to these things.

The bill does do some good. There is new legislation that creates the offence of luring a child by means of a computer system and it uses the same ages that the criminal code already sets out for determining the ages that make using the Internet to lure a child a crime. Accordingly, it is a crime with a maximum punishment of five years to use the Internet in these cases. The age is 18 for prostitution, child pornography, sexual assault, sexual touching or incest where the accused is in a position of trust. It is 16 for abducting an unmarried child from his or her parents and 14 for sexual interference, invitation to sexual touching and some other things.

I am not a lawyer but I know enough to know that the term luring is open to interpretation. I know what luring is when I am at the trout stream and I am tossing out the lure to draw the fish to my hook but I am not so sure that we can clearly define luring when it comes to sexual predators.

I recently heard about an incident that happened here in Ottawa a number of months ago where a person from another jurisdiction, where the age of consent was higher than in Canada, became acquainted with a 14 year old. He developed a relationship with the 14 year old and invited her to meet him. He came to Ottawa, set up in a hotel and the 14 year old met him. I am sure it could be argued that was the cultivation of a relationship. The distraught mother, having found out something of what was going on, sent the police. Although they found numerous sex toys in the room, they could do nothing because the 14 year old had gone to the hotel to meet this man of her own free will.

Luring was a crime then and it is now but how do we define luring? There are weaknesses here in some of the things we do. We get into the habit of saying things in legalese and it sometimes is more confusese than legalese. We should be able to use common sense and understand that the girl was lured for sexual purposes. It was a tremendous travesty of justice and of the law breaking down and not really protecting her like she should have been protected.

● (1640)

The amendment coming from the Senate adds the following to the legislation:

> A custodian of a computer system who merely provides the means or facilities of telecommunication used by another person to commit an offence under subsection 163.1(3) does not commit an offence.

We certainly agree with the protection of those who are innocent third party people who become involved in an offence in an innocent way. In fact, this is the one thing we can commend. We wish that this kind of principle was followed in some other bills like the species at risk act and even in the cruelty to animals act. We believe there needs to be a certain level of knowledge and a certain level of intent before a criminal act is actually performed. Therefore we have no problem with that and we are glad it is there.

Then we move on to this great mysterious line which includes some other words. It goes like this:

> Where the accused is charged with an offence under subsection (2), (3), (4), or (4.1), the court shall find the accused not guilty if the representation or written material that is alleged to constitute child pornography has artistic merit or an educational, scientific or medical purpose.

What do some of those words mean? First, perhaps the most innocent of those words it would seem would be "educational". However, in a meeting on the Hill this week where the material was presented to us by some of the members of the Ontario police and the porno unit from Toronto, we were shown copies of the drawings that were done by Mr. John Robin Sharpe. The judge referred to those drawings as having some merit because by watching the sequence of drawings in sort of cartoon form he said that one could notice there was a tremendous ability for the victims to survive and therefore there was some kind of artistic merit. Perhaps he could have said that there was some kind of educational merit to those drawings because they in fact demonstrated that the victims could survive.

I believe that is stretching it way too far. I believe that is stretching the term educational too far. I believe it is stretching artistic merit too far. I would ask the judge, and I would ask you, Mr. Speaker, whether there would be, for instance, any artistic merit in a sign being carried by a demonstrator on the front lawn of parliament that promoted hate toward, let us say, Muslims, Jews, parliamentarians? If the sign being carried promoted the aspect of killing, hating, wounding or abusing other members of society would the judge say that it was such a beautiful sign, done in such magnificent colours, that it was the most beautiful, colourful sign he or she had ever seen, and that it had such artistic merit that he or she would allow the protestor to carry it? I do not think so. I do not think that would happen.

Yet in that court, looking at those repulsive drawings, a panel of judges of this land could actually say that there was artistic merit. Why would the Senate want to send an amendment sticking those undefined, undetermined words and qualifications back into this legislation? Why would we do that?

● (1645)

I would suggest when it comes to artistic merit, when it comes to educational, scientific or medical purposes, perhaps there are some higher standards on which we should judge whether or not it is right to allow it.

For instance, the supreme court decision in the John Robin Sharpe case, when it defined or allowed for artistic merit, did not take into account the true and accurate reflection of community standards. Yes, I understand that the judge even wrote in his decision that there was no moral standard or community standard that could be applied. Again it is part of the abominable process that allows us to ignore the decency of common people.

Why can we have such laws and judgments that in themselves degrade, depress, demoralize and destroy our own country? Why is that? Why would we again write them in Bill C-15A? What is wrong with applying some community standards?

I would suggest that the court's application of artistic merit did not put a priority on the protection and the rights of children. How can we do that? How can we allow some artist, and I do not care if he is Michelangelo, to come up with material whose sole purpose is to promote the abuse of children?

Let us face it. That kind of pornographic material, especially kiddy porn, is designed to desensitize not only the predator but it is used to slowly expose the children who are targets and victims to the pictures and to the idea of being involved with adults in sexual activity until the children's minds are desensitized to that activity, so that they will be receptive and can be brought in to participate.

These children do not have the ability to weigh out and think the way an adult is supposed to think, although some question of that ability is being pointed out at some levels of our government. We must protect the children. They have no way of knowing where they are going once they start down that path. Those drawings are designed to draw them aside. The Internet is filled with that kind of stuff and if I have time, I will mention more on that.

