



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, May 2, 2002**

—

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, May 2, 2002

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

•(1000)

[*Translation*]

### COMMITTEES OF THE HOUSE

#### CITIZENSHIP AND IMMIGRATION

**Mr. Mark Assad (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.):** Madam Speaker, I have the honour to table, in both official languages, the government's response to the second report of the Standing Committee on Citizenship and Immigration entitled "Hands across the border: Working Together at our Shared Border and Abroad To Ensure Safety, Security and Efficiency".

\* \* \*

•(1005)

[*English*]

#### INTERNATIONAL TRADE

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, pursuant to Standing Order 32(2) and on behalf of the Minister for International Trade I have the honour to table, in both official languages, the trade update 2002 third annual report on Canada's state of trade.

\* \* \*

•(1010)

#### TECHNOLOGY PARTNERSHIPS CANADA

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, on behalf of the Minister of Industry and in accordance with Standing Order 32(2) I have the honour to table, in both official languages, the annual report of Technology Partnerships Canada for 1999-2000 and 2000-01.

[*Translation*]

### COMMITTEES OF THE HOUSE

#### FINANCE

**Mr. Nick Discepola (Vaudreuil—Soulanges, Lib.):** Madam Speaker, I have the honour to present the 15th report of the Standing Committee on Finance. This report is in connection with its order of reference of April 19, 2002, in relation to Bill S-40, an act to amend the Payment Clearing and Settlement Act.

[*English*]

The committee has considered Bill S-40 and I am pleased to report it without amendments.

\* \* \*

#### PATENT ACT

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP)** moved for leave to introduce Bill C-460, an act to amend the Patent Act.

She said: Madam Speaker, it gives me great pleasure today to introduce the bill, an act to amend the Patent Act to remove the Patented Medicines (Notice of Compliance) Regulations.

This measure would significantly reduce the costs of drugs to Canadians and has to be part of any comprehensive pharmacare strategy to reel in skyrocketing drug costs.

The bill would eliminate a piece of patent legislation whose only function is to artificially prolong high profits for brand name drug companies.

By activating this process, these corporations receive automatically a 24 month injunction preventing generic drug manufacturers from producing cheaper versions of drugs whose patents would otherwise have expired.

It is time to end this unjustifiable perk given to brand name drug companies and to take this small step toward ensuring access for all Canadians to necessary prescription drugs.

*Government Orders*

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

\* \* \*

**PETITIONS**

## GASOLINE ADDITIVES

**Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.):** Madam Speaker, pursuant to Standing Order 36 I wish to present a petition on behalf of constituents living in Parkhill, Thedford, Grand Bend in the riding of Lambton—Kent—Middlesex who call upon parliament to protect the health of seniors and children, and save our environment by banning the gas additive MMT as it creates smog and enhances global warming.

\* \* \*

[*Translation*]

**QUESTIONS ON THE ORDER PAPER**

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

**The Acting Speaker (Ms. Bakopanos):** Is that agreed?

**Some hon. members:** Agreed.

[*English*]

**GOVERNMENT ORDERS**

[*English*]

**PUBLIC SAFETY ACT, 2002**

The House resumed from May 1 consideration of the motion that Bill C-55, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee, and of the amendment.

**The Acting Speaker (Ms. Bakopanos):** Before we proceed I would like to mention that yesterday an amendment was tabled in the House by the hon. member for Port Moody—Coquitlam—Port Coquitlam, which I took under advisement. The amendment is now deemed to be in order. Therefore those members who spoke after the hon. member for Port Moody—Coquitlam—Port Coquitlam tabled the amendment are considered to have spoken on the amendment.

[*Translation*]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Madam Speaker, it is always a pleasure to see you in the Chair.

●(1015)

[*English*]

I am pleased to have an opportunity to complete my remarks on Bill C-55. I am also glad to know that the amendment has been accepted. It is very much the thrust of the last number of speakers who feel it is entirely inappropriate that the bill be considered by the transport committee.

The number of provisions found within this cumbersome and convoluted omnibus bill predominantly deal with security issues.

They touch upon matters which would best be considered by the justice and human rights committee of which you were once a member, Madam Speaker.

That would lead to at least a greater level of scrutiny which would allow members of that committee and the public generally, through that committee, to see what a sham it is for the government to be presenting this bill at this time knowing that the measures currently found in the Emergencies Act lead to a greater level of scrutiny by the House of Commons and a more expeditious enactment of emergency measures should the government choose to go that route.

The Emergencies Act is more timely and more open to judicial consideration. It allows cabinet to be more in the loop whereas under Bill C-55 one could have ministers of the crown, specifically the minister of defence, acting in a unilateral and unchecked arbitrary way.

Yesterday I compared the Emergencies Act and Bill C-55. Clearly there is greater safeguard and an ability for the public to have checks and balances in place that threaten civil liberties. Yet this demonstrates time and again that the government would like to do away with the hassles of coming to parliament and being accountable. It wants to do away with the scrutiny that would take place at a committee level. That is the ruse and the constant effort by the government to bypass or sidestep any kind of accountability. Bill C-55 is perhaps the most blatant example that we have seen in years.

Bill C-36, the earlier terrorism bill, at the very least went through a rigorous and onerous examination in the chamber and the justice committee. I suspect that may be the motivation behind floating this one by members of parliament and referring it to the transport committee where it would not receive the same level of scrutiny.

Headlines in editorials spoke volumes yesterday as to how the journalistic community viewed the bill: "New public safety act threatens civil rights"; "Anti-terror: take two"; and "Freedom will keep us safe: The revised public securities act is still too undemocratic".

These are damning condemnations. They talk about the reluctance of the government to use the Emergencies Act because it would require all party scrutiny. Scrutiny is extremely important, I am quick to add, to ensure that civil liberties are not infringed upon, that property rights are respected and upheld, and that the private information of Canadians is not infringed upon.

The privacy commissioner, as is often his wont, has made a great deal of noise about problems that he has with the new bill. Yet I suspect that in a few days or weeks when amendments come in he will climb down off the curtains just as some of the other individuals such as the farcical ethics councillor. The supposed watchdogs are really anemic, toothless chihuahuas when we get right down to brass tacks and look at what they do in the wake of very dangerous and very intrusive legislation such as Bill C-55.

*Government Orders*

I can best describe the bill as one of confusion, an overlapping, cumbersome conglomeration of a power grab by the government. The public safety act, in and of itself, would not allow the government to act in a more timely fashion, nor would it allow it to act in a more safe and responsible way in response to an emergency.

It would allow the government with little consultation or consideration to empower a minister to make strong arbitrary decisions as they relate to a person's privacy and sovereignty over his or her property.

• (1020)

The idea that a military person could drive a tank or an army jeep onto someone's back lawn and declare it a military zone is the absolute ludicrous upshot of what the bill would empower the government to do.

A lot of time and effort went into drafting legislation that would confuse and distract members of parliament from the task at hand. We have before us a bill that touches on dozens of different areas of legislation, nine different pieces in particular. It talks about environmental protection, health, food and drugs, hazardous products, navigable waters protection, pest control, quarantine, and radiation. Where is the transport element in all of this? It should be before the justice and human rights committee. We support the amendment.

**Mr. Rick Borotsik (Brandon—Souris, PC):** Madam Speaker, I would like to thank my colleague from Pictou—Antigonish—Guysborough for such a wonderful job of comparing Bill C-55 and the War Measures Act at the beginning of his dissertation yesterday. He was in the process of getting to the requirements of the committee and his beliefs as to where the bill should go with respect to study and witnesses.

The member for Churchill yesterday indicated her displeasure with the bill going to the transport committee and the amendment speaks to that. Could the member for Pictou—Antigonish—Guysborough expand on that? He talked about justice and human rights. There is a real opportunity for the defence committee because there are more security issues in defence in the bill than there are of transportation.

What would the benefits be to either the justice and human rights committee or defence committee and which one would he feel is better suited to hear this particular piece of legislation as opposed to the transport committee?

**Mr. Peter MacKay:** Madam Speaker, I thank my colleague from Brandon—Souris. He has a longstanding interest in protecting the rights of his constituents and all Canadians. His question is well founded. Why the bill would go to the transport committee is a question that has astounded all members of the House since the bill was first introduced.

The main elements of the bill deal specifically with the civil rights and liberties of Canadians. They touch upon such things as privacy, property rights and protection from unlawful detention as well as the infringement of personal rights.

That is subject matter that should be considered by the justice and human rights committee. In an ideal world the bill should be broken up into several parts, perhaps a half dozen or more, because there are

elements of justice that exist quite clearly. There are amendments to the criminal code regarding a hoax of terrorist activity and we endorse certain elements of the legislation.

I wish to be clear. There are elements that are necessary to plug in some of the holes or shortcomings that exist that have been discovered as a result of the September 11 incident, which have opened the eyes of many Canadians. Yet what we see in this omnibus legislation is a bill that throws together competing interests and a number of cumbersome attempts to address some of what the government perceives as shortcomings and elements that might require scrutiny and closer examination.

This is a tactical manoeuvre that is very Machiavellian. It is thought up by those in the Liberal government who draft legislation. They put these things together and force members of the opposition and in many instances members of their own party to vote for principles and ideas that they are fundamentally opposed to. One either has to swallow it whole or take none of it. Those are the options.

The government is not prepared to present straightforward legislation that would lead to more reasonable and focused debate. It brings in this monstrous mishmash of all kinds of different bills, confuse people and try to pass it through. The clear intent is to give more arbitrary, unchecked power to the government that does not bear the light of day, that does not require parliament to directly participate in important decisions such as declaring a military zone or allowing information about passenger lists to be simply passed over to a foreign country.

That is the type of decision making power that should be checked and have oversight. It is the type of legislation that should be brought before the justice committee. It should be divided up into the specific areas of which it is intended to touch upon. Shame on the government for once again trying to foist upon this Chamber and Canadians legislation that is so out of control and only focused upon putting more unchecked power in the hands of the Prime Minister and his Cabinet.

• (1025)

**Mrs. Bev Desjarlais (Churchill, NDP):** Madam Speaker, I want to congratulate my colleague from the Progressive Conservative Party. He, as many as others who have spoken so far, has verified the great concern we have as opposition parties as well as the concern that Canadians have over legislation which highlights the absolute ludicrous suggestion that transport should deal with a bill that so readily infringes on the civil liberties of Canadians.

I know in his professional background he might have had experiences and knowledge of cases where civil liberties were infringed upon. Would he mind highlighting how he sees the civil liberties of Canadians being infringed upon in what we generally consider would be normal democratic processes?

**Mr. Peter MacKay:** Madam Speaker, I congratulate my colleague from Churchill who spoke yesterday in a very eloquent and very passionate way about the real dangers that exist in having procedures and processes in place that do not allow for the true scrutiny of the surrounding circumstances. We have interim orders. Those are temporary orders that suspend property rights, civil liberties and the protection of private information.

*Government Orders*

Simply with a stroke of a pen the minister can say that people's rights no longer exist. When allegations are made in a court of law, at least we have a forum to appear before. People can ask that the evidence be produced, habeas corpus, and that they be allowed to present their side of the story. For 45 days that is suspended. For 23 days the government does not even have to tell us why we may have had those civil liberties taken away.

Under the old Emergency Measures Act, the government had to come back to parliament within one week. It had to bear the scrutiny and the input of members of the Chamber who were elected constitutionally and elected by the people of this country.

This is a power grab. This is all about sidestepping important processes that have existed since this country began. The government again should hang its head in shame for trying to foist this type of legislation, slide it by Canadians and use all of its powers of media manipulation and use its spin doctors and its information massagers to suggest that somehow this would benefit Canadians and protect them. What this will do is infringe upon the rights of Canadians. It will pull the rug out from under them and leave them shaking their heads wondering how they could have voted this government into office and then have it turn around and use those powers with which it was entrusted against them in such an arbitrary and unchecked way?

**Mrs. Bev Desjarlais:** Madam Speaker, yesterday I was asked in a media interview why I thought the government would bring this legislation, which obviously addresses a number of different areas that a good many of us believe belong within justice and defence before the transport committee.

I gave my opinion as to why I thought the government would do this but I will not repeat that today. Could my colleague from the Progressive Conservative Party tell us why he thinks the government would put this bill before the transport committee?

**Mr. Peter MacKay:** Madam Speaker, it is a very good question. I suspect that there is some nefarious means or purpose or perhaps it is just something arbitrary. We know the old expression about what dogs do to themselves and why they can.

This type of approach really defies logic. For example, there is no need to bring in this type of legislation at all or at least there is no need to bring it in in a fashion which usurps so many existing safeguards. Why would it go to transport given all of the unrelated elements of the bill? There is an entirely flawed argument to suggest that somehow the bill, even with its one-third percentage relating to transport, somehow lies under the jurisdiction of the transport department.

As the hon. member enunciated yesterday, it deals with issues that are certainly far better suited to be brought before the justice committee where there would be more access to scrutiny and experts who would have constitutional perspectives, which are important when examining this legislation. The watchdogs, the reports, the information that is available would allow for the stripping away of some of the most offensive elements of the legislation bringing the bill back to the centre where it should be when attempting to protect Canadians from intrusive, nefarious elements that might exist. There might also be an element of the upcoming summits in Halifax and in Kananaskis that—

• (1030)

**The Acting Speaker (Ms. Bakopanos):** The hon. member for Scarborough—Rouge River.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Madam Speaker, I will jump into the debate and continue where my colleague left off. This has to do with which committee the bill should be referred if it is in fact adopted at second reading by the House. I tend to agree with him that the justice committee might be the preferable committee to deal with it.

Some of our colleagues on the transport committee might be wondering why they would not be so favoured or perhaps they might regard the bill as a burden. It is certainly not out of any disrespect for their abilities on the transport committee, but it appears clear that the bulk of the bill does not involve mainline transportation issues. One quarter to one third of the bill does deal with transportation related issues but the bill, as it appears from the debate here, is clearly more about the issue of citizen-state relations such as civil liberties, constitutional compliance and privacy.

Having sat on the justice committee, I know that those are issues with which the justice committee has dealt previously and with which it will continue to deal as part of its mandate from the House. Therefore, I am rather inclined to suggest either the bill go to the justice committee or that a special legislative committee be constructed and comprised of some individuals from the transport committee and some from the justice committee. The bill would get a better procedural scrutiny in that manner and therefore I do not object to those issues being raised by the opposition.

The manner in which the opposition is addressing the bill is not wholly constructive. There is a lot of exaggerated rhetoric. We all know it is part of its job. The opposition is invited to support a bill but it does not usually. Anything it does not like it tends to react with mock indignation and exaggerated rhetoric. Most of us on this side of the House understand that and most of the issues, and not necessarily the positions raised by the opposition, have been noted by members on this side.

I will address parts of the bill. As everyone knows, the bill has a large number of components involving many federal statutes. It makes it difficult to address the bill easily from a general perspective.

As an example, I read part 7 dealing with the Export and Import Permits Act. It is not a particularly exciting part of the of the bill. One might wonder why that statute would be amended by the bill which is supposed to deal with our response to the terrorist threat. There are reasons related to the export of technology and our protection of technologies which are Canadian or based in Canada and which might in the wrong hands facilitate a terrorist act, either here or abroad. Therefore, the act is being amended.

*Government Orders*

As a legislator who has been around here for a few years and one who has been fairly picky from time to time on legislation passing through this place and committee, I noted in section 55, which deals with section 7 of the Export and Import Permits Act, that there was a fair bit of discretion being bandied about in the section that would allow officials to give permits for import or export. It simply says: "subject to such terms and conditions as are described in the permit". There does not appear to be any constraint on the kind of discretion used in setting those conditions.

● (1035)

All our public servants exercise their authority with appropriate good faith. Our job in this place is to ensure that when they exercise their discretion, they do it in a framework that at least controls their discretion and prevents abuse of discretion and the use of authority to achieve objectives which were not envisaged by the original statute which gave them the authority. Those kinds of decisions that might redirect their discretion in that improper way are frankly an abuse where it has ever occurred. I am not suggesting any particular instance of abuse but our job is to prevent that.

As an example, I would like to move now to part 8 of the act dealing with the Food and Drugs Act. This section of the bill is an example of a number of other sections of the bill that provide the authority to the minister to make interim orders to respond to emergency situations. What we are envisaging here is in response to a terrorist act.

Most reasonable people would agree that where there is an incident, the government should have the ability and the authority to respond and respond quickly. In other statutes dealing with transportation, like the Atomic Energy Control Act and other federal statutes, authority for public officials to react quickly and to make orders that will protect public safety exists. They are buried in federal statutes and they are used from time to time to protect the public interest.

What we have in this bill is the creation of a whole lot of new sections of this nature, whereby when we conceive of a terrorist incident we in government then have to think through how we could or should respond to those incidents. We create in the bill what we call the interim order. Some people have called it a power grab. It certainly is an attempt to legislatively create an authority for a minister or public official to react in the interests of public safety after an incident.

I will give an example of how it works. It says that the minister may make an order. It should be known clearly that when a statute says that in this manner it is also possible for a government official, as I understand it, to make the order if the official has been designated by the minister to make that order. Those orders will be made by a minister and in many cases by a public official who has been designated by the minister to make the order. It will not be made necessarily by the minister sitting at his or her desk. As I said, this framework already exists in federal statute. There is nothing too scary about that. It is pretty normal.

Let us say an order is made under the Food and Drugs Act where there has been a contamination by a terrorist act. I do not like to talk about these things but let us just suggest there has been a contamination of the food supply somewhere by a terrorist act and

it is necessary to make orders to remove food, to prevent public access to food and to protect the food supply and water supply. An official may make that order. That order, under the proposed bill, is to be tabled in parliament within 15 sitting days.

We all know around here that if such an order were to be made on June 28, parliament might not have it on the table until some time in September or October. This is nonsense and whoever has drafted this totally misunderstands the purpose of the section and the way parliament works. If the purpose of the section is to notify parliament, it should say that the order is to be tabled in parliament forthwith or within two, three or five days. Let us be reasonable here. That can be tabled if parliament is sitting. If it is not sitting, then we use what is normally called back door tabling. The order is delivered to the clerk's office in the House just down the hall. That is sufficient as tabling.

I suggest that that must be changed. If it is not changed, parliament in practice could be the last to be advised of an interim order. This is simply not acceptable to me and I do not think it is acceptable to my colleagues.

● (1040)

After the order is in place it can last for only 45 days unless it is made permanent by cabinet, by the governor in council. If the order needs to be continued up to 100 days, it can be done by the governor in council. That interim order continues for 100 days. At the end of 100 days the order dies, and there is no provision for renewal under the proposed section.

I would prefer these proposed sections to state that officials may not re-enact the interim order. They do not say this. Currently one of our committees has a difference of opinion with a federal department over this very issue. Federal officials say the statute does not state that they cannot re-enact the interim order and the committee is saying that it only has the authority to create an interim order and it dies after so many days, so we have a difference there. I would prefer this section to state that the interim order cannot be remade. If officials want to change a few words or change some of the elements of the order perhaps they can remake it, but they should not be able to remake the identical order. If it is important enough to be in place, the governor in council, the cabinet, should enact it as regulation, as an order, and make it permanent.

No matter how that particular order ends up here, it is published in the *Canada Gazette* after 23 days. We can see how silly it is that parliament might not find out for many weeks that the order is going to be in the *Canada Gazette* in 23 days. If it can get into the *Canada Gazette* in 23 days, we can get into parliament a lot sooner than that.

I want to point out something that has not been talked about yet. The right hon. leader of one of the opposition parties said yesterday that there is no parliamentary scrutiny. Under section 19 of the Statutory Instruments Act, every regulation of this nature stands referred to the Standing Joint Committee for the Scrutiny of Regulations. All these interim orders, as soon as they were made, would stand referred to that committee .

*Government Orders*

This committee scrutinizes all federal regulations and orders except those that are explicitly exempt and these interim orders are not exempt. One of its scrutiny powers is scrutiny of unusual or unexpected use of power, so these interim orders would be reviewed by a parliamentary committee very quickly. The committee has a permanent secretariat and sits 12 days a month, 24 hours a day. It does not work 24 hours a day, but it is fully functional even when parliament does not sit.

This committee, I will remind the House, has what we call the power of disallowance. If a scrutiny criterion is offended, that committee can commence a procedure resulting in a disallowance. I believe there have been 8 disallowances in the House in the last 10 years. A disallowance happens when the committee initiates a procedure to disallow a regulation. These interim orders are reviewable and disallowable by the House under existing procedures, and I refer members to Standing Orders 123 to 128 and to section 19 of the Statutory Instruments Act.

There are a number of privacy concerns raised by Bill C-55. The privacy commissioner has gone public with his concerns about the bill's proposed procedure that would allow police forces, the RCMP and CSIS, access to airline passenger databases. Principally it is intended to allow police to locate people against whom there are outstanding warrants for serious offences, that is, those punishable by five years or more, or immigration warrants.

I must say that I am looking at this issue carefully and trying to sort it out myself as to whether or not we have the right balance. However, I think that the House has already passed a bill in regard to the information sharing power of airlines that makes airlines share that same data with U.S. police authorities. If it is an issue now, it must have been an issue then, but I do not remember it coming up as an issue. In fairness to people on this side and that side of the House, I just do not remember a lot of wailing in the dark here about those provisions. If it is important in fighting the threat of a terrorist incident to provide that information to American authorities so that we can fly into American airports and American airspace, then I would think it is just as important for our federal policing authorities to have that same information.

• (1045)

Right now I am accepting of the concept, but that is not to say there are not ways to further confine the process of sharing what happens with the data and rendering it inaccessible or destroying it if it is no longer needed to protect against the threat of a terrorist incident. I consider that an important part of the bill, I know that the government does and we will watch that one closely.

Now I want to talk about the part of the bill that deals with military exclusion zones. I think we ought to call them military equipment zones. I think most Canadians would be shocked to know that in regard to a piece of military equipment, and as example let us just take an aircraft that lands at a civilian airport, the military does not have any special powers to protect that military asset. Most Canadians would say that is pretty stupid. They would ask if that really means that the soldiers or the aircrew or whatever have no power to protect that asset other than as citizens. However, we must keep in mind that as citizens or military on the aircraft they do not own the aircraft.

I would say that most citizens would see it as pretty normal stuff for the military to have control over the area where the military asset is, whether it is a ship or a plane or some other piece of military equipment. Someone mentioned a jeep. I do not even think that in theory we could get an order from the minister for that. It is simply absurd to suggest that the Minister of National Defence is going to take the time to create an order to protect a jeep in a parking lot. This is silliness and it is hysteria and it is coming from the opposition, but we have already accepted that from time to time the rhetoric of the opposition is hysterical and over the top. It is the opposition's job to look at the edge and sometimes it looks at the edge so closely it goes over the top.

In any event, I suggest that these provisions are quite reasonable. We all should note that the provisions have been narrowed from what they were in the previous bill, which was withdrawn.

It is true that in the previous bill the Minister of National Defence had the authority to create a military exclusion zone without reference to any military assets. The zone simply could be created if there was not even a military paperclip in the zone, but now there are constraints: reasonableness, necessity, and the presence of military assets in the zone. I have sort of knocked this one off my list of areas of concern. The opposition will still suggest that it is the case. They will have to make the case. I have not stopped listening. None of us have stopped listening. We will all be dealing carefully with the bill.

Generally, to wrap up, although the previous bill was withdrawn some days ago, all the components of the bill, save one or two, were contained in the previous bill. There have been some refinements in the bill to respond to concerns expressed by members on both sides of the House. The bill is a much better bill.

As I have indicated, there are questions. These questions can be dealt with at committee. I would suggest that we are not all going to hell in a handcart here with this bill or with any other. The bill is quite a reasonable response to the events of September 11 and the threats that we perceive as being out there, in air transport and in many other areas. I think we have the ability to create a good bill, a statute that will serve the public interest well for many years to come.



*Government Orders***ROUTINE PROCEEDINGS****GOVERNMENT ORDERS**

•(1050)

[English]

[English]

**PUBLIC SAFETY ACT, 2002****COMMITTEES OF THE HOUSE**

## JUSTICE AND HUMAN RIGHTS

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, there have been consultations among the parties and I think that if you were to seek it you would find unanimous consent for the following motion, which is the first of several. I move:

That, in relation to its statutory review of the Mental Disorder Provisions of the Criminal Code, a group comprised of 5 government members, two members of the Canadian Alliance, and one member each of the Bloc Québécois and the Progressive Conservative Party of the Standing Committee on Justice and Human Rights be authorized to travel to Toronto in May, and that the necessary staff do accompany the committee.

**The Acting Speaker (Ms. Bakopanos):** The House has heard the terms of the motion. Is there agreement?

**Some hon. members:** Agreed.

(Motion agreed to)

## PUBLIC ACCOUNTS

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, second, I seek unanimous consent for the following motion. I move:

That, in relation to the 2002 Conference of the Canadian Council of Public Accounts Committees, seven (7) members of the Standing Committee on Public Accounts be authorized to travel to St. John's, Newfoundland, from August 24 to 27, 2002, and that the necessary staff do accompany the committee.

**The Acting Speaker (Ms. Bakopanos):** The House has heard the terms of the motion. Is there agreement?

**Some hon. members:** Agreed

(Motion agreed to)

## NATIONAL DEFENCE AND VETERANS AFFAIRS

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, I seek unanimous consent for the following motion. I move:

That, in relation to its study on long term care for veterans, the Sub-Committee on Veterans Affairs of the Standing Committee on National Defence and Veterans Affairs be authorized to travel to western Canada from May 26 to 31, 2002, and that the necessary staff do accompany the committee.

**The Acting Speaker (Ms. Bakopanos):** The House has heard the terms of the motion. Is there agreement?

**Some hon members:** Agreed

(Motion agreed to)

The House resumed consideration of the motion that Bill C-55, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee, and of the amendment.

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Madam Speaker, I want to thank the member for Scarborough—Rouge River for his comments in regard to the bill.

When Bill C-42 was brought forward, obviously the opposition pointed out the inadequacies of that bill. We commend the government for recognizing that it was a huge infringement on rights and that it would not satisfy the terrorist threat. We believe the government has come back with another bill that shows half measures. However, I was encouraged by the comment of the member for Scarborough—Rouge River in which he suggested that because the bill is dealing with transportation issues in only one-third of it, the bill would receive better scrutiny before the justice committee. I think that was how he worded it.

Therefore my first question for the member is this: Is he telling us that he will support the amendment brought forward by the opposition to do exactly that, to move the bill from the transport committee to the justice committee?

My other question relates to my concerns about the bill as brought forward by the hon. member when he mentioned that interim orders need not be brought down by a cabinet minister but by a government official. The bill gives specific definitions of who the ministers are. In one part it refers to the Minister of Transport or the Minister of Fisheries and Oceans. Again our concern is that we are seeing an eroding of parliamentary process and accountability. What is explained in the bill is that it is a minister of a certain department. Now he explains that it is not even that but a government official, so someone who is not even an elected member can invoke these interim orders. Is that how we should understand it?

**Mr. Derek Lee:** Madam Speaker, on the first question, I would certainly be in support of sending the bill to the Standing Committee on Justice and Human Rights. I would not want to support a motion that had contained in it an opposition poison pill of some sort. Where a bill goes for study is really determined by members in the House. The government of course has an interest in that sometimes, but I think we can probably work this out. That would be my objective.

Second, in terms of who makes interim orders, as I said in my remarks, it is usually a minister but in many cases the minister has designated that authority to a specific government official or category of official. That is most appropriate at times. For example, when there is a train accident and an inspector is on the site dealing with hazardous goods, we have to allow that inspector, that federal official on the site, to make the appropriate order. It is not always practical to have the minister on the phone. By the way, this is a fairly structured system within the privy council and within government. It is not as if anyone can make the order. It is actually quite organized and specific.

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We might also note that when we come to the military exclusion zones the section states specifically that the Minister of National Defence personally may make the order. That is one where the statute does not allow the delegation to a government official.

The process that we are dealing with here already exists in government. We are not all familiar with it, but it is quite organized thanks to a very strong public service. We have all been well served by the privy council and its officials over many years here.

•(1055)

[*Translation*]

**Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.):** Madam Speaker, I would like to point out my colleague's good speech. He demonstrated a great deal of knowledge on this matter. In fact, it prompts us to adopt 20 amendments to 20 different acts.

There have been concerns voiced on one of the aspects of Bill C-55, which is part of our antiterrorism plan. It is obvious that we will not get rid of terrorism with a little soap and water.

When Bill C-44 was being considered, there was fairly broad support for the exchange of information between our services and the U.S. government. We must not forget that the reaction of most western countries to terrorism is a result of solidarity with the U.S., particularly in this country, given that it is our main trading partner. After all, the United States is our neighbour. They suffered thousands of deaths because of terrorism, which has infiltrated just about every country.

At the time, we believed, and we still do, that exchanging information on passengers to the United States was perfectly legitimate. It was broadly accepted that we should share this information.

With this bill, clearly what we also want is that the information exchanges with the U.S. government to detect international terrorists be done in direct co-operation with the Canadian Security Intelligence Service and the Royal Canadian Mounted Police.

I would like my colleague to highlight the importance of very close co-operation between carriers and our security services here in the country.

[*English*]

**Mr. Derek Lee:** Madam Speaker, when people buy airline tickets they do not need to have criminal record checks. Let us suppose someone suspected of hijacking an aircraft a year ago in some other country happened to be in Canada, the paperwork had not followed and he or she had not been arrested. Let us suppose such a person went to buy an airline ticket. Surely the average Canadian would agree that a warrant for the arrest of an accused or convicted hijacker is relevant to whether the person should be allowed to get on an aircraft.

The only way we can deal with this is to allow passenger lists to be verified in the usual way by our police forces. They can do this kind of thing using the databases and indices they normally use. This would mean turning passenger lists over to the RCMP and/or CSIS. We do it now with the American authorities so we can fly our aircraft

into American airspace. Under Bill C-55 we would do the same thing here. If we did not we would be stupid.

Are there privacy issues? Yes, there are. Everyone who bought an airline ticket would have his or her name on a list that went through a computer search. That is one of the implications of 9/11. We must realize that. We all said it would happen. We all said the world would change. We said big brother would be following right behind. It is here and we must deal with it.

I am not prepared to accept that we cannot find out who is getting on an aircraft because of privacy concerns. Our police make us all more secure in the public interest. We must let them do their job. We must co-operate not only with our police but with police agencies in other countries. We will find a way to do it properly.

•(1100)

**Mrs. Bev Desjarlais (Churchill, NDP):** Madam Speaker, there is not a whole lot of time and I have a number of questions and comments. First, the hon. member indicated the Statutory Instruments Act would apply in this case. Clause 74 of Bill C-55 would add the new section 260.1 to the National Defence Act. Subsection 260.1(7) would read:

Subject to subsection (6), a designation may be renewed

(a) by the Minister personally, on the recommendation of the Chief of the Defence Staff, if as a result of the renewal the designation would be in effect for one year or less; or

(b) by the Governor in Council, if as a result of the renewal the designation would be in effect for more than one year.

Subsection 260.1(9) would read:

A designation, renewal, variance or cancellation is not a statutory instrument within the meaning of the Statutory Instruments Act.

Subsection 260.1(10) would begin as follows:

As soon as possible after a designation—

The last sentence of subsection 260.1(10) would read:

—may be affected by it, unless the Minister is of the opinion that it is inadvisable to do so for reasons of international relations or national defence or security.

It would still give a whole lot of leeway. That is one point.

With regard to the Nanoose Bay situation in B.C., land was expropriated by the federal government from the provincial government. The Canadian government went into a lease arrangement to have a nuclear submarine in Nanoose Bay. The federal government recently lost that court case. Does this allow the federal government to put in an interim order to allow a nuclear submarine in Nanoose Bay? This is something the courts in Canada have said is not allowed.

**Mr. Derek Lee:** Madam Speaker, the hon. member is right. However she is talking about designations under the National Defence Act. I was talking about the dozen to 15 interim order scenarios created by the bill.

The hon. member has read the act and it is fairly accurate. If a Canadian or foreign military ship were in Nanoose Bay carrying on exercises, yes, it would be possible to create a military exclusion zone for that purpose.

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Madam Speaker, I will be sharing my time with the hon. member for Crowfoot.

*Government Orders*

We are here today to debate Bill C-55, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety. The government of course believes the legislation is perfect. Judging from the speeches I have heard today and previously the government resents legitimate criticism from the opposition parties. Bill C-55 is no different from any other legislation the government has brought in since I have been in parliament. It is inevitably flawed to the point that it needs dramatic amendments.

Bill C-55 would amend 19 acts of parliament. The government will try to deal with all this within the transport committee. It is an impossible chore for the committee. It will not end up doing a good job.

Bill C-55 has some good aspects. It would make air rage an offence. I hope it would impose a sufficient mandatory minimum penalty for that. However signs at airports already say people who commit air rage or make bomb or weapon threats around airports or on airplanes will be immediately charged. There is legislation in the criminal code that makes terrorist hoaxes an offence. However if Bill C-55 made the offence more serious and the penalties stronger, in the interest of public safety I could support it.

The control of explosives in Canada is an issue that has not been adequately dealt with. Many explosives have been stolen during break-ins, particularly by motorcycle gangs. The RCMP and other police forces have been unable to fully contain the smuggling of explosives across our borders. Criminalizing this area and having stiffer penalties is a good idea.

However the overall bill is inadequate. It is a combination of flawed elements and half measures designed to mirror U.S. legislation. It is a power grab by cabinet ministers. I will deal with that in a bit when I speak about interim measures.

With regard to transportation issues Bill C-55 is a late, pale reflection of the legislation of our American counterparts. The U.S. introduced, debated, amended and enacted much more comprehensive security legislation within eight weeks. As I said at the start, our government brought in flawed legislation, Bill C-42. It has now withdrawn Bill C-42 recognizing it did not get it right. It will argue it has now got it right but this has not happened either.

It is a funny thing. The hon. member for Scarborough—Rouge River talked about interim orders. He said if there is a train wreck a minor official in a government department can make an interim order to try to deal with the situation. This shows that the government does not fully understand the situation the world is in with the war on terrorism. If we had a terrorist attack in Canada it would be an awful lot more than an average train wreck.

• (1105)

I do not know what the minister and the Prime Minister will be doing on the day the media and Canadians announce that there has been a terrorist attack. I certainly hope they will not be out golfing and say "We will not be in until tomorrow because that is when we go to work. We will just let the officials take care of it". That would be totally unacceptable. However that seems to be what the member for Scarborough—Rouge River was saying, that this would be equivalent to a train wreck and that we were not to worry about it.

The bill would invest a lot of power in the ministers and, as I have said, it should be the ministers who take the responsibility for a terrorist attack because that is a much higher level of war than we are at now. It would also give them the power to pass an immediate order equivalent to regulations passed by cabinet. These interim orders need to be approved by cabinet 40 days after they are declared. This is of course 31 days more than the current situation, which is now 14 days under the Aeronautics Act.

Given that the sweeping powers already exist in the Emergencies Act to declare a public order emergency, I cannot imagine that a terrorist act would not be considered as such when it is directed toward Canadians on Canadian soil.

The new interim orders may not really be necessary in most cases because the level of the attack will indicate that we are on a much higher level of war footing than just a small incident, almost a criminal incident.

Having made that point, I would like to talk for a moment about the interim orders that allow a minister to react to an incident. They have to notify parliament. The suggestion was made that if parliament does not sit in the summer then it would, in effect, not get notified until maybe the fall when members returned or maybe after the Queen has been here and made the throne speech for us.

I cannot imagine a government with a more ridiculous view of terrorism and war than to suggest that we would not recall parliament immediately after an attack on Canadian soil of Canadian citizens by a terrorist organization committing an act that results in death and/or bioterrorism on our agricultural sector. The idea that these officials would somehow be making these interim orders is just ludicrous.

When parliament is notified, and I would suggest it be recalled immediately, a motion should be brought forward to parliament setting out the nature of the terrorist attack and of course a full assessment of what happened. Parliament should debate and then decide whether or not an extension is needed of another 100 days.

