



CANADA

House of Commons Debates

VOLUME 138 • NUMBER 027 • 2nd SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, November 19, 2002

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 19, 2002

The House met at 10:00 a.m.

[*Translation*]

Prayers

PETITIONS

INUIT COMMUNITY OF NUNAVIK

ROUTINE PROCEEDINGS

•(1005)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 100 petitions.

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): Madam Speaker, pursuant to Standing Order 34(1), I am honoured to present to the House, in both official languages, the report following the 12th annual bilateral meeting of the Canada-Japan Interparliamentary Group, held in Japan from September 24 to 29, 2002.

* * *

CRIMINAL CODE

Mr. Myron Thompson (Wild Rose, Canadian Alliance) moved for leave to introduce Bill C-306, an act to amend the Criminal Code (age of consent).

He said: Madam Speaker, the bill is once again another attempt to simply change the Criminal Code to raise the age of sexual consent from 14 to 16 years of age. There have been calls from every corner of Canada to protect our children from sexual abuse. The bill answers those calls by stating clearly that it is no longer acceptable for adults to prey on our 14 year old children.

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

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Madam Speaker, I wish to present two petitions. The first is from the Inuit of Nunavik, in Povungnituk and Kangiqsualujjuaq, and is addressed to Parliament which, through one of its departments, ordered the killing of Inuit sled dogs from 1950 to 1969 in New Quebec, that is Nunavik.

The federal government did not hold public consultations with the Inuit communities in New Québec. The killing of these dogs has had a tragic social, economic and cultural impact on the Inuit in Nunavik. The traditional way of life revolving around sled dogs has in large part been eliminated as a result of the Government of Canada's policy of killing during that period.

In closing, no effort was made by the federal government to put in place corrective measures to help the Inuit of Nunavik maintain their way of life.

The second petition comes from the people of Kangirsuk, in New Quebec.

[*English*]

FREEDOM OF SPEECH

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Madam Speaker, today I am pleased to present a petition on behalf of the people of Okanagan—Shuswap. They call upon Parliament to oppose the passing of Bill C-415 from the previous session, presently known as Bill C-250, an act to amend the Criminal Code regarding hate propaganda. My constituents feel that this bill will diminish their freedom of speech.

CHILD PORNOGRAPHY

Mr. Janko Perić (Cambridge, Lib.): Madam Speaker, I have the honour to present a petition with 70 signatures from my constituents in the riding of Cambridge. They wish to draw to the attention of the House that the majority of Canadians condemns the creation and use of child pornography. The petitioners call upon Parliament to take the necessary steps to outlaw all materials that promote and glorify child pornography.

Routine Proceedings

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Madam Speaker, I am pleased and proud to present signed petitions from 217 constituents of Okanagan—Coquihalla. These petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

• (1010)

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Madam Speaker, I have a petition signed by 2,000 constituents of Timiskaming—Cochrane who call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia activities involving children are outlawed.

STEM CELL RESEARCH

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Madam Speaker, I have another petition signed by 200 constituents who call upon Parliament to focus its legislative support on adult stem cell research. I would like to add that I concur with both petitions.

[Translation]

SOIL DECONTAMINATION

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to present a petition signed by more than 700 residents of Acadie—Bathurst. We have had proof, in the period 1986-2000, that decontamination of the Tracadie firing range has not been properly carried out. The petitioners therefore call upon Parliament to properly decontaminate the entire areas of the Tracadie-Sheila firing range, in order to ensure it is completely safe, particularly for economic development of the region.

[English]

PROTECTION OF ANIMALS

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Madam Speaker, I have three petitions this morning; two of them from my riding of Bruce—Grey—Owen Sound and one from the constituency of Northumberland.

The first asks that we pass Bill C-15B concerning the protection of animals and that we use the Criminal Code to make sure that animals are protected.

CHILD PORNOGRAPHY

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Madam Speaker, the other two petitions, one from Northumberland and the other one from Owen Sound, have to do with child pornography. The petitions ask that we outlaw materials dealing with child pornography and pedophilia.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Madam Speaker, I have the pleasure, along with nearly every one of my colleagues in the House, to present a petition, which now brings the total to 3,167 names from my riding of Wild Rose, to literally wipe out child pornography from the face of the earth, particularly in this country. I certainly support that.

AGE OF CONSENT

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Madam Speaker, the second petition is signed by the people from

Wild Rose in the Airdrie area who are asking the government to raise the age of consent from 14 to 16 years of age.

STEM CELL RESEARCH

Mr. Loyola Hearn (St. John's West, PC): Madam Speaker, I have a petition signed by a number of residents of the St. John's West area calling upon Parliament to focus its legislative support on adult stem cell research to find cures and therapies necessary to treat the illnesses and diseases of suffering Canadians, rather than concentrating on embryonic stem cell research.

* * *

[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, the following question will be answered today: Question No. 25.