The supreme court decision did not reflect the spirit of intent of even the term artistic merit. I can understand allowing room for the artists to do things. I do a little artwork myself. I have paintings hanging in my own house that I have painted, but there is nothing like that hanging on my wall. Perhaps I might have a hard time getting someone to judge my paintings as worthy of artistic merit. I am not a great artist but I am kind of proud of what I do. May I say that even my wife likes it, so that makes it pretty good.

● (1650)

There is an understanding here that some room needs to be given for artistic merit. There are some cases where examples need to be depicted for medical or educational purposes. I understand that wholeheartedly. However, to push it out and over the precipice to such an extent that we have done with artistic merit is absolutely absurd. Why would we stick that back into the legislation we are writing to try to protect children over the Internet?

A moment ago my hon. colleague across the way referred to the statistic that was given to us this week by the Toronto child pornography unit. My ears heard its statement this way, that it was so bound up with one case in the courts that it was frozen from examining the 400 others just in Toronto that the unit needed to examine. In the case the unit is working on now, it has confiscated 400,000 images.

Do members know what has to happen in order to prosecute the case? Do members realize that every one of those 400,000 images has to be viewed by the prosecutor's staff, classified, categorized and listed? Then in court, the 400,000 pictures have to be shown to the defence and the defence has to go through them.

We were told that the department was absolutely paralyzed for five to six months because it was using its entire staff simply to categorize these pictures. We are talking about something voluminous, something huge. We are not talking about if, maybe and perhaps these things might happen. The Toronto unit alone has confiscated 750,000 pictures since January 1.

There is a terrible problem out there. We certainly do not need to reinforce the opportunity for this to happen by allowing artistic merit or a lack of the definition of "luring", little things like that, to give an opening to those who would traffic in child pornography. We do not need to do that.

Mr. David Griffin of the Canadian Police Association said these words, to the best of my being able to write them down, "If you hear the kind of sentences given out by judges to people guilty of these crimes, it would make you sicker than the pictures". That is where I am coming from. I am sick of the lack of proper treatment of those who are ruining and destroying the lives of our young people by involving them in the production of pornography by feeding them pornography in order to use them in other ways.

We have to tighten this up. This is not yet enough. We need to go much further than this legislation goes. We owe it to the children, to the parents, to the future of this nation to put out legislation that would demonstrate some sort of backbone in parliament.

● (1655)

Mr. Paul Harold Macklin: Mr. Speaker, I rise on a point of order. There have been discussions with all parties within the House and if you seek it, I believe you would find unanimous consent that we see the clock at 5.44 p.m. so that we might begin private members' business.

The Deputy Speaker: Does the House give its consent to see the clock as being 5.44 p.m.?

Some hon. members: Agreed.

The Deputy Speaker: Before proceeding to private members' business, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for St. John's West, Fisheries.

[*Translation*]

It being 5.44 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

INTER-AMERICAN CONVENTION TO PREVENT AND PUNISH TORTURE

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ) moved:

That, in the opinion of this House, the government should take the necessary measures for Canada to ratify the Inter-American Convention to Prevent and Punish Torture.

He said: Mr. Speaker, I am most happy to speak today to Motion No. 432, sponsored by myself.

This motion would have parliament debate the very broad issue of torture, more specifically in the Americas. After three hours of what I hope will be a most civilized debate, we will be able to vote on the motion. Therefore, not only will we have a debate on the issue, but following the three hours of debate, we will proceed to a vote.

As you know, every motion and every bill that is deemed votable is important, because they often represent an important symbol.

In the 20 minutes I am allocated, I will broach a number of elements, approximately 10, in my efforts to convince the House that parliament should support the motion I have moved.

First, I shall deal with the motion, then I will discuss the issue of torture in general, including the different definitions that exist regarding the concept of torture, both in the inter-American convention, but also in the UN convention on torture.

I will also deal with the following questions: Where are specific types of torture being practiced in the Americas? Which countries are the most likely to fall prey to this practice, which is completely unacceptable? Who are the victims of torture? And finally, is torture practiced in the Americas?

We must hold this debate to determine if torture is present in the Americas in order to decide whether or not to adopt the motion.

Then I will deal with the convention as such. I will cite a number of articles clarifying the scope of what parliament is perhaps preparing to adopt in a few weeks.

I will also look at the UN convention. Although there is now an inter-American convention on torture, under the aegis of the Organization of American States, which represents 34 countries in the Americas, the United Nations has also adopted a convention on torture, which Canada has signed.

I will, of course, speak about the paradox which exists because, although Canada has decided to sign the UN convention on torture, it has so far refused to sign the one included in the inter-American convention.

I will also look at the issue of support because, naturally, the reason I am introducing a motion such as this today is because it represents an important symbol for the Canadians and Quebecers, as well as for a number of organizations, who are working daily to defend human rights in the Americas and throughout the world.

Finally, I will speak about specific cases. Because we have seen important cases, such as in Somalia where Canadian commanders or soldiers were accused of torturing Somalis. There are therefore specific cases which exist and have been documented and which we must examine.

Finally, I will speak about a number of paradoxes, but also about the importance of human rights, at a time when we are entering the era of globalization and economic activity and trade are becoming increasingly important. I will be making the point that there should also be a significant emphasis on the defence and protection of human rights, with particular consideration given to torture, as part of our current negotiations for a free trade area of the Americas.

What does Motion No. 432 say? It says this:

That, in the opinion of this House, the government should take the necessary measures for Canada to ratify the Inter-American Convention to Prevent and Punish Torture.

● (1700)

Torture is a reality that we cannot deny. I would even say it is very much on the increase. Torture has become an increasingly complex reality, but also a more and more present reality. It can take a number of forms. Generally there is no problem reaching agreement on torture with electrodes or rape, but this is not the case with certain tough interrogation methods, such as sensory deprivation and police brutality.