The government continues to want to work around parliament on virtually everything, including something like a terrorist attack which is an act of war directly on Canada.

In talking about bioterrorism, the United States congress is passing a terrorist bill and a U.S. farm bill that will cripple our country's agricultural sector. The bill will severely affect our exports at the border, all under the guise of safety from agri-terrorism. This is where our legislation does not move toward harmonizing a North American response to the threat of terrorism.

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As a result we will find some negative economic consequences where we are out of lockstep with the United States on the terrorist issue. I mentioned our food exports as the main one. Our exporters will need to notify the U.S. border up to 12 hours in advance of shipments of food. Delays caused will radically limit the export of time sensitive agriculture exports.

In conclusion, the government does not have the legislation right. Our critic in this regard will be bringing amendments forward and we will be debating this in committee. Hopefully the government will break the legislation up so committees can study it fully and with full thought and bring back appropriate amendments that will in fact make the legislation as good as it should be.

●(1110)

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Madam Speaker, it is a pleasure to rise and participate in the debate on Bill C-55. As has already been mentioned, Bill C-55 amends 19 different acts of parliament and would enact or enforce an international treaty.

What are the goals of the legislation? We need to draw to the attention of Canadians and to the House that this is another one of those omnibus pieces of legislation. It is a mixture of good, bad and ugly. Some parts of Bill C-55 are good but it is mainly made up of the bad and ugly.

The legislation proposes to make air rage an offence and to strengthen security at restricted areas in airports. It would require transportation companies to provide information on the passengers who will be travelling on their modes of transportation. It would criminalize terrorist hoaxes. It would provide for more control over explosive and sensitive exports. It would provide the name of controlled access military zones and would implement the biological and toxin weapons convention.

In the opinion of the official opposition, it is inadequate legislation inasmuch as it would enact half measures and would undemocratically empower cabinet ministers without any regard to the checks and balances offered by parliamentary review and scrutiny.

Bill C-55, like its predecessor Bill C-42, retains government rule by executive orders, a method of ruling that the government finds comfortable. The only difference is that the new bill would require cabinet ministers to have their decisions reviewed by cabinet within 45 days as opposed to the 90 days that Bill C-42 proposed.

Within 15 days parliament would be informed, not consulted and not questioned, of the decision that would already have been made by cabinet or a minister. Effectively the provision negates parliamentary or judicial scrutiny, a necessary procedure to safeguarding civil liberties and the rights that Canadians enjoy.

These powers are indicative of the Liberal Party, a government that has little respect for openness and transparency.

We have already talked to some degree about the 1985 Emergencies Act. In my opinion, not necessarily the opinion of all here, the Emergencies Act lends sufficient means to combat terrorism while effectively balancing safety concerns with freedoms. It grants the government the power to declare emergencies and to take the steps it deems appropriate but only for a limited period of

time, steps that are, I might add, subject to a full parliamentary review.

Despite the cosmetic changes, we remain opposed to these interim orders which, in the view of the opposition, is nothing more than a power grab.

The amendments in part 4 of Bill C-55 are a little different because this is omnibus legislation. Part 4 amends the criminal code by making hoaxes regarding terrorist activity an offence. This section is completely unnecessary inasmuch as it does absolutely nothing to deter terrorist activities or to enhance public safety, which is supposed to be the thrust of the legislation. Any hoax, whether it is in regard to a bomb threat, to organized criminal activity, to a terrorist activity that endangers or threatens public safety or heightens public anxiety or causes the public to be frightened or concerned about a hoax, should be deemed an offence and the criminal code should be amended to make sure that is covered.

●(1115)

In my opinion the criminal code amendment is more about political correctness than it is about criminal behaviour. We are talking about hoaxes. It is more about being politically correct. It is more about the government looking like it is doing something when in fact it is doing next to nothing to combat terrorism and thwart terrorist operatives from using this country as a staging ground for terrorism.

These particular amendments in the public safety act, 2002 do nothing to prevent terrorist attacks or to protect Canadians, which the government professes that the bill should do. This is particularly disturbing given the recent warnings of the head of the Canadian Security Intelligence Service, CSIS.

On Monday of this week, CSIS director, Ward Elcock, warned participants at a terrorism and technology conference in British Columbia that Osama bin Laden's al-Qaeda network has trained enough terrorists to pose a threat for years. He stated:

Given what we know about the number of individuals who have gone through bin Laden/al-Qaeda terrorist training camps, and the fact that many are now entrenched around the world, even though their capacity has been degraded or disrupted, it will take some time, perhaps years, to deal with those elements and assure ourselves that the threat has been defeated.

Mr. Elcock also warned:

Canada has moved beyond being used strictly for logistical or support activities by terrorist organizations and there is now a demonstrated willingness by certain groups to use Canada as a staging ground for terrorist attacks.

These are attacks that can be launched without detection or deterrence because of technological enhanced abilities.

The head of CSIS said that Canada must establish new partnerships with industry in order to come up with new technology that is going to help track terrorism and terrorist activity. The bill does little to accomplish that end.

This is also true with regard to money laundering, and the bill deals a bit with money laundering. An international forensic accountant stated that "as law enforcers get wise to money laundering, criminals are finding ever more ingenious ways to hide their dealings".

In essence what these two experts are saying is that we must devise new ways and means to stay ahead of criminals, particularly organized criminals and those involved in criminal activity that are there to support terrorism.

For years Canada was considered one of the best places in the world to launder money because we have the largest unprotected border in the world, which makes it easy for dirty money to pass from the United States into Canada and vice versa. Because Canada was one of the last industrialized countries to establish adequate measures to combat money laundering, it is encouraged to a certain degree by those of terrorist affiliation.

According to the solicitor general, between \$5 billion and \$17 billion is laundered in Canada each year. The international monetary fund estimates that worldwide money laundering ranges from \$590 billion to \$1.5 trillion annually, or between 2% and 5% of the entire global gross domestic product, GDP.

Optimistically, the situation was to change somewhat in Canada after October 2000 when Bill C-22's regulations came into effect. However, Wayne Blackburn, a former superintendent of the RCMP's Ontario economic crime branch and proceeds of crime experts, said that as criminals figure out that the police can now generally follow money from a drug deal and freeze and seize it if it is in a financial institution, they have come up with another way to clean money up: by using it to purchase commodities.

Money laundering is a huge concern in Canada. Drug traffickers around the world launder money. They get American dollars and transfer them into companies. They exchange them for commodities. They change dollars to pesos so they can use the currency of the country that they are involved in.

Bill C-22 requires that any cash transactions of \$10,000 or more be reported to financial institutions. However, terrorists and people involved in organized crime are using the elderly to bring in and deposit money into banks in Canada. It is called "smurfing" in Canada. They are using the elderly to deposit dollars into their account, what we may call dirty money, and then they take the money out and put it into terrorist activities.

• (1120)

There is a problem. CSIS has lost so many analysts. CSIS has lost so many investigative reporters. The number 35 has been mentioned. The bill does not adequately deal with the concerns that CSIS and others have with regard to terrorism and it should go back.

**Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance):** Madam Speaker, I appreciated my colleague's comments. He was just getting to some crucial points in his speech. I was wondering if he would elaborate further on the details that he ended with.

**Mr. Kevin Sorenson:** Madam Speaker, I thank the member for the excellent opportunity. I appreciate it.

I want to go back to some of the concerns about money laundering here in Canada. One report referred to the scheme as black peso money laundering. I will explain the system. I wrote down some points and I was hoping I would have time to talk about it.

This is part of what happens with terrorism and organized crime. Drug traffickers require pesos to pay for their lavish lifestyles in

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Colombia but most of their money is in United States dollars. They sell their United States dollars usually for 20% or 30% less than the exchange rate to Colombian based companies in exchange for local currency. The companies in turn buy commodities that are then sold in their stores. They have received the currency exchange. The companies have stocked their shelves with commodities and the laundering continues.

The black peso system is but one new cat and mouse game of money laundering that is played between criminals and law enforcement officials. It is next to impossible to enforce.

An investigative researcher claims that as a result of Bill C-22, criminals will become more violent and intimidating when trying to coerce individuals. This expert stated with regard to the Mafia:

Before C-22, you had guys taking big bags of money to a friendly corrupted bank manager, who would get a percentage for facilitating the transaction. But now the risk and the penalties are so great that fewer people will be willing to co-operate, so the criminals will either take control of some financial institutions or resort to strong arm tactics.

Furthermore, given that Bill C-22 requires any cash transactions of \$10,000 or more be reported to the Financial Transactions and Reports Analysis Centre, there will be the introduction of what I previously mentioned as smurfing within Canada. This is the practice where the elderly fall prey within our country. It is going on right now.

I would suggest that Canada does not have the resources or the expertise to deal with the extent of the raising of dollars for terrorism or organized crime. There is a lack of resources in CSIS and the RCMP.

There is really no opposition to part 16 of Bill C-55 which amends the Proceeds of Crime (Money Laundering) and Terrorist Financing Act to allow for greater sharing of information. However we do remain opposed to the bill because we believe it has inadequate measures to deal with the onslaught of terrorism that we see coming.

On the question that was posed by my colleague, I want to quickly say that we have no problems with some parts of the bill, parts that would help the RCMP and CSIS to locate and to enforce the measures that are already here in Canada. We want to see more dollars available for the RCMP.

The Canadian Security Intelligence Service has gone from 2,700 and some employees down to 2,100. Why has it downsized? Why are we losing so many individuals out of our intelligence gathering agency? It is because the government has shown a lack of commitment through the years. That lack of commitment is now causing our country and even other parts of the world to be at great risk.

The Senate reports and other reports suggest that there are 50 terrorist groups in Canada. The response from the government is it comes out with Bill C-55, a bill that does not answer the concerns of the RCMP and CSIS.

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•(1125)

**Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.):** Madam Speaker, I too am pleased to speak to Bill C-55, the public safety act. The public safety act 2002 is part of the Government of Canada's anti-terrorism plan which actually began with the anti-terrorism act, Bill C-36, and which was bolstered by a \$7.7 billion investment in budget 2001.

Where the anti-terrorism act focused mainly on the criminal law aspects of combating terrorism, this bill addresses gaps in the federal legislative framework for public safety and protection. It is also very important to remind everyone that Bill C-55 is an improved package of public safety initiatives in support of the government's anti-terrorism plan.

While Bill C-55 retains key elements of Bill C-42, which was withdrawn on April 24, it also incorporates a number of very important improvements. It is very important to remember that the new revised bill is responding and has responded to concerns that were expressed about Bill C-42.

It is important also to remind members and Canadians of what the Minister of Transport said when he tabled the legislation in the House. He stated:

We have taken the input of parliamentarians, provinces and territories and others, and used it to significantly improve this legislation. It responds to the need for enhanced security while respecting the rights of Canadians.

It is very important that we look at that sentence. We are talking about finding a balance.

The hon. member who just spoke said that we have not taken into account the RCMP's concerns and that we have not taken into account financial institutions. We have consulted with Canadians. We have looked at the importance of being Canadian and what our values and rights are. That is what the government tries to achieve, a balance, the right balance to protect those things that are important to Canadians and to protect our charter of rights and freedoms.

The bill seeks to amend 20 acts and enacts a new one. People should know what those acts are. Included in the amendments are the Aeronautics Act, the Canadian Air Transport Security Authority Act and the Marine Transportation Security Act. There are also amendments to the criminal code but this is with respect to hoax offences. The bill also amends the Export and Import Permits Act, known as the EIPA, and the National Defence Act.

The act to be enacted is the biological and toxin weapons conventions implementation act. Before I speak about two very specific acts, it is important to talk about what the new act will do because we are actually ratifying a convention.

The new act will prohibit biological weapons and agents that do not have a peaceful purpose and will provide a more complete legal basis to regulate dual use biological agents in Canada. The new act will help to prevent the development, production, stockpiling, acquisition, transfer or use of biological weapons by states, individuals or other entities. It will supplement and reinforce Canada's existing legislation to prevent the development or transfer of biological weapons. In addition, the new amendments will set the terms and conditions of inspectors' activities in Canada, particularly in relation to their search and seizure activities.

It will be seen that Bill C-55 encompasses many things, but we must remember that it is part of our government's anti-terrorism plan. The word plan means more than one piece of legislation. It does not mean things in isolation or in silence. It is part of a comprehensive way that we are dealing with combating terrorism while at the same time protecting the rights and privacy of Canadians.

•(1130)

I would like to talk about two specific acts which fall within the responsibility of the Minister of Natural Resources, the National Energy Board Act and the Explosives Act. Earlier this morning I heard our colleagues in the Alliance Party commend the government for its amendments to the Explosives Act.

It might be trite to remind people that the terrorist attacks of September 11 not only changed the world but placed public security at the top of Canada's priority list. Since then the government has acted quickly and effectively on many fronts to address the serious threats resulting from these horrible events. It is also important to remember that we have acted cautiously. The Prime Minister is to be commended for how he dealt with the situation immediately after September 11.

Natural Resources Canada responded by working immediately with the Canadian energy industry to implement very appropriate security measures. Regulatory agencies, including the National Energy Board and the department's explosives administration, worked immediately to safeguard Canadian interests and ensure the security of Canada's energy systems and infrastructure.

With the proposed changes outlined in Bill C-55, Natural Resources Canada is taking further measures to enhance the safety and security of Canadians. Just as an aside, what motivates the government to pass this legislation and to have an anti-terrorism plan is to enhance the safety and security of Canadians, our citizens, whom we as parliamentarians have a duty to protect.

Natural Resources Canada administers the federal Explosives Act and the regulations. The act regulates the importation, manufacture, storage and sale of commercial explosives along with aspects of their transportation. The department's primary mandate is to ensure the health and safety of workers in the industry and of the Canadian public first and foremost.

As I mentioned earlier, in the December 2001 budget the government made a substantive investment of \$7.7 billion to ensure the safety and security of Canadians. This budget funding will underwrite the legislative amendments that are proposed in Bill C-55.

The proposed amendments to the Explosives Act are contained in part 6 of Bill C-55. They will enable us to enhance the security of our domestic explosives industry and, I cannot say this often enough, ensure the safety of Canadians. They will strengthen the federal government's role in regulating the acquisition, possession and exportation of explosives. As well they will implement tougher security measures related to the manufacture, storage and transportation of explosives. For example, in transit and export controls combined with the import controls that currently exist under the Explosives Act will greatly improve the security of explosives shipments during transport.

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The amendments will also help to bring Canada in line with the Organization of American States Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials which we signed in 1997. The act will now define what illicit trafficking is so that it captures the type of activity that can lead to the acquisition of explosives by criminals or terrorists.

New sections will address security measures, record keeping and the exchange of information for the purposes of tracing, identifying and preventing the illicit manufacture or the illicit trafficking of explosives. What we have to remember is that we are targeting illicit activities, we are targeting terrorist activities. We are not targeting honest, hardworking, everyday Canadians.

• (1135)

Enhanced controls over the acquisition and possession of explosives and their precursors would deter terrorists from using Canada as a place to prepare and launch terrorist attacks. The new possession controls would identify and deter individuals who posed a risk from having access to explosives.

A further deterrent to unlawful explosive activities would be the bill's changes to the penalty structure to bring penalties into line with those already in force under Canadian law for other serious crimes. The important thing is that explosive precursors such as ammonium nitrate would need tighter controls. As members will recall, ammonium nitrate was a key ingredient in the tragic Oklahoma City bombing. Bill C-55 would regulate such chemicals under the Explosives Act. The bill's intent is to prevent acquisition for unlawful purposes while ensuring ready access for legitimate agricultural use. It is about balance.

The proposed amendments to the Explosives Act would put Canada on the leading edge of explosives control. We would be seen around the world as taking a leadership role in protecting and securing our explosives supply. Moreover, Canada would be well placed to actively participate and lead in discussions about potential international control measures.

The proposed legislative changes illustrate the government's commitment to public security and the fight against terrorism. They illustrate its commitment to be a leader on the international scene in the fight against terrorism.

I will turn my attention to part 12 of Bill C-55 which proposes amendments to the National Energy Board Act. Currently the National Energy Board has a mandate to regulate the safety of interprovincial and international pipelines and international power lines. In working with industry the National Energy Board has institutionalized rigorous standards in maintenance practices to ensure the integrity and safety of the national pipeline system.

The proposed amendments to the National Energy Board Act would provide the board with clear statutory authority with respect to the security of installations. First, the board would be given the authority to order a pipeline company or certificate holder for an international power line to take measures for the security of the pipeline or power line. Second, it could make regulations respecting security measures. Third, it could keep security information confidential both in board hearings and in orders. Fourth, it would

advise the Minister of Natural Resources on issues related to the security of pipelines and international power lines. Fifth, it could waive the publication requirements for applications to export electricity or construct international power lines if there was a critical shortage of electricity caused by a terrorist activity.

The board's inspectors would be given additional authority to make orders with respect to security matters. The ability of the National Energy Board to keep sensitive industry security information confidential is essential to the exercise of regulatory responsibilities for security. The amendments therefore contain a provision enabling the National Energy Board to take measures to protect information in its proceedings or in any order.

There are two tests for exercising this authority. First, the board must be satisfied there is a real and substantial risk that disclosure of information would impair the security of pipelines or international power lines or the methods used to protect them. Second, the board must be satisfied that the need to protect the information outweighs the public interest of having it disclosed. Again we are talking about balance.

The regulated companies have been co-operative in ensuring strengthened security arrangements are in place. They continue to operate at a heightened level of awareness to potential threats. The National Energy Board will continue to work co-operatively with industry in ensuring appropriate levels of security are maintained into the future. The amendments to the National Energy Board Act would provide the board a clear statutory basis for regulating the security of energy infrastructure under its jurisdiction.

• (1140)

Bill C-55 would amend 20 acts. I have been able to touch on at least two of them that the opposition and Canadians in general will have a hard time arguing with. The changes would be for the security and safety of Canadians. They would strike a balance. Bill C-55's amendments to the National Energy Board Act and the Explosives Act would contribute to the safety and well-being of Canadians. They would provide us with better tools to address and protect ourselves from terrorism.

Last year at this time terrorism was something we watched on television and in the movies. After September 11 the world changed. Canadians must respond to the changed world. We as parliamentarians must do everything we can to protect Canadians while ensuring the values which are so important and dear to us remain.

• (1145)

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Madam Speaker, I listened carefully to the speech made by the hon. member opposite and I have two questions for her.

But first I want to point out to her that it is true that the events of September 11 not only changed the world, but also many people's way of living, including here in Canada and in Quebec.

*Government Orders*

I remember that, a few days after the attack, everyone here said that we had to make absolutely sure that our freedoms and anything related to the charter of rights and freedoms would not be violated. In this regard, the hon. member insisted on the importance of marriage and a fair balance between the protection of citizens and their freedoms.

We are very concerned, just like the privacy commissioner, George Radwanski. Incidentally, he had reviewed former Bill C-42 and was categorically opposed to it. Today, we realize that he is also opposed to Bill C-55.

So, there is a problem in terms of that balance. There is a violation of people's privacy and we feel that the bill goes too far. So my first question to the hon. member is: what does she have to say about the comments made by the privacy commissioner, Mr. Radwanski, who said that the bill goes too far?

Also—and this is the object of my second question—the hon. member spoke very quaveringly about the Prime Minister. This week, we were stunned to see that, depending on his mood when he gets up in the morning, the Prime Minister may be a dictator one day and a great democrat the next day.

I wonder if the hon. member had the opportunity to meet the Prime Minister this morning. Perhaps she could tell us if, today, he will behave like a dictator or a great democrat.

[English]

**Ms. Sarmite Bulte:** Madam Speaker, as I am sure my hon. colleague will recall, we talked about the charter of rights and freedoms which is as important to Quebecers as it is to my constituents in Parkdale—High Park and all Canadians. I am sure he will recall that we proudly celebrated the charter's 20th anniversary. Perhaps he will also recall that the charter of rights was brought in by one of the greatest Canadians who was also a Quebecer, the late Right hon. Pierre Elliott Trudeau.

The hon. member will no doubt recall that the minister of justice during that period is now the Right hon. Jean Chrétien, the Prime Minister of Canada. As an architect of the charter the Prime Minister is a true democrat who knows how important the charter is. There is no doubt that our Prime Minister, the leader of the country, is the greatest believer in democracy and the greatest politician in the world. He knows how important rights, freedoms and values are. He knows what it means to be Canadian.

It is important to look at the security measures taken in the budget of 2001. We set aside money to ensure we were able to enforce and enact legislation. We set aside money to ensure intolerance was not acceptable in Canada. We need to find new programs and new ways to enhance tolerance and prevent hatred and racism.

Many people have said there is no need to have a secretary of state for multiculturalism. They say it is passé. There is no greater time than now for a strong secretary of state for multiculturalism to look at how to combat racism and hatred on a day to day basis. Last month we had an anti-racism day. It is important to remember what it means to be Canadian and how we in Canada have grown by welcoming immigrants. I am a first generation Canadian. My family immigrated to Canada in the early 1950s. We are part of the Canadian mosaic.

That is something the budget addressed as well. It is all part of democracy. It is about respecting people's rights and celebrating our diversity. This year the theme of Commonwealth Day, not just in Canada but throughout the commonwealth, was celebrating diversity. It is a wonderful thing that Canada, one of the leading Commonwealth countries, celebrates diversity. Let us look at our own country. We celebrate diversity every day. We will continue to celebrate it and ensure that hatred and racism have no place in Canada.

I will address my hon. colleague's questions about the privacy commissioner. I too woke up this morning and was interested to read the privacy commissioner's comments. It is the privacy commissioner's role to question and show concerns. The Parliamentary Secretary to the Minister of Transport whose committee will be examining Bill C-55 will no doubt call the privacy commissioner to the committee to give him an opportunity to explain his position. It will also give the committee the opportunity to cross examine the privacy commissioner.

It is all about healthy debate. That is important. We must remember that Bill C-55 was brought forward as a replacement to Bill C-42. Bill C-42 was withdrawn on April 24 because the government consulted with Canadians, parliamentarians and caucus and decided it was time for a better bill. We did so because we must always ensure balance. We must ensure the charter of rights and freedoms which makes us so uniquely Canadian is there to protect us. Bill C-55 must and will conform to the charter.

• (1150)

**Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance):** Madam Speaker, I will ask my hon. colleague a few questions that came up during the speech of her colleague the hon. member for Scarborough—Rouge River. He indicated that he thought the bill might best be studied in the justice committee. Does the hon. member agree?

The hon. member for Scarborough—Rouge River talked about interim orders. He said that under Bill C-55 they would be tabled in parliament within 15 days and published in the *Canada Gazette* in 23 days. He seemed to indicate it should happen much sooner, perhaps within a few days of an interim order being brought into place. I agree. Does the hon. member agree?

Does the hon. member believe Bill C-55 is necessary to achieve public security? Some have argued in the House that we already have the Emergencies Act which encompasses a lot of the measures Bill C-55 proposes to put into place.

Under Bill C-55 interim orders could be implemented at the discretion of officials as granted to them by a minister of the crown. The interim orders would expire in approximately 100 days. The hon. member's colleague from Scarborough—Rouge River had problems with that. He did not think it appropriate that interim orders be renewed once they have expired. Does the hon. member agree?

**Ms. Sarmite Bulte:** Madam Speaker, I am delighted to answer all the questions although I do not know if time will allow.



*Government Orders*

My hon. colleague on the other side has raised an important issue: Why would we favour interim orders over the Emergencies Act? We must be absolutely clear. There is a huge difference between interim orders and the Emergencies Act.

The Emergencies Act is a tool of last resort. I am surprised the hon. member opposite asked why we do not use it. It is not a question my hon. colleagues from the Bloc would ask. The Emergencies Act is all encompassing. It is powerful but it is a tool of last resort. It can be used when the provinces do not have the capacity to react in time.

It is important for our hon. colleagues in the House to know the differences between interim orders and the Emergencies Act. I will therefore quickly summarize them. First, the Emergencies Act has sweeping legislation and has never been invoked.

Second, emergency interim orders provide modest targeted powers within existing legislation.

Madam Speaker, you are waving me off. Perhaps I will have an opportunity to speak to the bill again. I would be happy to speak to my hon. colleagues about the tremendous differences between interim orders and the Emergencies Act.

• (1155)

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Madam Speaker, I will begin my speech with the preamble I used earlier for the benefit of the member who preceded me.

Since September 11, many things have changed in the world, and not just in the United States. What we are seeing in the United States—this is more in keeping with their kind of society—is an obvious tightening of controls and of law enforcement.

Here, however, in the days following the attacks, people felt that what was important was not to let the terrorists win. This they defined as anyone being able to place limitations on our rights, our freedoms and our system of values at some point.

The Bloc Québécois maintains that the bill as now drafted crosses this line. The context is no longer the same as it was before September 11. People will undoubtedly say “Does this mean that the Bloc Québécois or you, as the member for Saint-Jean, do not want more controls?” We want more controls, but we do not want to see them extended as they are in this bill.

We are, however, happy with the amendments and said so in the press conference. Now, the legislation is limited to Canadian Forces and Department of National Defence property. The previous bill covered all crown property and materiel. It was even broader. However, this is also basically a farce, because—

[*English*]

**Mr. Howard Hilstrom:** Madam Speaker, I rise on a point of order. I apologize to the hon. member who is speaking but I do not see how the House can function in a democracy without a quorum.

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

*And the bells having rung:*

• (1200)

[*Translation*]

**The Acting Speaker (Ms. Bakopanos):** We now have quorum and are resuming debate.

**Mr. Claude Bachand:** Madam Speaker, before this interruption, I was speaking of the importance of a balance between control and respecting rights and freedoms. In our opinion, there is much still to be done.

I was also saying that we in the Bloc Québécois have managed to get the government to take a step forward by restricting the application of property and materiel to the Canadian Forces and the Department of National Defence now, rather than the crown.

I would also like to make clear why Quebecers defend their rights and freedoms so fiercely. I would perhaps invite my colleagues in the House one day, if they have the time—because they would find it a most interesting read—to read journalist Normand Lester's book on Canada's dismal record, from cover to cover.

My colleagues would discover that, on various occasions in history, the Canadian Forces imposed martial law on Quebec and, on certain occasions, even killed Quebecers, people who were taking part in demonstrations or other highly democratic activities.

Let us call to mind the most recent events, which are still fresh in our memories. In October 1970, invoking the War Measures Act led to the Canadian Forces being stationed at all federal buildings, all embassies, all consulates. This was extremely problematic for Quebec. There were many arrests without warrants and people were held in custody for longer than the law allowed. Hon. members will understand we have certain reservations about section 260.1 of this bill, which creates controlled access military zones, major reservations in fact, all the more so because this zone is determined by a single person.

Unlike the situation at the time of the events of 1970 I have referred to—when it was a Cabinet decision—now a single man makes the decision, the Minister of National Defence. People may respond, “It is not just him, it will be on recommendation”. But we know who makes the recommendations: the Chief of Staff of the Canadian Forces. And we know whom that Chief of Staff reports to.

Canada's armed forces are subject to civilian authority. They are subject to the authority of the Minister of National Defence. Therefore, it is quite clear that the person who has the final say, who has the legal status to say, “Yes, we are designating a controlled access military zone”, is the Minister of National Defence. One single person.

I remind the House that in the dissenting report by the Bloc Québécois, we noted that the man who is currently responsible for this portfolio misled the House in the Afghan prisoners affair. This means that he demonstrated a great lack of judgment. Can we trust this man, who could say from one day to the next, “I designate a controlled access military zone in such and such a part of the country, or in such and such a part of Quebec”? The answer is quite simple, “No, we cannot trust this man”.

*Government Orders*

This is not simply about the current minister. The fundamental issue is the fact that one person alone can decide. This person may make an error in judgment, and it will be the citizens who are penalized. This is the main problem. Errors in judgment do occur.

We believe that it is very important—and the governing party objects to this—to get the consent of the province in which this were to occur.

There is no denying the federal government's authority on military bases or military facilities that belong to it. However, this bill will allow one single person, the Minister of National Defence, to extend this jurisdiction into civilian territory, a municipality, which comes under provincial jurisdiction, naturally. In Quebec, municipalities are a creation of the Government of Quebec.

Therefore, as a protection, we need provisions whereby the Government of Quebec will be not only consulted, but will give its consent.

Obviously, if something important happens, the Government of Quebec is responsible enough to say, "This makes sense; we agree". We also think it may disagree. But it seems that we need this essential protection in the bill before us today.

● (1205)

Of course, I am only referring to this clause because, as national defence critic, this is the one that I am concerned about. The expression military security zone has been changed to controlled access military zone. As far as we are concerned, this is a minor cosmetic change. But if we take a closer look at the legislation, we have a lot of concerns, because the expression reasonably necessary is used in relation to the four most important concepts, namely the creation of the zone, its dimensions, its effective period and the renewal of its designation to maintain it for another period. We are told that the minister alone will have the power to do this and that he will only do it if it is reasonably necessary.

These terms are usually avoided in any contract or agreement because, depending on the interpretation of the expression reasonably necessary, anything may be allowed and no one could object on the ground that it is not a reasonable demand, that it is not reasonably necessary. The minister will say, "As far as we are concerned, it is reasonably necessary. We are the ones who have the authority to decide, and we think it is reasonably necessary". If this is challenged in court, I believe that time will pass and the zone will probably disappear before a ruling is handed down.

The minister decides everything. We are quite concerned about certain provisions, including those on designation, renewal, variance and cancellation. All this will be done without any reference to the statutory instruments under the Statutory Instruments Act. This means that parliament will be completely left out of the process. The minister is the only who can decide and no one will be allowed to ask for an emergency meeting of the Standing Committee on National Defence. The minister will say that he is not subject to the Statutory Instruments Act.

Another subsection in section 260.1 that we have a lot of trouble with is the one which says that "As soon as possible after a designation is made, renewed, varied or cancelled, the Minister shall, by any means that the Minister considers appropriate in the

circumstances, give notice of the designation, renewal, variance or cancellation to persons who in the Minister's opinion may be affected by it, unless the Minister is of the opinion that it is inadvisable to do so for reasons of international relations or national defence or security".

National security is always top secret. He could decide to renew based on national security. Worst of all is the subsequent clause, which provides that: "The Minister shall publish in the *Canada Gazette* a notice of a designation, renewal, variance or cancellation within 23 days after the designation, renewal, variance or cancellation is made, unless the Minister is of the opinion that it is inadvisable to do so for reasons of international relations or national defence or security".

What this means is that the minister could, within 23 days, say that there was a military zone, but it could also mean the contrary. People could be in a controlled access military zone for more than 23 days and not know it. That is even worse. Anyone could unwittingly find himself in a controlled access military zone without authorization. The same goes for livestock, vehicles, boats or aircraft. People could be forcibly removed by the military. This is completely unacceptable in a free and democratic society.

There is a problem for farmers whose livestock might be in a designated zone. They could be found in contravention of this section, charged and forcibly removed, without having been told that they were in a controlled access military zone. Naturally, we find this hard to accept.

The worst part is the mention, in subsection 14, that there may be "No action for loss—". Not only can a person find themselves in a controlled access military zone without realizing it, but what is worse, if they suffer damages, they will not be compensated and no court can examine the issue. As far as we are concerned, this goes much too far.

To conclude, I would like to come back to what my colleague from the government said regarding Mr. Radwanski, the privacy commissioner. He was opposed to the former bill and he opposes the current bill, saying that it goes much too far. It is said to violate the rights and freedoms of Canadians and Quebecers.

● (1210)

One has to wonder if section 260.1 contained in this bill, and others, are constitutional. Does it really respect the charter of rights and freedoms? In a free and democratic society, can the government do these kinds of things?

It is a question of interpretation. Our interpretation is that once passed, it will not be long before this legislation will be brought before the courts to determine if it is constitutional. I believe there is a major problem.

One also has to wonder about all those in the government who are defending this, including the Prime Minister, who wakes up either as a dictator one day, or a champion of democracy the next. I think that by introducing this legislation, he has most certainly gotten up on the dictator side of the bed. As far as I am concerned, granting full authority to one single person to designate the period, the dimension and the renewal of this zone, without anyone else having any say in the matter, that falls squarely into the dictatorship category.

*Government Orders*

For all of these reasons, the Bloc Québécois cannot support this bill. We will of course make the necessary effort and take part in consideration in committee. We are going to propose amendments. I must, however, forewarn my colleagues on the government benches that, barring changes in this bill, they must not expect the Bloc Québécois to support it all the way through and vote in favour of it, for the historical reasons I mentioned, and out of respect for rights and freedoms.

I am therefore making it clear that, if the bill remains as it is, the Bloc Québécois is, unfortunately, going to object to it and will deplore this government's loss of any proper relationship with the people.

Life here in Ottawa is in a kind of glass bubble. Here is where the decision is made on the bill. Then the minister will, from his glass bubble, announce "Well now, there are some sea cadets in the port of Quebec, so we will extend the zone to all of the old part of Quebec City, because an American ship is coming in".

The minister keeps coming back to the same example, the blowing up in Yemen of the *USS Cole*. I would like to remind the minister of two things: one, this is not Yemen, and two, it is too much responsibility for one man to decide that all of Old Québec—and this would be possible because he is the one to decide on the dimensions of the zone—could be designated a controlled access military zone for several weeks. He could even not let the people there know. They might suddenly be told "You can't go home tonight, because it is a newly designated zone and we are entitled to keep you out of it". That is going way too far.

The Liberal Party needs to get out of its bubble. It needs to get in touch with the people. I believe that objections will not come just from the people of Quebec City and Quebec, but from all over Canada. It is not too late for the government to think it over, like it did the first time, and say "You are right. There are too many grey areas, too many things that will have a negative effect on the rights and freedoms of citizens. We will back off and go back to the drawing board". It is not too late.

We are, however, giving them fair warning: if they decide to stick to the party line, keep up this hard line approach and fully implement this bill, the Bloc Québécois is going to object to that approach.

•(1215)

**Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.):** Mr. Speaker, the hon. member said that we have lost our close relationship with our fellow citizens. The time to check that relationship is during a general election. We will see about this during the next election campaign. I always like to campaign against my Bloc Québécois friends. I am also looking forward to seeing how close our relationship is with our fellow citizens.

I want to pay tribute to the hon. member, because he takes a very close look at the whole issue of security, including the security measures taken by the government since September 11. However, he said that though the measures we are taking, we are letting the terrorists win.

We passed the anti-terrorism legislation, Bill C-44 on the sharing of information with the U.S. government. We will improve this measure to promote better co-operation between our security

services. We also announced very substantial investments of close to \$8 billion for security and the hiring of personnel in strategic locations. Yet the hon. member described this as letting the terrorists win.

I wonder if he could elaborate on this. I find it hard to see how this could be the case.

The government is doing the maximum with the resources available to it to reassure our citizens, working very closely with the United States, which is our main trading partner and which saw thousands of lives lost in the terrorist attack.

My colleague says that we are playing into the hands of terrorists by adopting specific measures: improved exchange of information, supplementary budget to provide even greater assurance of safety for all.

Personally, I feel that, while not perfect, our initiatives will reassure citizens and increase our co-operation with other countries.

I therefore ask my colleague to explain more clearly what he means by saying that we are playing into the hands of international terrorism. I have a little trouble understanding.

Even if the bill is referred to committee, we will have an opportunity to debate it with all our colleagues. I see my colleague, a member of the official opposition. Obviously, when a bill is introduced, it is never perfect. It does, however, contain certain features, which are fundamentally good and important for the future safety of our country.

I would like the hon. member to expand a bit on the notion that we are playing into the hands of terrorists.

•(1220)

**Mr. Claude Bachand:** Mr. Speaker, I thank my colleague for giving me the opportunity to point out that, since the crisis first began on September 11, the Bloc Québécois has behaved properly. When I say properly, and particularly responsibly, I mean that in the early days following the attack, we supported the Liberal government and the Prime Minister, saying that we must join forces in the face of international terrorism.