The definition in use in the Americas is a broader one. The definition included in the Inter-American Convention to Prevent and Punish Torture is broader as well, and states that "Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish".

Torture is not therefore just any form of violence or human rights violation. It is, in a way, their most serious form, because it involves what I will term a deliberate decision. That decision is often made in the name of the state, or at least tolerated by it, a decision to deny and to break down a person, to kill the most important aspect of that person, namely his humanity.

The reality of torture also takes the form of cruel, inhumane or degrading conditions of detention. The reality of torture is that those who resort to it are seeking to obtain confessions or information, to break the individual, to punish, to terrorize entire populations or social groups. No matter what the motive, it always involves power and domination, aimed at crushing the victim, humiliation, dehumanization.

It is the most important form of violation of human rights, often used against individuals, journalists, labour unions, specific social groups, sometimes even those involved in protecting basic human rights in the world.

Where is torture practiced? Just about everywhere in the world. It is generalized, and still used in more than 70 of the world's 190 countries. In over 80 of them, there have been deaths by torture in the past three years. According to a study of the period from 1997 to 2000, there were reports of torture or abuse in more than 150 countries.

This practice is present in more than 70 of the 190 countries in the world as a means of dehumanizing people, getting confessions out of them using methods that are often cruel, degrading and totally unacceptable as far as human rights are concerned.

Who is the victim of torture? In examining what is called the geography of torture, one can see that there is a clear correlation between torture and prejudice against certain groups.

Jawad Squalli, the Quebec spokesperson for Amnesty International's worldwide campaign for a world without torture, notes that in the United States, for example, black people are more likely to be brutalized or tortured.

● (1705)

Gays, lesbians, bisexuals and transsexuals who are forced to flee their country of origin for fear of persecution often have to suffer abuse or torture also. In Latin America, native people are increasingly at risk.

Torture is being inflicted upon individuals and groups that do not fit the stereotype in each country. What is not accepted in some countries is accepted in other countries.

That is why international conventions are important, including the Inter-American Convention to Prevent and Punish Torture, to protect the right of people to freedom of expression, their right to be who they are, and to prevent them from being placed in degrading or humiliating situations.

Torture exists in the Americas. We must talk about the Americas because that is what the inter-American convention deals with. Cases of torture have been identified in South America: police brutality, corruption, acts of torture in police stations and beatings in prisons are just a few examples.

For instance, the conditions in which prisoners are detained in some South American countries constitute flagrant violations of human rights. While the legislation and constitution of most countries on our continent stipulate that prisoners must be treated humanely, conditions in most South American prisons are usually cruel, inhuman and degrading. Reporters detained for their political beliefs are another example.

José is a prime example. José, of course, is an alias. This 15 year old boy was arrested in June of 1999 in Xinguara, in the state of Para, in Brazil. He was so brutally beaten that he now must get psychological support and health care. He was so severely beaten that witnesses thought he would not survive. He was forced to confess to previous arrests that never took place.

In Brazil, Ecuador, the United States, Nicaragua, Salvador and Venezuela, the number of police brutality cases for which an investigation was carried out and sentences were handed out is much lower than what is deemed acceptable. The same thing can be said about torture and abuse cases in Belize, Bolivia, Brazil, Peru and Salvador, and about cases involving human rights activists in Bolivia, Chili, Colombia and Mexico.

For example, in Colombia, while the people are victims of atrocities at the hands of armed forces, paramilitary groups supported by the army and armed opposition groups, the perpetrators of these horrors are still walking free.

In Latin America, close to 100,000 people are still being arbitrarily detained or are missing. On the pretence of fighting rebels, countries like Columbia and Mexico are condoning serious human rights violations, arbitrary arrests and detentions, extra-legal executions, and forced relocations of communities.

● (1710)

There are, of course, certain instruments that do exist. One of these is the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment.

The international community adopted this convention on December 10, 1984. It came into effect in June 1987. It provides the following definition of torture, and I quote:

> —any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity—

Internationally, this UN convention exists to fight torture.

What we are focusing on today is the Inter-American Convention to Prevent and Punish Torture, and I hope that Canada will ratify it very soon.

This convention, which is under the aegis of the Organization of American States, the OAS, was signed in Cartagena on December 9, 1985, and came into effect in February 1997.

Only nine of the 34 member states of the OAS have not yet ratified the inter-American convention, including Canada and the United States.

The Inter-American Convention to Prevent and Punish Torture defines torture as the following:

> —any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.

Today, we are calling on parliament to adopt this Inter-American Convention to Prevent and Punish Torture. We fundamentally believe that economic activity is a means to meet certain human needs. It should therefore be subordinate to fundamental human rights and the values of the societies where it takes place.

For us, economic activity and human rights, including torture, cannot be separated. The free trade area of the Americas cannot become a reality if there is no respect for human rights.

The United States have not ratified any agreement within the inter-American human rights system. Canada must not follow that example. It must be consistent. It must ratify the Inter-American Convention to Prevent and Punish Torture, because it has already signed and ratified the United Nations convention against torture.

In closing, I will say that not only is this position shared by members of the Bloc Quebecois, but also, already, Amnesty International wrote to the Minister of Foreign Affairs on March 12, 2002, to support my private member's motion.

The letter is signed by Michel Frenette, director general of Amnesty International. He says, and I quote:

> This is to ask for your support for this initiative. You are no doubt aware that Amnesty International has collected 75,000 signatures on a petition addressed to the Prime Minister on this subject.
>
> By ratifying this convention, Canada would reinforce the commitment it made through the United Nations to prevent and combat torture; it would also provide greater focus for its action within the Americas, where this practice is still widespread.

● (1715)

Therefore, I urge all members to vote in favour of this motion, because human rights are fundamental rights.

[*English*]

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I would like to speak to the motion of the hon. member for Rosemont—Petite—Patrie proposing that the government take the necessary measures for Canada to ratify the inter-American convention to prevent and punish torture.

It cannot be disputed that the aims of this convention are laudatory. Canada has repeatedly and unequivocally denounced the heinous crime of torture. Its use is condemned in numerous international instruments. Recognition for the need of a comprehensive global instrument led to the adoption of the United Nations convention on torture.

The scope of this instrument is impressive as it pulls together the references to torture in various other instruments, provides a definition of torture, establishes a complaint mechanism and prescribes measures for education, prevention and international co-operation.

Canada's opposition to torture long predates the adoption of the United Nations convention on torture. As a party to that convention Canada has taken and continues to take significant measures to prevent and punish any acts of torture.

Torture is prohibited by law in Canada and no exceptional circumstances may be invoked as a justification for its use. Torture or cruel, inhuman or degrading treatment occurs in Canada only in aberrational situations and never as a matter of policy. When it does occur victims are entitled to various remedies, including compensation.

Although allegations of torture in Canada are extremely rare Canadian police officers found guilty of any form of misconduct, including abuse of power or excessive use of force, are subject to the same laws that apply to all other residents of Canada.

Complaint mechanisms which exist for federal and provincial police forces ensure that a citizen may exercise the right to complain about any officer's conduct to an independent public body. Canada has also recognized the confidence of the United Nations committee against torture to receive and process individual complaints.

Citizenship and Immigration Canada facilities have been visited by organizations such as the United Nations high commissioner for refugees, the UN special rapporteur on the human rights of migrants and the Canadian Council for Refugees. At the request of the Government of Canada the inter-American commission on human rights visited Canada in the fall of 1997. The commission met privately with detainees in facilities in Toronto and Montreal and also observed detention review hearings. The commission concluded that the immigration detention centres complied with standards for detention.

I will turn specifically to the Organization of American States convention on torture. There is one historical reality that must be appreciated in any consideration of Canada's position on the inter-American convention to prevent and punish torture, namely that Canada did not belong to the OAS 17 years ago when the convention was negotiated.

This in itself would not normally prevent Canada from becoming a party to the instrument, but it does have an impact upon the content of the instrument that is negotiated. In fact it did not prevent Canada from becoming a party to two OAS 1948 conventions regarding civil and political rights for women. As a non-participant in the process of elaborating this convention we were not afforded the opportunity to communicate our concerns and have them taken into consideration as part of the normal give and take of such negotiations. It is a simple fact but one which has a direct impact upon our current concerns with respect to elements of the convention.

It cannot be said that Canada is averse to commitment when it comes to human rights instruments as we are a party to many other such instruments, including all of the major human rights instruments of the United Nations.

Canada was actively involved in the negotiation of the United Nations convention against torture and other cruel, inhuman or degrading treatment or punishment at the time that the OAS torture convention was being negotiated. Negotiations on the UN convention commenced well before negotiations on the OAS treaty and continued concurrently with the OAS negotiations.

● (1720)

The UN convention entered into force in June 1987 with 20 state parties. In contrast the OAS convention entered into force in February 1987 with two state parties. Some 15 years later the UN convention has 126 parties, including 21 OAS members while the OAS convention only has 16 parties.

It is generally accepted that the United Nations convention on torture provides higher standards and stronger protections than the OAS convention. Canada's approach is to invest our efforts in the effective implementation of the stronger human rights instruments rather than in the ratification of a weaker convention that may ultimately compete with and thereby dilute the strength of the existing UN convention against torture.

In addition, concerns reside around the OAS convention being so broadly framed and the language so imprecise that it makes it difficult to ascertain what would be the exact nature of Canada's obligations should a decision be taken to proceed toward accession. The Government of Canada could not ratify or accede to an international instrument without first determining the exact nature of the resulting obligations, and that these obligations would be capable of implementation in all jurisdictions.

● (1725)

[*Translation*]

At the international level, Canada is strongly supporting the special reporter on torture and other initiatives looking into violence against women, extra-legal executions, torture, as well as cruel, inhumane or degrading treatment going on in some countries. We think there should be a mechanism ensuring regular visits to detention centers, especially when there are allegations of torture. To this end, we strongly support an optional protocol to the UN convention against torture.

It is also important to ensure that, wherever it happens, torture does not go unpunished. This is why Canada has taken a leadership role in the negotiation and ratification of the Rome Statute of the International Criminal Court. The international criminal court, which will be established on July 1, 2002, is only one way to ensure that torture, even when carried out by people in a position of power, does not go unpunished.

[*English*]

I must emphasize that Canada's non-adherence to the inter-American convention to prevent and punish torture does not detract in any way from our solid commitment to the highest human rights standards both in the Americas and globally.

Indeed Canada has shown itself to be a strong and constant supporter of the inter-American human rights system and will continue to be so regardless of whether we are party to this particular instrument. Similarly Canada is committed to the prevention and punishment of all acts of torture and will continue its efforts toward a consistent, effective global response to these crimes.