Then things began to evolve. Bills were introduced here in the House. In our opinion, at a certain point, the government crossed the line and began to limit citizens' rights and freedoms. That is the opinion of the Bloc Québécois and of other parties in the House.

Our behaviour has been reasonable. In a parliamentary system such as ours, I believe we are allowed to differ. That said, I do not wish to denigrate the entire Liberal government, because it has made efforts: \$8.8 billion has been earmarked for security.

I merely wish to remind it that only \$1.2 billion of that amount was earmarked for the Canadian Forces. We know that the Canadian Forces are having problems. They need a lot of materiel and cannot afford it. Everyone says that this amount may not be enough. This will come up again when we look at the business of supply next week.

*Government Orders*

As for the rest of the \$8.8 billion to which the hon. member has referred, I would also remind him that there is still much to be done. There is still the matter of the customs officers, the typical example I like to refer to often.

Today, if a customs officer confirms by computer that he is dealing with a dangerous individual who is being sought, the directive is to let him through and then to alert the police. The hope is that the police will nab him on the other side of the border.

There is still much to be done. The government has not done enough on certain aspects and it has gone too far with others, as far as rights and freedoms are concerned.

As for Bill C-55, which we are looking at today, we still say that, if the terrorists see that Canada has now restricted rights and freedoms to the extent of having a negative effect on its citizens, they are going to be delighted.

I am not saying that nothing should be done, but I do believe that, with the antiterrorism bill and with Bill C-55, the government is overstepping the line, to the great delight of the terrorists and the detriment of the people of Canada and Quebec.

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, two or three years ago, at the conference on free trade in Quebec City, the government decided to establish a military security zone. That decision was made by the federal government, along with the Quebec government and the city of Quebec. That decision was not made unilaterally by the Minister of National Defence.

Governments have the authority to create such military zones. They did so in Quebec City, and the city was protected against violence.

I am asking the hon. member to comment on this reality, namely the fact that this government can already make decisions without the new powers included in Bill C-42 and now Bill C-55. The government can make such decisions without giving so much power to the Minister of National Defence.

**Mr. Claude Bachand:** Mr. Speaker, before answering the question, I want to congratulate the hon. member on the quality of his French, since this is the first opportunity I have had to tell him publicly. I really admire people who make an effort to speak French. I also want to tell him that he may not have heard me speak English, but I can do it. It is important to have the benefit of speaking both languages.

As for the hon. member's question, it is true that, at times, including for G-8 meetings and so on, we could have a decree requiring the establishment of a military zone. If I am not mistaken, during the summit of the Americas held in Quebec City, there was a great deal of co-operation between the Quebec government, the city and the federal government.

The problem with Bill C-55, which is before us today, is that neither the province nor the city would be consulted. Not only would they not be consulted, but there is also no requirement to have an agreement. This means that a single person, not cabinet, the Liberal Party or the House of Commons, but a single person would have the

power to unilaterally decide to create such a zone, and that person is the Minister of National Defence.

As far as we are concerned, this is totally unacceptable, and this why we want a safeguard, namely the consent of the city and the provincial government to establish such a zone.

• (1225)

[English]

**Mr. Steve Mahoney (Parliamentary Secretary to the Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.):** Mr. Speaker, I will be sharing my time with the member for Barrie—Simcoe—Bradford.

I can agree with the opposition on one thing in this particular debate. Canadians are not generally comfortable nor used to legislating aspects of security. The issues that have followed in this country, the United States and the world following September 11 are issues that we are not familiar with. However we have an obligation as parliamentarians to ensure the safety and security of Canadians.

There is one prime obligation that all of us in every party, in every seat in this House has and that is to ensure safety for our citizens. Therefore we must take what some might call extraordinary measures.

I can appreciate the fact that some from the legal profession in this place, who at times take unfair criticism, want to debate this issue from the point of view of someone's civil rights or liberties. However I must say that I honestly believe that Canadians, who I represent and the vast majority of Canadians, understand that times have changed since September 11 and perhaps the freest country, the best democracy in the world, needs to tighten up in some areas. Perhaps we need to make some changes and people expect us to do that.

I will deal with some of the criticism that I have heard. One is that the sharing of information between the airlines, the RCMP and CSIS would open up potential abuse of people's rights. There are guidelines that would require that information to only be shared with senior designated people within those two law enforcement agencies.

The sharing of information could only be done when it related to someone who was a potential terrorist, thought to be a terrorist, a terrorist threat, or in the case of criminal activity, someone who was facing an outstanding warrant that could result in a prison sentence in excess of five years. Who would that be? The crimes that carry a sentence in excess of five years in this country are crimes like murder and kidnapping.

Are we saying it is wrong for an airline to contact the RCMP to say it has information on a passenger on an inbound flight who has an outstanding warrant for his or her arrest for murder? If people were innocent one would think they would want to face their accusers, come forward to the authorities and defend themselves. There would be a strong possibility that the individual was fleeing and did not want to be arrested. It astounds me that we would object to sharing that kind of information.

*Government Orders*

The other aspect could deal with a violation of our immigration act. If we have an outstanding deportation against individuals and they are known to be on a particular flight coming into Canada, why would we not want to share the information so that someone could be there to greet them when they disembark so we could take them into custody and thereby deport them?

We have heard cries of indignation from people opposite that our deportation system is not tough enough, that we issue deportation orders and then do not carry them out. Members know that our immigration and enforcement staff around the world are overworked. We just met this morning to discuss the results of the immigration committee travelling around the world meeting with our staff and seeing what some of the pressures are. This is a tool that could help alleviate some of those problems and could ensure that we could deal with individuals who were either facing a warrant for their arrest, or were in violation of a deportation order under the immigration act.

I find it astounding that members on either side of the House would stand up to their constituents and say they think it is too big brotherish, too much information and that the government should not have a right to gather that information.

● (1230)

That is ridiculous. There are safeguards in the bill. For example, if Transport Canada is given certain information, that information can be acted upon and perhaps passed on to the authorities, but then must be destroyed by Transport Canada within seven days. We are not talking about building some kind of secret file on someone, taking away someone's rights or tracking people who might be going somewhere without the knowledge of their spouse or something of that nature. We are talking about serious problems. We need to face the fact after September 11 we need to be serious.

Let me deal with another issue and that is the objections, which have come primarily from the leader of the fifth party, to the ability of a minister to issue an interim order in an emergency. The member opposite, the leader of that party, said that we already had that power under the Emergencies Act. What he has neglected to tell people is that the only way that can be implemented is if we get provincial agreement on the particular circumstance. The minister would have to get cabinet, the provinces and get everybody on side to agree before we could issue an emergency order. Is that not interesting? What would have happened following September 11 if we had to do all that before we could have closed the skies over this country, knowing that there were aircraft with potential terrorists on board?

In fact at one point, at 11 o'clock in the morning of September 11, I was sitting with the president of the Credit Valley Hospital who was informed that there was an aircraft, with a suspected hijacker in control, on its way to Pearson Airport and the hospital was put on full alert to deal with possible casualties, injured people or worse. Should our minister not have the right, given the circumstances under which we live, to act quickly? I can hear the cries of indignation and the demands for resignation if a minister failed to do so.

The other thing that is not told in this story is that the only way we can actually use the Emergencies Act is if we declare the problem to be global. Let us think about that. Certainly what happened on 9/11 was a global problem. We may not have had a problem in that

regard. Let us talk about another situation. What about forcing the closing of cockpit doors? What about Health Canada in the case of a chemical attack or a problem? Should the minister not have the ability to give an order to deal with those kinds of emergencies and not get caught up in the matter of whether it is global or not, getting cabinet's approval at a meeting and getting together with the provinces to get them on side? Meanwhile we have a serious problem occurring somewhere in our country. We have an obligation to put in place a tough bill.

Another aspect of this is that the government listened. The government listened to the opposition, whether it wants to accept it or not. The government listened to members of our own caucus. The government listened to the Canadian people. It then said that Bill C-42 was perhaps too restrictive and that it did not give us the tools we needed. Therefore it withdrew Bill C-42 and submitted another bill.

This is not an admission of failure. We needed to act after September 11 and we did act. The accusations that we were slow and that we did nothing were totally unfair, uncalled for and untrue. We will continue to act with the bill to ensure that the civil rights of people are fairly balanced with a bill that gives our law enforcement agencies the tools they need to protect the Canadian public. There is nothing more sacred in the duty of a member of parliament than to live up to that obligation. I honestly believe the bill does that.

● (1235)

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, another important obligation of members of parliament is to respect this institution, which includes respecting the hard work of committees.

Could the parliamentary secretary to the Deputy Prime Minister comment on work that his colleague from Chicoutimi, who is about 10 feet to his left, and I did on the transport committee? We spent probably over \$1 million of taxpayer money travelling down to Washington, D.C., going to Pearson airport and taking in countless witnesses to the transport committee. We put together a package of 15 recommendations on airport and airline security.

The 14th recommendation stated that the government should consider financing new air security provisions with a number of options so that the cost of airport and airline security would be dovetailed out and not one sector of the air industry would be hammered. The government ignored completely every recommendation of that report and imposed a \$24 round trip security air tax which is nailing consumers.

That report was given unanimous support by every Liberal at the committee, including the parliamentary secretary to the transport minister, the second in command on transport policy. The government ignored the committee and slapped the Liberals on the committee in the face, including the parliamentary secretary to the transport minister.

*Government Orders*

Could the Deputy Prime Minister tell us why the government so absolutely disregard that and disregard the work of the committee? Why did it impose a \$24 tax against the wishes of the Liberals on the committee, including the member who is 10 feet to his left?

**Mr. Steve Mahoney:** Mr. Speaker, I want to thank the member for my promotion. I am not the Deputy Prime Minister. I would love to be but I am afraid I have not quite reached that exalted office yet. One never knows, stranger things have happened.

The government does respect the work of committees. I see my colleague who I believe is from New Westminster. He and I have both recently come back and are in the process of writing a major report that deals in some ways with security around airports. He told us at committee this morning some interesting things, and we will be investigating how we can improve certain security aspects in relation to immigration.

The government obviously will not agree with every recommendation from every member on either side of the House. The government has a higher obligation and that is to ensure the security and safety of its citizens. If we do nothing else, and some would say that is exactly what we do, we have to live up to that obligation.

Sometimes some great ideas come out of committees that perhaps do not make it into a particular bill. That does not mean they will not live to perhaps find themselves in regulations in a different way. The government is open. I can assure the member it listens to its own members. Whether the member wants to believe this or not, we even listen the odd time to the little smidgeon of good ideas that sometimes come from across the floor.

[*Translation*]

**Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.):** Mr. Speaker, the prospect of biological weapons being used, whether it be by states, criminals or terrorists, horrifies and repulses all civilized people. Today the very idea of deliberately propagating diseases via bacteria, viruses, or toxins that affect humans, animals or plants is considered, justifiably, a taboo and is condemned by international treaty law and customary international law.

Since 1925, the Geneva Protocol has prohibited bacteriological warfare, in other words, biological weapons. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, better known by its acronym, BTWC, completely prohibits the possession of such weapons. The BTWC, which was negotiated in 1972 and came into effect in 1975, was the first worldwide convention to prohibit an entire category of weapons of mass destruction. It set a universal standard and is an important pillar of international peace and security.

• (1240)

[*English*]

As I mentioned, Canada signed and ratified the BTWC in 1972 and strongly supports the convention. Canada attaches great importance to full compliance with the provisions of the convention and supports fully its purposes and provisions. To our profound regret, I remember well last summer, negotiations for such a protocol collapsed in July after seven years of hard work, denying the world

truly its best chance to achieve a mechanism to impede the development and spread of biological weapons.

At the review conference, many other countries indicated that in light of the events of September 11, which subsequently followed and in light of subsequent bioterrorism attacks using anthrax, they were in the process of revising or supplementing their own legislation relevant to biological weapons.

National enforcement efforts cannot substitute for an international compliance mechanism aimed at preventing the development of biological weapons. It was that compliance mechanism that we were close too when it collapsed with the withdrawal of one of the major countries.

In themselves, national efforts are still valuable and necessary. Export and import controls, licensing, domestic inspection, verification and policing all complement and buttress the global ban on bio-weapons.

Article 4 of the BTWC would require state parties, in accordance with their own constitutional processes, to take measures to prohibit and prevent the development, the production, stockpiling, acquisition or retention of banned substances and articles in their own domestic territories, jurisdiction or control. In view of the collapse of the protocol negotiations in July and then later of the terrorist threat which emerged only two months later, it is now appropriate to go beyond the strict requirements of that convention and to supplement our own existing Canadian legislation with an act which specifically prohibits both biological weapons and related agents.

The biological and toxin weapons convention implementation act, which I have been calling the BTWC for obvious reasons, would put Canada at the forefront of these efforts to prevent biological weapons proliferation and bioterrorism. It will allow Canada to fulfill its obligations under the BTWC better because we will have done domestically what we had failed to do so internationally by ensuring that the convention's ban is respected not only by the Government of Canada but also by individuals, organizations and institutions in Canada, and that is very important.

The vast majority of the biological agents and of the types of equipment which may be employed in the manufacture of biological weapons are dual use; that is to say, these substances and articles have legitimate, even vital roles in fields like science, pharmaceuticals, medicines and agriculture. Likewise bio-defence programs intended to develop detecting devices or vaccines, antidotes and protective gear to defend against biological warfare attack require biological agents and equipment. Dual use agents and equipment are therefore essential to our health, prosperity and security and also for the advancement of knowledge. That is why it gets to be a somewhat intricate matter.

However the BTWC recognizes the dual use nature of these substances and articles by allowing articles which have prophylactic, protective or other peaceful purposes and equipment not designed for hostile purposes. They will continue obviously to be allowed and these exemptions for legitimate use are preserved in the legislation we are speaking about today.

*Government Orders*

To give Canadians assurance that biological and toxin agents and dual use equipment are not turned to evil purposes or diverted from their intended peaceful purposes, regulations are required. Such regulations would also increase the confidence in other countries that Canada is harbouring no official or unofficial biological weapon programs and encourage compliance elsewhere with the convention. Reciprocal confidence reinforces itself, which again contributes to peace and stability both for Canadians and worldwide.

• (1245)

Subsequently, last December in Geneva at the fifth BTWC review conference, the Canadian delegation strove to promote an outcome which would have contributed to the convention's integrity and vitality by building bridges between regional groups, by advocating an enhanced review process, and by working for the adoption of new measures to strengthen the convention. That included a viable way forward to resume negotiations for what I mentioned earlier, the multilateral, legally binding compliance mechanism for the convention. It is therefore again unfortunate that the review conference was unable to achieve that outcome last December.

Let me assure the House that Canada has not given up its efforts to reinforce the global ban on germ weapons. We look forward to the review convention's resumption this coming November. We will indeed continue our efforts, as we have in the past, and we will work with other countries that are trying, like us, to accomplish the same aim.

The BTWC implementation act will therefore provide the legal basis to create a licensing regime for more complete control of biological substances and articles. It will also permit the establishment of a responsible authority and will set out the powers of inspectors charged with enforcing the act. It has been very carefully crafted to ensure that Canadian procedures will be compatible with any eventual international mechanism so that we will not have to go back and redo the process.

While the licensing regime and regulations should be rigorous, they must not be excessively burdensome for the legitimate users of biological agents. Indeed, we expect that the process of elaborating regulations and of establishing this new responsible authority and inspectorate will require intensive study and consultation with many sectors, including industry, farming, universities and medical, scientific and research sectors, all places where these agents may be used for very legitimate purposes.

[*Translation*]

Given that these are technical questions, it is important to get them right. A single solution will not work. The degree of control and safety required for a containment facility where highly contagious diseases are studied will obviously not work for a research institute doing work on low-risk pathogens.

This legislation will make Canada and the world safer. It will prevent the development and proliferation of biological weapons around the world. It will show that Canada is committed to fighting terrorism. At the same time, it demonstrates our active support of the BTWC and a multilateral approach based on rules, non-proliferation, arms control and disarmament. This is in line with the role that Canada has always played to increase co-operation for security. For this reason, I propose that we pass it quickly.

[*English*]

**Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance):** Mr. Speaker, I will be splitting my time with the member for Lethbridge.

I rise today to discuss Bill C-55, the public safety act. We all live in a different world in the wake of the September 11 attacks. Legislation is needed to address the security concerns we all face, however, Bill C-55 has very serious flaws that need to be addressed if it is to become law.

This is the third attempt to put the bill before the House. The bill began as Bill C-42, which was later split into two parts, with Bill C-44 being passed earlier in the session. We are pleased that the bill was split at the time so as to allow our support for the air safety regulations in Bill C-44. Now we have Bill C-55, supposedly the new and improved version; however, the government has not addressed any of the serious issues that caused the collapse of Bill C-42. The bill remains flawed.

The government has a poor track record of controversial legislation. The species at risk act was recently pulled from the order paper after a third aborted attempt. Long awaited amendments to the Divorce Act are delayed yet again while the government tries to find a way not to offend anyone.

The government simply cannot cope with difficult legislation. Why? A government without any policy direction is revealed when called on to make policy. Its lack of ideas is exposed. When it does come up with ideas they are often not well thought out, they anger all sides of the political debate and they do not address the needs of Canadians. Worse, when it does bow to public pressure and withdraw a bad bill, which is rare, it does not make any real changes. Bill C-55 does not adequately address any of our concerns with respect to Bill C-42. Why introduce the bill at all if the government will not fix it?

My main concern with Bill C-42 was the unreasonable amount of power that was given to a handful of ministers. The Canadian Alliance believes that the powers under the Emergencies Act to declare various stages of public emergency are adequate. The Aeronautics Act also allows for ministerial discretion, but forces its ratification by parliament or cabinet within 14 days. Bill C-42 allowed cabinet ministers to unilaterally declare an emergency in an area, as a result giving them very broad enforcement powers. Those decisions did not have to be reviewed by cabinet for three months. Parliament as a whole might never have been consulted at all.

*Government Orders*

Bill C-55 purports to address this by reducing the review period from 90 days to 40 days. Imagine, he now can get his cabinet together in 45 days. It must be pretty tough to pull them all together. This is ridiculous. Both periods are equally extreme. Invoking extreme measures that limit democratic rights in Canada should be relied upon only as a last resort. When they are invoked they should be debated in parliament, not in a closed door cabinet meeting. This should happen in a matter of days, not weeks or months. Furthermore, this authority to be given to ministers is not accompanied by any specifics as to how it would be implemented. It is not indicated that ministers would be responsible for enforcing the order or, more important, that they would be accountable for it.

Frankly, Bill C-55, like Bill C-42, looks suspiciously like nothing more than another power grab. We owe it to Canadians to ensure that their civil liberties will not be suspended without very good reason and within very strict parameters. Furthermore, the sheer size and scope of Bill C-55 make discussion difficult. No single committee can be tasked with so many changes. The Canadian Alliance requests that the bill be split into sections to allow more informed, useful debate both in this place and in committee.

No one is denying that there is a need for security measures to protect Canadians. For this reason I support bringing about fair laws. Bill C-55 does address a few of these areas, and in particular the measures that would protect the jobs of the reservists when they are called into active service. That is excellent and I fully support that. This law is long overdue. We have been calling for this for some time.

• (1250)

We also support measures to update the Explosives Act and measures that would make terrorist hoaxes an offence. Our security personnel have a tough enough time dealing with real terrorists without having to waste valuable resources on pranksters.

Again, these are positive steps in the bill, but unfortunately the balance is not acceptable. The overwhelming power grab, not having to come back to cabinet for weeks, discussing it behind closed doors, and not even having to come before parliament, all of these are not acceptable. I would like to support this type of legislation to actually enhance and protect public safety, but the bill should be about people's protection. Instead it is more about giving more unaccountability to government. It is famous for that. The single fatal flaw in this institution is the lack of accountability of the executive of the government. This is a bill that will give them more powers with no accountability. The government is famous for allowing ministers to do as they will with no regard for the House of Commons. Bill C-55 is another classic example. Ultimately, eight months and three drafts later, the bill remains a failure. I ask the government to make significant amendments to address the faults I have outlined.

I would like to add one other point about the whole security situation with regard to September 11. The government is now collecting the \$24 air tax from travellers in the country. It is having a huge impact in my riding. The Victoria airport is in my riding, which generally has short flights, and \$24 is a significant burden.

Worse than that, what I learned last week was appalling. The government is scrambling to find a way to create an appearance or a perception that the travelling public is actually getting something for

that \$24. What is the government going to do? For any airports that have flights to the U.S. or national flights, it is going to put armed RCMP or police officers in the airport beside security so that there is a perception, and I emphasize perception, that travellers are getting something for their \$24, because right now the travelling public is saying that there is not a lot of difference. They go through security and their bags go through an X-ray machine, so not a lot has changed.

The government talked about explosive detection equipment but when we actually speak to the people in the airports they tell us it will take two to three years to even order that equipment because there is such a huge backlog. Yet the government is collecting another tax and putting the money into general revenues. It is wrong. In my community there are only 24 police officers. It would take five police officers from that detachment just to man the airport. That would pull police officers off the street. Again the frustrating part is that the government is not interested in the public or in accountability. It is interested in creating a perception. It says it has to give people something for that \$24 so if it throws some armed police into airports people will think they are a lot safer. It is wrong.

Let me emphasize that the biggest fatal flaw in Bill C-55 is the power grab it is giving to the ministers, with zero accountability. They do not even have to come before the House. They can wait weeks before they have to go to cabinet. That is not acceptable. Cabinet could be convened in a matter of hours, if not days. Parliament could be recalled if those kinds of extraordinary powers were necessary. Unfortunately again the government has demonstrated that when it comes to accountability it is still getting an F.

• (1255)

**Mr. Rick Casson (Lethbridge, Canadian Alliance):** Mr. Speaker, it is good to take part in the debate today on the new bill the government brought forward, Bill C-55. It replaces a couple of other attempts the government made to address the issue of security.

I do not feel Canadians who read the bill would feel one bit more secure. The safety and security of the citizens of a country is the number one job of a government and in this instance they have been let down.

The bill is an omnibus bill that addresses 19 different acts of parliament in nine ministries, all lumped together into one bill brought forward by the transport minister. It is to be dealt with by one committee and we feel therein lies one of the greatest problems. The bill should be split so that each area would be dealt with by the ministry or committee to which that section pertains.



*Government Orders*

We support some of the things that are being addressed in the bill but one of the factors of real concern is the extra special powers given to ministers without prior approval by cabinet, or furthermore, by the House. The ministers affected are: environment, health, fisheries and oceans, transport, justice and immigration. It would give them an interim order ability which would give them more power to act without any consultation with cabinet or parliament. However, the general increase in authority is not accompanied by any new specifics or assumptions of the responsibility of the minister concerned.

We have the ability to create the special situation but we do not have the coinciding responsibilities to which the minister must adhere to in carry it out. That is one of the things that needs to be addressed. We were hoping for that and maybe when we get into discussion in committee some of these things could be brought up. Certainly more than one committee needs to address the issues in the bill, not just transport.

We talk about the \$24 charge for a round trip ticket to increase security at airports. I fly quite regularly. There are no X-ray machines at Lethbridge. Carry-on baggage is checked by hand and I joke with the people who do it that if I am ever missing anything they should remind me and I could go home to get it. They are getting quite familiar with my belongings.

We asked the minister to explain to us in detail what the \$24 per head would bring to the airport, specifically Lethbridge in my riding. We have not seen anything concrete come of that. We have some 60,000 passengers, and times \$24 is a large amount of money. What will the government do to make us feel more secure when we travel?

This whole thing is in response to the terrible crimes that were committed on September 11. It has taken our government eight months to come up with a bill that will be debated, and go on for I do not know how many more months, to address the situation of security in Canada. That is not acceptable.

It is a situation in which we now exist. It could happen in Canada at any moment if we are not vigilant. Yet we are still fudging around with the laws that would allow our country to protect itself better.

There is the issue of some of the defence measures that would create special military zones. I support that and I believe our party supports it to some degree but we need some definition of it. There has been concern raised as to what it would entail. If a military vehicle were to be parked somewhere could one go in to protect it by using any means thus getting around the whole issue of creating a special security zone?

These are points that need definition. We do not see it in the bill. Somebody should be bringing that forward to allay some of the fears that it will be abused. If indeed it is intended to protect military equipment, if we have ships or whatever that need to be protected, then let us define that and make sure that is what it is doing.

• (1300)

The issue of money laundering is a whole separate problem this country has that needs to be addressed but that is in the bill.

One thing too is job protection for people who are called up from the reserves. That is important. We have a competent, capable and

willing reserve contingents in this country. When they get called up it almost goes without saying that the job they had should be protected while they are performing that special duty.

We talked about taxes, special levies, airport fees, and this \$24 security tax. One set of figures brought forward dealt with a flight from Calgary to Edmonton where the actual cost of the ticket was \$100 and it was \$188 by the time we were finished paying for it. It cost 88% more on top of what the actual ticket was when all the fees were added on.

This \$24 charge is causing some problems. Lethbridge has an operation called Integra Air that flies directly from Lethbridge to the municipal airport in Edmonton. It is a small operation but it offers a service that is well subscribed to. This \$24 fee has made it revisit some plans it was looking at for expansion into Calgary to connect to some WestJet flights. It is unfortunate when a levy such as this adversely affects the future plans or the operating plans of a company in Canada. We need to look at what we are doing and what we are getting for that \$24.

I know the transport minister has addressed this issue to some degree saying that any cases like this would be looked at. He wants to know when an operation has been affected by this \$24. We have brought that to his attention so we will be watching him carefully to ensure that it is addressed.

We have seen omnibus bills before. Bill C-15 was one of those. We eventually split into Bill C-15A and Bill C-15B. We had issues that dealt with the protection of children from predators and pedophiles, cruelty to animals legislation, and regulations affecting the gun registry. We fought to separate those issues, some of which we supported. They were put into Bill C-15A and we supported it and moved forward. We are still debating and have some problems with Bill C-15B

I would like the government to consider that aspect. We should quickly put into place certain issues without holding up the entire bill because of some aspect of it that we do not particularly like. It should be done in a way that reflects the powers of each ministry so that the committee and the minister responsible for that particular section deal with it in a very direct way.

I wish to mention the issue of documents. Every time we ask questions of the immigration minister he would sooner return an attack. I guess he believes that the best defence is a strong offence. The issue is about people travelling on airplanes. We must know who they are. What happened on September 11 was that terrorists used planes and the people on them as virtual bombs to attack the United States.

We must know who is on those planes. Are they a threat to the people on the plane and the people on the ground? The ability to collect documents, to identify, to share that information with law enforcement agencies, and to pass that information on to the RCMP and CSIS is critical. Without that how can we possibly feel that the bill would work?

*Government Orders*

There are a lot of issues to be addressed. It has taken a long time to get this far which is unfortunate. The United States was able to put a bill forward very quickly. The government has been trying to mirror that for eight months now and it does not have it right yet. Hopefully some of the suggestions that are coming out in the debate today will be taken to heart so that when it is finally passed the bill will reflect what Canadians truly need.

• (1305)

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, last fall the government promised that it would listen to the concerns of members of parliament and Canadians with regard to Bill C-42 and it has. Bill C-55 improves on Bill C-42.

[*Translation*]

This bill will improve the safety of Canadians, while protecting their rights and their privacy.

[*English*]

I would like to briefly outline for the House how the proposals contained in Bill C-55 would affect the defence portfolio and the National Defence Act. I will begin with controlled access military zones.

One of the most substantial changes in the new bill is the replacement of the military security zones as defined in Bill C-42 with the new controlled access military zones. These zones would be temporary areas designated to protect defence establishments as well as Canadian forces and visiting forces' personnel and property, both on and off defence establishments. This would include, for instance, a Canadian, American, Italian or French ship that might be anchored in one of our harbours, or perhaps a Royal Air Force aircraft or two that would be temporarily staying at a civilian airport.

The new controlled access military zones are more limited than originally envisioned and have more restrictions on their use and purpose. For example, these zones would only be designated where they are considered reasonably necessary to ensure the safety and security of Canadian forces or allied personnel or equipment.

In other words, there would be no sweeping designations for international conferences, such as the one at Kananaskis. There would be no sweeping designations, as some people suggested, to cover an entire province or city. That was never the intent, but certainly people expressed fear about it.

In addition, the authority given by the minister of defence cannot exceed one year. Only the governor in council, the cabinet, could approve a renewal and only if it is deemed reasonably necessary, a fact that could always be tested in the courts, that the designation be in place for a period longer than one year.

These zones would help us better protect our military personnel, equipment and establishments from the possibility of terrorist attacks. They would make us a more responsible ally when it comes to protecting visiting forces.

• (1310)

[*Translation*]

Following our consultations, we introduced a second series of amendments concerning the protection of defence systems and networks.

[*English*]

Provision in Bill C-55 would give the Department of National Defence and the Canadian forces the authority to protect their information technology without compromising the privacy of individuals. Defence systems and networks play a critical role in the daily operations of the Canadian forces both at home and in the field. As such they are high value targets for attack and for manipulation.

Under the new legislation the Minister of National Defence would have the authority to permit the department and the Canadian forces to intercept communications into, from, or through defence computer systems. This is very similar to a provision in Bill C-36 that involved the civilian oriented Communications Security Establishment in the defence of government departments and their systems. This would be done only in order to identify, isolate or prevent the harmful, and I emphasize the word harmful, unauthorized use, interference or damage to the information systems.

These authorities would be strictly for the protection of our systems. They would have nothing to do with listening to private conversations or eavesdropping, nor would they apply to actions that would more appropriately be covered under the government's acceptable use policy or the criminal code. They are however, essential to protect our information technology systems here at home and abroad. In the case of controlled access military zones, they would make Canada a more reliable international partner. Our IT systems are often closely integrated with those of our allies and we cannot afford to be the weak link in that chain.

The privacy of Canadians would remain paramount when it comes to applying these new authorities. A number of safeguards regarding the use and retention of intercepted communications have been incorporated into this provision. For example, the commissioner of the Communications Security Establishment will be responsible for reviewing activities carried out under this authorization.

Nothing in this part of the bill will in any way affect the powers or the role of the privacy commissioner who has previously looked at these kinds of systems in connection with CSE and has found them to be quite satisfactory.

Let me turn to the establishment of the reserve military judges panel. There are six provisions in the bill that apply to defence. This is another one. The amendment is designed to provide the chief military judge with a mechanism to access qualified reserve officers with prior experience as judges in the military justice system.

*Government Orders*

The establishment of this panel would ensure that our military judiciary has the same flexibility as currently exists in the civilian court system. It would provide an effective and efficient mechanism to respond to short term increases in demand for judicial services. At the same time it would prove beneficial when competing demands or conflicts limit the availability of the permanent cadre of military judges. The amendment is about efficiency and due process, which I believe Canadians would support.

Another element in the legislation is job protection for members of the reserves. Our ability to generate forces in the event of an emergency can in part depend on the compulsory call out of reservists. Should this situation arise, we have a responsibility to ensure that these members do not lose their civilian employment. The bill would ensure that they are reinstated with their civilian employers in equivalent work upon their return from the call out. The proposed amendment would mean that reservists would not have to choose between possibly losing their livelihoods and breaking the law that requires them to serve on call.

• (1315)

[*Translation*]

This is a pragmatic and a moral concern.

[*English*]

We will not be able to recruit new members if they risk losing their jobs when called out compulsorily. At the same time we cannot oblige our people to serve and not protect their employment. These measures will ensure that the dedicated men and women of the reserves are treated fairly when they make the sacrifice to serve their country.

I might add, if they are volunteering for a service such as they have in some of our past natural disasters, such as the ice storm, or the floods in the Saguenay or the floods in the Red River, that would continue to be on a voluntary basis as it has been in the past. In this post-September 11 world with the possibility of a terrorist attack and if an emergency arises in which there has to be a compulsory call out, it is only in that context we would use the job protection provisions. It is only in the context of an emergency compulsory call out.

Dealing with the word emergency brings me to the next component of the amendment and that is the definition of emergency. The proposed amendment simply modernizes the definition of emergency found in the National Defence Act by making clear reference to circumstances of armed conflict that fall short of formally declared war. It will now be defined as “insurrection, riot, invasion, armed conflict or war, whether real or apprehended”.

The difference from the previous longstanding legislation are the words “armed conflict” and the word “whether”. The word “whether” is put in the English text to make it balance with the French text. Insurrection, riot, invasion or war have always been there.

Not too many wars are actually declared these days even though there is armed conflict. There has not been a war declared by this country since the second world war even though there are a number of conflicts that have been called war in the colloquial sense. In the

popular jargon when we refer to such things as Korea or gulf or Afghanistan, the word war is frequently used but they are not involving Canada or our allies in an actual declared war. The words “armed conflict” help to bring things up to date in that respect.

I stress that this would in no way lower the threshold for declaring an emergency. Rather it aligns the definition with the new security environment in which wars are seldom declared, as I have said, and threats are often posed by groups other than states.

The amendment is important because a number of important powers under the National Defence Act, such as the authority to retain Canadian forces members on service beyond the date on which they are entitled to be released, are tied to the existence of an emergency as defined in the act.

The sixth and final provision that involves defence in Bill C-55 amends the clause regarding aid to the civil power. This is really the same as it was in Bill C-42. Most of the provisions are the same as they were in Bill C-42 except for the controlled access military zones.

The provisions of the bill would allow the Minister of National Defence to provide appropriate direction to the chief of the defence staff to ensure the Government of Canada has the ability to manage simultaneous or multiple requests for assistance during an emergency.

[*Translation*]

Requests for aid to the civilian authorities will continue to be made directly to the chief of defence staff.

[*English*]

In conclusion, we have listened to the concerns of Canadians and have presented a bill that responds to the security threats that face Canada, that protects individual rights and protects privacy. It makes us a strong partner in the international fight against terrorism. It further improves the ability of the Department of National Defence and the Canadian forces to protect Canadians from terrorism and its effects. I strongly recommend that the bill be supported.

• (1320)

**The Acting Speaker (Ms. Bakopanos):** Five members have stood on questions and comments. If they all keep their questions short, we will be able to get all five questions in for the minister and that applies to the minister's answers too.

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Madam Speaker, I have four specific questions. They are very brief and I will ask the minister to address them specifically.

First, in the House we have heard a lot about the issue of ministerial accountability, ministerial power, timing and the issue of obtaining cabinet approval or actual referral to the House. In view of the comments he has heard in the House today, I would like him to put those arguments to rest. This is his opportunity to respond to the biggest objection that is coming from this side of the House.

*Government Orders*

Second, he talked about no sweeping power over Kananaskis. Then what is the legal context that is anticipated to protect the area of Kananaskis when the big international conference happens? If the bill is not going to deal with it, what is contemplated for the legal context of protection? What is going to be used?

Third, regarding reservists, there are improvements but I am questioning the minister about the exit interview, the thank you, and the whole process when a reservist returns to Canada. It is different from a regular force member who goes back to the unit. Reservists return to Canada and go back to their jobs. It seems they are just dumped into the street without proper recognition of what they have done, proper debriefings as to what their experiences were, and transition mechanisms to go back into the street.

Fourth, we have a request before the House that the bill be split. The minister has taken great pains both in the introduction and before he sat down, to say that he has listened to Canadians. I hope he has listened to the House and will respond specifically. Will he respond to our request to split the bill?

**Hon. Art Eggleton:** Madam Speaker, first of all I have not heard the previous discussions so I am not totally aware of what has been said about the subject of ministerial accountability.

Let me say that in the context of this bill, the minister is responsible for only doing what is reasonably necessary. He or she must have a recommendation from the chief of the defence staff. The minister, whoever the minister happens to be at any time, cannot go off and do anything on his or her own. A very clear recommendation must come up the chain of command from the Canadian forces.

Furthermore the minister has to advise people. There is a requirement to put notice in the *Canada Gazette* unless there is a security reason not to do that, but by and large the requirement is to do that. There are other provisions that say the minister can notify people in the local community, et cetera with respect to anything that might have an effect on them in the designation of an access zone.

Furthermore the minister is accountable to the House. The minister sits in the House. Every day the minister is called upon to answer questions. Within 24 hours of the minister making any designation, the opposition would be on its feet asking the minister to justify what was being done. If in fact there is a—

**An hon. member:** Oh, oh.

**The Acting Speaker (Ms. Bakopanos):** I apologize to the minister. We will show the same courtesy to the minister as we showed the member asking the question please. I want to get in every member who wants to get in on questions and comments.

**Hon. Art Eggleton:** Madam Speaker, four questions can be asked a lot faster than four answers can be given.

Let me go on to the next one about no sweeping powers in Kananaskis and what is going to protect it. It is the police. The police have the responsibility.

The RCMP can create the same kind of cordoned off areas that we are talking about here in military access zones. It does it on the basis of common law as it has been doing for hundreds of years in the common law context. It has been doing it since Canada has been around. It has that kind of obligation and framework to do that.

We are going to be in support but we certainly cannot designate Kananaskis as a military zone. It is not in the provisions of this bill. We are there in support of the RCMP. It has the responsibility on the matter.

I have not heard the argument on a split bill and cannot comment on that.

In regard to reservists, I do not know that it is directly related to what is in the bill. We are not talking about those who serve in a voluntary capacity. Those who serve overseas on peace support missions are still in a voluntary capacity, not on a compulsory call out.

We have not done a compulsory call out since Korea. I do not know when we might do one, but given the reality of security matters in the post-September 11 world, we want to provide for the possibility that we might do that.

With respect to exit interviews and things like that, we have a program going now. We have an office now for the land force reserve restructuring. A lot of them are land force members that we are talking about here in terms of peace support operations. We are beginning to make very substantial changes and improvements in the condition of services for reservists.

• (1325)

[Translation]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Madam Speaker, I listened to the minister, who said he had understood what people wanted and that that was what had finally convinced him to make amendments to Bill C-42. The terminology is the biggest change to the bill. He has gone from military security zones to controlled access military zones. The minister's powers, however, remain practically the same. That is what people were afraid of.

Regarding the powers given to the Minister of National Defence, members should examine subsection 4 of section 260.1. It reads as follows: "The dimensions of a controlled access military zone may not be greater than is reasonably necessary—". This is pretty sweeping.

How will this be interpreted by the Minister of National Defence, who showed a distinct lack of judgment throughout the Afghan prisoner affair. He did not even feel the need to inform the Prime Minister or cabinet that our troops had taken prisoners, when everyone was on the alert and it was an issue internationally. He did not have the judgment for a simple decision like that. How is he going to interpret the term reasonably necessary? And how is he going to justify these interim orders, when sections 3, 5 and 11 of the Statutory Instruments Act do not even apply to these entire sections of the legislation.

*Government Orders*

As members are well aware, under sections 3, 5 and 11 of the Statutory Instruments Act, regulations are checked to ensure that they are consistent with the Canadian Charter of Rights and Freedoms. It is all very fine and well to celebrate the 20th anniversary of the charter, but the first opportunity that the government has to demonstrate that the charter means something to it, it introduces Bill C-55, and excludes entire sections of the legislation from the application of the charter. Does it not think that it is making a mistake with this bill and that it is treating the comments it has received from Canadians and Quebecers with arrogance?

The Liberal backbenchers who never say anything are another fine example. They are there to be yes men and they let anything through.

[*English*]

**Hon. Art Eggleton:** Madam Speaker, the hon. member is wrong in just about everything he has said, including his comments about Afghanistan.

There is a big difference. We have listened to people in the House and to Canadians. We took out the subsection which said that the government could declare virtually any area as a military security zone. We are back to the original purpose and intent which is to protect military equipment. If we have a ship visiting, we need to be able to give it police protection and military police are the appropriate means of protecting it.

Members will remember that when the USS *Cole* went into Yemen it was not properly protected. There was a terrorist attack and people lost their lives. We obviously do not want that to happen to either our troops or any visiting troops who might be here.

The military bases pretty well have that kind of protection but there are a lot of port visits that are done by ships or even by aircraft to civilian airports. We might need to put a little cordon around them and have military police patrol them. That is all we are talking about here.

Under the common law, civilian police already have all these authorities. We are just talking about the same authority in regard to the protection of military property. It has in fact been narrowed in scope substantially to what is reasonably necessary to serve the purpose and intent of the bill. The purpose and intent of the bill is to protect military equipment.

If a minister attempts to be unreasonable about it he can be taken to court. The government can be taken to court, just like in any other provision and just like in the common law relevant to the civilian police. They have been doing this for ages. What about the fact that they cordon off areas and have police patrol them? We can take them to court too if we think it is unreasonable. This provides for that as well.

The Bloc has made some issue about the question of claims here, because it does not provide for lawsuits on the basis of claims. It provides for claims however that can be made against the government and funds provided from the consolidated revenue account if anybody is injured or, for example, if the cordoned off area means that people cannot get into their businesses and they want to claim for loss of business revenue. That provision is the same as it is in civilian law. The bill just makes it consistent with civilian law.

● (1330)

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Madam Speaker, I guess I will have to fit my questions into my speech seeing as I did not have an opportunity to ask the minister any questions.

While the minister is still present, I will start with one of the things raised in the question and answer period concerning the status of reserve military personnel and the way in which the bill provides for them to be able to return to their jobs after being called up in an emergency. I acknowledge that this is not just in Bill C-55 but that it was also in Bill C-42. Even though I do not like most of the bill, I am pleased with that particular aspect of it because we do owe our reservists that much. When they are called up in an emergency situation they should be guaranteed that they can return to their jobs.

What I would urge the minister is for the government at some point to go further than this and create a similar regulation or a similar piece of legislation for reservists who volunteer for peacekeeping missions. It seems to me that we would be able to make better use of our reserve forces for these kinds of missions if more people were free to volunteer and were guaranteed that they could return to their jobs after participating in such missions.

If I heard the minister correctly, those kinds of missions are not covered by Bill C-55, so I am not misrepresenting the case. I urge on the minister that the government at some point should consider this. I know there are plenty of people in the reserve and within the military community at large who feel that this is something that should occur in any event. It would create a situation where better use could be made of our reserves.

While I am on that topic, one of the things that has always struck me over the years here in the House is how little controversy there has been about the use and the role of the reserve armed forces. This is one of the things that has always been a mystery to me. This is one area of defence spending in which there is no controversy. If the government announced tomorrow that it was going to spend more money on the reserves, there would not be an opposition party that would be critical of it. This has been true for a long time and yet it never happens. This is one thing government after government could have done without the kind of criticism that it might expect on nuclear submarines, on this helicopter, on that helicopter or on whatever. This is the one thing governments could do and there would not be a peep and yet it does not do it.

**Hon. Art Eggleton:** We are doing it.

**Mr. Bill Blaikie:** Well the government is doing it awful slowly if it is doing it. I guess it is trying to do it in a way that nobody notices.

*Government Orders*

We know the problems the military is having with recruitment and with infrastructure. Some of our armories are the only places where we can walk in and feel like we are having a time travel experience. Our armories do not look any different than they did in 1965 when I first started going as a cadet. If I ever want to revisit my past I just have to go there and I will see that absolutely nothing has changed except that the rifle ranges are closed down because proper equipment has not been provided and a whole bunch of other things that used to be there are not there. However I did not get up to make a speech about the reserves. I am here to talk about Bill C-55.

With respect to Bill C-55, we in the NDP were opposed to Bill C-42 and we are opposed to Bill C-55 in spite of some of the changes that have been made. The minister pointed out changes that have been made with respect to controlled access military zones. The change between Bill C-42 and Bill C-55 is a change for the better in the sense that it does limit in a way what the previous bill did not, and that is the application of this particular power of the minister of defence.

I understand the difference between being able to designate areas around equipment, personnel and entire areas that contain that which the forces have been assigned to protect. That is fair enough. However what the minister has not answered is whether or not the insertion of equipment or personnel into the area that is to be protected or in close proximity to those which are to be protected could then become a rationale for doing in effect what was possible in Bill C-42.

• (1335)

In the final analysis this comes down to trust. Do we trust the government not to have a hidden agenda or not to abuse the language that we see in Bill C-55? It is a hard thing to get a hold on. It is a bit like what we talked about when we were debating Bill C-36. If we had been debating Bill C-36 not in a context where protesters had been pepper sprayed at APEC, rubber bulletted at Quebec City, et cetera, maybe we would have had a more trusting feeling about the government when it came to Bill C-36. We still have not been able to build up that appropriate sense of trust so that we can take at face value what the minister says about these new controlled military access zones not being available for purposes like Kananaskis, although the minister has been very clear that it is not intended and cannot be used for Kananaskis. We will know soon whether the minister was telling the House something that is not true.

With respect to the difference between Bill C-42 and Bill C-55, it seems to me that we have a bit of sleight of hand here in the sense that there is the illusion of more parliamentary involvement than there was in Bill C-42. There was no illusion of parliamentary involvement in Bill C-42. We cannot accuse Bill C-42 of being involved in any sort of sleight of hand. However in Bill C-55 interim orders would have to be tabled in the House of Commons within 15 sittings days and therefore we would have the opportunity theoretically of these interim orders being the object of debate in the House of Commons. I grant that, except that we all know that simply to be tabled in parliament does not mean that it will be debated in parliament or voted on in parliament because the government controls parliament. Except in the situation of minority parliaments or in the situation where we had a much freer political culture than we do now in the House, the government controls

parliament. In fact when the Minister of Transport was being interviewed on this he said "It will be tabled in parliament and you know, an opposition MP might be able to move a motion to have it debated and the government might even support it". The word is "might".

What we are saying is that if we really wanted parliamentary oversight and wanted an opportunity for parliament to debate this we would not leave this to the whim of a government that might be sensitive about what it had just done 15 sitting days ago. We might want to mandate that parliament would have to debate it within a certain timeframe, perhaps not 15 days, but perhaps within a certain timeframe after it has been tabled, whatever, but we would not leave it subject to the parliamentary dictatorial powers of a majority government as to whether or not that ever actually came up for debate.

That is certainly one of the concerns that we have. The fact is that the interim orders themselves, as has been argued by other members in the House, are inferior substitutes for the kind of powers that the government now has under the Emergencies Act, except that the Emergencies Act of course would have to involve parliament in a much more meaningful way than these interim orders potentially involve parliament.

Quite the contrary to what the government is saying, it may not be that now it has listened to Canadians and now it is trying to involve parliament. It may be that we just have a more sophisticated run around parliament in Bill C-55 than we had in Bill C-42 which was a rather blunt instrument and more transparently contemptuous of parliament than Bill C-55. Of course, if the government wants to claim otherwise, then we look forward to rather extensive study of this in committee, which brings me to my second point.

• (1340)

There was an emergency, so the government said. Clearly there was an emergency after 9/11. However whatever emergency Bill C-42 was intended to address, certainly could not have been much of an emergency, if the bill could sit on the order paper for months.

Now the Liberals have been listening to Canadians. I do not remember hearings on Bill C-42 because we never even had the first round of debate in this House about it. It never even got to the NDP and the Tories when it came to the debate on second reading, but the Liberals have been listening. If one were to listen to the rhetoric of the Minister of National Defence, the Minister of Transport and the Prime Minister, one would think we had a thorough debate about this. Now we have to get this through by the end of June.

Four months of idleness on the part of the government with respect to Bill C-42 and now it is a big emergency. We will not be able to have extensive committee hearings. It is the same old show. It is the same as with Bill C-36. Anything that is important, we have to get it through in a hurry. The legislation can sit on the order paper for four or five months with no problem, but now we have to get this thing into committee, have hearings and it has to be all over and done with by the end of June.

*Government Orders*

The government really has its nerve when it comes to Bill C-55. It is a parliamentary outrage that it would expect us to say that there is an emergency, as if it has been acting as if there were an emergency when in fact it has not.

I put the government on notice to the extent that the NDP is able to influence matters here. I get a similar feeling from other opposition parties that we do not see any grounds now for some kind of unholy rush, particularly when Bill C-55 is not a reduced, or ameliorated or amended version of Bill C-42. What we have are entirely new measures inserted into Bill C-55. I am thinking in particular of the measures to do with the revelation of lists of passenger on planes.

When the government was listening to Canadians, whenever that process took place, that invisible process that happened between when it first introduced Bill C-42 and when it withdrew it, I guess I missed it. I missed all those public meetings where Canadians were saying that they wanted the RCMP and CSIS to know every time they got on a plane and that they wanted to have that information in some big computer somewhere. I do not remember anyone asking for that. Maybe the RCMP and CSIS asked for it. However let us not kid ourselves. It was not something for which that Canadians were calling. The privacy commissioner has expressed very real concerns and objections to this.

There is a whole new dimension to this bill. We are supposed to pass it because now the government is in a rush. When it came to this, the government was in a coma for four months but now there has been a boom, it has woken up, little lights have gone on and now the rest of us have to just shove it on through. I do not think the opposition will go for that, particularly with respect to this new demand for information.

A Liberal member of the justice committee was quoted in the paper as saying there was no reason this provision could not be expanded. I am talking now about giving information with respect to lists of passengers on trains, buses and people who rent cars. Why do we not just find out the names of everyone who goes into Wal-Mart. Where does this end?

I thought this was to fight terrorism. There are ways to fight terrorism, including on planes, that we support. However we do not support using 9/11 to create everyone's nightmare of a big brother, where everyone knows what everyone else is doing. Not everyone knows; big brother knows the travelling habits of people. The credit card companies probably know already, but that is beside the point. Why does the government not just go there. That is certainly one thing about which we are concerned.

We think we are being offered a bit of a sleight of hand here as to what a great improvement Bill C-55 is over Bill C-42. We want to see a thorough process when it comes to this bill. For the government to expect that somehow now we will just let this thing go is a very serious mistake on its part.

• (1345)

**Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance):** Madam Speaker, the Minister of National Defence gave a speech in the House just moments ago. He was quoted in the paper as saying:

The previous bill did have this provision in it where the minister of defence could have designated the entire Kananaskis area, but that's not possible under this new

legislation. The only thing that could be protected or cordoned off would be military equipment itself if it were stationary.

My colleague mentioned sleight of hand and issues of trust in his speech. Does he believe that perhaps part of the sleight of hand with this bill is found in clause 74 under proposed section 260.1, which was referred to by the Bloc member previously? By moving equipment into an area outside of a military establishment these provisions could then be extended to that territory, thereby doing almost a back door application of the same kind of military zones that were mentioned in the previous bill, Bill C-42. Does he see that as a possibility under this bill?

Although the minister may assure us that we should not worry, that everything will be okay and that is not what is intended here, once it is in law what is to stop this minister or any other minister or the Prime Minister from saying "I do not know" to "Just watch me" once it is in legislation? Would he agree with that possibility in this section of the bill?

**Mr. Bill Blaikie:** Madam Speaker, if I recall my own speech correctly, it seems to me I did raise this very matter that there may be loopholes in what we now have in Bill C-55 and that through the location or insertion of a particular piece of military equipment into a particular zone in proximity to an international gathering or whatever this could then be used. As the minister says, of course it could be challenged in the courts after the event.

I am glad to have the hon. member and his party on board in opposing Bill C-42 and to these measures. I remember when Bill C-36 came before the House the NDP was alone in expressing concerns about these security measures. I welcome the new found concern of the Canadian Alliance about the welfare of people who are protesting against globalization and various other things because it seems to me that a year ago, when we were expressing similar concerns about what had happened to protesters in Quebec City, we were scorned by people in the party of the hon. member. They have come a long way, and it just goes to show that some people are in fact teachable.

**Mrs. Bev Desjarlais (Churchill, NDP):** Madam Speaker, I want to get a little more follow up on the issue of the lists, specifically passenger lists on airlines. It was suggested this morning by our Liberal colleague from Scarborough—Rouge River that Canadians do not have any problem whatsoever with the RCMP and CSIS having passenger lists to check if there are terrorists.

Last night I listened to the privacy commissioner. His point was that there was not a real problem if someone was checking a list and identified a terrorist. Then the rest of the list is ditched. It is not kept on a master computer file or sent to the U.S. or anywhere else. Nor is it kept for a long period of time. However three months down the road it might be decided that alleged terrorists are travelling here and there and perhaps they should be checked out just in case they are doing something wrong, but they will not know they are being investigated.

Is that one of the real concerns that we should have with regard to the passenger lists?

*S. O. 31*

●(1350)

**Mr. Bill Blaikie:** Madam Speaker, as I said, the privacy commissioner has raised a lot of concerns about this. I am sure he will be before the committee whenever the bill gets to committee.

This is a new Achilles heel of the government's legislation. It is something that is new. It was not in Bill C-42. It is a new thing and it cannot be passed off as just modified Bill C-42 legislation. It is a brand new requirement and is a brand new power given to the RCMP, CSIS and the government. It is something that the government has yet to convince me or other Canadians is necessary to fight terrorism.

It might be a convenient tool for a whole variety of purposes, but there are all kinds of convenient tools that we do not provide to government because we value other things. I again refer to what the hon. Liberal MP and chair of the Ontario caucus said about this new police power. He said that it was wide open to what he referred to as function creep. It goes from terrorism to organized crime to ordinary criminality to invasion of privacy of Canadians who are otherwise law abiding. This has a lot of potential for abuse.

Canadians should be concerned. That is the reason why we need a rather lengthy legislative process on this. Part of the purpose of delay, just to speak to parliamentary dynamics for a minute, is not delay for its own sake. It is not delay to be inefficient or obstructionist. Delay is what gives the public time to find out what is going on.

If everything was done in a hurry and done "efficiently", everything would be over before the public figured out what was going on. As far as I am concerned, here is a classic example of the function of parliamentary delay. This needs to be delayed until the Canadian people can be made more fully aware of this new dimension of the legislation that the government has before it. Then, as political parties, we can all make our respective judgments to whether or not the Canadian people are willing to accept that. We cannot make that judgment if it is all over and done with before they realize what has happened.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Madam Speaker, I would like to ask a question to the learned hon. member on the statements made by the Minister of National Defence. I personally have lost faith in the minister since his terrible blunder regarding the issue of prisoners in Afghanistan. I find it unacceptable that he should get so much power under this legislation.

This morning again, he told us that the public would not lose its recourses and that it could still launch court challenges. I wonder if the hon. member could comment on this, because section 260.1(14) reads as follows:

No action for loss, damage or injury lies by reason only of the designation of a controlled access military zone or the implementation of measures to enforce the designation.

The minister is obviously misleading the House and I wonder if the hon. member could comment on this.

[*English*]

**Mr. Bill Blaikie:** Madam Speaker, the member raises a good point about the extent to which any claims can be made as a result of damage or loss of economic opportunity or whatever the case may be with respect to the effect of these controlled zones.

He also made the other point about the minister of defence. It would be very shaky ground indeed for us to try and define what should or should not be the role of the minister of defence based on the performance of this Minister of National Defence because it might be a very circumscribed role indeed.

●(1355)

**Mr. Gerald Keddy (South Shore, PC):** Madam Speaker, I only heard the last bit of what the member just said. Certainly I am sure everyone has discussed the effect of the interim orders and the fact that they are only good for 45 days if they have not been approved by governor in council, and they can last for a maximum of one year.

Of all the departments affected here, one part that is not affected by the same time is the Canadian Environmental Protection Act. It certainly has different time lines.

Could the member engage on why there are different time lines for the Canadian Environmental Protection Act?

**Mr. Bill Blaikie:** Frankly, Madam Speaker, I am not sure why there are different timelines for the Canadian Environmental Protection Act. That is one of the things which we would want to pay attention to in committee.

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## STATEMENTS BY MEMBERS

[*English*]

### SOCCER

**Mr. Geoff Regan (Halifax West, Lib.):** Madam Speaker, I rise today to report on a tremendous victory for members of parliament. I speak of course of the tremendous thrashing the MPs gave the pages during last night's annual soccer game.

The score was an astounding 4 to 1. It was an all party event. The members for Yukon, Edmonton—Strathcona, Fundy—Royal and the Secretary of State for Science, Research and Development all contributed markers to this great victory.

I suppose I should mention page Tristan Dumbarton who scored the one lonely goal for the other side. Special mention, however, must made of my friend from Yukon as the best dressed player on either side, and also of my learned friend from Fundy—Royal for breaking Tory tradition and truly using his head.

We should all thank the member for Sackville—Musquodoboit Valley—Eastern Shore and his staff for organizing the event. I would ask all members to join with me in celebrating this clear vindication of members' privileges.



### PRESS FREEDOM DAY

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Madam Speaker, tomorrow is World Press Freedom Day. The freedom of the press is something we at times take for granted in Canada. Fortunately, with rare exceptions, the media in this country do not have to worry about being bombed or shot on their way to work.

However, in dozens of other countries members of the media are assaulted, kidnapped and murdered simply for telling the truth. In the last two years more than 100 journalists have been killed while covering violent conflicts. This year World Press Freedom Day is devoted to the question of terrorism and media freedom.

May 3 is a day for the media around the world to remind governments and the public about the necessity for freedom of the press, which is essential to democracy. One of the most cherished and fundamental rights is freedom of speech.

I use this day to thank and honour those journalists who are putting themselves in danger while reporting on international conflicts and to the media in this country for continuously searching for the truth and assisting in upholding democracy.

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### AGRICULTURE

**Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance):** Madam Speaker, yesterday the legislative assembly of Saskatchewan held an emergency debate to discuss potential U.S. increases in agricultural subsidies. Saskatchewan's minister of agriculture said, "We've played by the rules fully and in Western Canada we've been beat up by playing by the rules."

The premier said, "This is the time for the national government to come to the aid of Canadian farm families. We have implored the government to help farm families combat foreign agriculture subsidies but to no avail."

Even the European agriculture commissioner called the bill "a retrograde step that will bring further market distortions" and "create serious difficulties for developing countries." The farm bill will seriously damage agriculture in Canada.

When will the government start working for Canadian producers? When will the Minister of Agriculture and Agri-Food along with his colleague in international trade take some action against these unfair subsidies? When will the government finally take action to keep our farmers competitive?

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### ECONOMIC DEVELOPMENT

**Mr. Larry Bagnell (Yukon, Lib.):** Madam Speaker, I am delighted three northern municipal associations are in Ottawa today: the Association of Yukon Communities, the Northwest Territories Association of Municipalities and the Nunavut Association of Municipalities. They have a majority of the population of half of Canada in their memberships.

These northern associations made a passionate plea before the Standing Committee on Finance this morning for economic development funding and infrastructure for the north.

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They offered several solutions on how to do it: development of a northern regional development agency, economic development agreements for the north, and recalculation of the way northern infrastructure programs are delivered in the north. All Canadians would benefit by having a productive, self-sustaining and dynamic northern economy that could be created by federal investment.

I encourage all members of parliament, and indeed all Canadians, to travel to this beautiful part of our nation during all seasons of the year.

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● (1400)

### POLISH CONSTITUTION DAY

**Ms. Sarmite Bulte (Parkdale—High Park, Lib.):** Madam Speaker, I rise today to pay tribute to Poles worldwide, Polish Canadians and, in particular, to the Polish community in my riding of Parkdale—High Park. Tomorrow, May 3, will be the 211th anniversary of the Polish constitution. This day is not only celebrated in Poland but also throughout Canada.

May 3 is a day to reflect upon and celebrate the heritage and ideals of humanitarianism, tolerance and democracy. The constitution of May 3, 1791, was the instrument that gave rise to parliamentary supremacy and it also gave Polish citizens new found access to parliament. Constitution Day is a proud heritage for Canadians of Polish descent and a confirmation of the basic values and freedoms of our own society.

I am proud to offer my best wishes on this very memorable anniversary.

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### SOUTH ASIAN HERITAGE MONTH

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Madam Speaker, South Asian immigrants started arriving in Canada at the end of the 19th century and have made a marvellous contribution to this country over the past century. To recognize this, the government of Ontario recently proclaimed May of each year as South Asian Heritage Month and May 5 as South Asian Heritage Day.

The first South Asian immigrants arrived in my constituency in Lac La Biche more than a century ago. In fact, they celebrated their 100th anniversary two years ago.

I would like to recognize today Sam Chopra, president of the South Asians of Ontario, and all members of this association for the great work they have done in building stronger communities and for the wonderful hospitality and friendship which they have shared with me for the past three years.

I wish to thank all Canadians of South Asian descent for the important part they have played in making Canada the best country in the world in which to live.

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**BILL C-286**

**Mr. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, last February 28 the member for Saskatoon—Humboldt presented a private member's bill that caused a bit of a ruckus in this House. As I stated back then, his bill, now referred to as Bill C-286, would essentially gut the Official Languages Act and eliminate the rights of most linguistic minorities in the country, be they francophone or anglophone.

At the time I challenged the member for Saskatoon—Humboldt to select the bill should his name be drawn during the private members' business lottery. He accepted this challenge not only in the House but also in a press release dated April 3, 2001. I would be happy to table a copy. Despite all of this the member for Saskatoon—Humboldt did not select Bill C-286 when his name was drawn on April 11.

I can only conclude that the member for Saskatoon—Humboldt has finally realized the folly of Bill C-286 and I now invite him to do the honourable thing and withdraw the bill entirely.

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**PRESS FREEDOM DAY**

**Mr. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, today is World Press Freedom Day, reminding us of the profound importance of freedom of expression, itself consecrated in the fundamental freedoms section of the Canadian Charter of Rights and Freedoms and the lifeblood of a democracy.

Indeed, as the Supreme Court of Canada has put it, "liberty in freedom of expression is little less vital to man than breathing is to his physical existence"; and "it is difficult to imagine a guaranteed right more important to a democratic society than freedom of expression."

Accordingly, Canadian jurisprudence has articulated a three-pronged purposive rationale for freedom of expression, which freedom of the press seeks to promote and protect. First, that seeking and attaining truth is an inherently valuable exercise; second, that participation in social and political decision making is to be fostered and encouraged; and third, that diversity in terms of individual self-fulfillment and the capacity for human potential ought to be cultivated in a tolerant and welcoming environment.

I am sure my colleagues will join me in celebrating World Press Freedom Day in recognition of press freedom that sustains democratic debate and fundamental values in this country, and in the hope that press freedom will yet be acquired as a feature of democratic development in countries less fortunate than ours.

\* \* \*

[*Translation*]

**FRANCOPHONE CULTURE**

**Mr. Claude Duplain (Portneuf, Lib.):** Mr. Speaker, a Canadian play is doing well at the box office in Lebanon at the present time. People are flocking to see *Le collier d'Hélène*, and I want to point this out.

Works like the one by Quebec dramaturge Carole Fréchette are contributing to making francophone culture known worldwide. I feel

that our creative people need to be acknowledged for their contribution.

As hon. members are aware, the Francophone summit will be held in Beirut this coming fall.

I am pleased to learn how dynamic the francophone culture in Lebanon has become, and this augurs well for the great success of the Beirut summit, I am sure.

\* \* \*

• (1405)

**CHILDREN**

**Ms. Monique Guay (Laurentides, BQ):** Mr. Speaker, from May 8 to 10, I will be in New York City with the Canadian delegation attending the United Nations Special Session on Children.

Despite the progress that has been made as far as health is concerned, one of every twelve children in the world dies before the age of five years. In a country as rich as Canada, one in five does not get enough to eat, and this has a significant negative impact on that child's ability to learn.

Massive investments in favour of children's rights and development are more necessary than ever, if they are to escape from the vicious circle of poverty.

A campaign in favour of children's rights, around the theme "Say Yes for children" is under way just about everywhere in the world. I invite all parliamentarians and the population as a whole to add their voices to this initiative by signing the virtual petition to be found on the UNICEF web site.

Let us join in solidarity with the children of the world and let us demand of our governments that they keep the promises they have made to those children.

\* \* \*

[*English*]

**SPORTS**

**Ms. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, I want to recognize Canada's special Olympics athletes and the volunteers and coaches who work with them to provide one of this nation's greatest sport programs.

This month and throughout the summer, special Olympics athletes will be participating in regional and provincial games in varied sports. I am pleased to note that Manitoba will be holding a variety of games including powerlifting, bowling, swimming, soccer, athletics, golf and bocce, one of the most popular sports in the world.

Many of these fine athletes will qualify to represent their provinces at the Canadian Special Olympics Summer Games in Prince Albert from July 8 to July 14. Some may even represent Canada at the World Special Olympics Summer Games in Ireland next year.

I am sure my hon. colleagues will join me in warmly wishing all special Olympics competitors, coaches and volunteers the very best in their endeavours this summer.

*S. O. 31*

### ABORIGINAL AFFAIRS

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, we have tried repeatedly in the House to get the federal government to acknowledge the very difficult situation facing first nations people and the quality of their health care system.

To date the government has chosen to ignore those calls of concern and action. I hope today, given new statistics in a report produced by the Manitoba Centre for Health Policy, that the government will choose to listen and choose to act.

The report provides devastating evidence of the appalling health situation faced by residents of first nations communities. Compared to other citizens of this land life expectancy among first nations people is eight years shorter overall, with two to three times as many deaths among young people. The hospitalization rate is twice as high. Diabetes rates are four times higher and diabetes related amputations are 16 times higher.

This is an area that demands federal action. This is an area that falls within federal jurisdiction.

\* \* \*

[*Translation*]

### HIGHWAY INFRASTRUCTURE

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, this morning, the Association des camionneurs artisans and the FTQ, which represent close to 100,000 workers, joined with me in demanding that the federal government respect its commitment to pay its share of the construction costs for highways in Quebec.

The federal government must at last announce investments to build highways 175, 185, 30, 35 and 50, and it must sign the memorandums of agreement prepared by Quebec. Ottawa has no excuse, considering that it will have a budget surplus in excess of \$9 billion this year.

For many independent truckers and workers, implementing these projects would make all the difference by the end of the year. During the last election campaign, the Liberal Party pledged to invest \$3.5 billion in our highways.

These comments reflect those made on Tuesday by the mayor of Ville de Saguenay, to the effect that the federal government is desperately dragging its feet regarding highways in Quebec, including highway 175.

The money that was promised must be allocated this spring, so that workers can have jobs immediately.

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[*English*]

### INUIT TAPIIRIT KANATAMI

**Ms. Nancy Karetak-Lindell (Nunavut, Lib.):** Mr. Speaker, today the national Inuit association, the Inuit Tapiriit Kanatami, which means "Inuit are united in Canada", unveiled its new logo illustrating the four Inuit regions of Canada: Labrador, Nunavik in Northern Quebec, Nunavut and the Inuvialuit in the Northwest Territories.

At the heart and centre of the logo is the national symbol of Canada, the maple leaf. Also incorporated in the design is the women's knife, the ulu. The contest to design the new logo generated 228 submissions from all across Canada.

I would like to congratulate the following people whose designs have been used in the final version of the logo: Putulik Ilisituk of Salluit, Nunavik; Chris Dewolf of Fort Smith, Northwest Territories; and Mary Ugyuk of Taloyoak, Nunavut. Honourable mention goes to designs by Sammy Kudluk of Kuujuaq, Nunavik; John Metcalf of Nain, Labrador; and Chris Eccles of Rankin Inlet, Nunavut.

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● (1410)

### AGRICULTURE

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, this statement is meant as a wake-up call to the minister of agriculture and the Liberal government.

There is a real possibility, even a probability, of a serious drought again this year. One-half of the farmland in western Canada has received less precipitation this year than ever before. In fact five counties in Alberta already have declared themselves disaster areas. Saskatchewan and Manitoba are not far behind.

One would think that with this knowledge the department of agriculture would be looking at a drought program just in case the rains do not come. Not so. I asked the agriculture director of financial programs if he had developed a drought plan. His answer simply was no. I then asked him if he approached the government for additional funding and additional money in case those rains did not come. His answer was no.

To make matters worse, the PFRA spends only \$5.5 million on water programs and \$15 million is spent on a PR program.

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### BATTLE OF THE ATLANTIC

**Mr. David Price (Compton—Stanstead, Lib.):** Mr. Speaker, every year on the first Sunday of May Canadians remember and salute those who lost their lives in the Battle of the Atlantic. Canada played a significant role in the battle, which ran from September 1939 until the end of the second world war.

Starting from a tiny base of ships, aircraft and personnel, Canada grew into one of the foremost allied powers. While Canadian warships and aircraft sank and shared in the destruction of 50 U-boats, the main objective of Canada's Atlantic forces was protection of shipping. The outcome of the war was dependent on the Atlantic convoys reaching the United Kingdom.

However, participation came at a high cost. More than 2,000 members of the Royal Canadian Navy were killed during the war, the vast majority in the Battle of the Atlantic, and 750 members of the Royal Canadian Air Force died in maritime operations. The Book of Remembrance for the Merchant Navy lists over 1,600 Canadians and Newfoundlanders who served.

*Oral Questions*

This Sunday I encourage all Canadians to remember those who lost their lives and to salute the veterans of the Battle of the Atlantic.

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**AGRICULTURE**

**Mr. Rick Casson (Lethbridge, Canadian Alliance):** Mr. Speaker, thousands of softwood lumber workers have been thrown out of work due to United States protectionism and the Liberal government's lack of action and foresight.

Another crisis in trade is at hand: Our agriculture sector could be crippled by the new U.S. farm bill that will soon become law. Along with the disastrous increase in production distorting domestic subsidies, the U.S. farm bill also calls for country of origin labelling to be mandatory within two years. For a commodity to be labelled as a U.S. product it would have to be born in, raised in and processed in the U.S. This will cause shock waves to resonate throughout Canada, affecting all sectors of our economy.

Canada's threatened agriculture and agrifood exports are worth \$25 billion per year. The sector employs almost two million Canadians.

With NAFTA and WTO appeals taking years to settle, I call on the Minister for International Trade and the Minister of Agriculture and Agri-Food to get prepared this time and to challenge this policy the minute it is signed into law.

U.S. Secretary of Agriculture Veneman is in Ottawa today. She must hear this message loud and clear.

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## ORAL QUESTION PERIOD

[English]

**SOFTWOOD LUMBER**

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, the softwood lumber decision handed down by the United States government is a disaster for tens of thousands of Canadian families who depend on this industry.

We are disappointed and angry today that the Americans have forgotten who their friends are. They have also forgotten they are supposed to be free traders.

We are disappointed with the American ruling but disgusted with the government's mismanagement, negligence and neglect of this file. The Prime Minister brags that he is always on the phone to President Bush, but the phone line on softwood lumber has not been permanently cut. At what time did the Prime Minister phone the president and what assurances did the Prime Minister receive?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, there was a decision that was rendered today. We were not surprised by this decision but we are still of the view that they should not block the coming of Canadian softwood lumber into the American market. We have developed a policy on that with the collaboration of the industry and the provinces. We have worked with them very closely, and we have decided to refer the case to the WTO and to a panel of the free trade agreement that we have with the Americans.

●(1415)

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, nothing has worked and we have families out of work.

The government has known for a long time that this decision was coming. Warnings came from everywhere, from forestry communities, the industry, labour groups and many times from the member for Vancouver Island North. The government has not been listening.

We have all learned something, especially the senior minister from British Columbia, the Minister of Natural Resources, who is all talk and no action, but he has learned at the feet of the master, the Prime Minister.

Will the Prime Minister tell the House now what his action plan is and when he will release details of this contingency plan for the people who are unemployed?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, my ministers met this week with the premier of the province of British Columbia and they discussed a plan of action to face this very serious problem.

I have clearly indicated that Canada is a free trading nation. The Americans know that. I have said that to the president of the United States. They cannot have it both ways, to have free trade for oil, gas and electricity and not give us free trade for wood.

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, Canada is in crisis over this issue. Maybe if the Prime Minister had not gone out of his way to support Al Gore during the last election, he might have been on the phone this morning to the president of the United States on this very important issue.

The government has acted with cruel indifference to the plight of thousands of softwood forestry families, and every individual on that front bench has been offering nothing but platitudes to the industry. Nothing is happening.