[*Translation*]

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I want to thank the hon. member for Rosemont—Petite-Patrie for the presentation he gave today. As I am about to oppose the position he has taken, I want to make it clear that I am not against his ideas or his intention. It is just that I believe that Canadian citizens already enjoy all the legislation and protection needed against torture. Let me explain what I mean.

[*English*]

I am pleased to reflect and acknowledge that the position as presented by the member for Barrie—Simcoe—Bradford reflects a similar position.

It is important to know first of all that Canada is a signatory to the UN convention against torture and other cruel, inhuman and degrading treatment or punishment. The UN convention takes a fairly clear and somewhat narrower definition of torture. If Canada were to ratify any convention on torture, there should be one guiding definition to avoid conflicts as complications could arise.

Acts that would constitute true torture are already illegal in Canada. Those protections are clearly in place. To use a broader or another definition contained in the other convention referred to by the member would add difficulties and could open up a whole new set of challenges to enforcing the very laws we have in place now. A complication could ironically be used in favour of the person possibly committing an act of torture.

If we were to ratify this other convention that is being talked about rather than sticking with the UN convention which has been signed by our government, the implications on Canada's police and correctional services alone could be significantly negatively impacted. There is a proper balance that must be maintained.

We do not in this country condone excessive acts by police or correctional personnel and there are ways in which that can mitigated, stopped and prosecuted. In fact in our history we have done that on different occasions.

Using the definition as brought forward by the mover of the motion one could imagine a situation where a female corrections officer in imminent danger of being overpowered by a deranged attacker would not have the ability to protect herself from that attack without the possible use of some kind of restraint, maybe a spray of some type. In that situation, looking at the definition here, the method of subduing the person temporarily could fall within the definition of being a means of torture because the person would be incapacitated physically while the police officer went about her duties of gaining control of the situation. That is one example where broadening the definition could create difficulties in terms of a person's own protection.

It is interesting to note, as we look at other problems that could arise, that when we have legislation that is less than clear, which we deal with almost every day anyway, an expanded scope and broadened definition of the legislation could be interpreted in ways never intended by the legislators themselves. There are many examples of that.

That could unfortunately result in the perpetrators of crimes of torture being able, in the courts, to avoid proper prosecution because of the broadness of the definition and therefore the ability of their actions to be interpreted in ways other than legislators had originally intended. Perpetrators and those wanting to perpetrate torturous acts on people could take advantage of a broader definition. The victims would then be even more exposed to possible torture or inhuman acts than ever was intended.

For these reasons alone and for reasons clearly articulated by the hon. member for Barrie—Simcoe—Bradford I appreciate the intent of the particular motion. It is well founded but not as well grounded as it could be. Therefore I have brought forward the Canadian Alliance point of view on why we would have concerns related to this particular motion.

● (1730)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am happy to have the opportunity to enter into the debate on Motion No. 432. I will begin, as have my colleagues, by complimenting the hon. member for Rosemont—Petite-Patrie for bringing the issue forward.

This is an issue that needs to be talked about in a global context but is often buried just beneath the surface. It is an issue many of us would like to believe is not a prominent problem in the world today, but much of what we have heard today would tell us otherwise. Much of what we have heard today would tell us it is a widespread problem in many parts of the world. As a country of wealth and privilege with an international reputation for fairness we in Canada have an obligation to use our influence to do all we can beyond our borders to reign in this terrible social ill.

The Inter-American Convention to Prevent and Punish Torture was introduced in 1985. It has been ratified by a number of member countries of the Organization of American States. The interesting thing is that it was introduced in Cartagena, Colombia and is often referred to as the Cartagena convention.

To demonstrate how necessary this international instrument is I will point out that since 1985 in Colombia over 3,500 trade unionists have been tortured, murdered, kidnapped or have disappeared. Last year alone over 160 trade unionists were assassinated. When their bodies are recovered there is almost invariably evidence of terrible torture. Many of them are women.

Much of the abuse stems not from any strike, job action or inconvenience to the employer. These people are kidnapped, tortured and murdered for the simple reason that they hold a political point of view, call themselves trade unionists and seek to elevate the standard of living of the people they represent. It is a cruel irony that the Inter-American Convention to Prevent and Punish Torture was introduced and tabled in Cartagena, Colombia, a graphic example of how widespread the problem is in many parts of the world.

If for no other reason than the fact that we recently became a member of the Organization of American States, it is incumbent on Canada to lead by example. By ratifying the convention we would be announcing our support for the people being abused in Colombia and places like Guatemala and Haiti where trade unionists also are being attacked. Some 209 trade unionists were killed or went missing in October, 2001 in Guatemala and Haiti. It is open season to try to eradicate the trade union movement in that part of the world. This is orchestrated by the state on behalf of companies that want to establish themselves in those countries but do not want the inconvenience of free collective bargaining or a trade union movement.

I will speak more to the convention but I will first pay tribute to one individual and outline one tragic example. Francisco Eladio Sierra Vasquez, president of the public service union in Antioquia, Andes branch, was assassinated when he attended a trade union meeting which was called by the paramilitaries at gunpoint. The paramilitaries ordered the meeting to take place, ordered Vasquez to speak to the meeting and shot him right there.

These acts are common. This was last year. This is not some history book story. We have examples. These people have names. The practice is widespread. It warrants debate in the House and the attention of the Government of Canada.

● (1735)

The argument made by the hon. member from the Canadian Alliance was a spurious one. He either did not read his notes or did not read the preamble to the convention. There is a paragraph in the convention that specifically deals with prison guards or police who in the ordinary course of their duties may have to use violence in a legal manner. The concept of torture does not include physical or mental pain or suffering that is solely the consequence of lawful measures. These protections are built into the convention and would be demanded by any of the nation states that have ratified it.