We have thousands and thousands of families who should not have to wait any longer to find out what the government is going to do. What assurance is the Prime Minister going to give those families before this weekend? Put Canada—

**The Deputy Speaker:** The right hon. Prime Minister.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we have worked very closely with the industry and with the provincial government. It is the first time that we have a file of this nature where we have unanimity from the industry, the labour unions, the provincial government and the federal government, all making the same pitch on the situation.

Unfortunately the Americans do not want to respect the free trade agreement that they have signed with us and we have to do what is open to us, which is to take them before the WTO and before a free trade agreement panel, a NAFTA panel on this subject.

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, what we do not need today is what we are hearing: government gobbledegook on responding to the U.S. trade commission decision.

*Oral Questions*

Less than half an hour ago our trade minister said that we will make the right decision at the appropriate time. That is perfect Liberal baffle-gab. There is no indication that EDC or the Canadian Commercial Corporation has been engaged to develop a tariff payment scheme.

Leadership is required. When can we expect delivery?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, let us be very clear on the ITC decision. There is absolutely nothing new here. With all the decisions of a protectionist nature that the Americans have been making for a year, they have only continued in exactly the same line. There is nothing new in the ITC decision, nothing we as a government did not expect. If anything, it is a bit better than what we expected because the American producers have been saying for years that they are being injured. The ITC is telling them now they are not being injured. There is only a threat of being—

**The Deputy Speaker:** The hon. member for Vancouver Island North.

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, the only thing that is not new is the lack of urgency of the government.

Now more than ever, leadership with a sense of urgency is required. The danger is that others will rush in to fill a vacuum. This could lead to worse results than the last softwood quota agreement, which we kissed goodbye over a year ago.

Which minister is in charge, the senior minister from B.C., the industry minister, Eddie Goldenberg or who?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, I can tell that the opposition is not very ready to change sides and become the government, because the opposition would realize then that in a government we work as a team. The Minister for International Trade does the negotiations with the United States and the Minister of Industry does his work as minister for industry. We had a very good discussion this morning about what he could do. The Minister of Human Resources Development has a number of programs and a number of tools. These are complementary actions by a government that knows where it is going.

I was in British Columbia on Monday. I went to a British Columbia summit on softwood lumber, hosted by Premier Campbell and we have been making very good—

• (1420)

[*Translation*]

**The Deputy Speaker:** The hon. member for Laurier—Sainte-Marie.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, before the month is out, the United States will be imposing duties of 27% on our softwood lumber exports, a decision which will have a devastating impact on the industry. In Quebec alone, over 10,000 direct jobs are threatened, according to the Quebec Lumber Manufacturers' Association.

Will the Prime Minister finally admit that we must send a clear signal to the Americans of our intention to fight to the end against their unfair penalties, by immediately adopting a plan of assistance

to help companies and workers hold on until the NAFTA and WTO panels rule in our favour?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, right now, I imagine that the duties will be implemented in May.

However, this morning's ruling says clearly that there is no injury to the U.S. industry; that there is a threat of injury, but no injury. This will give us an additional argument when we go before the WTO or NAFTA panel.

So, we have arguments and we also have the free trade treaty. As for the temporary measures, which the member—

**The Deputy Speaker:** The hon. member for Laurier—Sainte-Marie.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, there is injury, but it is the Canadian and Quebec industry which is being hurt. That is the situation. And it will be months, if not years, before we have a ruling from the WTO or NAFTA panel.

Should the Prime Minister not call an emergency cabinet meeting to work out a plan of support for companies and workers as soon as possible, because people are going to lose their jobs, industries may go bankrupt, and regions will suffer?

It is up to the Prime Minister to say, "We are going to stand firm; we are going to take immediate action".

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** That is precisely what my ministers are doing right now. They are in touch with their colleagues in the provincial governments and with the industry to find temporary solutions to the problem with existing programs. There is no need to create new ones to deal with this problem.

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, the softwood lumber ruling is now known, and it will be very harmful to the industry and to workers in the regions affected. The government must act urgently to fulfill its responsibilities.

Could the Minister for International Trade, who said yesterday that there were certain means available to help out the softwood lumber industry, tell us what he plans to do? What is his plan?

He has been consulting since March 22. The Bloc Québécois has put forward its plan and now it is his turn to talk.

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, first of all, it is important to understand our position.

The ruling announced this morning by the U.S. International Trade Commission is one that we were expecting. We knew very well that it would be negative for Canada. It is as protectionist a ruling as all the others that have been brought down in the United States.

However, since it only recognizes a threat of injury to the U.S. industry and not an actual injury, it is a snub to the American producers.

Today, in the House, I am asking the International Trade Commission to release the bonds posted by producers—

**The Deputy Speaker:** The hon. member for Joliette.

*Oral Questions*

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, this may be a snub in the eyes of American authorities, but it is Canadian companies that will have to pay the 27.2% duties.

Since the beginning of this crisis, the minister has stated that the Government of Quebec has been co-operating and that the Bloc Québécois has also co-operated in the search for a solution.

I would therefore ask the minister to refrain from partisan politics and to act swiftly and decisively to save the industry and jobs in the forestry sector.

Does he not believe that this crisis warrants an emergency cabinet meeting to decide on an assistance plan?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, I am completely astounded. This is the ninth question we have had on the softwood lumber issue since the beginning of oral question period, and not one opposition party has asked the Americans to release the \$760 million they owe the Canadian industry.

We have worked with the opposition. The House must speak with one voice and demand our due, which is that the bonds must be released by the Americans because there has been no injury to their interests or their industry.

• (1425)

[English]

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, let us call with one voice for the return of that money, but how many more forestry workers must lose their jobs before the government finally takes steps to protect their families, their communities and their industry? People want to work.

The fear of generating more complaints about subsidies is the government's lame excuse for inaction, but we know that the government has an American study that debunks that myth.

Will the trade minister move on that study's conclusion and make available to threatened companies loans at commercial rates?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, let me be very clear. I have always been clear on this very subject. I think it is important that we stand by our workers and the government intends to stand by the workers. We will stand by the communities, we will stand by our industry, and the Americans need to know that.

I have always said that loan guarantees or any other means of action were on the table, that there were a number of options that were on the table. We are consulting with the industry because the industry itself is giving us advice at this very moment about what would be the most helpful tool to help them.

We will stand with them and of course whatever we would do we would design in a way that would not be countervailing.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, we do not want the government to stand by. We want the government to stand up and do something.

Forestry workers and their families are becoming more and more desperate by the hour. If the government refuses to help with loans, will it at least crank up a national housing program, long overdue?

This would provide relief to the troubled softwood industry and it would also generate desperately needed housing.

With an investment equivalent to a single month's surplus, the government could create 36,000 housing units and at the same time create 46,000 desperately needed jobs. Will the government do that?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, I think the leader of the NDP is putting some more options on the table, so it is very important to demonstrate that we should not make any hasty decisions, that we have to take the right decision at the appropriate time, since we have this further idea to put on the table.

At this moment I very much believe that we are working with the industry and with the workers in the industry, that come May 23 all of our options will be analyzed and chosen very carefully, but we will work as a united country.

The problem is not in the House—

**The Deputy Speaker:** Order. I think sometimes there is a problem with questions and answers being too long. The hon. member for Pictou—Antigonish—Guysborough.

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**PUBLIC SAFETY ACT**

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, even the Liberal appointed privacy commissioner strongly condemns Bill C-55, calling it totalitarian. It is also disturbing and draconian in nature, yet another example of a Liberal power grab. Once again parliament is becoming a clearing house for prime ministerial decrees. The concentration of unchecked arbitrary power will increase under Bill C-55.

Why does the Prime Minister feel it necessary to infringe on the rights of Canadians? Why is he so intent on having his legislation and his government avoid parliamentary scrutiny?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, the bill just makes common sense. It gives law enforcement agencies and police forces the tools they need to do the job. This government has provided that and will continue to provide that.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** More tools, Mr. Speaker.

Unrest over Liberal bills such as species at risk, cruelty to animals and now Bill C-55 indicate that not all is well in the Liberal kingdom. Leadership candidates are beating the bushes. Back-benchers are restless and sabre rattling. The loyal subjects are not happy. They figured out their emperor has no clothes. Liberal colleagues relegated to the hinterland of the sultan of Shawinigan's caucus feel Bill C-55 in its entirety does not belong at the transport committee.

We know the Prime Minister will not listen to the opposition or his compliant watchdogs, but will he heed his caucus, divide up Bill C-55 and send it to the appropriate committees?

*Oral Questions*

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, Bill C-55 is the product of debate and deliberation in this House. It was because of the very salient points put forward by members on all sides of the House on Bill C-42 that we withdrew the bill and brought forward Bill C-55. This is an example of democracy working. This is an example of a government that listens.

I recommend that hon. members read and study the bill. If they have concerns, bring them forward at committee. This is a first class piece of legislation.

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●(1430)

**SOFTWOOD LUMBER**

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, the Prime Minister did not answer the question posed by the Leader of the Opposition. I am going to give him another chance to take a run at it.

When he heard of the decision at 11 o'clock this morning that was going to devastate the country's softwood lumber industry, what did the Prime Minister do? Did he call President Bush, yes or no, and what is he demanding of him?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we knew the decision was coming. Every time I had the opportunity I raised it with the president. Grandstanding today will not change that reality.

This is a decision of the court that is not fair and does not respect the agreement we have with the Americans. I do not have to repeat that every hour of every day. The president knows very well this government's position and the position of all provincial governments in Canada. The Americans should respect the treaty that we have with them for free trade and that wood qualifies as much as natural gas or oil or electricity.

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, the Prime Minister has not even called the president of the United States. We are not asking him to grandstand. We are asking him to do his job and show some leadership. People are out of work and it is the Prime Minister's job to show them that he is going to lead them out of this crisis.

The minister for trade said the minister of human resources is going to have a package for thousands of people who are out of work because of this. The minister has not tabled her plan. What is the plan? Where are the details? When is she going to table it?

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, the hon. member will be glad to know that the employment insurance system is there and is working well as we speak.

The hon. member will be glad to know that, working with the province of British Columbia, the province has identified \$13 million from its labour market agreement that will be directly focused on the softwood lumber industry. The hon. member will be interested to know that our work sharing programs are there. We are working directly with individual companies to apply that program wherever we can. The hon. member will be glad to know that we are

monitoring the circumstances on a daily basis and where it is required, we will take action.

\* \* \*

[Translation]

**PUBLIC SAFETY ACT**

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, yesterday the Prime Minister made a statement that was as unexpected as it was inappropriate, in connection with Bill C-55 on public safety.

He indicated that, should Bill C-55 be bad legislation, the courts will say so and it will be corrected.

Does the Prime Minister realize that it is totally irresponsible for the leader of a government to slough off his responsibilities right from the get go onto the courts?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, what the Bloc Quebecois member said was that the law was illegal, and that what parliament was doing made no sense.

We know that this will be a good law. If they have recommendations to make, they can do so. But they are claiming right from the start that the law is illegal. So, if something is illegal, what are we to do? We take it before the courts.

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, does the Prime Minister realize that, while he remains unfazed by the highly negative comments from the privacy commissioner on Bill C-55, and passes on to the courts the responsibility for resolving this, certain of the rights of citizens involved in these military zones will remain suspended, in particular the right to institute civil proceedings?

Is this acceptable in a country where rights and freedoms are supposed to be properly protected?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, first the law has to be passed. The hon. member has just said that citizens are going to lose rights, yet the law is not even passed yet.

It is going to be looked at in committee. He is entitled to his opinion, but I am convinced that this bill respects the law of Canada and the Canadian Charter of Rights and Freedoms we hold so dear.

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[English]

**IMMIGRATION**

**Mrs. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Speaker, we have seen with today's softwood disaster that the government's ability to make deals with the U.S. is non-existent. Why then do we have to wait for another theoretical deal on refugee claimants?

The government could begin today by declaring the U.S. as a safe third country. This would help stop asylum shopping, something the Liberal chair of the immigration committee is concerned about. It would open the way for many more legitimate refugee claims, something the Alliance is concerned about.

Why do we have to wait? Why will the government not act right now?

*Oral Questions*

[Translation]

**Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I think that what is the most important to point out is that we have legal obligations. As a result of the Singh case in 1985, we have an obligation to have this process in place for refugees. If we immediately send claimants back to the United States, we would have to be answerable before the courts on our obligations.

We must therefore ensure that, not only is article 33 complied with, but that we used due diligence to ensure that the safe third country agreement is in place.

[English]

**Mrs. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Speaker, why does the minister not want to help true legitimate refugees?

Seventy two per cent of our refugee claimants come through the United States. By declaring the U.S. as a safe third country and following the United Nations guidelines on refugees, we could make it easier for those in camps and dire straits to get into Canada. Why is the minister so opposed to helping these people in dire straits?

●(1435)

**Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, it is quite the opposite. I am in favour of having more resources and more refugees coming from camps. At the same time, we have a duty to be respectful of the law. The supreme court made it clear that anyone coming as a refugee claimant has the same rights under the charter of rights and freedoms.

To do so, the only way to be respectful of article 33 of the Geneva convention is to make sure that we sign a deal with the Americans as a safe third country. If we have that, we will be able to do so.

\* \* \*

[Translation]

**PUBLIC SAFETY ACT**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, Bill C-55 allows the Minister of National Defence to create military zones without having to reveal their location to anyone. This means that, based on the wording of the bill, some citizens could find themselves inside a military zone without knowing it.

Could the Minister of National Defence tell us exactly what will happen to people who find themselves in such zones without knowing it, since they could be expelled by force without knowing why? Is this not interfering with people's freedoms?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, if people were staring a jet fighter in the face, they would be politely asked to leave the area.

These authorities in the case of military zones are the same that exist in the civilian realm. They have existed for hundreds of years under the common law, except in that case it is for police. It provides the same kind of authority for the military in protecting military

equipment and personnel as the police have in other crowd control instances.

[Translation]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, while the minister is reserving the right to determine the period of designation of a military zone, and its dimensions, is it not worrisome for the public to know that such a zone may be designated by the Minister of National Defence alone, for a period of one year, with the possibility of renewing it for an additional one year period?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, the hon. member has not read the legislation. It requires the military to make a recommendation to start with. The Minister of National Defence does not just go off and do this on his or her own. It also requires that the Minister of National Defence do what is reasonably necessary. If something is beyond the realm of the legislation to protect equipment in a reasonably necessary way, it can certainly be challenged in the courts.

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**NATIONAL DEFENCE**

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, when people buy something at a fire sale, they check it out very carefully. The government bought the subs at a fire sale price. One would have thought it would have checked the subs out very carefully.

I ask the minister, when the government bought the subs, did it know they had been condemned by the British House of Commons and refused by the Australians?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, that is nonsense. It is absolutely not true at all. The Royal Navy, one of the finest navies and expert navies in the world, has certified them. The kind of items that were in disrepair when the Australians looked at them have long since been repaired.

The Australians took 15 years from start to finish to get their submarines into operation. We will be doing it in a lot less than half of that.

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, we make do with 40 year old Sea Kings. We make do with too few soldiers. We make do with leaky subs. We make do with the minister. We cannot continue to make do with the minister.

Respected military experts are warning Canadians today that we are only 15 years away from mass extinction. How many more reports does the minister have to hear before he will do something to prevent this mass extinction of our military?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, unfortunately we also have to make do with the opposition critic who knows nothing about the military, who has the worst research of any opposition critic in the history of the House.



Facing extinction if we did absolutely nothing, one never knows, that is quite possible. However the government is investing in new equipment. It has increased the budget of the defence department 20% in the last four years. It is increasing it by \$1 billion over the next five years.

The government is committed to ensuring that the Canadian forces get the tools, get the education, get the equipment and the people to be able to do their job.

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● (1440)

### SOUTH AFRICA

**Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, I accompanied the Prime Minister on his recent trip to Africa. The Prime Minister was questioned on the South African government HIV-AIDS policy. I understand there are recent developments on this issue in South Africa. Could the Secretary of State for Latin America, Africa and la Francophonie give us an update?

[Translation]

**Hon. Denis Paradis (Secretary of State (Latin America and Africa) (Francophonie), Lib.):** Mr. Speaker, when we travelled to South Africa, we knew that the HIV-AIDS issue was a major concern for all Africans.

In fact, this issue was the subject of a number of debates and, at the Prime Minister's initiative, we toured, among other things, awareness projects.

The good news is that a few days after our return to Canada, we learned that the government of President Mbeki had substantially changed its position by adopting a much more proactive approach in the fight against HIV-AIDS.

Canada is proud to have been able to contribute to this debate, and it is pleased by this change of attitude on the part of the South African government, since it will benefit millions of men, women—

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

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[English]

### URBAN AFFAIRS

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, Canada's cities are deteriorating before our very eyes, yet the Liberal government still has no national urban strategy. Some Liberal backbenchers appear to have caught on, but the front bench still has not caught on. In fact the Prime Minister and the Minister of Finance are divided, with the Prime Minister saying it is just a provincial responsibility.

I want to ask the government, when are we going to have a national urban strategy from the government, significant investment in mass transit, in environmental clean up, in housing—

**The Deputy Speaker:** The hon. Minister of Transport.

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, I am glad the hon. member for Winnipeg—Transcona has

### Oral Questions

given us the opportunity to congratulate the member for York West and her colleagues for an outstanding report.

**Some hon. members:** Hear, hear.

**Hon. David Collenette:** This is a seminal report that will give direction to the government in the years ahead. The government will act upon that report. We have not just waited for that report. We have invested in a national housing policy. We have invested in infrastructure. Some municipalities, such as Toronto and Edmonton, will be taking advantage of that program.

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### AGRICULTURE

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, yesterday the Saskatchewan legislature unanimously passed a motion calling upon the federal ministers of finance, agriculture, international trade and the government House leader to appear before the Saskatchewan legislature to discuss the huge impact of the U.S. farm bill. Some ministers and their flacks are already giving excuses as to why they cannot attend.

My question is very simple. The House is in recess the week of May 13. Will the government ensure that the ministers appear before the Saskatchewan legislature prior to May 17?

**Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.):** Mr. Speaker, none of the ministers mentioned have as yet received any formal invitation from the Saskatchewan legislature.

Let me assure the member that every minister and every member on this side understands the seriousness, the importance and the potentially devastating impact of that insidious legislation in the United States known as the U.S. farm bill. We take it extremely seriously. We are more than willing to meet with every Canadian to discuss how we can work together to fight that conduct in the United States and defend Canadian trade interests, including grain.

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### HEALTH

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, last May 8 the vast majority of the House supported the Progressive Conservative motion calling upon the government to immediately ensure national drinking water standards are enshrined in the safe water act. We clearly said that if we did not see action by the fall we could only call it a breach of parliament, if not a breach of the Canadian will. It is now one year later.

Could the Minister of Health name one concrete action taken on drinking water standards and when will she table a bill for national enforceable drinking water standards to protect the health of all Canadians?

**Hon. Anne McLellan (Minister of Health, Lib.):** Mr. Speaker, the most concrete thing we are doing is working with our provincial and territorial colleagues on the development of new national guidelines which the provinces and territories can then enforce.

*Oral Questions*

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, the minister understands clearly that the protection of health and safety of Canadians is in the constitutional purview of the federal government. Her predecessor, the former minister of health, clearly supported the motion. Her colleague, Liberal senator Jerry Grafstein, has said that it is in the constitutional purview of the federal government to develop national drinking water standards.

If the minister was against the motion of May 8 last year, why did she vote for it?

•(1445)

**Hon. Anne McLellan (Minister of Health, Lib.):** Mr. Speaker, we are not opposed to the motion. As I have already indicated, we are discharging our constitutional responsibility and, I think more important, our practical responsibility in terms of working with the provinces and the territories. We are developing new national guidelines and those guidelines will then be enforced, and enforced strictly in many cases, by the provinces and territories.

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**LEADERSHIP CAMPAIGNS**

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, the industry minister needs to come clean on the mixing of partisan activity with his departmental work. He needs to account for his mysterious personal staffer, Mr. Satpreet Thiara. The member of the minister's staff appears to have no other function than simply wandering the country on behalf of the minister's secret leadership campaign.

Could the Minister of Industry tell Canadians today what specific work Mr. Thiara does for the Department of Industry?

**Hon. Allan Rock (Minister of Industry, Lib.):** Mr. Speaker, a request for information was made and responded to. All relevant information has been produced.

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, the information has not been produced. The minister said yesterday that he takes seriously his responsibility to account for public funds but the fact is that in the past two days he has failed to do so. We are asking a simple, direct question about a member of the minister's personal staff. The minister should be able to answer it very easily. It appears that the minister is using public funds to subsidize his secret leadership campaign.

Why will the minister not simply explain to Canadians what his staffer, Mr. Thiara, does at public expense?

**Hon. Allan Rock (Minister of Industry, Lib.):** Mr. Speaker, a request for information was submitted. It was responded to and all the relevant information has been produced.

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[Translation]

**IMMIGRATION**

**Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, for two days, the Minister of Citizenship and Immigration has been playing the great defender of refugees.

**Some hon. members:** Oh, oh.

**Ms. Madeleine Dalphond-Guiral:** Yesterday he informed us that the automatic right of appeal set out in the act will be suspended for a year.

Does the minister recognize that the automatic right of appeal was designed to counteract the decrease in the number of members and that in the end, as a result of this new one year delay, refugees were treated better under the old law?

**Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, no one is playing on this side of the House.

I think it is important to point out that we have always worked to ensure that we have fulfilled our obligations. I believe it is important to go about the process of setting up the new law with a great deal of honesty. If we want things to work properly, there needs to be a solid footing.

Due to a lack of resources caused by the fact that our system, which is designed to take in 25,000 refugees, received 45,000 applications last year, the proper course of action was to make the right decisions to ensure that the system works.

**Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, the minister is using the implementation as an excuse to suspend the automatic right of appeal. What he is not saying is that the UN High Commission for Refugees did not raise any objections at the time. He considered that the appeal division would reduce the negative impact of the legislation.

Does the minister recognize that his decision to apply only half of the act reduces refugees' chances of being treated fairly?

**Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, our country's legal obligation is to ensure that refugees are heard and that there is a process that allows a person to be judged on merit.

Currently, there is no right of appeal. However a person can go to the federal court and seek permission to appeal. If there is a removal order, there is another process that allows the case to be heard.

Ultimately, I want to ensure that the refugee system works. We will go about this properly, fulfilling all of the requirements involved.

\* \* \*

[English]

**LEADERSHIP CAMPAIGNS**

**Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance):** Mr. Speaker, sadly, the promotion of partisan activity at taxpayer expense was not restricted to the industry minister, the finance minister or the heritage minister. Taxpayers were left on the hook yesterday when the minister of fisheries was caught poaching a DFO surveillance plane to attend a Liberal campaign rally.

Could the Prime Minister explain why his minister is trolling for votes at taxpayer expense?

*Oral Questions***AGRICULTURE**

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, I have to inform the House that there are very strict guidelines on the use of not only government aircraft but also on the expenses of ministers. Every minister on this side conducts himself or herself in the utmost scrupulous fashion. I would challenge the hon. member to show the contrary.

• (1450)

**Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance):** Mr. Speaker, it is great to have guidelines but if nobody enforces them they are really just lines on a piece of paper that mean nothing.

The minister of fisheries made no apology for this blatant abuse of tax dollars. Here is what he told the Canadian press when they took him to task for using the DFO surveillance plane for his politicking. He stated:

I'm a politician and I'm campaigning all the time...I can't stop it. I'm always getting ready for the next election.

Will the Prime Minister stop floundering and just release his minister of fisheries?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, in carrying out his duties the hon. minister of fisheries visited the front where the harp seal happened to be. It is many miles off the coast of Newfoundland, to the northeast of Newfoundland. He did that of course by aircraft and on his return he stopped at Gander. It is perfectly acceptable for him, in the course of his duties as fisheries minister, to stop off in a community in Newfoundland.

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**HOUSING**

**Ms. Judy Sgro (York West, Lib.):** Mr. Speaker, my question is for the Parliamentary Secretary to the Minister of Infrastructure and Crown Corporations.

The task force on urban issues today released its interim report calling for an urban strategy for Canada. Within this report are a number of recommendations, including a national affordable housing program.

Could the parliamentary secretary tell the House what the government's response is to this recommendation?

**Mr. Steve Mahoney (Parliamentary Secretary to the Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.):** Mr. Speaker, first, I too want to congratulate that member and all members of the task force for their excellent report.

The government currently provides \$1.9 billion annually on housing assistance for lower income Canadians, including first nations, and a \$753 million strategy to address homelessness. CMHC mortgage insurance has helped one in three Canadians buy a home. A new \$1.36 billion affordable housing initiative with the province and territories has been announced. This report is another—

**The Deputy Speaker:** The hon. member for Selkirk—Interlake.

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, the U.S. senate and house of representatives have brought forward a farm bill that will require country of origin labelling for all meats, fruits, vegetables and peanuts. U.S. retailers are saying that they will get around the expense of this new law by only buying from U.S. farmers.

The U.S. agriculture secretary, Ann Veneman, is in Ottawa to declare war on Canadian agriculture through gross violations of our trade agreements.

Will the Liberal government tell the U.S. secretary today that we intend to challenge U.S. laws under WTO and NAFTA rules?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I will not have the opportunity to tell her to her face today but I will tell her to her face tomorrow when I meet with her.

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, if farmers in this country are happy with that ridiculous and stupid answer, I will be hanged. That is a disgrace to our farming community.

Besides the agriculture minister, I have also asked the minister of the wheat board whether or not he will support this trade injury compensation program. The U.S. farm bill put it out to close the gap between the U.S. and European subsidies. What does our government do? It does absolutely nothing.

Will the wheat board minister support the trade industry adjustment program and finance our farmers to keep them competitive?

**Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.):** Mr. Speaker, as of the last 48 hours or so, the United States is in the process of finalizing its U.S. farm bill. There is a complete consensus on the Canadian side that it is a foul and insidious piece of legislation and that we must fight it by every means at our disposal. That is why on this side we are anxious to have a constructive dialogue with all Canadians about the best way of summoning all possible resources to fight the U.S. trade.

\* \* \*

[Translation]

**TAIWAN**

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Mr. Speaker, this morning, the government majority on the Standing Committee on Foreign Affairs rejected a motion in support of Taiwan's request to be admitted as an observer to the World Health Organization. And yet, Taiwan is an important transit point for travellers entering or leaving Asia.

*Oral Questions*

Given the high risks of an epidemic because of the large number of travellers, and the expertise which Taiwan has developed in the health sector, will the government support its request to be allowed observer status in the World Health Organization?

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, Taiwan can now freely obtain information on health from the WHO. The problem is that Taiwan is not a member of the United Nations and that the WHO is a UN body.

Taiwan has the right to go to this organization, obtain information, and participate on a non-status basis, in other words, not as a member country, but as an interested member of the international community.

\* \* \*

• (1455)

**PUBLIC SERVICE**

**Mr. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, earlier this week, the Prime Minister announced a shuffle among senior public servants, including the Clerk of the Privy Council. Following this announcement, certain commentators wondered whether the overhaul of the legislation governing the public service was in question.

Can the President of the Treasury Board reassure us that this overhaul of the legislation governing the public service will take place as scheduled?

**Hon. Lucienne Robillard (President of the Treasury Board, Lib.):** Mr. Speaker, it is very clear that the government is continuing its in-depth reform of human resources management in the Public Service of Canada.

The government has undertaken to maintain a competent, professional, bilingual, representative and non-partisan public service. The Prime Minister himself has appointed a task force to proceed with this reform. I am assured that the new clerk will help us finish this reform by next fall.

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[English]

**GUN REGISTRY**

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, the justice minister is running a gun registry that is fraught with errors. Get this. He registers a primitive muzzle-loading rifle as a machine gun and a revolver as a machine gun.

The RCMP has provided reports documenting hundreds of thousands of errors in the registry.

How can a garbage collection system like the minister is running be of any benefit to the police?

**Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, they just do not get it. This program is a public health and safety program. It is designed to protect the public and it is doing a marvellous job.

A recent poll suggested that it is supported by 76% of the population and it is supported for a good reason.

[Translation]

**GUARANTEED INCOME SUPPLEMENT**

**Mr. Marcel Gagnon (Champlain, BQ):** Mr. Speaker, yesterday the Minister of Human Resources Development slammed the door on full and total retroactivity for the guaranteed income supplement. When I toured Quebec, I heard many examples, including a lady in Sherbrooke living below the poverty line who has been deprived of what would be \$90,000 in today's dollars.

Does the minister not have a duty to do right by the seniors who have been disadvantaged by the system, such as the lady I have just referred to, and to allow them full retroactivity?

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, as far as retroactivity is concerned, our program is as generous as similar programs in Quebec, if not more generous.

For example, family allowances and drug plans have retroactivity of one year. Others, such as their rent subsidy, housing, and employment assistance programs have no retroactivity at all. We are, of course, doing much the same thing.

\* \* \*

[English]

**TAXATION**

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, my question is for the finance minister who may be aware of a decision yesterday by the Manitoba NDP government to lift the provincial sales tax on feminine hygiene products. In so doing, it acknowledged that a tax on essential and necessary products used exclusively by women is unfair and discriminatory.

Will the Minister of Finance do the same? Will he put an end to the gender tax and remove the GST from sanitary napkins and tampons?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the government is constantly reviewing tax policy and obviously we are constantly reviewing those areas to which the tax policy applies, and we will continue to do that.

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**SOFTWOOD LUMBER**

**Mr. Greg Thompson (New Brunswick Southwest, PC):** Mr. Speaker, the Minister for International Trade has failed miserably in his attempts to protect our softwood lumber industry against the heavy handedness of the Americans.

He is on record as saying earlier that he knew these negotiations were not going to work, but yesterday the Ministers of HRDC and Natural Resources had nothing to offer our workers in the west coast and that will be the same across the country as we go along.

Is it not time that the Prime Minister took a special interest in this file or at least at the bare minimum appoint a minister who can get some action?

*Privilege*

•(1500)

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, let me be very clear. I can tell the member that the present Prime Minister has taken a deeper interest in the softwood lumber dispute with the United States than any previous prime minister. At every opportunity, he has raised it with the president of the United States.

Everyone has given 100% effort and energy on this softwood lumber file. We have been working with the provinces and with industry. There is a consensus for the efforts we have made.

The problem is not in this House—

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**PRESENCE IN GALLERY**

**The Deputy Speaker:** I draw the attention of hon. members to the presence in the gallery of His Excellency Lyonpo Jigmi Y.Thinley, Minister of Foreign Affairs of the Kingdom of Bhutan.

**Some hon. members:** Hear, hear.

**The Deputy Speaker:** I also draw the attention of hon. members to the presence in the gallery of Mr. Jose Kusugak, President of the Inuit Tapiriit Kanatami.

**Some hon. members:** Hear, hear.

**The Deputy Speaker:** I have a notice of a question of privilege from the hon. member for Ancaster—Dundas—Flamborough—Aldershot.

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**PRIVILEGE**

BILL C-55

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, I rise on a point of privilege to complain that contempt has been shown to parliament and my rights as an MP have been abused by the privacy commissioner when yesterday he chose to express his concerns about Bill C-55 by issuing a press release and giving media interviews before and without reporting those concerns to parliament as he is enjoined to do by sections 38, 39 and 40 of the Privacy Act.

I remind you, Mr. Speaker, that section 38 says that the privacy commissioner shall submit a report on the activities of his office once a year. Where a matter is of such urgency or importance that it cannot be deferred to the year-end report, section 39 gives the commissioner the option of making a special interim report to parliament. Section 40 says that these reports must be transmitted to the Speakers of the House and the Senate for tabling in those Houses.

In writing about Bill C-55 in the aforementioned press release, the privacy commissioner uses language such as “a dramatic expansion of privacy-invasive police powers without explanation or justification” and “practices similar to those that exist in totalitarian societies”.

These are extreme and troubling statements. Surely, if they truly do reflect the privacy commissioner's concerns, they are matters of

importance and urgency that should have been reported to parliament as provided for in section 39. Instead, within not much more than an hour after the Minister of Transport opened second reading debate on Bill C-55, the privacy commissioner issued an elaborate press release to all major media by fax and other means, condemning a very specific aspect of one section of the bill. By late afternoon the commissioner, one Mr. George Radwanski, was being interviewed on national television.

Mr. Speaker, the direction in sections 38, 39 and 40 of the Privacy Act is clear. If the privacy commissioner has an important concern, he shall report it to parliament and he may do it any time depending upon the emergency of the matter. Not to do so, to choose to share his concern with the media first by a wilful and deliberate press release, is as eloquent a demonstration of contempt of this place as ever this House might see.

I remind you, Mr. Speaker, the privacy commissioner is an officer of parliament. The position is created by statute and subject to statute. To ignore both the intent and the spirit of the Privacy Act and his responsibility to report to parliament is unacceptable behaviour on the part of the privacy commissioner. The affront, I point out, is directed at both Houses in that the act requires the privacy commissioner to report to both the Speaker of the House and the Speaker of the Senate.

Furthermore, the reason why officers of parliament report to the Speaker is so that you can table the reports in the House. You do that, Mr. Speaker, so that MPs can access their expert opinions to better understand all aspects of legislation being considered in the House and in committee. The earlier such reports are tabled, the earlier and more completely the opportunity MPs and senators have to use them to positively contribute to creating the best laws possible for Canadians.

Mr. Radwanski's views on Bill C-55, by virtue of his position as a privacy commissioner, are exquisitely relevant to debate on a bill like Bill C-55. I was looking for and expecting to hear of them, though probably at committee stage. Instead I learned of his views when I was scrummed yesterday after question period.

“Had I read the press release”, I was asked. “Do you think the bill goes far beyond anti-terrorism?” I was also asked. Not only had I not read the press release, I had not even received it. It went only to the media—

•(1505)

**The Deputy Speaker:** The Chair has listened attentively and I must say respectfully to the hon. member that in my judgment the officer certainly always has and must have the ability to fulfill his obligations. I do not see where there has been a breach of the member's privileges. I will listen a little more, but I would ask the member to get directly to the question of privilege.

**Mr. John Bryden:** Indeed, Mr. Speaker, I checked and I was unable to find any MPs who had received so much as an e-mail from the privacy commissioner outlining or even suggesting his concerns about Bill C-55.

*Government Orders*

I will skip over a bit if you wish, Mr. Speaker, and I say first that my rights as an MP were abrogated because I did not get timely access to the privacy commissioner's urgent views on legislation that was then before the House. If that is not an abuse of my ability to act as an MP, I do not know what is.

Second, my rights are being abrogated because the privacy commissioner is using his press releases and media interviews to pose as the champion of privacy at the expense of MPs. His message is consistent and clear. He must speak up to defend privacy because MPs cannot be trusted to do so. That is what he is saying.

In the privacy commissioner's press release, which I offer for your perusal, Mr. Speaker, you will note that the commissioner concludes by saying that his concerns are of the greatest gravity and it is his duty to seek explanation or amendments to the law. Amendments? Where is it written in the law that—

**The Deputy Speaker:** Respectfully once again, I see no matter that would lead me to rule that there is a breach of privilege on this question at this time. I will consider that matter closed.

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**BUSINESS OF THE HOUSE**

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, I would like to ask the government House leader what the business will be for the remainder of this week and obviously next week? Could he possibly advise us when he expects Bill C-5 will be back before the House?

**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, today and tomorrow we will continue with Bill C-55, dealing with public safety. If that is completed, we would turn to Bill C-47, dealing with excise.

Next week we will have the unusual pleasure of three days, Monday, Tuesday and Thursday, as allotted days for opposition debate. On Wednesday we will return to business unfinished this week, including Bill C-5, species at risk.

I would like to designate Tuesday evening of next week as the first evening for consideration, in committee of the whole, of estimates, pursuant to Standing Order 81.4(a). I would also advise that consultations are ongoing with regard to holding certain take note debates on Wednesday evening of next week.

● (1510)

**Mr. John Reynolds:** Mr. Speaker, I would like to advise the House that all votes under National Defence in the main estimates for the fiscal year ending March 31, 2003 be considered first on May 7 and all votes under Public Works and Government Services be considered on the next day so designated by the minister.

Also, at this time I seek the unanimous consent of the House to revert to the application for emergency debates.

I make this request because at 11 a.m. today the U.S. International Trade Commission ruled against Canada in the lawsuit filed by the U.S. softwood lumber industry. The U.S. ITC ruled that the Canadian imports of softwood lumber pose a threat of injury to the U.S. industry.

Today's announcement is a worst case disaster scenario for Canadian forest workers, communities and the industry and is a major hit for the Canadian economy. The Canadian federal government must take bold action and strong leadership at this crucial time.

There is no time to waste. A contingency plan announcement containing worker relief and tariff payment measures is required now. Up to 50,000 Canadians, because of this ruling, are at the risk of losing their jobs.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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**GOVERNMENT ORDERS**

[English]

The House resumed consideration of the motion that Bill C-55, an act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee, and of the amendment

**Mr. Lynn Myers (Parliamentary Secretary to the Solicitor General of Canada, Lib.):** Mr. Speaker, I am pleased to speak to Bill C-55, the public safety act.

The government has taken a very measured approach in drafting the bill. We are demonstrating with the bill our continued commitment to the values of Canadians. The bill carries on the work of the government's anti-terrorism agenda, an agenda that we have pursued with urgency, I might add, in the interests of increasing public protection against terrorism. It walks a balance between safety and security for our citizens and the privacy rights of all Canadians.

The fight against terrorism is a long one. No one doubts that for a minute. It is important and it is an effort that must be sustained both nationally and internationally. That is why, then, it is critical that our law enforcement agencies and public security organizations have the best information with which to work.

We have come up with improvements in Bill C-55 that will increase our anti-terrorism response. In particular, the bill should enhance the capability of the RCMP and CSIS to protect the public, especially the safety of air passengers. That is very important and is something that all Canadians desire, need and require.

The amendments respond to the concerns raised by some of our hon. colleagues that Bill C-42 needed to be improved to prevent terrorism and to prevent terrorists from accessing Canadian planes. We have listened in this regard and have come up with Bill C-55 in response.

*Government Orders*

I would now like to address the proposals in the bill concerning passenger information: what they will do, how they will better inform and give better information sharing to improve public safety, and how they will balance privacy rights with the need for law enforcement and intelligence.

To support the government's new air carrier protection program, designated officers would have access to specific passenger information to check for potential terrorists and serious criminals as well as threats to transportation security. In particular, an RCMP designated officer would be able to check for outstanding warrants for serious offences, warrants issued under the Immigration Act or by a foreign state for which a person should be extradited.

This is a sensible approach and a sensible scheme because it not only promotes the security of air passengers but also improves overall public safety. For example, it enables the RCMP to notify the responsible police force if it discovers after accessing passenger information that a person is wanted for an outstanding warrant for a serious offence such as murder, for example.

Under no circumstances could this information be used for broader law enforcement purposes such as a criminal investigation and it would not permit unbridled arrest and detention of any law-abiding passenger. As is currently the case, before any arrest for an outstanding warrant the police would have to positively identify the person named in that warrant. The result would be more effective protection of passengers and cross-border co-ordination to intercept terrorists and criminals. Again, that is something that Canadians want and require.

I want to emphasize that we have built into this scheme very strict and rigorous privacy protection. Only a very small core group of officers especially designated by the RCMP commissioner or the director of CSIS would be able to access passenger information for specific purposes related to their agencies' mandates. For example, while only the RCMP could access passenger information for warrant purposes, only CSIS could access it to investigate terrorist threats. Once obtained, passenger information could be matched against other information under the control of the RCMP or CSIS. This would assist, then, in identifying passengers who are known or suspected terrorists.

Only designated officers would be able to share matched information with specific parties for very restricted purposes. For example, disclosures could be made to aircraft protective officers to assist with their transportation security duties. An RCMP designated officer would be able to advise local police if a kidnapped child, for example, were arriving on a scheduled flight.

•(1515)

To ensure accountability and transparency, written records would have to be kept to justify both the retention and the disclosure of passenger information. This would enable review agencies such as the Security Intelligence Review Committee, the inspector general for CSIS and the privacy commissioner to readily examine records for compliance with the law. All accessed passenger information would have to be destroyed within seven days unless it was reasonably required for the restricted purposes of transportation security or the investigation of terrorist threats, for example, to analyze travel patterns of known or suspected terrorists. There is

absolutely no authority for examining or tracking persons who do not present such threats.

The RCMP and CSIS would each be required to conduct an annual review of information retained by designated officers. If retention were no longer justified, again, the information would have to be destroyed. This is in keeping with the general thrust of the legislation to ensure that privacy is paramount in this all important area, but not at the expense of security and safety for Canadians. Given the sensitivity of terrorist information, only a CSIS designated officer could disclose to another CSIS employee for a counter-terrorism investigation under the CSIS act, and only after approval by a senior CSIS designated officer. Finally, thresholds would have to be met before passenger information could be shared. For example, a designated officer would need to have reason to believe that the information would assist in the execution of a warrant.

In developing these amendments, the government is being responsive to the concerns that have been raised about screening passengers who are potential threats. Hence the safety and security of not only the country but of Canadian citizens and others: if we are to have an effective air carrier protective program, we need to have these legitimate changes.

The privacy commissioner announced yesterday that he would not "...stand in the way of legitimate and necessary measures to enhance security against terrorism". That is exactly what these amendments do. They promote safe air travel, safety and protection from terrorists and confidence that passenger information will be used effectively for public safety purposes, all while respecting privacy rights. That too is something that Canadians have said loud and clear and have said repeatedly, and certainly we in this parliament have listened.

The scheme I have outlined does not permit unrestricted access to passenger information. It is tightly controlled and would be a legitimate part of transportation security in Canada's fight against terrorism. Using a variety of safeguards and accountability mechanisms, the scheme has been carefully designed to integrate security demands for information and the protection of the privacy rights of Canadians.

By way of recap, let me say that the new bill is something that has come about as a result of the government listening closely to Canadians, listening closely to people who have a great deal of interest in this area, and listening closely to people who want to ensure that there is safety and security in this great country of ours but at the same time ensure that our privacy rights as Canadians, fundamental to each and every one of us, are in fact protected.

*Government Orders*

The bill further defines and circumscribes the power of the Minister of National Defence to establish controlled access military zones and of other ministers to use interim orders in emergency situations, particularly through greater involvement of parliament. It also provides more comprehensive parameters for the new terrorist hoax offenses, and it provides strong measures to ensure accountability and transparency.

It also includes important provisions that will make Canadians safer by, as I have noted, improving the capacity of federal departments and agencies involved in anti-terrorism and national security activities to share that kind of critical information and co-ordinate their work in a manner consistent with the operations of these agencies, to ensure safety and security for all. It does so by providing for the smooth flow of information between Canada and its international partners, particularly the United States, with which we share a border, in order to prevent terrorist activity and protect public safety and by allowing the Government of Canada to provide financial assistance wherever necessary to enhance marine security.

• (1520)

At the same time, the act retains the key elements from Bill C-42 such as measures that will, for example, clarify and update existing aviation security authorities to maximize the effectiveness of the aviation security system and enhance the ability of the Government of Canada to provide a safe and secure environment for aviation. It also does so by deterring irresponsible hoaxes that endanger the public or heighten public anxiety, all of which has the net effect of creating even more terrorism among our midst.

It does so too by establishing tighter controls over explosives and hazardous substances, activities related to other dangerous substances such as pathogens and the export and transfer of technology. It does so by helping to identify and prevent harmful unauthorized use of interference with defence computer systems and networks and, finally, it deters the proliferation of biological weapons.

All of this is to say, then, that Bill C-55, this public safety act, is the work of a government intent on providing safety and security for the country and safety and security for Canadians wherever they live, but at the same time, and again to repeat it because it is an important point, to preserve the privacy rights of Canadians in a manner consistent with the great values of our country and certainly consistent with the charter of rights and freedoms. I believe that in walking this balance we have been able to provide the kind of legislation that is good, decent and worthy of support.

I would certainly ask colleagues on all sides of the House to support the bill, knowing that at the end of the day what it does is ensure that ours is a safer and more secure country, but at the same time it protects those rights and those responsibilities and the privacy that flows from that for all Canadians.

Thank you, Mr. Speaker, for the time allotted to me, and I wish to thank all members who are considering voting for this very important measure because certainly it is worth doing so.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, the Liberal member concluded his speech by

saying that he wants to protect individual freedoms and privacy rights.

I will simply quote a text published in today's edition of *La Presse*, which is not necessarily a sovereignist newspaper, members will agree. The heading is "The Privacy Commissioner condemns Bill C-55". The privacy commissioner is also not a sovereignist and he is definitely not a Bloc Québécois member. The text goes on to say that "some practices are similar to those that exist in totalitarian states".

This is an excerpt from a letter addressed by the commissioner to the government. I will quote part of it for the benefit of the Quebecers and Canadians who are listening. I continue reading the text:

Some measures including in the new anti-terrorist bill introduced by the Chrétien government are squarely patterned on those that exist in totalitarian states, according to privacy commissioner George Radwanski.

Mr. Radwanski condemns Ottawa's decision to include in Bill C-55 new provisions that would give the RCMP and the Canadian Security Intelligence Service (CSIS) unrestricted access to personal information from all Canadians travelling on domestic or international flights.

According to the commissioner, these "exceptional" measures go far beyond anti-terrorism and are in fact "a dramatic expansion of privacy-invasive police powers without explanation or justification as to its necessity".

I am still reading the letter addressed to the government by the commissioner:

"The precedent set [by the new provisions] could open the door, in principle, to practices similar to those that exist in totalitarian societies where police routinely board trains or establish roadblocks to check identification papers in search of anyone of interest to the state", said Mr. Radwanski in a written statement released yesterday.

It should be noted that these measures were not included in the first version of Bill C-42, which was suddenly scrapped, and that the commissioner feels that police forces might eventually ask the government for similar powers in the case of Canadians travelling by train, bus or rental car.

What does the Liberal member think of these comments by the privacy commissioner?

• (1525)

[English]

**Mr. Lynn Myers:** Mr. Speaker, I welcome the question because it allows me the opportunity to tell the House that in coming forward with the amendments the government has had to do a fine balancing act. On the one hand we have an obligation to provide safety and security not only for the country as a whole but for all Canadians wherever they live. On the other hand we are conscious that we must protect the privacy of Canadians, hence the fine line.

The amendments in Bill C-55 would protect the rights and privacy of Canadians while meeting our international obligations. They would meet the threats terrorists pose not only to us as a North American nation but to the United States and other freedom loving countries. We need to work in co-operation with other countries. We need to use federal agencies such as the RCMP and CSIS to ensure we do this in an effective and efficient manner without getting into grievous and unwanted privacy concerns. Bill C-55 would allow us to do precisely that.



*Government Orders*

Doing this will require a lot of balance. That is precisely what Bill C-55 represents. It is conscious of the values that are important to Canadians. It is conscious of the charter of rights and freedoms and what it represents for the vast majority of Canadians. At the same time it would ensure more safety and security. It would give the RCMP, CSIS and others in co-ordination with our international partners access to the tools and information needed to ensure security not only in Canada but worldwide. At the end of the day we have done precisely that. The government should be applauded for having brought forward good legislation which we can enforce.

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, the Parliamentary Secretary to the Solicitor General of Canada talked about balance. Yet the privacy commissioner has said there is no balance in Bill C-55. He says it is draconian and would go too far in curtailing the civil liberties of Canadians. On top of that the Prime Minister has said he is willing to fast track the bill. I assume the parliamentary secretary thinks that is fine too.

Where is the balance between those two statements?

• (1530)

**Mr. Lynn Myers:** Mr. Speaker, no one ever said it was easy to govern. It is not easy to govern in light of September 11. It is not easy to govern in light of the terrorist threats occurring around the world. As a government we must provide the leadership that is required in a world where terrorism is a reality. We must bring forward measures that on the one hand ensure privacy, reason and balance, but on the other hand ensure safety and security is paramount for Canada and for Canadians wherever they are.

Canadians expect no less from us. They expect their government to act with leadership. Canadians expect us to act with our international partners in the interests of their safety and the safety of their children. They expect us to do so while being cognizant of the privacy guaranteed under the charter of rights and freedoms, the constitution and the statutes that have come through the House since 1867.

At the end of the day we as a government have provided that kind of leadership. We have ensured a balance. Bill C-55 would respect privacy and the great charter of rights and freedoms while helping ensure safety and security for Canadians and others in the world.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, for the benefit of the parliamentary secretary, I am going to reread the heading from *La Presse*: “Privacy Commissioner Condemns Bill C-55”. It does not say “Supports Bill C-55”.

The privacy commissioner, who was appointed by the government, is the best qualified to tell Canadians and Quebecers whether their privacy is protected, and he is the one telling us that he condemns Bill C-55.

Now that he has given his fine explanations, can the parliamentary secretary tell us whether the government will amend Bill C-55 or simply withdraw it and prove the privacy commissioner right?

[*English*]

**Mr. Lynn Myers:** Mr. Speaker, we looked closely at Bill C-42 and what it represented. As hon. members know, we listened to all

kinds of Canadians. We decided to change it and bring in Bill C-55 to meet the requirements people had. We listened to the statements people made and were sensitive to all the issues raised by the opposition.

In making this balancing act we have brought forth good, solid legislation that would adhere to the charter and privacy rights of Canadians while making sure safety and security were paramount. We talked to Canadians about the issues. They fully understand that through the RCMP and CSIS, two great institutions we are blessed to have, we want to be able to catch the people—

**Mr. Gerald Keddy:** Mr. Speaker, I rise on a point of order. I do not believe there is quorum in the House.

*And the count having been taken:*

**The Deputy Speaker:** There is quorum.

**Mr. Lynn Myers:** Mr. Speaker, the point I was making is that Canadians expect us, through the RCMP and CSIS, to ensure people involved in terrorist and criminal activities are caught. This would happen under Bill C-55. If we asked ordinary Canadians anywhere in the country I think they would agree.

**Mr. Scott Brison (Kings—Hants, PC):** Mr. Speaker, it is a pleasure today to rise to speak to Bill C-55, the public safety act. No Canadian or anyone in the House doubts the importance of protecting security at this critical time. As the Prime Minister and everyone in the House has said, it has become almost a cliché to say the world changed on September 11.

However the threats to security that were demonstrated on September 11 have existed for a long time. In responding to what happened on September 11 the government's goals may be laudable but its means of achieving them have been anything but. The Liberal government has done more to foster global terrorism and expose Canadians to the risk of terrorism on our soil than any government in the history of Canada.

Since coming to office the government has done more to reduce and gut resources for the RCMP, CSIS and the military than any government in the past. Our rules and laws are not the problem. They are not what we need to change. For a long time we have needed the resources to enforce the existing rules. Regardless of the legislation we pass in the House to strengthen the government's hand to act in a more totalitarian way, the goal of improving the security of Canadians will not be met without increased resources for the RCMP, CSIS and the military.

The government recently took baby steps in the right direction on these issues. However for years it has taken funds out of these important enforcement agencies with a backhoe. It now proposes to replace the funds with a teaspoon. The government is trying to fill in some of the potholes it has created through years of neglect.

*Government Orders*

The Minister of Transport stood in the House at the beginning of the debate and praised Bill C-55. However after listening to him the question remains: Why do we need the legislation? We already have an Emergencies Act to allow a fast response to a national emergency. After the crisis of September 11 the government responded and took extraordinary action within the existing rules.

Bill C-55 is the essence of Liberal parliamentary democracy. By that I mean it would continue the Liberal tradition of doing everything they can to jettison parliamentary democracy. Under the Liberal government more than any previous government we have seen an increased concentration of decision making power away from parliament and into the hands not only of cabinet but of the Prime Minister's Office. Bill C-55 represents another nail in the coffin of Canadian parliamentary democracy.

This legislation would allow the government to bypass parliament. It would severely curtail parliamentary scrutiny and review. The rules Canadians consider so important such as protection of privacy and property and protection against arbitrary arrest would all be compromised by Bill C-55. That is unnecessary because we can provide the security Canadians need and want without compromising the civil liberties they value.

● (1535)

The Liberal privacy commissioner has used the term totalitarian to discuss aspects of Bill C-55. What a scathing condemnation of his own government to refer to the legislation as being totalitarian. Canadians are intelligent and will decide for themselves the number of ways the bill violates their rights. I am afraid that Canadians will not realize until too late the regressive nature of the bill in terms of pulling back some of the fundamental civil liberties that Canadians have come to assume are part of our values.

The bill represents another flawed piece of Liberal legislation. It is a slap in the face for Canadians who value their privacy and property rights. In the wake of September 11 it is understandable that the government would seek to draft legislation that would address some of these extreme circumstances we find ourselves in not just in Canada but around the world.

The arbitrary nature of the decision making process by the government in creating the legislation is really unfortunate. The government refers to consultation and that it has listened. It really has not listened or pursued a full and consultative approach in creating the legislation.

If the government were to reverse some of the very significant and draconian cuts that were made to the military, the RCMP and CSIS resources, a lot of the existing rules would be fine just the way they are. The government in some ways is using September 11 as a means to further strengthen its hand and further reduce parliamentary scrutiny.

I do not want to sound like a conspiracy theorist but I saw the government use September 11 as an excuse to create a \$4 billion tax grab with the air security tax. In Canada it is \$24 for every round trip. The U.S. equivalent for the same level of security is \$5. The government used that opportunity, the fear of Canadians post September 11 to exact more revenue out of Canadian taxpayers

which made me feel very skeptical. I really question the government's motives.

With the legislation perhaps the government sees that September 11 has created further opportunity to concentrate power at the expense of the civil liberties of Canadians. I urge the government to not always use every opportunity to reduce the role of parliament and concentrate greater levels of power in the executive branch. Instead it should enforce the rules that are there now and increase the resources that are needed to do so.

The bill furthers the concentration of power in the hands of the ministers. We know what the government did in terms of ministerial accountability. We have seen minister after minister fail to be accountable to parliament, to committees and to the trust that Canadians vest in them.

The interim orders made by ministers alone without parliamentary approval could remain secret for 23 days. They could be in effect for 45 days without any cabinet approval.

We have a defence minister now who cannot remember what happens at briefing sessions and forgets to brief the Prime Minister and cabinet. This is like a dream piece of legislation for the defence minister. Not only can he forget something for seven days, he could forget something for 45 days without having to worry about it.

The whole notion of ministerial accountability is gutted by the legislation. A minister would not even have to seek cabinet approval and could act arbitrarily. These extreme measures could be in effect for 45 days without cabinet approval. That of course would help because based on the Prime Minister's style of leadership, he would probably rather golf than govern anyway. It would probably be inconvenient to call cabinet meetings particularly during the summertime.

● (1540)

Unless specified in the order, the order can be in effect for a year. If the minister so chooses, it can be renewed for at least another year. All this is without parliamentary approval. The changes from Bill C-42 are a slight improvement, a tiny pittance of an improvement, but once again parliament and the public are relegated to the back seat.

The changes to the National Defence Act in this legislation are a perfect example. The minister in the past has demonstrated that he is less than forthright with the public, parliament, his party, his caucus and even his leader and cabinet. Did we take hostages or did we not? Were the hostages handed over or not? Was the Prime Minister told or was he not?

The fact is the whole British parliamentary system is based on the sanctity of ministerial accountability. The Minister of National Defence would have had his marching orders provided to him by the Prime Minister if he had served in the cabinet of Tony Blair. He would have been gone by 10 o'clock on the morning the debacle became public.

*Government Orders*

Instead, in order to protect the sub-mediocrity of the front benches, the government will do anything to avoid resignations. It would even send them to Denmark if the opportunity existed just so it could say that it was not wrong and the Prime Minister did not make a mistake. Canadians know a lot better.

It took the minister three briefings to bring him up to speed. There was a day when cabinet ministers were chosen based on their perspicacity and ability to be briefed quickly and understand issues. The Prime Minister wants that minister now to have even greater unchecked authority, controlled access to military zones anywhere in Canada. Make no mistake about it. Under this legislation the government can drive a tank onto any street in the country and at the discretion of the minister call it a military secure zone.

Most Canadians, including the minister's own chain of command within the military, have expressed significant doubts as to the competence of the minister. For him to be provided with this level of power to act arbitrarily and create a military zone wherever he wants is truly frightening.

Under subsection 260.1(1)(b) concerning controlled access military zones, there is some question as to what the government means by property. Is this real property as in real estate, or property in terms of equipment, such as a main battle tank or military vehicle? The answer comes in subsection 260.1(3) where the designation of the nature of the zone states:

A controlled access military zone may consist of an area of land or water, a portion of airspace, or a structure or part of one, surrounding a thing referred to in subsection (1) or including it, whether the zone designated is fixed or moves with that thing. The zone automatically includes all corresponding airspace above, and water and land below, the earth's surface.

If the nature of this legislation were to create these zones in, on or around areas with permanent structures not designated as military bases, there would be no need for clarification of this type. This gives the minister, Canada's defensive minister in this case, not as the minister of defence but as the defensive minister, the ability to designate a controlled military access zone around any piece of military property he feels necessary and as the equipment moves through an area, so goes the zone.

Canadians work long, hard hours and pay a lot of taxes. They work hard for everything they own. The stroke of a pen by the minister can negate the expectations of a person's property rights in Canada. That is clearly egregious to Canadians when they think of it. It should be offensive to every member of the House.

• (1545)

Liberals might suggest that checks and balances are contained within subsection (6) where a maximum time limit of one year is put on the zone. However as 7(b) states that following the renewal of a year, the governor in council can sidestep the subsection should the government want the designation in effect for more than one year.

These are broad, sweeping powers provided to a minister who has demonstrated very little competence, who has in fact earned the wrath of Canadians and lost the respect of his own chain of command. The fact that the Minister of National Defence, particularly the present Minister of National Defence, would be given this level of power is truly emblematic of the deep flaws and rot within the legislation.

While there are a number of issues we disagree with, the bill does have some positive notes. We believe there are some positive steps being taken with regard to part 4 of the bill which deals specifically with an amendment to the criminal code.

The notion of criminalizing a hoax in regard to terrorist activities makes a great deal of sense. That has already existed for a long time in airports. We cannot make jokes about bombings and that sort of thing. That makes a tremendous amount of sense. However that is like a thimble full of positive steps in a sea of bad things in the legislation.

If the government were serious about improving the security of Canadians, it would address some of the flaws and mistakes of the past. It would address funding issues for the RCMP and CSIS. It would address funding issues of our Canadian military. The government would address some of the flaws in our current immigration system.

Canadians ought not to learn about flaws in our immigration system on *60 Minutes*. Parliament should be more assiduously focused on addressing those flaws and those issues.

If the government were serious about achieving the ends of a more secure Canada and a Canada more willing to protect itself against the threats of international terrorism on our soil, there are ways that could be accomplished. Those laudable goals could have been accomplished without compromising the human rights and the civil liberties of Canadians.

The government used September 11 in an exploitative way to create a multibillion dollar tax grab by creating the air security tax. It was intentionally larger than it needed to be to exact as much money out of Canadian taxpayers as possible. The government exploited September 11 to raise more government revenue in a shameless, unconscionable way. It is now using September 11 once again as an excuse to clamp down on the civil liberties of Canadians and to further reduce parliament's important role in representing Canadians to further strengthen the power of cabinet, the power of the Prime Minister and the PMO.

It is absolutely shameful that the government would take an event like September 11, an event that has in so many ways focused the efforts of people around the world on what can be done to better protect ourselves against terrorism. Instead of moving in a constructive way to fight terrorism and find ways to better protect Canadians against terrorism on our soil, it is using September 11 as a way to extend its powers, to raise more tax revenues, to further reduce the role of parliament and further strengthen cabinet and the Prime Minister's hold over the power of this country.

• (1550)

I think that is really unfortunate. We fight terrorism to protect democracy. The government uses the threat of terrorism to reduce democracy. That is just a terrible state of affairs.

• (1555)

**The Deputy Speaker:** Before I take questions or comments, let me remind the House that we have now surpassed the first five hours of debate. Therefore subsequent interventions will now be limited to 10 minutes without questions or comments.

*Government Orders*

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, I think all of us share the concerns expressed by the member about privacy. This is very difficult legislation and it is very hard to strike a balance surely between public safety and privacy.

I wonder if the member shares my concern about the privacy commissioner who reports to parliament and has an important role in advising parliament about issues pertaining to privacy. I noticed that the member quoted from the privacy commissioner's press release about a totalitarian society. I informed the member opposite that the privacy commissioner issued a press release before and without consulting or informing parliament of his concerns.

Does the member think it would have been more appropriate for the privacy commissioner to have brought his concerns to all members of the House before he brought his concerns to the media?

**Mr. Scott Brison:** Mr. Speaker, before I answer the hon. member's question I would like to commend him for his work and commitment to access to information which he has demonstrated in the House and often against a significant level of inertia on the front benches of his own government. However he has continued to fight on behalf of parliament and on behalf of all Canadians.

The fact that the privacy commissioner took the extraordinary step of going to the media on this indicates his frustration with the fact that the system itself may not be working and the fact that he works for a government that is not interested in the views of senior public servants who want to do the right thing. I think that speaks volumes about the dysfunctionality of the relationship between the senior public service and the government. He was right to point that out.

If the hon. member is interested in access to information, which I know he is, he will appreciate my concern about the fact that the legislation would give individual ministers, without parliamentary approval, the right to issue orders that can remain secret for 23 days, in effect for 45 days, a month and a half, without any approval from cabinet. A week is a long time in politics but 45 days is like a lifetime. An awful lot can happen in 45 days.

I know the hon. member shares my concerns because he has been committed to the notion of parliamentary supremacy and access to information for individual parliamentarians. As such, I would expect that he would vote, like many of us, against the legislation because it would be inconsistent with the principles he has demonstrated consistently in the House and through his courageous work last summer on the access to information file to support the legislation.

I am certain his government will understand when he rises in the House and votes against this terribly flawed piece of legislation. I will certainly commend him for that and defend him because he is a very principled member of parliament.

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Mr. Speaker, I listened with rapt attention to the interventions by my hon. colleague from Kings—Hants on this important legislation. I certainly find myself agreeing with most of the points he raised in opposing the bill and, in particular, the issue he raised about this timeframe of 45 days whereby the cabinet of government, perhaps even the Prime Minister, might be kept in the dark about

issues that certainly should be brought to their attention and should have more support than simply one cabinet minister.

As he correctly pointed out, there have been a number of occasions where decisions made by cabinet ministers, in particular the Minister of National Defence, have caused great concern regarding their judgment and whether they passed information on to appropriate colleagues and indeed to the Prime Minister. When Canadians have seen that in the past, they should be very concerned about giving those ministers, those types of individuals, greater power under this bill.

One of the things that concerns me about Bill C-55 is that in some areas I think the government, as usual, goes too far and in other areas it does not go far enough.

One example that comes to mind is in the area of properly screening individuals who enter our country. I would suggest that in many cases the ones who intend to sneak into the country have bogus documents. They get on the airplane, land here and somehow en route the documents go missing. Yet in this legislation there is no provision to immediately deport those individuals out of the country. Instead, once they land here they have all the rights and privileges of citizens. The charter kicks in and we are stuck with them. In many cases they are not detained, they go underground, go missing, sneak into the United States or whatever.

In the limited time left for questions and comments, I wonder if the hon. member would like to address that particular area of concern. I know it is of great concern to Canadians, especially since 9/11.

• (1600)

**Mr. Scott Brison:** Mr. Speaker, first, the member points out the issue surrounding some of the ministers. If a minister in any other government had performed as abysmally as the Minister of National Defence had by conveniently forgetting or concealing what he knew at that period of time, there would have been a call to cabinet and to the Prime Minister to change the rules to ensure that ministers had to report and inform their cabinet colleagues and the Prime Minister more quickly of these types of things.

Instead, the Prime Minister has said that the rules should be changed to make it easier for ministers to not inform cabinet and the Prime Minister. We seem to be going in the other direction. If we do not want someone saying that a minister has made a mistake we will make it almost impossible to make a mistake. We will lower the bar and then ministers can limbo under the bar. This is really awful.

In terms of the immigration issues, Canadians have significant concerns about the flaws within our immigration system. Those concerns exist along with a sense of genuine pride about the degree to which immigration has helped build this country and the multicultural mosaic of Canada for which we are all so proud. What Canadians want is an immigration system that works again and is not a threat to national security. The immigration policy and the execution of the immigration policy could be addressed in this legislation without reducing civil liberties, rights and freedoms.

*Government Orders*

What is interesting is that the government claims it wants to protect the civil liberties and rights of people seeking refuge in Canada yet this legislation actually reduces the civil liberties and rights of Canadians.

The government ought to focus on making the existing rules work, enforcing the existing rules and providing the resources necessary to enforce these rules.

If the goal of the legislation is simply to further reduce the role of parliament and strengthen cabinet's grip over power and that of the Prime Minister's over the levers, why does the government not just say so and say that it is further emasculating and disemboweling parliament. Instead, the government sneakily provides this type of legislation and purports to use this sort of legislation to strengthen security measures when we all know at the end of the day that this is another power grab designed to reduce parliament and strengthen the power of cabinet and the Prime Minister's Office.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I have already quoted from *La Presse*, and I will now quickly read some more headlines and excerpts. From *Le Devoir*, “New anti-terrorism legislation likely to create a police state”. Another of its headlines read “Smacks of totalitarian society: Privacy Commissioner”. I have already quoted from the *Journal de Montréal* and now, from Quebec City's *Le Soleil*, “Echoes of totalitarianism; Privacy Commissioner feels Bill C-55 goes far beyond the anti-terrorism legislation”.

I would ask the hon. member how the men and women listening to us should perceive the role of the privacy commissioner.

• (1605)

[English]

**Mr. Scott Brison:** Mr. Speaker, I think the fact that the privacy commissioner took those extraordinary steps and used the very strong totalitarian language that he did to describe the situation indicates his frustration with the government, a frustration he shares with many Canadians and many members of parliament who recognize the degree to which the government, through stealthy methods, jettisons any notion of access to information and will do anything it can to further reduce the role of parliament.

I think the privacy commissioner has taken very extreme and extraordinary measures in this case because of his frustrations with the government, its lack of response and its internal commitment to forge ahead and further reduce parliament.

**Mr. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, the public safety act, 2002, or Bill C-55, contains some important legal prongs or features in the juridical war on terrorists whose purposive basis is the promotion and protection of human security, including the most fundamental rights, the rights to life, liberty and security of the person.

These legal prongs include the following: amendments to the Aeronautics Act to maximize the effectiveness of Canada's aviation system and thereby enhance the ability of the Government of Canada to provide a safe and secure environment for air travel; amendments to the criminal code to deter terrorist hoaxes that endanger the public or heighten public anxiety; amendments to the Explosives Act to

establish tighter controls over illicit trafficking in explosives, including the acquisition, exportation, manufacture, storage or transportation of explosives; and amendments to the Export and Import Permits Act establishing controls over the export and electronic transfer of military and strategically sensitive technology.

Perhaps most important, the proposed legislation also would enact the biological and toxin weapons convention implementation act to prevent the development, production, stockpiling, acquisition, transfer or use of biological weapons by states, individuals or other entities. It will thereby reinforce Canada's existing legislation to prevent the development of, and deter the proliferation of, biological weapons. This is a particularly important legal prong in the domestication of international anti-terrorist treaty law in the anti-terrorism juridical effort.

However, the bill also contains some disconcerting features which, however well intentioned, include some errors and omissions that may result in the legislation falling victim to what might be called the “law of unintended consequences”.

The concerns are as follows.

First, while the bill seeks to circumscribe the power initially conferred upon the Minister of National Defence in the predecessor Bill C-42 to designate any part of Canada a military security zone, the scope of both the exercise and application of this power remain problematic. Admittedly, the bill improves upon its predecessor Bill C-42 in that the application of the power is limited to the protection of Canadian and allied military equipment and persons, and the exercise of power is limited to that which is reasonably necessary for this purpose, rather than, as in Bill C-42, what the minister “in his opinion” believed necessary for reasons of international relations, national defence or security.

However, the definition of a “controlled access military zone” has a certain indeterminate feature to it, which could, however inadvertently, be stretched to result in the very thing that this revised version was designed to prevent, for example, the application of this power to something like the G-8 meeting in Kananaskis, simply because the presence of Canadian military equipment or personnel or foreign diplomatic personnel with their related equipment may result in a military zone being nonetheless designated.

As well, it should be appreciated that, under present law, a military base or any property belonging to the Department of National Defence is already a military zone under its control. Clearly, then, we are speaking about the designation of a controlled access military zone that is outside our “defence establishment” on civilian territory. This power needs further delineation and clarification so that it can be clearly limited to the purposes for which it is intended.

*Government Orders*

Second, and more important, even if the scope of this exercise of ministerial power is appropriately delineated and clarified, the absence of any cabinet or parliamentary accountability is disturbing. In effect, there is no requirement for cabinet authorization of this ministerial decree. There is no requirement that it even be tabled, let alone debated by parliament. There is no express reference to the power of judicial review, though the right of judicial review would still be available even in unexpressed form. In a word, this is government by ministerial decree without the appropriate checks and balances constitutive of a parliamentary democracy.

I am not saying that a carefully circumscribed ministerial power is in no case warranted; I am only saying that the scope of its exercise still has an indeterminate character about it and that it is lacking in the appropriate checks and balances.

Third, as a response to the critique of its predecessor Bill C-42, Bill C-55 further defines and circumscribes the power of other ministers to issue interim orders if "immediate action is required to deal with a significant risk, direct or indirect, to health, safety or the environment".

Admittedly, the government has refined the scope of these powers by reducing the period within which the minister would be required to obtain cabinet approval from 90 to 45 days after the interim order is made. An additional requirement has been added that now requires that a copy of the interim order be tabled in each house of parliament within 15 sitting days from the time it is issued, thereby instituting a measure of parliamentary oversight. Also, the interim order is expressly subject to judicial review.

• (1610)

However, some disturbing questions remain. Why should there be a waiting period of 45 days to submit these emergency orders for cabinet approval? Why not reduce the period to 72 hours, or a week, as the Canadian Bar Association recommends? These orders are of an emergency character; they can last up to a year. The interim is a long time. The timeframe for cabinet approval needs to be much more expeditious.

Fourth, why should the interim orders have to be tabled in parliament only after 15 sitting days? If parliament were not sitting, there would be no requirement for it to do so. Also, why should parliamentary oversight be limited to the tabling of the interim order and not also the debating of a prospective amendment or an appeal of the interim order, as is consistent with the principle of parliamentary oversight? Again, the principle of parliamentary oversight and accountability needs to be enhanced.

Fifth, both the power of the Minister of National Defence regarding designated controlled access military zones and the power of ministers to issue interim emergency orders are exempt from the application of the Statutory Instruments Act. That means, in brief, that they are exempt from the examination of proposed regulations as required by the Statutory Instruments Act to ensure that these regulations are authorized by the statute pursuant to which they are made; that they do not constitute an unusual or unexpected use of the authority pursuant to which they are made; that they do not trespass unduly on existing rights and freedoms; and that they do not in any case breach the Canadian Charter of Rights and Freedom.

This does not mean that such decrees or regulations are not subject to the charter but it does mean that the "scrutiny and screen filter", the filtering out of objectionable features before the regulations are enacted, is absent. Regrettably, a judicial corrective may be necessary when a pre-emptive screening corrective could be utilized first.

Sixth, while Bill C-55, for the most part, strikes a reasonable balance between security and privacy rights, the new provisions giving RCMP and CSIS unrestricted access to the personal information of all Canadian air travellers, both on flights within Canada as well as on international routes, are also disconcerting. For example, if the RCMP can obtain and scan airline manifests in search of anyone subject to an outstanding warrant for any offence punishable by five years or more, or for an offence under the Immigration Act, this would appear to be an undue expansion of police power at the expense of privacy rights, without clear justification.