The convention has been ratified by Argentina Brazil, Bolivia, Chile, Costa Rica, Ecuador, El Salvador and, ironically, Colombia. Canada should be among the nation states that willingly indicate to the world they will no longer tolerate the practice of torture.

The argument of the hon. member from the Canadian Alliance regarding the definition of torture was weak. The definition of torture does not contradict that of the United Nations convention on torture. One complements the other. We found no reason not to ratify the UN convention on torture when we became a member of the United Nations. Some conventions we ratify and some we do not. There are many conventions we have not ratified in the United Nations, but we did ratify this one. We recently joined the OAS. Canada is now a member of the Organization of American States. It is fitting and appropriate that we follow suit and ratify this convention as we did with the United Nations convention.

Some points have been raised that we do not have time to go into in great detail. However the convention outlines the definition of torture in easy to understand terms. It talks about who could be arrested, charged or found guilty of torture. Guilt would go beyond the public servants who undertake state sanctioned torture to the people who order it.

There is a third element of the Canadian Alliance argument I find fault with. The hon. member was worried about the cost factor the convention would have in Canada. The hon. member does not get it. This is not about Canada. Torture is illegal in Canada. We have laws to protect Canada. We are talking about an international declaration to stamp out the practice of state sanctioned torture. It would not be a cost factor to our country at all.

Conventions are statements of principle. They are an opportunity to tell the world about our values. We recently ratified a convention to eliminate the worst forms of child labour at a United Nations ILO convention. If we follow the Alliance member's argument, this would have been a big cost factor as well. He would say we could not afford the police and courts it would take to implement and enforce such a convention.

We are not talking about Canada. We do not ratify these conventions to elevate standards here so much as in the rest of the world. We want to send a message to the world that these are the things we stand for. We can use our place of privilege and international reputation to demonstrate some of our values to other countries.

I will close by again complimenting the hon. member for Rosemont—Petite-Patrie for giving us an opportunity to debate a point of true international interest and value. I support the idea. I hope the government has taken note of the points we have been making. I strongly encourage the government to ratify the convention at its earliest convenience.

● (1740)

[*Translation*]

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I am very pleased to speak today to the motion brought forward by the hon. member for Rosemont—Petite-Patrie, urging the government to take the necessary measures for Canada to ratify the Inter-American Convention to Prevent and Punish Torture.

There are three crucial points all members should agree on in this debate. First, it must be made crystal clear that Canada unequivocally condemns torture and other cruel and degrading treatment carried out anywhere around the world, at any time. Nothing can ever justify torture.

Second, the decision by Canada not to join the inter-American convention should not be interpreted as an sign of weakness toward torture. Promoting and protecting human rights is an integral part of Canada's foreign policy. Canada is strongly committed to eliminating torture, examining the issue, prosecuting the guilty parties and supporting the victims.

After the deposit of its ratification instrument in 1987, Canada was one of the first state parties to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As of today, 126 states have ratified the convention. The United States having yet to sign the convention, Canada urges it to do so.

In the various bodies of the United Nations, including the general assembly, Canada is working closely with like-minded delegations to negotiate and support resolutions against torture and other cruel, inhuman and degrading punishment and treatment. Last week, Canada co-sponsored a resolution at the UN commission on human rights, which starts by reaffirming the world's repugnance to torture, and I think it would be worthwhile to quote the beginning of the resolution in this debate:

● (1745)

[*English*]

> Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights—

The resolution of the UN commission on human rights also notes with appreciation the work of the special rapporteur on torture. We closely follow his work and that of the UN committee against torture chaired by Mr. Peter Burns, a Canadian independent expert.

Canada is a strong proponent of measures to prevent and prohibit torture and it attaches great importance to effective action by the United Nations against torture. Canada supports mechanisms that examine extrajudicial executions or torture and cruel, inhuman or degrading treatment in specific countries. We believe that there should be a strong and effective international mechanism with the capacity to make on site visits to places of detentions, particularly when there have been allegations of torture. To this end, we have been actively participating in the working group to elaborate an optional protocol to the convention against torture.

We have also provided financial assistance to the cause against torture. Canada contributes $60,000 Canadian annually to the United Nations fund for victims of torture. The aim of the fund, which was established in 1981, is to support medical and psychological treatment and services for torture victims, through rehabilitation centres and programs worldwide. In fact, more than 115 humanitarian organizations in 53 countries have been assisted by the fund. In Canada the fund has supported centres in Calgary, Edmonton, Montreal, Ottawa, Toronto and Vancouver.

A key foreign policy priority is to ensure that there can be no impunity for acts of torture, wherever they occur. Canada took a leadership role in the negotiation and adoption of the Rome statute of the International Criminal Court. As hon. members will recall, the Minister of Foreign Affairs announced in the House on April 11 the welcome news of the deposit of the 60th ratification for the Rome statute of the International Criminal Court. With the Rome statute's entry into force on July 1, 2002, the International Criminal Court will be a reality. The court will have jurisdiction to try those accused of the most serious crimes known to humankind, including acts of torture that amount to genocide, crimes against humanity, and war crimes.

As these initiatives attest, Canada has been an active supporter of international efforts to eliminate torture. Given Canada's level of engagement internationally, some may opine that it is hypocritical for Canada not to accede to the inter-American convention to prevent and punish torture. However, that assertion must be rejected and it must be rejected outright. Our commitment to the goal of the elimination of torture should not be measured by the number of international treaties to which we are a party, but rather by how effectively we implement our international obligations. As noted in the Ottawa *Citizen* in a recent editorial entitled “Wronging Rights”, progress on protecting rights should not be confused with negotiating new international human rights agreements. Our approach should be to ensure that governments actually respect human rights in practice.