In other words, if, as the privacy commissioner has put it, proposed section 4.82 were limited to providing the RCMP and CSIS with access to airline passenger information for the sole purpose of checking against databases of known or suspected terrorists, with the proviso that all such information would be destroyed except where a match with the database was found, this could be regarded as a legitimate exercise of police power for security purposes.

Seventh, an appreciation of these three distinct exercises of executive power, the power of the Minister of National Defence to designate a controlled access military zone, the ministerial powers to issue interim urgent orders, and the power of police and security services to access aviation manifests, invite us to ask whether they comport with the proportionality principle, that is, that the remedies sought are rationally connected to the objectives sought to be secured, that they comport with the minimal impairment principle, that is, that they intrude on civil liberties as minimally as possible, and that the value of enacting these powers outweighs their cost.

Eighth, we must ask whether these authorized powers, taken as a whole, maintain the equilibrium between the related needs of security and rights protection.

Ninth, we must ask whether the legislation, taken as a whole, maintains the equilibrium among different branches of government, executive, legislative and judicial, or is there an undue allocation of power to ministers with a corresponding diminution of cabinet responsibility, parliamentary accountability and capacity for judicial review? In particular, the parliamentary role in this legislation appears to be diminished.

Finally, as a matter of parliamentary process, I would recommend that the legislation be referred to the Standing Committee on Justice and Human Rights, for the following reasons.

First, this is the second part of the government's anti-terrorism package, the first part of which, Bill C-36, was considered and debated before the justice and human rights committee. As a result, that committee acquired a certain repository of experience, if not expertise, in dealing with anti-terrorism law and policy and related issues.

*Government Orders*

Second, the bill raises fundamental questions, both about the equilibrium between security and rights protection and the equilibrium among the various branches of government that underpin a constitutional democracy, both of which are foundational legal concerns that are the natural subject matter for such a committee.

Third, the exercise of the authorities of the police and security, both under the criminal code and in surveillance matters, again is the natural stuff for a justice and human rights committee.

In conclusion, the public safety act, 2002, has important features, some of which I have described today, that are germane to an anti-terrorism law and policy and to the protection of public safety and human security. However, there are also disconcerting features, as I have also described, that taint the bill and which need to be addressed and redressed so we can promote human security without unnecessarily intruding on civil liberties.

• (1615)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, I certainly want to congratulate my government colleague across the way, who gave a most eloquent dissertation. I hope all the people out there listening paid close heed. It was superb.

The issue is Bill C-55, an act to amend certain acts of Canada, and to enact measures for implementing the biological and toxin weapons convention in order to enhance public safety. The bottom line is that what we are trying to do here is enhance public safety. I will just deal with a couple of aspects of it, because much has been said in the past.

On the issue of transport, one of the things that we all want in airline transport in particular is some kind of unified, codified degree of standards, national standards for those individuals responsible for engaging in airport security. There are widespread differences across the country. Recently we have heard some disturbing evidence about this. The government needs to work with partners across the country, with airport and airline authorities, to ensure that security personnel across the country have the same standards, the same training, the same skills and, indeed, adequate working conditions and remuneration.

One of the problems is that the remuneration for these individuals is extremely poor. They work very hard and they are as concerned as we are about being able to do their jobs properly. They want the proper training, they want the skills and they want the standards to be the same across the country so that airline security will be top-notch.

On the issue of the security perimeter, it is essential that we work with our partners, not against them, and that we certainly pay our dues if we are going to reap the rewards of being part of this larger security perimeter. That is essential. For too long as a country, because of neglect on the part of the government, we have been following on the coattails of our partners and not paying our dues. We know that if we go to the security table and want to be a partner, we have to go to the table with some resources.

For too long our defence department and our Canadian forces personnel have had their resources removed and gutted. We have a

critical need for an adequate number of personnel in our defence department. CF personnel who are on the sharp edge of our Canadian forces are cycling far too quickly in our country. As a result, incredible stress is placed upon them and their families. Quite frankly, they are suffering from burnout.

Objective evidence of this is the degree of attrition in our CF personnel. We cannot retain our individuals. Furthermore, we are not able to hire them either. The government needs to pay close heed to this to ensure that it is able to attract and retain the best. Too many of our best are leaving because they are being burnt out, because they simply are not being treated properly and fairly.

On the issue of root causes, I want to draw attention to a couple of issues that Bill C-55 should have taken into consideration. One is the issue of the biological and toxin weapons convention. I cannot imagine why the government has taken so long to implement this convention. It is a big problem. We have had some very disturbing evidence of fissionable material, things needed to make nuclear weapons, being lost, particularly in Russia. By pure luck, some of that fissionable material has been found and blocked. We know that people are trying to sell a lot of that material and there are willing buyers in the Middle East in some terrorist organizations. It is very disturbing to us, to our security partners and to other people in the world. If we do not get a handle on this so-called lost fissionable material, dirty nukes could be the way of the future. That is a serious problem.

If we do not work with our partners to find and apprehend this fissionable material, of which a substantial amount has been lost so far, we could run a serious risk of having a small nuclear device, packed with conventional explosives around the outside, exploding nuclear material in a large region. While I hope that not that many people would die, the bigger problem is that of people dying prematurely due to radiation poisoning and cancers associated with exposure to radioactive material.

• (1620)

It is a serious problem and I strongly encourage the Minister of Foreign Affairs and the Minister of National Defence to work with our American and NATO partners to deal with the situation quickly. It is a situation is out of control and should be of deep concern to all of us.

On the issue of root causes, we are spending a lot of time in Afghanistan and in large part we are missing the boat. If we simply look at al Qaeda, much of the terrorist organization has widespread tentacles across the world, from the Far East to the Middle East and to North America, particularly the United States.

If the government is going to cut the head off this Hydra, it has to get to the area where many of these individuals are found. The people who are the masterminds of this have a very distinct geopolitical purpose. They want to go back and make the Middle East a region where Islamic fundamentalism will take hold. The events of September 11 were as directed to countries such as Saudi Arabia as they were to the United States. Islamic fundamentalists see Saudi Arabia as somewhat of a sellout to the larger dream of having a pan-Islamic Middle East based on fundamental Islam.

*Government Orders*

The government has to get to the root causes. One way to drain the swamp is to deal with those critical areas where individuals have been pulled out to become suicide bombers or have joined terrorist organizations. We simply cannot exclude and continue to ignore the horrific situation taking place, particularly in Palestine.

We must work with the United States and other partners to do a couple of things. First, bring both parties to the table and, if necessary, use financial levers to do that. Both Palestine and Israel rely heavily on international funding. If the government can bring them together at the table by using those levers, if necessary, then it will be able to force them to do the following: first, the recognition of an independent Palestinian state; second, the recognition of a safe and secure Israel; third, that the Palestinian Authority have control over Hamas, Hezbollah, Islamic Jihad and other groups that would murder innocent Israeli civilians; fourth, that there be a pull-out of Israeli troops from the occupied territories in the West Bank; and fifth, that there be a complete and unconditional pull-out of all Israeli centres in the West Bank and the Gaza Strip. This is absolutely important.

If we looked at the map of the West Bank, we would see that it is pockmarked with 141 Israeli settlements that have continued to increase in numbers. That cannot produce peace.

The Palestinian Authority, which is a highly corrupt organization, needs to have its feet put to the fire. Mr. Arafat needs to actively root out corruption in his organization and if need be get external help to that end. He simply cannot maintain the current status quo where large amounts of money are being used for the personal benefit of the power brokers within the Palestinian Authority. They must not speak with forked tongues. They have to speak for peace and they have to speak for their people.

If the leadership of the Palestinian Authority is not prepared to do that fairly, then it should leave. Similarly, if the leadership in Israel is not willing to actively engage the Palestinians in an honest and fair fashion, then it should be removed. Individuals who are willing to talk peace in a tough but fair-minded way for both groups should stay.

In the end we will not resolve the problem of terrorism that affects us all unless we are willing to deal with the root causes of this situation and unless we are willing to deal not only with the situation in Palestine, but also the situation in Saudi Arabia where there has to be a liberalization of power and a sharing of resources. We should engage also in improved bilateral relations with middle eastern states.

An intelligent thing to do would be to co-opt or work with middle eastern countries, Muslim countries, and have them work with groups in the west as a united front for peace. Both groups in combination, the west and middle eastern Islamic countries, could work together to put pressure on both sides in a united fashion.

Last, I encourage the government to look at Prince Abdullah's peace proposal. It is a very sensible one. It is certainly a base line which we could work toward. This could work toward security not only for the people of the Middle East who desperately need it, both on the Jewish side and the Muslim side, but also for the international community at large.

● (1625)

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, the record will show that the member for Kings—Hants did not understand the question I posed to him when I asked whether he was concerned about the privacy commissioner issuing press releases on his concerns about Bill C-55 instead of reporting first to parliament. The member for Kings—Hants made it very clear in his reply that he thought that the privacy commissioner is an official of government. As we know, the privacy commissioner is an officer of parliament like the auditor general and is required by statute to report to parliament.

The reason why this issue is important is because this is a vitally important debate we are having before the House right now. It is a debate that touches on our fundamental civil liberties and tries to strike a balance with that and the need for public safety in a world that has become much more threatening than it was merely a year ago.

The difficulty with the privacy commissioner in effect going to the media with his concerns about the privacy considerations in the bill is that it inadvertently or maybe deliberately distorts the debate. We had an example when the member for Kings—Hants quoted from the privacy commissioner's press release in expressing his concerns about privacy in the relevant section of Bill C-55. I think that is unfortunate, because there is no doubt that the privacy issue in Bill C-55 is very important.

What is of concern to the privacy commissioner is the prospect that the police and security officials will be able to look at the passenger manifests of aircraft, both going from this country to another and domestically, and thereby use that opportunity to look for potential terrorists and even to look for potential criminals.

One can see why they might want to do that, because one of the new things that has emerged after September 11 is the whole business where people who go by air now have to show photo I.D. Suddenly, unlike ever before, the police and security officials have an opportunity to track individual people as they travel on aircraft.

I do not think that any of us would argue that this is a very necessary thing that we would want the police and security officials to have in the interests of tracking potential terrorists. There is a legitimate question about whether or not this opportunity should be extended for the tracking of possible or known criminals. That is an issue that I think needs to be debated at length in committee. For myself, I do not think it is unreasonable to use this new opportunity to try to identify known criminals as they use our air services, given that we now have the opportunity to see precise photo identities for every passenger who boards an aircraft.



*Government Orders*

Let us set that aside for a moment. I thought the member for Mount Royal raised a number of very important concerns about Bill C-55. These are concerns that in many respects, at least in my view as a member of parliament, are more important than the privacy issue, certainly because they strike to the very heart of the accountability of this legislation to parliament. I will not repeat those because I have limited time, but in my turn let me point out something that I find in the bill that causes me great worry. It is something which needs to be dealt with in committee and of which I think every member of parliament should be aware.

The way the bill works is that it gives ministers the ability to issue interim orders. These orders enable the appropriate minister, whether it is the Minister of Health, the Minister of the Environment or the Minister of Transport, to issue orders within the context of the particular legislation to meet a current emergency.

For instance, the appropriate minister can issue an interim order with respect to the Quarantine Act. We can see why the minister might want to issue an order in that case because one of the world dangers that has arisen is the possibility of a terrorist attack using biological weapons. There is also, concomitant with that, the whole danger of new diseases coming out of Africa and South America that have never been seen before which are high contagious and highly dangerous.

• (1630)

I do agree that the minister should have this authority and certainly there should be a debate about how that authority should be limited, but I would agree that he needs the authority.

What I find troubling is in each one of these interim orders we find the words:

The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Act if the Minister believes [the situation warrants it]...

We are talking about regulations. This gives the minister, the relevant minister, a huge opportunity to circumvent all parliamentary knowledge.

One thing that backbench MPs and all members of parliament complain about always is that the bills we pass may say one thing but the real crucial thing is what is said in the regulations. Unfortunately, so often the legislation that we pass in this House allows an open door on the type of regulations that may be made.

What that provision does in all these various bills that it touches upon, the pest control act, the drug safety act, the transportation security act and so on and so forth, is it gives the government an absolute opportunity to do anything it pleases by simply changing the regulation and then declaring an interim order.

At the very least what we have to do is ensure that when this bill passes it only applies to existing regulations and these interim orders cannot be applied to regulations made subsequently unless those regulations are cleared by parliament. It cannot leave those regulations to the bureaucracy alone.

I think this is very necessary legislation. I do not accept the thesis advanced by the opposition that this is some attempt by the government to grab massive power. The reality is that the ability to

write this kind of sensitive legislation is very difficult and delicate. It is done by the people in the bureaucracy, mainly in the justice department. Our responsibility as MPs is to go through this legislation as carefully as possible, identify concerns like I have just outlined and not be deflected by those who would lobby us to concentrate on only one aspect of the legislation rather than the others.

We must look at this legislation across the board and we must also see it in the context of the Emergencies Act to ensure that there is nothing in this bill that should not properly be under the Emergencies Act because it has much better parliamentary oversight than this bill has. I hope the committee will do this.

I will conclude by saying that I think this is important legislation. It tries to strike a difficult balance. I am extremely concerned about the regulation aspect of it. I will have a great deal of difficulty unless the government, parliament and committee address that problem. I think that otherwise most provisions in the bill can be dealt with.

Let me finally say that I attempted to raise a question of privilege with you, Mr. Speaker, with respect to the privacy commissioner. I realize now in reflection that I began that question of privilege in a way in which you had no opportunity to rule other than how you ruled. However the point remains that we cannot have an officer of parliament lobbying the public through the media for his particular point of view before his concerns are brought before this House as allowed for in the Privacy Act in sections 38, 39 and 40. This House I believe will have to deal with that matter in due course.

• (1635)

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Mr. Speaker, on behalf of the constituents of Surrey Central I am pleased to rise and participate in the debate on Bill C-55, an act to amend certain acts of Canada and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

It has been almost eight months since September 11. This is the Liberal's third attempt at legislation. It was first introduced as Bill C-42. Then it was split. Its offshoot, Bill C-44 was passed. The government reintroduced Bill C-42, then pulled it again last week. Now it has introduced Bill C-55.

This shows a reaction to the September 11 event rather than how the government needs to address the issue. This also shows a lack of vision and strategy by the government. It does not enhance the confidence in the government's ability to lead in the war on terrorism.

The legislation is a feeble reflection of its American counterpart. The U.S. introduced, debated, amended and enacted much more comprehensive security legislation in eight weeks, setting out tasks and defining government responsibilities. President Bush even signed it into law in November 2001, despite an anthrax scare.

It has taken the government eight months to introduce Canada's legislation in three different drafts to give us a sense of comprehension of security and third rate management. Actually all it has done is raised taxes and grabbed more power since September 11.

*Government Orders*

I am pleased that the Liberals withdrew their last flawed terror bill, Bill C-42. However they seemed to have missed the concerns Canadians had about it regarding an apparent power grab by ministers.

Bill C-55 has many flawed elements but two of them are the power grab by ministers and half-baked measures designed to mirror U.S. legislation. The stated purposes of the bill include: making air rage an offence; strengthening security at restricted areas in airports; requiring transportation companies to provide information on passengers; criminalizing terrorist hoaxes; providing for more control over explosives and sensitive exports; providing for the naming of controlled access military zones by the defence minister; protecting the jobs of reservists called up for service; and implementing the biological and toxin weapons convention.

This is an omnibus bill amending 19 different acts of parliament and implementing one international treaty, as well as impacting nine different ministries, which makes fair scrutiny by one committee almost impossible, amounting to even less accountability in government.

It gives the ministers of the environment, health, transport and fisheries and oceans the authority to issue an interim order effectively giving them the power to act without consulting cabinet or parliament and thus making the government even more arrogant.

This general increase in authority is not accompanied by any new specifics, or an assumption of responsibility by the ministries concerned. It is without any judicial or parliamentary oversight to safeguard the rights of Canadians. Allowing ministers to impose interim orders in contentious areas limits accountability for a bad decision to a single cabinet minister, rather than the Prime Minister or the whole government. This is not a step forward toward more accountable government.

Given the sweeping powers that already exist in the Emergencies Act to declare a public order emergency, an international emergency or even a war emergency, the new interim orders are probably not necessary in most cases.

• (1640)

Although the timeframe for cabinet review of ministerial imposed orders has been reduced from 90 days to 45 days it is a cosmetic change that is still too long a time period. It is 31 days more than the 14 days currently required under the act.

The legislation is inadequate, vague and seems to only be window dressing. It will probably be loaded with regulations. The government is not only weak and arrogant but also infamous for thwarting democracy in the House. The regulations would be imposed without any oversight or debate in parliament. This is not called governing but rather ruling through the back door.

As co-chair of the scrutiny of regulations committee I know how badly we need regulatory reform in the country. Some of the provinces are doing quite a bit, at least more than the federal government. The government needs to submit regulations along with the legislation when it puts it forward for debate in the House so that we know what it is following. As they say, the devil is in the details and the devil has to follow.

The government would now require air transportation companies to provide information about passengers en route to Canada but would not require them to ensure that passengers have documents when they board and when they disembark. There are no provisions to fine companies and require them to return the passengers if they do not have their documents.

The problem of invalid or missing travel documents remains. All persons who do not have documents should be detained automatically until they can prove their identity or their identity can be proven by running criminal checks overseas.

The auditor general said that 40% of potential refugees applying for refugee status in Canada land in the country without any kind of documents in their hands. That puts security at risk. Although airlines are required to check the passports of passengers for citizenship information, it is for immigration purposes only, not for security or ensuring that they land in this country with the documents with which they were able to board the plane.

There is no provision in the bill to send people back. If they were to come through a safe third country nothing could be done about them. All such persons should automatically be sent back. The transportation company should foot the bill for failing to screen the passengers. That is the law in the United States, why not in Canada?

According to the bill collected information would not be shared with law enforcement agencies and could not therefore be used in profiling. Further, the bill would not provide a means by which such information might be processed. It lacks co-ordination and a utilization strategy for the information.

There is little controversy about the provisions for greater sharing of information among financial institutions and regulators in order to comply with the Proceeds of Crime (Money Laundering) Act. There is nothing about that in the bill. Again it is a lack of co-ordination and co-operation. The government does not understand how to create a synergy of resources and information.

There should be a reasonable balance between security and the privacy rights of Canadians. The provisions proposed in section 4.82 would give the RCMP and CSIS unrestricted access to the personal information of all Canadian air travellers on flights within Canada as well as on international routes without any judicial authorization, explanation or justification as to its necessity.

*Government Orders*

Only air travellers within Canada would be forced by law to identify themselves to police for scrutiny, not travellers by train, bus or car. It is discriminatory. Similar practices exist in only totalitarian societies where police routinely board trains or establish roadblocks to check identification of people in search of anything in the interest of the state. Such countries have issued compulsory national identity cards or numbers. This provision would be an infringement on the privacy of citizens.

• (1645)

There are other issues, for example, how about law abiding citizens? They would also be required to provide information. Similarly, the amendments to the criminal code deal with hoaxes which are not real terrorist threats. There are so many things that are limiting to democracy.

The bill is contrary to Canadian Alliance policy of calling for more accountability in the government. The Canadian Alliance opposes the bill unless the government amends certain things we have put forward and limits the blanket interim order powers given to the ministers. I look forward to the government making those possible amendments.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, it is an honour for me to speak to this bill, since it is such an important one. I understand that all the bills in this House of Commons have a certain importance, but this one is extremely specific in character, and extremely important. It must be considered very wisely.

We need to look at Bill C-55, the purpose of which is to fight terrorism, keeping in mind that this important legislature must meet the expectations of the voters of Canada, and those of Quebec as well. Examination of this bill requires us to bear in mind all the other pieces of legislation in place in Canada, but in particular, the charter of rights and freedoms, which is in place and must be respected as well. We must meet the public's expectations, respect existing legislation as well as the charter, and strike a balance between individual and collective rights and national security.

The government has failed in its duty on at least two occasions, by attempting to get Bill C-42 through, which was divided up and enacted in part, and then by going back to the drawing board and tabling Bill C-55.

Upon examining this new legislation, one cannot help but notice that the government has not listened and is not responding to the expectations of constituents across Canada and Quebec. This is so evident, that at first reading of this bill, the person responsible for monitoring and protecting the privacy of individuals has said that this is legislation that could be found in totalitarian countries. Naturally, I am referring to the privacy commissioner.

I do not agree with the member for Ancaster—Dundas—Flamborough—Aldershot who said that the privacy commissioner should not be commenting. This is not the first time that the privacy commissioner has commented to the media about a bill, saying that it makes sense or does not.

I remember Bill C-36, to fight organized crime, because it is an issue that I was concerned about. This very same privacy

commissioner supported it. The member opposite did not rise then to say "He should not comment on it". No, then it was fine, because the privacy commissioner was supporting the government.

That is not how it works. He did not have to rise when the commissioner commented on Bill C-36, just like he did not have to rise and get offended by the fact that the privacy commissioner made his view on Bill C-55 clear. He described it as unacceptable. He said that it was legislation that could exist, but in totalitarian countries, not a country like Canada, where individual and collective rights are recognized. The privacy commissioner probably came to the same conclusions that the members of the Bloc Québécois did, when we examined the bill.

Mr. Speaker, I know that I only have ten minutes. I cannot go into detail on each of the points, but you must understand that the whole issue of controlled access military zones worries us.

Incidentally, the words may have changed, but the nuts and bolts of Bill C-55 have not necessarily been changed, because it bears a curious resemblance to Bill C-42, which was plagued with problems. The military security zone is now called a controlled access military zone. This is the biggest change to this section. The whole issue of controlled access military zones is worrisome.

• (1650)

The interim orders that are included in a whole series of acts are also a major source of concern. When we look at the list, we may be surprised, because interim orders may be made under the Department of Health Act, the Explosives Act, the Export and Import Permits Act, the Food and Drugs Act, The Hazardous Products Act, The Marine Transportation Security Act, the Pest Control Products Act, and so on.

What is particular about these interim orders is that each of the ministers responsible for an act will have the authority to make such orders. If we look at these changes, we see that they are exempted from the application of sections 3, 5 and 11 of the Statutory Instruments Act.

A layperson who reads this without really knowing about it, or without the schedule to these acts, may not understand. I wonder if the Minister of National Defence himself understands these provisions, considering the replies that he gave us today.

If we look at the Statutory Instruments Act, we see that sections 3, 5 and 11 are those that are used to determine whether or not an act complies with the Canadian Charter of Rights and Freedoms.

I understand why Quebec did not sign the Constitution. Members opposite boast about this and they celebrate the 20th anniversary of the constitution. Incidentally, they are celebrating a little too soon, because it has not been 20 years, but they are celebrating the 20th anniversary simply to show that they are a little mixed up. This year is the 20th anniversary of the patriation of the Constitution. But the 20th anniversary of the coming into effect of the Canadian Charter of Rights and Freedoms will come later. They will eventually learn that in the history books, when they read them.

*Government Orders*

These sections will not be applied to the acts that I listed. In other words, the government will not check to see if these measures respect the Canadian Charter of Rights and Freedoms. This is serious business. Yet, the government seems to be merrily going forward, oblivious of the fact that trouble may lie ahead because of these sections. But, as far as the government is concerned, there is no problem.

The very important part 2 of the bill, which deals with the National Defence Act, gives exceptional powers to the Minister of National Defence regarding the creation of the controlled access military zones to which I referred earlier.

My third concern has to do with the whole issue of damages. It will not be possible to sue the government in cases of abuse.

The amendments to the National Defence Act give excessive powers to the Minister of National Defence. One of these powers has to do with the dimensions of zones. He is the one who, at some point, is going to decide exactly what size of controlled access military zone is needed.

Right off the bat, we think that there should be very specific criteria in the bill so that the minister, whoever he is, cannot get carried away. A properly advised, open-minded legislator acting in good faith includes such criteria in a bill. The criteria in subsection 260.1 (4) are as follows:

The dimensions of a controlled access military zone may not be greater than is reasonably necessary to ensure the safety or security of any person, thing or property for which the zone is designated.

These are the criteria which the Minister of National Defence will use. This is the same Minister of National Defence who showed a lack of judgment in the Afghan prisoner affair.

Let us remember that Canadian troops captured prisoners. The minister knew this. He was told that they had during a briefing. But he did not feel the need to inform the Prime Minister, cabinet, or anyone else, while everyone in Canada was anxiously waiting to hear what would happen if prisoners were taken. He even told the House that none had been, when it fact some had, and so on. This is a flagrant lack of judgment, and this is the same minister who is going to implement this legislation.

• (1655)

It is ridiculous. I could give other examples, such as subsection (14) of this same section, which prevents taxpayers from taking the government to court.

I am being signalled that my time is up. I would have liked to speak at greater length about this bill, because it is extremely important. We in the Bloc Quebecois are naturally against it, because we defend ordinary citizens. That is why we were elected.

[*English*]

**Mr. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I want to start out by agreeing with what many members have said in the debate. This is very important legislation. Any time we work on personal security, it is serious legislation and should be very carefully thought out.

**An hon. member:** You are a good guy, but it is not a good bill.

**Mr. Larry Bagnell:** My thanks for the compliments from the Tories at the end.

Whenever we are dealing with people's rights and security, we are always walking a fine line and we want to get it right, as a previous member said, related to their expectations. Canadians still expect to be secure. They realize there are things to be more concerned about these days but at the same time they do not want any excess infringement on their rights to achieve that security.

The charter of rights and freedoms is raised quite often by the opposition with respect a number of bills. I will repeat what I said with respect to another bill recently. Most Canadians should know that any time the lawyers in whatever department draft a bill, they always have the human rights experts and lawyers who are expert in the field go over the legislation. It should be reviewed by parliament and committees, but the drafters certainly have done it very carefully and technically in a legal sense to try to avoid any of that. Legislation is not thrown together haphazardly. That is why most laws of the land do not infringe the charter of rights and freedoms.

As members have said, this is a very complex bill. There is a great deal in it. I hope the department officials will listen very carefully to the good points people make in this debate and the debate that occurs in committee. I am sure the bill is not perfect at the moment. I definitely agree with that. I hope that the valid points will be taken into account. On the other hand with respect to some points that have been brought up, maybe people just do not understand some of the items in the bill and those items do not need to be changed.

As the opposition members have mentioned the bill affects 19 pieces of legislation and nine ministries. The Bloc member listed some of the acts. Obviously the bill is very complex and how we deal with it has to come out in the House, hopefully on these very different pieces of legislation. It also shows the importance of the bill.

I remember hearing a member ask why we needed the bill. We are looking at 19 pieces of legislation that need to be amended to improve them. How often have members in the House or Canadians outside been outraged because something has fallen between the cracks because the laws just have not covered that situation and someone has gotten off on a technicality?

By the government reconsidering the bill and taking this length of time, a number of those things have been filled in and the legislation is better for all Canadians. I am talking about a number of the smaller points that no one is questioning. There are dozens of areas that we have talked about that are in the bill, but many of them are not even raised because everyone realizes those things need to be done.

I want to talk about three areas where some major concerns are being raised and to emphasize some of the points that should not be of concern. Many other members raised what might be valid concerns in those areas. I always enjoy the debate of the member for Mount Royal. With respect to one of the opposition members who spoke, unfortunately I was in a meeting and did not hear all of his speech today but he has obviously done a very careful analysis.

*Government Orders*

The three areas I am going to talk about are the defence zones, privacy and the interim orders. They seem to be the areas that most people have concerns about or may have concerns about when they understand the ramifications.

● (1700)

The first area of concern relates to the defence zones. Some people give the impression that all of a sudden the minister has these unbridled powers to turn much of Canada into a military defence zone. That is not the purpose. In fact the minister is not even the initiator. It has to be the chief of the defence staff.

It has to be the department working on the ground that realizes a piece of military equipment has to be somewhere or a visiting ship is coming into one of our harbours. The people in the military can protect that piece of equipment just as they do when they are on present military property. Obviously they will not make that area too big. In fact the opposition never ceases to remind us of the limitations of the military resources. They are obviously not going to make an area too big because it is much harder to protect and control.

There was that horrible example of a United States warship in another port being damaged by an explosion and there was a lot of loss of life. There are real situations that could occur.

The second area of concern relates to privacy. Hopefully people will not think that when they fly on a plane to another country or within Canada all sorts of information will be collected and kept on innocent people. That is not the intent. It is for very serious infractions, so that the air marshal could know about people who could be a danger to transport safety and so that CSIS could know about a terrorism threat.

They would only collect and pass information on to the air marshal or to the appropriate officer if it was a very serious situation; if it was a criminal code offence, it could be more than five years; if it was an immediate threat to life and health or safety, such as someone with a very contagious and deadly disease happened to be on the plane; if there was an infringement of the Immigration Act; or if there is a warrant out on someone for extradition to another country. As we all know a person can only be extradited if he or she is a serious threat.

In the travelling that I do, and from the people I have talked to, I have never heard complaints about extra security concerns. Most people who travel a lot, including members of the House, would feel much safer if the air marshal or the appropriate authorities knew there was a potential dangerous offender on the plane.

Some people have suggested it could be used to collect and track information on protestors. That is not true. It cannot be done under the power of this bill unless they fall into one of those very dangerous categories.

The last area of major concern is the interim orders. A number of improvements have been made. The government withdrew the bill and looked at it. It made a number of changes to the areas I am talking about to improve the bill, to take into account the criticisms and suggestions people had on the first round.

The first thing about the interim orders is that the things that have been put in can be done by regulation. As most members know, most of those do not go through parliament anyway.

There is the suggestion that the ministers would have all sorts of extra powers to do things that they could never do before. It would only affect things that could be done by regulation anyway and they would not go through parliament in the normal course of affairs. All the legislation does is speed that up. It gives them the ability to do it in a timely fashion in an emergency.

It is not a secret. It has to be tabled within 15 sitting days of the House. It has to have cabinet approval within 45 days. It is published in the *Canada Gazette* in 23 days. The whole country would know. If there were an uproar, obviously it would come before parliament right away. At any time it can go before a judicial review.

There are a number of protections. I hope people consider this as they consider the bill.

● (1705)

**Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance):** Mr. Speaker, as we near the end of debate today on Bill C-55 quite a bit has been said about the bill by members on the government and opposition sides. Some good points have been made in debate. I will highlight some of the points made by both opposition and government members on this important topic.

The minister of defence gave a speech earlier which outlined the whole issue of security zones. He said the legislation would take care of itself and that we would not have to worry about the government using parts of it to extend military zones over areas like Kananaskis or whatnot. However there is concern about the motivations and intent of the minister.

When the legislation is in place it will be in place. It will not matter what the minister has said about his motivations. The legislation would give discretionary powers to him and other ministers. No matter how much he tells us the powers would never be used in a certain way they could well be used in such a manner. It could happen with the current minister, a different minister or under a future government.

Once we put a piece of legislation in place it is there until amended or repealed. We therefore need to be careful. We need to look at legislation not through the lens of our own political parties but in terms of what is best for the country. Political parties have differing opinions but even within parties there are variances of opinion about pieces of legislation. Bill C-55 is an example. We have heard government members give good speeches about some of the concerns with regard to the bill.

I would refer members to the speech given by our hon. colleague from Mount Royal. He gave a good speech outlining many of the concerns individuals have with this piece of legislation. I will point out some of the concerns as well. I mentioned them in a question to my hon. colleague the NDP House leader.

*Government Orders*

One concern is the issue of controlled access military zones. Under clause 74 dealing with proposed section 260.1 of the National Defence Act, Bill C-55 explains how the chief of defence staff may designate a controlled access military zone in Canada in relation to a defence establishment, a property, a vessel or an aircraft. It goes on to explain what could be designated as such. My hon. colleague from Yukon referred to this as well.

Under Bill C-55 proposed subsection 260.1(4) of the National Defence Act reads:

The dimensions of a controlled access military zone may not be greater than is reasonably necessary to ensure the safety or security of any person, thing or property for which the zone is designated.

A great deal of discretion would be given with regard to this. Others have mentioned this, including the Liberal government member from Mount Royal. It could be used to extend controlled military zones to areas like Kananaskis. The minister tells us this could not happen but the clauses in the bill would give the minister the ability to do so.

That is what our hon. colleague from Mount Royal was indicating. Members on the opposition side have claimed it would be a back door way of implementing the kind of military zone described in Bill C-42 which was withdrawn and replaced by this bill. I would raise the same concern.

• (1710)

Other concerns were raised. My hon. colleague from Scarborough—Rouge River commented earlier about interim orders and the number of days it would take before they were tabled in the House. This was pointed out by other members as well. Why would it take 15 or 23 days to publish them in the *Canada Gazette* as is indicated in the bill? Why could they not come here sooner? Why could they not come here immediately?

The hon. member for Mount Royal indicated this could happen within 72 hours. I agree. Extraordinary measures should come before this place for scrutiny. Under Bill C-55 some interim orders would be excluded from scrutiny by parliament. Regulations would come to committee for scrutiny but some of the orders would not. In essence regulations would be implemented by the executive branch. The legislative branch would have no opportunity to review them because they would not come to committee or parliament. There would be no opportunity for judicial review either. This was the point made by our hon. colleague, a point we should all consider.

If this is a needed piece of legislation we in the official opposition have grave concerns with the way it is drafted. We could only support it if it were amended. I would venture to say the same goes for some government members who have shared our grave concerns about the whole issue of review by parliament and the balance of powers in terms of security versus individual freedoms and rights.

It is incumbent upon us in this place to take our role seriously. We must not allow legislation to come through quickly and without proper review. It is my hope that government members will give Bill C-55 due consideration in terms of the discretionary power it would give the minister of defence and other ministers. We saw difficulties with how the minister of defence handled the whole JTF2 fiasco. Was he briefed? Was he not briefed? When did he know about the

turning over of soldiers to American forces? I will not review it in detail but we know there were difficulties with that case.

Bill C-55 would give further discretionary powers to the minister of defence and other ministers, yet the government is asking us to trust it to do what is in the best interest of the security of our country. We want more than an assurance of trust because trust has been lacking in some cases. We want it laid out clearly in the regulations and the legislation. We want the interim orders to come to parliament first. We do not want to review them after the actions to have been taken. What is the use of that? Let us bring them here first and involve parliament in a meaningful way. We should not have a debate just so the government can say we had an opportunity to discuss the bill. We need substantive change.

In closing I refer to the government member for Mount Royal who said the bill is tainted by disconcerting features which need to be addressed and redressed. Bill C-55 needs to be changed. That message was stated clearly by one of our esteemed colleagues on the Liberal side, a professor who studied the issue for many years of his academic life. It has also been stated by members of the opposition.

Let us get it right. Let us deal with the amendments properly. Let us deal with the legislation properly. If we do not we will do a disservice to our country despite our intention of doing something good. Let us get it right. Let us fix it up. We cannot pass the bill unless we get the corrections.

• (1715)

**Mr. John O'Reilly (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, I welcome the opportunity to speak to Bill C-55. I had been prepared to speak to Bill C-42 at one time. I am pleased the bill has been withdrawn, changed and critiqued.

I will take this opportunity to go over what the Minister of National Defence stated today and what we believe to be significant improvements in the bill. Recent events continue to show that the security environment in Canada has changed significantly. The measures contained in Bill C-55 would improve the ability of the Canadian forces to protect Canadians and respond to the new threats.

It is clear that the government has listened to Canadians in terms of what they wanted changed. The government has also listened carefully not only to its own caucus and backbench but to the opposition. The new public safety act, 2002 has taken into account the concerns expressed about the previous Bill C-42. When opposition members study the new bill they will realize it is an improvement and that it tries to address the problems.

I will deal specifically with the amendments to the National Defence Act. They are a logical continuation of the amendments contained in the Anti-terrorism Act which received royal assent in December 2001. Sober second thought has prevailed and we now have time to look at the terrorist threat and highlight some of the changes.