No one questions the laudable aims of the inter-American convention. Similarly it is generally accepted that the UN convention against torture provides higher standards and stronger protections than the organization of the American states convention. Canadian practice has been to focus our efforts in the effective implementation of the stronger human rights instruments rather than in the ratification of a weaker convention that may ultimately compete with, and thereby dilute, the strength of the existing UN convention against torture.

● (1750)

[*Translation*]

The third essential point in this debate is that Canada remains active within our hemisphere and within the Organization of American States. Since it became a member of the OAS in 1990, Canada has been co-operating with the other 33 active members in order to define and implement an action plan for the benefit of all citizens of the Americas.

The OAS is the hub of our policy for the hemisphere and provides an excellent forum for promoting our policies on good governance, human rights and democracy. Therefore, it is not because we do not support regional instruments that we will not adhere to the inter-American convention. In fact, regional initiatives can play a crucial role in movements for international standards.

During the campaign for the anti-personnel mine ban, members of the OAS paved the way by adopting regional bans which were an important stepping stone on the way to the Ottawa convention. However, such is not the case here; there is already a very strong and effective international mechanism with broad support. We must simply seek further international support in order for that mechanism to become universally accepted.

In conclusion, I would like to congratulate the member for Rosemont—Petite-Patrie for his motion. It has given the House the opportunity to review Canada's policy on the elimination of torture. We must be practical and concentrate our efforts where they will be most useful, and that means promoting the ratification and the effective implementation of the UN convention against torture by stressing the significant protection it provides.

[*English*]

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, I am delighted to stand and support the motion put forth by the member for Rosemont—Petite-Patrie.

I am extremely confused. I listened to the parliamentary secretary and I thought she made a tremendous argument for Canada's signing of the convention. It is amazing to hear both speakers from the other side talk very strongly about the importance of recognizing the fact that we must oppose torture and that Canada is extremely supportive of the convention, but yet we refuse to sign.

The convention itself was created at the 15th regular session of the general assembly of the Organization of American States. The spirit of the OAS convention to prevent and punish torture reinforces the charter of the United Nations and the universal declaration of human rights. The convention reaffirms that all acts of torture or any cruel, inhuman or degrading treatment or punishment constitute an offence against human dignity and a denial of the principles set forth in the charter of the OAS and the charter of the UN. Members opposite state that they are very supportive of all of these declarations.

As I get to see more of Canada's involvement in different conventions and international organizations, I wonder if we do not have a bunch of bureaucrats who travel the world, sit in on all these conventions and then come back and spend their time trying to tell us why we cannot be active participants within the different regimes. We heard this from foreign affairs and international trade officials in relation to our involvement in taking jurisdiction over the nose and tail of the Grand Banks. Now we hear about this wonderful convention that we support so heavily, but if we believe in it, why can we not sign on the dotted line?

I know what answer we will hear. We will hear that current Canadian criminal law accounts for the American convention to prevent and punish torture and therefore ratification may be considered redundant. Certainly, yes, if we agree with everything and protection is already in our laws, why should we sign on? The question is, why should we not? What difference does it make? If we are supportive of an international agreement, surely by being a signatory and showing some leadership within the organization and having some control and a say in events, we could have a lot more impact in handling this extremely important issue throughout the world.

Just last year in a country across the ocean a young lady was sentenced to be caned. This became an international issue. In fact, of all the issues I have faced since my involvement in politics at either level, I have never had as much correspondence as I had on this one. It created such an awareness among people. People realized that in this world of ours, where most of us live in peace and harmony, people are tortured and are punished cruelly and inhumanly. All of us in the House objected to that caning.

However, we have to put our money where our mouths are. Here we agree with the convention, but yet we are coming up with all kinds of excuses not to be a signatory. In this day and age, dealing with torture is extremely important. We are living in a changing world. The world today is not the world that you and I grew up in, Mr. Speaker. It is not even the world that the member for Rosemont—Petite-Patrie grew up in. The world is changing.

● (1755)

We see and hear daily reports of torture, of inhumane punishment and of bullying, which certainly is a form of mental torture. How do we deal with that? We deal with that by, as the old saying goes, taking the bull by the tail, and, in a case like this, by showing some leadership, by standing up—

An hon. member: Taking the bull by the horns.

Mr. Loyola Hearn: The member from Prince Edward Island knows all about bull but I will not get into that right now.

We must show leadership. We have to show leadership. How can we do it? In this case, if we believe in something then let us not be afraid to show it.

[*Translation*]

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

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

Adjournment Debate

[*English*]

FISHERIES

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, a couple of weeks ago I raised a question about overfishing and it has been followed up on several occasions since then. We drew to the attention of the House and the minister the fact that we have a severe problem, which has existed for years, but, with the exception of an intervention every now and then by the government, very little has been done. However an awareness has been created.

Let me thank the member, who I perhaps insulted a few moments ago, the chair of the fisheries committee, for his tremendous work in helping to educate the House, the members of his committee and, I would say, a lot of Canadians generally about the pillage that has taken place off the east coast of Newfoundland.

The member not only held hearings on the issue of overfishing, he also agreed to bring his committee to the province of Newfoundland and Labrador where we heard from everyone involved in the industry, from the towns that have been affected as a result of the destruction of our resource and also from interested parties. It was an education.

The members of the committee came back and, without exception, stood and spoke strongly on this issue during the debate that we had here in the House.

However, during that time a Russian vessel called the *Olga* came into St. John's and, by accident, someone—not the department because when I raised the issue with the minister he admitted that he did not know about it—discovered that the boat contained 49 tonnes of large, breathing codfish, a species that is under moratorium, a species we are not allowed to catch, a species that has been wiped out over the years by seal herds, by foreign overfishing and undoubtedly by our own interventions into the harvesting of the resource, but for whatever reasons a resource that has led, by its demise, to the closure of several fish plants and the displacement of several workers throughout the province of Newfoundland and Labrador and Canada generally.

I asked the minister what he was going to do about the contents of the boat. I asked him further about a sister ship which, on the same day, was supposed to land in St. John's and transfer its catch, as these boats do, back to the home country. When the word got out that cod had been discovered on boat number one, boat number two suddenly discovered it had a leak in the steering tube and headed off for Iceland. Undoubtedly that boat also contained product which it was not supposed to have.

I asked the minister if he would stop the boat and check it out to see if that was the case. I did not receive an answer to that question at all and I did not get much of an answer to what would be done with the first one.

Perhaps the parliamentary secretary, or whoever will answer, will educate me as to what the government has done so I can go home tonight feeling great about the interventions.

● (1800)

Mrs. Karen Redman (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, on behalf of the Minister of Fisheries and Oceans, I would like to thank the hon. member for St. John's West for his ongoing interest in the issue of foreign overfishing. I welcome this opportunity to say a few words on this very important issue.

The Government of Canada takes the issue of foreign overfishing very seriously. Overfishing affects some of Canada's most vulnerable communities. We saw an example of this recently.

During a port inspection of the Russian registered vessel *Olga*, DFO officials determined that the vessel had on board 49 tonnes of cod and 9 tonnes of skate that had been caught outside Canada's 200 mile limit. The relative amount of cod on board clearly indicated a directed fishery for this species that is contrary to the moratoria for all cod stocks in the NAFO regulatory area.

The Government of Canada took action. We immediately raised this issue with the Russian authorities. I am pleased to say that we are seeing results.

The Russian fisheries' representative in Halifax has advised Canada and NAFO that the Russian authorities are cancelling *Olga*'s licence to fish in NAFO waters for the remainder of this year and that they will conduct further investigations into this vessel's activities. The Canadian embassy in Moscow will meet with Russian authorities to ensure that a thorough investigation is made and that appropriate sanctions are levied. This is a clear indication that Russia has taken Canada's concerns with this vessel very seriously. The *Olga* is now in Iceland and we have requested that Icelandic authorities undertake a detailed inspection of the vessel and inform us of their findings.

Similar concerns have been raised in the Latvian registered vessel *Otto* but the situation with the *Otto* is different. On March 19 we authorized the *Otto* to enter a Canadian port to unload its cargo. The *Otto*'s agent advised DFO that the vessel would offload its catch in Iceland rather than in Canada.

At Canada's request, the Icelandic authorities undertook a full inspection of this vessel and gave us a copy of the dockside inspection report. The report indicated that no irregularities were found. Quite simply, the *Otto* was not involved in any illegal fishing.

These are just two examples of the Government of Canada taking action on allegations of foreign overfishing. Indeed Canada will not tolerate the wilful abuse of NAFO quotas and rules. When such allegations arise, Canada will take up the matter with the proper authorities.

We have already demonstrated our resolve by closing our ports to Faeroese and Estonian fishing fleets because of non-compliance to NAFO rules and conservation measures. DFO officials are now closely monitoring the fishing activities of several other fleets to ensure compliance. If there is evidence of non-compliance, similar actions will be taken.

Canadians depend on DFO to manage this resource on their behalf and to manage it responsibly with an eye to the future. Fisheries and Oceans Canada continues to take this responsibility seriously and will continue to respond to allegations of foreign overfishing in an appropriate fashion.

● (1805)

Mr. Loyola Hearn: Mr. Speaker, let me thank the parliamentary secretary for her reply. I am pleased with some of the actions the department has taken. I do know that the present minister takes this issue seriously.

However, if I were a real estate salesman, I would make a fortune selling oceanfront property in Saskatchewan to the government opposite because it claims there is no problem. Show it a manifest and there is no problem. Absolutely everything checked out with the *Otto* because somebody flashed the manifest.

During this past week a boat came in to Bay Roberts and flashed the manifest. However, when the manifest was scrutinized and one looked beyond it, one could see all kinds of abuse taking place in the fishing area.

The government is not doing everything it can. It only moved on the *Olga* because we brought it to its attention. We embarrassed it into making a move. With the *Otto*, again someone looked at the manifest.

Taking a licence from one boat will not control overfishing. Canada has to exert its influence over the nose and tail and the Flemish cap. How can we do that? We can do it by custodial management, extending jurisdiction or at least by using our position as the adjacent state that we are. Under the law of the sea we have both the right and the duty to exert our influence over conservation and control of the environment. The government has to do more. If it does not, it is the people of Atlantic Canada who will pay the price.

Mrs. Karen Redman: Mr. Speaker, our actions to date show that the government is willing to take a strong stand. We presented strong positions to protect fisheries at NAFO and we will continue to do this.

The Deputy Speaker: I certainly do not want to get into a debate between the hon. member for St. John's West and the member from P.E.I. about fish and bulls and so on.

The motion to adjourn the House has now been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24.

(The House adjourned at 6.08 p.m.)

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