*Government Orders*

One of the amendments deals with controlled military access zones. It is the amendment everyone is trying to read something into whether it is there or not. It would replace military security zones with controlled access military zones. The new zones would be limited to the protection of Canadian forces and visiting forces personnel or property. Contrary to what other members have said, the zones would be strictly for the protection of our military and the military of our allies. They are not intended and would not be used for other purposes, plain and simple. They would be temporary. Any extension of a designated zone for more than a year would require the approval of governor in council.

After the USS *Cole* was attacked by terrorists in a harbour in Yemen I came to the conclusion that there was no control. I could also point to a recent visit to Halifax harbour by an American aircraft carrier which was so big it had to stay in the outer harbour. Let us imagine that. The boat was 28 storeys high. Its landing surface was four and a half acres. It was a huge piece of military equipment creating a tourist attraction in itself.

If we allow huge military craft and vast numbers of personnel into our harbours, whether on the west coast or the east coast, they must be protected. We must allow the designation of zones to protect them. It is only prudent. We do not have that now. We have it in civil law but not military law. That is important.

Bill C-55 also contains amendments for notification and publication of the designation of zones. This would make Canada a more reliable international partner and at the same time address concerns about the extent to which the zones could be used for non-military purposes. Obviously we are talking about military purposes and terrorist activity. The zones would protect visiting aircraft whether at an air show in Trenton, a harbour in Halifax or Cold Lake, Alberta. When people visiting from other countries want to be assured they have protection we must be able to offer it whether it is in military or civilian areas.

• (1720)

The second part of the bill relating to the military would improve on the amendments in Bill C-42 regarding the ability of Canadian forces to protect their computer systems and networks and the data they contain. The proposed amendments are now consistent with the amendments contained in Bill C-36 for other government agencies. We should keep in mind that the Department of National Defence operates 24 hours a day, seven days a week in many countries of the world and therefore it must be protected during that time.

Certainly that means there are limits. The Department of National Defence would only interpret communications that would prevent harmful, unauthorized use or interference with DND and CF computer systems and networks and the data they contain. It is vital we protect it.

A key role of these systems and the networks is the daily operation of the Canadian forces anywhere in the world in conjunction with our allies. Because of the fact that these systems and networks are targeted by our enemies and hackers, they require the Canadian forces to have the ability to protect these systems 24 hours a day, seven days a week anywhere in the world. The amendment would allow that. It is a fairly simple amendment.

The third part is the reserve military judges panel. The amendment contained in Bill C-55, modified from Bill C-42, would establish a reserve military judges panel. This panel would provide the chief military judge with access to appropriately qualified reserve force officers who have previously performed military judicial duties. It would also provide the military judiciary with the necessary flexibility to meet any increased demands placed on the military justice system. They can be quite relevant.

It is important that Bill C-55 adds the word voluntary in relation to a panel member ceasing to be an officer of the reserves. This change would enhance institutional independence by ensuring that a panel member who involuntarily ceases to be an officer of the reserves would only have his or her name removed from the panel after a recommendation has been made by an inquiry committee.

The government has made a clear and concise commitment to fight terrorism and protect the safety and security of Canadians. The areas I touched on further enhance the ability of the Government of Canada, the Department of National Defence and the Canadian forces to protect Canadians from terrorism while ensuring the rights and privacy of individuals.

I encourage all members to support the bill, to get it into committee and ask questions. That is where committee work will come into play, when expert witnesses are called and people are allowed to ask questions.

Members previously touched on compensation. I know the right to sue would be withheld, but anyone suffering loss or damage as a result of a controlled access military zone would be compensated from the consolidated revenue fund.

I believe the enforcement of controlled military zones would involve a range of items such as erecting fences or barriers and the removal of unauthorized persons from controlled access military zones. Any person who is removed from a controlled zone would be turned over to the appropriate civil authorities, be tried in a civilian court, and if charges were laid be entitled to all due process under civilian law. Section 288 of part eight within Bill C-55 offers trial by civil courts.

Most of the concerns of the members have been summed up. I am anxious to see the bill discussed in committee, for all members to have input into it, to bring expert witnesses forward to explain every portion of it and to make sure that it is examined with a fine toothed comb to ensure everything that is of concern to members will be looked after.

• (1725)

[*Translation*]

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, on a point of order. There being two minutes of debate remaining, might we have unanimous consent to consider that we are now in private members business?

**The Deputy Speaker:** Does the hon. member have the unanimous consent of the House?

**Some hon. members:** Agreed.

*Private Members' Business*

**The Deputy Speaker:** It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

**PRIVATE MEMBERS' BUSINESS**

[English]

**FIREFIGHTERS' PENSIONS**

**Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.)** moved:

That the government consider the advisability of increasing the pension accrual rate for firefighters to allow them to retire with adequate financial provisions for their retirement.

He said: Mr. Speaker, I would like to thank my colleague from Whitby—Ajax for her support on this issue

I am pleased to pick up where we left off on October 16, 2000. That is when we last discussed this issue. Motion No. 326 asks the government to consider increasing the pension accrual rate for firefighters to allow them the kind of retirement incomes that other Canadians enjoy.

Firefighters are very special people. On any given day they may put their lives on the line for the rest of us. The tragedy of September 11 underlined dramatically the enormous risks that these heroes face everyday. Everyone has heard of many brave firefighters who rushed into the burning twin towers to give their lives and save the lives of others.

We do not always hear about the exposure to burning buildings, hazardous chemicals and toxic vapours that firefighters face on a daily basis. My own life was touched by tragedy at a young age when we had a fire on our farm. I have since been committed to getting a fair deal for firefighters.

Because of these hazards firefighters have a higher mortality and adverse occupational health rates than the rest of us. Statistics show that they die sooner, often with work related diseases. The regulations of the Income Tax Act already take this into account by classifying professional firefighters as a public safety occupation and allowing them to retire at age 55. This is commendable, but the job is only partly done.

Professional firefighters need to build up a pension income at a faster rate than other occupations if they are to retire at 55 with a reasonable standard of living. We owe them that. Firefighters have calculated that they need an accrual rate of 2.33% instead of 2% to make up for the shorter contribution time. This is allowed under present laws and regulations, but firefighters are asking it be spelled out for public safety occupations. This would explicitly recognize that the retirement age of 55 makes their situation different.

I support the firefighters' proposal for a 2.33% accrual rate. However, the motion is deliberately worded in a way to provide the government, in particular the Department of Finance, the flexibility to arrive at the best solution for firefighters and for all Canadians.

These measures would be a minimal cost to the federal government. They would not force changes to provincial or

municipal pension plans, and would only provide a mechanism where these changes could come through the normal collective bargaining process. As I said, the job is only partly done and we need to finish it.

I am pleased that the motion received broad cross-party support when I first debated it on October 16, 2000. I understand it enjoys the same cross-party support today. As parliamentarians we need to send a clear and united signal to the government that we are proud of our firefighters and that they deserve to retire with an appropriate income.

I would ask that members wishing to speak to the motion keep their remarks short. If we were to collapse debate at the end of this hour, we could bring this matter to a vote today. It has been nearly two years since we last debated this matter in the House. We should wrap this up today in the spirit of good cross-party co-operation so that our firefighters do not have to wait for another two years or more for this to come up again.

• (1730)

**Mr. Charlie Penson (Peace River, Canadian Alliance):** Mr. Speaker, it is my pleasure to rise to speak in favour of the motion moved by the member for Dufferin—Peel—Wellington—Grey.

Canadians have a strong tradition of being very appreciative of the efforts and sacrifices our firefighters make for our communities. Nevertheless, the tragic events firefighters faced on September 11 have put the dangers that firefighters face everyday into a clear perspective.

Canadians understand that firefighting is a high risk job, not just because of the constant danger of fatal injury, but also due to toxic substances firefighters can be exposed to in the line of duty which may cut their lives short.

The International Association of Firefighters does a good job of putting forward the concerns of its members to members of parliament. Not only does the IAF come to Parliament Hill every year to make its case, but it also ensures that real people from our communities talk to us about the issues. It has been effective in communicating the need for changes in pension regulations over several years.

The Income Tax Act recognizes the dangerous nature of firefighting by allowing firefighters, along with others who work in what is defined as a public service occupation, to retire at 55 years of age without penalty.

At the 2% accrual rate required by law, 55 year old firefighters with 30 years of accredited service could best retire with 60% of their working income. However the federal government identifies 70% of pre-retirement income as a benchmark for an adequate standard of living for retirement. This inequity should be addressed so that firefighters and their families can have the financial security to retire with dignity and that is what Motion No. 326 is advocating.



*Private Members' Business*

The Canadian Alliance values retirement security as a vital element of independence for all Canadians. We believe the foreign investment restriction for retirement investments should be eliminated and that Canadians should be given greater opportunity and more control over saving for their own retirement.

We are not alone in this belief. Just yesterday the Ontario municipal employees retirement system called for the federal government to abolish the 30% foreign content restrictions on pension and RRSP investments. This is one of the country's largest pension funds. It manages about \$35 billion on behalf of firefighters, police officers and other Ontario municipal employees.

Allowing all Canadians more freedom to decide where to invest their pension and RRSP funds would help firefighters. Motion No. 326 asks the government to consider the advisability of increasing the accrual rate. It would not have the effect of making any changes. I agree with the motion. However in the name of fiscal responsibility I would like to ask some reasonable questions.

I cannot help wondering what municipal and provincial governments think of the proposed change. Once the rules have been altered, firefighters would have to win the extra pension benefits through their collective bargaining benefits negotiating process. Nevertheless, provincial and municipal governments should be consulted because the extra employee portion of pension contributions would ultimately have to come out of their budgets.

What about the other public safety occupations defined by the Income Tax Act who, like firefighters, are allowed to retire at age 55? This category includes police officers, corrections officers, air traffic controllers and commercial airline pilots. If special pension rules were granted for firefighters, we could expect those working in other occupations to expect the same consideration. A responsible government would take a serious look at the fiscal implications of this contingency.

I thank the member for Dufferin—Peel—Wellington—Grey for sticking with this issue over the past several years. At the very least Motion No. 326 gives members of parliament an opportunity to emphasize how much we appreciate and value the work firefighters are doing by saying they should be able to save for a financially secure retirement. I support the motion and have no reservations.

• (1735)

[*Translation*]

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I am pleased to speak to this motion by my colleague from Dufferin—Peel—Wellington—Grey. This is the second time we have discussed this motion.

In October 2000 we supported this motion by our Liberal colleague. It was not passed at that time. Since then, I think a fair bit of progress has been made by my colleague and the members of each of the parties. We have expressed the wishes of our firefighters in Quebec and Canada. It is also our wish to do justice to their profession by supporting a motion like this one.

Being a firefighter is a profession that involves protecting the public, yet is it one of the few such professions that does not enjoy the status it deserves when it comes to pension plan accrual rates.

The pension plans of all other professions involved with the public safety, police officers for example, have a 2.3% annual accrual rate.

I am particularly sensitive to this issue because I have friends who are firefighters. I have a cousin, Gilles Archambault, who has been a firefighter in Montreal for almost 25 years. He lives with this high level of risk related to the profession, which will require that he retire in a few years, earlier than in other professions.

I also have a childhood friend, Benoît Desjardins, with whom I grew up. He is also a firefighter, and has two children. He deals with extremely high risks as a result of his job on a daily basis, the risk of poisoning, the risk of building collapse, the risk of death as well.

On September 11, we realized that firefighting is a very high risk profession, one which even includes the risk of death.

Firefighters are expected to retire at 55 years, or 60 maximum, but 55 is the most common age of retirement. This is expected because it is difficult to continue working beyond this age in this high risk field without endangering one's life and the life of one's colleagues.

In the United States, this has been recognized for some time now. Firefighting is recognized as a high risk profession, with annual accrual rates of 2.5%.

We in the Bloc Québécois enthusiastically support the motion put forward by the Liberal member for Dufferin—Peel—Wellington—Grey because we believe in it and because, for the past two years, the Association des pompiers du Québec and the Canadian Association of Firefighters have made us aware of a reality with which we were previously unfamiliar, but which has been only too clearly brought home to us since the events of September 11.

I therefore hope that all members of the other political parties will support this very deserving motion.

To paraphrase the member for Verchères—Les-Patriotes, whose father was a firefighter all his life: it is vital that we give them an equally opportunity, despite the risks. We need them and we are proud of them. So, we support them.

• (1740)

[*English*]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I too am very proud and feel very honoured to rise today to debate Motion No. 326 which brings forward an issue that is very topical and very timely as it pertains to the health, safety and the general well-being of working people.

*Private Members' Business*

I like other members would like to begin by complimenting the member for Dufferin—Peel—Wellington—Grey for bringing this motion back for us again today. I know there is broad interest and broad support. I appreciate both the tone and the content of the speeches that we have heard so far.

I also want to compliment the International Association of Fire Fighters for being so diligent and so very active in promoting this issue and for not being swayed by what seems like an endless long drawn out process in trying to garner support from the general public and then garnering the interest and support of members of parliament in the House. It is to its very great credit that we see this issue finally reaching the top place that it deserves within the House of Commons.

I should point out that during its annual lobby on the Hill virtually, every member of parliament is visited by the IFF. I do not think there is a more effective and disciplined lobby that takes place in the House of Commons or on Parliament Hill in Ottawa. Again, it is a great credit to the firefighters that they are representing their members so well, that they have managed to capture the imagination of the Canadian public and that they now have captured the imagination of the House of Commons.

I would be remiss if I did not further acknowledge the enormous contribution made by one very dedicated and committed individual within the IFF, the former Canadian director, my good friend and colleague, Sean McManus. It is certainly to Sean's great credit and his dogged persistence that we are still dealing with this issue today. He has been like a dog with a bone on this issue. I want to recognize what a rare breed of individual he is, the kind of person who has dedicated his life to elevating the standards of working conditions for the people whom he represents. I extend my very best to Sean. I hope he receives copies of this debate tonight and takes some real pride and credit for the wonderful work that he has done.

As other members have commented, it is generally agreed by all Canadians that firefighters enjoy a special status within our hearts and our minds. All Canadians recognize the inherent dangers of their job, the courage and the physical stress that is required as a result of the nature of their work. All of us recognize what a necessary and valuable position that firefighters hold within our communities, be they rural or urban.

It is again a source of pride for me that just yesterday the province of Manitoba announced new legislation that is along this very same theme and very fittingly announced it on May 1, the original labour day. The province of Manitoba is the first province in the country where the NDP government has introduced legislation that will compensate firefighters for work related cancer without the agonizing process of having them prove that it was in fact work related. In other words, with the many known cancers that are typical and over represented in the firefighter workforce, they will no longer have to try to prove their case and have their families agonize over this issue. Now there is a presumption that the cancer was indeed work related.

Therefore I think we are dealing with two very good stories here today on May 1 and 2. This is a very good week for the firefighters in this country.

I could go on but I think we have made our points in an adequate way. We are very happy and proud to support the motion. It reminds me of why I became a member of parliament when I can stand in the House and deal with such a positive motion. Let us let Motion No. 326 pass, unanimously I would hope. Let us finally do the right thing for the many firefighters whose contribution we value so much.

• (1745)

**Mr. Scott Brison (Kings—Hants, PC):** Mr. Speaker, I want to express my complete support and that of the PC Party caucus for Motion No. 326. I also want to commend the hon. member for Dufferin—Peel—Wellington—Grey for this motion.

It has all been said by members rising in the House today. We all recognize the extraordinary sacrifice and risk made our professional firefighters. In the same spirit as this motion, I have presented private member's motions in the past on the tax credit for volunteer firefighters to help recognize the sacrifice and commitment made by volunteer firefighters in rural communities. That is important as well.

When we think of the importance of volunteerism in our communities, particularly our rural and small town communities, we must consider that in many of these communities, including most of the communities in my riding, something as essential as fire protection is provided by volunteers. It is remarkable that we have not as a parliament and the government has not done something to provide some level of tax benefit to offset some of the costs of volunteer firefighters. I hope that not only will parliament endorse the motion today, but I hope that in the future we will see volunteer firefighters get their due through tax treatment.

September 11 reminded us of the extraordinary dangers and risks of our firefighters. Changing the accrual rate to 2.33% is an issue of fairness. It is commonsensical to allow the firefighters to have an accrual rate that will provide them with a reasonable level of income in their retirement. It is clearly the least we could do to ensure that these brave men and women are provided for adequately and fairly.

The motion is about fairness and I wholeheartedly support it. It is a step in the right direction. However I really hope that in the future the House will support a tax credit for volunteer firefighters, those people who not only take the ultimate risk when they provide protection for us against fire in our homes and places of work but they do so as volunteers. I hope that we go a step further at some point in the future in recognizing the tremendous bravery, courage and commitment that these people offer to their communities.

I commend again the hon. member for having brought this forward to the House. I also commend the professional firefighters for their very effective lobby. I really want to commend them for their constant professionalism and diligence in ensuring that we are informed of the very important issues affecting them and our constituents. I hope in a small way that our legislators, our members of parliament who are here today and who have showed their support for the motion, will remind them that they have been doing a very good job. I think our support for this motion indicates that.

**Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, I appreciate the opportunity to address hon. members with regard to this private member's motion, Motion No. 326, which proposes:

That the government consider the advisability of increasing the pension accrual rate for firefighters to allow them to retire with adequate financial provisions for their retirement.

I had a fairly lengthy speech but I will shorten it considerably.

**Some hon. members:** Hear, hear.

**Mr. Bryon Wilfert:** It is bad enough when the opposition claps. I have to say that when colleagues on this side clap it hurts.

First, I will say that the government will be supporting the motion.

**Some hon. members:** Hear, hear.

**Mr. Bryon Wilfert:** Now members can clap. That is good. Excellent.

Briefly I want to say that I would like to take the opportunity to pay tribute to the member, who has worked with great tenacity on this motion, and I also want to pay tribute to Canada's firefighters. All Canadians recognize the invaluable contribution made by firefighters to the safety and security of our nation. The horrific events in New York City on September 11 and their dire consequences were a sober reminder of the courage and dedication of our firefighters. Many firefighters lost their lives while carrying out their duty that day.

Canadian firefighters and others have made a significant contribution in the aftermath of that tragedy. Indeed, every day in this country firefighters risk their lives to protect Canadians' safety and property. It is important that we recognize that.

The government is committed to considering the issues that have been brought before us. We are committed to working with the firefighters, particularly on the issue of the context of the structure of their pension plans, and on other issues that have been brought before the House. In this regard, the government clearly recognizes the importance of protecting public safety. That is why the tax rules contain special pension provisions for those in public safety occupations, including firefighters.

It is possible for firefighters' pension benefits to be increased under the existing rules. In light of this fact, the government has been working with firefighters to resolve the issue and it continues to do so. Indeed, we want to thank our colleagues for their support and in particular the member for Dufferin—Peel—Wellington—Grey.

I would urge all of my colleagues in the House to support the motion and vote in favour of it.

• (1750)

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, the motion before us today from the member for Dufferin—Peel—Wellington—Grey has real merit. The difficulty then, as he sits on this side of the House at this point in the debate, is the fact of asking the government to “consider the advisability”, and therein lies a little bit of a hook, “of increasing the pension accrual rate for firefighters to allow them to retire with adequate financial provisions for their retirement”.

With all due respect to my colleague who has brought forward a very fine motion here, I have said that the government should just get on with it and do the job, never mind “to consider” or to look at increasing it. I have a concern that this will go before the minister

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and so on, and there will be consideration, delay and stalling, and who knows when finally we will get this kind of thing in place?

Aside from that, and that could be a big one, the purpose of this motion, which is to have the government look into increasing the percentage of income firefighters are allowed to put into their pension plans under the Income Tax Act, is something that has real merit and certainly I would support it.

As has been mentioned here by others before today, members of the International Association of Fire Fighters have been lobbying for this change for a number of years. They have been in our respective offices. They have talked to the minister. Seemingly they have had assurances. Early on maybe he was not very aware of what the concerns were or they were not getting to his attention for some reason or another. Now I think it has his attention. I understand that within the last few months this has received his attention, so thankfully it is at a more advanced stage.

The Income Tax Act currently allows individuals in public safety occupations, such as firefighters, police officers, corrections officers, air traffic controllers and commercial airline pilots, to retire at age 55 without penalty. However, the IAFF is arguing that the current pension rules do not allow firefighters to put away enough money for their pensions for them to retire at age 55 with 70% of their income. The best that can be achieved is roughly 60% of income for their pensions.

Just for a moment here, in relation to our party's policies over a number of years, I want to give some asides with respect to retirement and retirement security.

I think it is important to comment on retirement security. We value retirement security as a vital element of independence. We, the Canadian Alliance Party, have been clear about that, although I know it has been torqued and twisted by others in other directions.

Without question I want it on the record today that if we as a party were in government we would honour obligations under current state run programs for retired Canadians and those close to retirement and would maintain support for low income seniors. We would also provide future retirees with a greater choice between a government managed pension plan and mandatory personal plans. We would also, and I think this is important to say, increase the foreign investment restriction for retirement investments and allow individuals a greater opportunity to save for their own retirement, giving Canadians greater control over their own affairs.

If this motion were to pass, and then there is the big if, and if the government really got serious about getting something through on this, the firefighters would still have to win the extra pension benefits through their collective bargaining benefits negotiating process. Hopefully we are all aware that they have that obstacle or hurdle to overcome at some point. Nevertheless, provincial and municipal governments should be and in fact would be consulted because the extra employer portion will have to come out of their budgets.

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However, if this motion passes it opens up the door. If the government is doing more than just playing games on this, if it is actually serious about getting ahead and doing something, not just considering, not just looking, then I think our firefighters, those who are here in the gallery today and others, will have that benefit that they have been pushing hard for.

I think that many members on all sides of the House, in the different respective parties and certainly within the Canadian Alliance Party, would be supportive of that for these hardworking people who are courageous and who lay their lives on the line on behalf of Canadians on a regular basis. I, with many of my colleagues as well no doubt, am supportive of the motion for some very good reasons.

● (1755)

**Mr. John O'Reilly (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, I want to perhaps bring a little levity to the debate in a short time. In my former life I spent six years as a part time firefighter with Lindsay Fire and Ambulance. Believe me, it is a very dangerous and time consuming job. I could go into many stories, which I am sure the people in the gallery have all heard, about roofs collapsing, barns burning and all the things I faced as a firefighter. It is a profession in which every time a bell sounds one's life is on the line. For that reason I fully support the motion.

I want to assure the opposition that I have been one of the lobbyists for the firefighters. I have talked to the finance minister. He has given me his commitment that he would deal with it expeditiously. I believe him to be a man of his word. I think this will go ahead. I think all party support for the motion will push it forward. We have been lobbying on behalf of the association, on behalf of ourselves and on behalf of the member for Dufferin—Peel—Wellington—Grey on Motion No. 326.

I would just like to let the House know that for other people here, and maybe there are other firefighters in this place, I am not sure, I have to say that I do not think members could support anything that would give them any greater satisfaction. I want to bring that to the attention of members.

In my former life, I was also a finance chair of a municipality. Of course in all provinces, every contract, benefit, wage and everything that comes before a municipality is part of the collective agreement system. I do not think we are lacking the knowledge that there will be an extra burden of financial hardship in municipalities in some cases, but I think this is where we spend the money. This is where we get the best results. When we get down to asking firefighters to do what they do, we have to ask ourselves if we are doing what we should be doing to assist them. As a former firefighter, I want to bring that to the attention of members.

● (1800)

**Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance):** Mr. Speaker, I support the initiative and the thrust of the motion. This has been going on for at least eight or nine years, I surmise. Firefighters have been to Ottawa on an annual basis and I have often wondered what kinds of interests the government is trying to protect in that it does not free this thing up and allow this sort of thing to happen. Who is behind the scenes and who is doing it?

We have made some gains, but I want to throw out a word of caution on the whole thing. Personally I will support the motion, but it is worded "consider". We have talked about what the age of consent for minors should be and the government has told us that it is a complex matter and we should consider and study it. It has studied this for nine years. We have had the same thing arise with the defence of artistic merit on charges of pornography. It has studied that for nine years without any action, so I am a little worried about the word consider.

I wish the motion were worded so that we would take immediate action to implement this now and not throw it into more studies, more committees and more considering. These folks have been very patient on this issue. They have been working at it very hard. To me, the word consider is a big loophole in the motion and I wish the motion were straightened out.

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Mr. Speaker, I too am a little concerned with the process we are using here tonight. Obviously there are some firefighters up in the gallery who are probably sitting there wondering just what the h is going on with this debate. This is what unfortunately happens when a good issue that should be handled properly through the right process is not handled properly. This is an example of that.

I want to say at the outset, as my colleagues have said, that I am extremely supportive of this. I have been lobbied, as have other members of parliament from all parties, over the last number of years. It is ironic that the Canadian Alliance and before it the Reform Party has been supportive of this initiative to increase the pension accrual rates for firefighters. We have been supportive of that all along.

It is Liberal members and cabinet members who have been dragging their heels and not doing anything about this over the years. They will say that they have been lobbying the appropriate ministers and the Prime Minister behind the scenes to get some action on this, but the reality is that they have opted to do nothing on this.

As my colleague from Prince Albert has asked, what is the motion that the hon. member for Dufferin—Peel—Wellington—Grey has put forward? I support taking immediate action, as my colleague has said, and doing something proactive and productive and getting this in place for our firefighters, but the motion says, "That the government consider the advisability of increasing the pension accrual rate...".

How many times in the nine years that I have been a member of parliament has the government used this ploy to shuffle stuff off to committees, study it to death and nothing would happen? If the government were serious about this then let us pass a motion here tonight that would actually do it.

What have we got? We have a few Liberal members who stand up and say that they had a conversation with the finance minister and it is pretty much a done deal. Well, we have been down this road before. What ends up happening is that it gets shuffled off, some committee researches, analyzes and debates it, and nothing ever ends up happening. I would hate to see that happen to such an important issue but that seems to be where we are headed.

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The hon. member for Dufferin—Peel—Wellington—Grey wants to take advantage of this issue for some political points. It is an issue of tremendous importance to some people for whom all of us have the deepest respect. All members in the House would support accomplishing this. Not to consider the advisability of increasing it but actually passing the laws to increase it. Let us do it. If the Liberals were serious about it, we would do it.

• (1805)

**Mrs. Bev Desjarlais (Churchill, NDP):** Mr. Speaker, our debate seems to be a little more prolonged than some of us thought it would be. I am pleased to have the opportunity to speak on this important issue.

I understand the frustration my colleagues from the Alliance are feeling and I have only been here five years. We believe that because a certain motion is voted on in the House that it would go through and we would see some action from the government but nothing happens, not just week after week, month after month, but year after year. It is frustrating, and I fully understand that.

However, in my time here, almost five years now, I have come to recognize that sometimes we have to achieve little steps and do whatever we can to ensure the government follows through. If that means pushing the government into a smaller corner so that it has to follow through then sometimes we have to do that.

On an evening when we all thought that for once we would see this one step further, and quite frankly I hope that it is more than one step further on this important issue. I do not have the greatest faith in the government following through but it is one step further.

I think we all have it in us. The firefighters have been a tremendous lobbying force. The fact that there will be a Liberal leadership race going on will give that extra little push to make sure the government follows through.

I do not want us to lose this advantage. I sincerely hope that we do not get caught up in one of these debates from the other side and jeopardize the opportunity for firefighters to be financially secure, to retire that much earlier so that they could get out of this type of working situation. They are there giving their lives for us in a good number of instances. We should not make them stay there any longer. By passing the motion we can give them the opportunity to retire that much earlier.

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, I would like to stand and acknowledge the fantastic work that firefighters have done. Other members have alluded to that in this place. We all recognize in the wake of not only September 11 but in their everyday heroics that we read about so often that they truly deserve to be recognized in many ways.

Certainly this issue of improving the accrual rate on pensions is one way to do that. I believe there is virtual unanimity in this place that it should happen. We are concerned about the weaselly way the government is proceeding on this.

I remember a couple of weeks ago when the member for Winnipeg—Transcona rose during question period when all the firefighters were in the gallery. He said to the finance minister that everyone agreed on it, why was it not happening? What did the minister say? He said we were studying it. What does this motion

ask the government to do? It asks it to study it. What is the point of that? It is already studying the whole thing. If we were to do this, I say we should do it. Therefore, I move:

That the motion be amended by deleting the words “consider the advisability of increasing” and substituting the following:

“increase”

**The Deputy Speaker:** The Chair will want to take a few minutes to ensure that procedurally everything is in order, so I will take this under advisement.

• (1810)

**Mr. Ken Epp:** Mr. Speaker, I rise on a point of order. Before I begin speaking, does the member for Medicine Hat have the opportunity to continue the debate in order to put forward the argument for his motion?

**The Deputy Speaker:** The Chair is in a difficult situation. From a procedural point of view and from general practice members conclude their interventions by presenting amendments. That is a signal that an intervention is concluded. The only venue available to us, and perhaps in the spirit of this debate I can only suggest that the hon. member for Medicine Hat seek unanimous consent to conclude his remarks and we will proceed from that point.

**Mr. Monte Solberg:** Mr. Speaker, I rise on a point of order. I seek unanimous consent to be allowed to finish my intervention and explain why I moved the amendment.

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

**Some hon. members:** Agreed.

**Mr. Monte Solberg:** Mr. Speaker, it is a pleasure to speak to this again. I really want to speak to why it is important that we deal with this issue immediately.

I do not know how many times in this place we have passed motions during private members' business only to see them go off to be studied to death and then completely disappear. We all know that this issue in particular is one that has been around for a long time and has never been dealt with. It would do wonders for the credibility of private members' business and of this entire place if we actually did something, if we did not just talk about things but actually put something in the legislation.

Today we had a big debate in the procedure and House affairs committee about a motion that my friend, the member for Esquimalt—Juan de Fuca, had brought forward. We all know the story. He felt his motion was hijacked. I think he was right. We were not allowed to vote on it. A lot of us saw it as a way to undermine private members' business. Following that there was an exchange in the House between the Leader of the Opposition and the government House leader during the Thursday question where the government House leader said that he wanted to find a way to make private members' business work.

We have had numerous discussions in this place where there has been a consensus that we need to find a way to ensure that private members' business becomes effective.

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Now we are in a situation where we have unanimity in this place about what needs to happen with this particular issue. I think everyone agrees that we want to move this issue forward, the idea of increasing the accrual rate to ensure that firefighters and others who are in a situation where, because of the hazards of their job, they do not live as long and therefore are asking that they be allowed to retire earlier. I think there is tremendous sympathy for that position in Canada.

We have a chance today to do something about it. I urge members across the way and opposition members to do exactly that.

**Mr. Pat Martin:** Mr. Speaker, I rise on a point of order. Before you make a ruling on the admissibility of the amendment, I would ask that you entertain the fact that this amendment does not have royal recommendation. The very specific amendment that the hon. member moved is a money matter and it flies in the face of private members' business. What he has done is a poison pill that would kill the motion. The amendment cannot be voted on because it does not have royal recommendation.

• (1815)

**The Deputy Speaker:** The matter is still under advisement. I will rule when we come to a final decision.

**Mr. Maurice Vellacott:** Mr. Speaker, I rise on a point of order. I would draw to your attention that this has nothing to do with money directly. It would be an issue for the provinces and the municipalities hereafter. It would not be a burden on the public coffers at all. Therefore that would be out of order.

**The Deputy Speaker:** I think I have the matter under control. There has been good co-operation and I hope we can maintain that spirit that has prevailed largely over this past 45 minutes. We have 15 minutes more maximum.

**Mr. Monte Solberg:** Mr. Speaker, I simply have to address my friend. There is no poison pill here. If the amendment is not accepted, then the regular procedure takes place. There is no question the motion will come to a vote. It ultimately will come to a vote. That is not an issue. It is a votable motion.

As my friend from Peace River points out, the government can make this a votable motion at any time. It could make it government legislation. There is nothing stopping it. If there is unanimity on the government side, why does the government not do it? The finance minister claims he has been studying this for months and months. Why does the government not make it government legislation? It could happen at any moment.

I want to make it very clear that the official opposition supports this motion. We just do not want to study it forever and ever. It will bring my friend great accolades if it passes, but I can say that in the long run it will languish like things always do. Let us do it now. If people are in favour of it, let us get it done.

I will conclude by saying that when the firefighters were here not very long ago and we discussed this issue, they were very thoroughly prepared. I had a good chat with Bob Collier, a firefighter from my riding. We all went to the reception. It is likely that just about everyone in this place went to the reception afterward and talked about this issue. There was a real spirit of goodwill on this whole issue. That is not the question. The question is, do we want to

consider the advisability or do we want to do it? I say it is time to do it.

[*Translation*]

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I believe that here, in the House—

**The Deputy Speaker:** Order, please. As I have not ruled whether or not the amendment is in order, I must interrupt the hon. member.

If I rule that it is in order, the hon. member could of course speak again on a second round.

The hon. member for Elk Island.

[*English*]

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I am also delighted to support the motion as amended because I too value very highly the work of firefighters. The case they make for increasing their accrual rate so they can retire five years early is a compelling argument. They face many hazards and dangers to their health as they fulfill their lives as firefighters and they end up reducing their lifespans. They want to retire earlier so as to enjoy more years of their retirement. I have always felt that was a very compelling argument and have always been in favour of it.

We need to recognize in this particular instance that as my colleague from Medicine Hat has pointed out, the motion is one of non-action. It is a way for the government to say that if the motion passes, it will consider it and think about it. It reminds me of when I was a young man with a young family. When my kids would ask me for something, I would say I would think about it. It is a very polite way of saying no.

For the government to consider the advisability of it is simply a way of saying it wants to think about it but it does not really want to do it. I think we ought to do it.

We ought to also be aware that there is a considerable cost. If we look at it actuarially, it will cost money. I approve of that. Firemen and firewomen, or whatever the technical term is—

**An hon. member:** Firefighters.

**Mr. Ken Epp:** Sorry. I almost reduced myself to some non-political correctness.

Firefighters are worth the extra costs that municipalities, provinces and the federal government might be involved in paying. However I think the federal government would be involved in a very minor way. All it does is change the Income Tax Act so that the accrual rate can go up to 2.33% per year instead of 2% per year, which, dare I whisper it, is already in place for members of parliament. I should not be saying that but it is true. I say rather proudly and publicly if it is good enough for us, surely it is good enough for them.

I favour very much getting on with it and doing it. Let us make sure that our firefighters are getting what they deserve and what they have asked for for so long. It only makes sense. I support most strongly seeing some action on this issue and not just considering the advisability of it.

• (1820)

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, the whip does not usually get involved in private members' business, but for the sake of this particular motion there appears to be a general will in the House to adopt this measure. I think that is true from many of the speeches I have heard tonight.

I wish to point out to the member who just spoke that I corrected his terminology out of deep respect for a long time friend, Dick Theriault, who died many years ago as a result of his actions in fighting a fire. He taught me long ago that firemen set fires, firefighters put them out and would I please call him a firefighter.

I simply want to point out that if this debate terminates before 6.30 p.m., we can actually approve the motion that was presented to the House and move on with this. If in fact the amendment delays this beyond the next six minutes, we will not be able to deal with the motion tonight. The motion will be dropped to the bottom of the order paper until a later time and it will probably not come back until the fall. I would very much like to see us proceed with the motion. I would appeal to the hon. member for Medicine Hat to withdraw his amendment so that the House can adopt the motion.

**The Deputy Speaker:** Before we resume the debate, the Chair has reviewed the terms of the amendment with particular reference to the terms of Standing Order 79.

I am satisfied that inasmuch as the motion were to be adopted as proposed by this amendment would not itself effect an appropriation

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of any part of the public revenue for which a royal recommendation would be required under Standing Order 79, the amendment is in order. The debate is on the amendment.

Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**The Deputy Speaker:** I declare the amendment carried.

(Amendment agreed to)

• (1825)

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

**Some hon. members:** Agreed.

**The Deputy Speaker:** I declare the motion carried.

(Motion agreed to)

**The Deputy Speaker:** It being 6.25 p.m., the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24 (1).

(The House adjourned at 6.25 p.m.)





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