[Text]

Question No. 25—**Mr. Chuck Strahl:**

With regard to the grant of up to \$20,000 to the Ottawa-Carleton Tenants Association to complete a project under the Homegrown Solutions Initiative announced by the Minister responsible for the Canada Mortgage and Housing Corporation (CMHC) on January 30, 1998: (a) has the Ottawa-Carleton Tenants Association completed this project; and (b) if not, where did the grant money go?

Mr. Steve Mahoney (Parliamentary Secretary to the Minister of Transport, Lib.): Homegrown Solutions is a housing initiative funded through Canada Mortgage and Housing Corporation and managed by the Canadian Housing Renewal Association. Other partners in this initiative are the Canadian Home Builders' Association, the Federation of Canadian Municipalities and the Cooperative Housing Foundation of Canada.

The intent of Homegrown Solutions was to encourage the development of innovative ideas to enable grassroots organizations and communities to find local solutions to solve their housing issues. Since 1995, four proposal calls have been held and 67 groups across Canada received grant commitments of up to \$20,000 each. The last proposal call was held in 2000. No further funding rounds are planned by CMHC.

Each selected applicant received a commitment of research funding of up to \$20,000 to develop the submitted affordable housing idea. Access to this funding was made through a call for proposals on self-help approaches to housing needs from community organizations and non-profit groups. Participation was open to individuals, organizations and communities, private or public, seeking affordable and practical solutions to their housing needs. Each of the grant recipients was required to document their findings in a research report.

During the 1997 request for proposals, the Ottawa-Carleton Federation of Tenants Associations was one of the successful applicants. Their proposal was to develop a pilot project to involve tenants in maintenance and repair activities in their rental building. They intended to evaluate the potential for their form of sweat equity to offset rent increases and help retain affordability.

The federation received an initial advance of one-third, \$6,266.67, of their grant commitment upon contract signing, to help offset initial research and study costs. The contract stated that a second advance of \$6,266.67 would be paid to the federation upon receipt of an acceptable interim report. The final advance of \$6,266.67 would be paid upon receipt of an acceptable final report documenting their research findings.

The review of the Ottawa-Carleton Federation of Tenants Associations interim report found it to be less than satisfactory and they were unable to provide acceptable documentation to justify any further advances of funds. Subsequently, the Ottawa-Carleton Federation of Tenants Associations was dissolved. No further advances have been made beyond the original \$6,266.67 that was paid to them upon signing of their Homegrown Solutions contract. The unexpended money remains in CMHC's budget.

[Translation]

Mr. Geoff Regan: Madam Speaker, I ask that all remaining questions be allowed to stand.

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

Some hon. members: Agreed.

[English]

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, discussions have taken place among all the parties and there is agreement pursuant to Standing Order 45(7) to re-defer the recorded division on Bill C-17 scheduled for today at the end of government orders to Wednesday, November 20, 2002 at 3 p.m.

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

Some hon. members: Agreed.

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, I move:

That at the conclusion of the present debate on the opposition motion, all questions necessary to dispose of this motion be deemed put, a recorded division deemed requested and deferred until Wednesday, November 20, 2002, at 3 p.m.

• (1015)

The Acting Speaker (Ms. Bakopanos): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—CANADIANS WITH DISABILITIES

Ms. Alexa McDonough (Halifax, NDP) moved:

That this House call upon the government to develop a comprehensive program to level the playing field for Canadians with disabilities, by acting on the unanimous recommendations of the committee report "Getting It Right for Canadians: the Disability Tax Credit"; in particular the recommendations calling for changes to the eligibility requirements of the Disability Tax Credit so that they will incorporate in a

Supply

more humane and compassionate manner the real life circumstances of persons with disabilities, and withdraw the proposed changes to the Disability Tax Credit, released on August 30th, 2002.

She said: Madam Speaker, I am very pleased today, on the occasion of the NDP official opposition day, to introduce the motion that is before us. Let me say at the outset that I will be splitting my time with the member for Dartmouth, who serves very capably and energetically as the critic for persons with disabilities.

Second, I want to say at the outset that I intend to propose a very minor amendment to the motion we have introduced today. We do so because we are very anxious today, as we indicated in advance, to be able to come to an agreement in the House to cooperate as all parties, all members of Parliament, to end the harassment of disabled persons that has been taking place over the last many months since finance officials introduced proposed changes to the disabilities tax credit.

I want to use the few minutes available to me to explain why the New Democratic Party has introduced the motion that is before us. Let me say that the backdrop for this resolution is the United Nations Declaration on the Rights of Disabled Persons, adopted in 1975. I think that it is very important to keep this in mind as we consider what it is we can do and what it is we must do to begin to live up to the spirit of that international declaration of rights of the disabled.

I will quote briefly from the declaration, which states:

Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

For almost two decades, and I think there would be a consensus on that, there has been some improvement, incremental, not sufficient and not dramatic enough, but some incremental improvement both in terms of protecting the rights of the disabled and moving to put into place various supports that would make that stated vision of enabling and supporting disabled persons to live "a decent life, as normal and full as possible" become something more of a reality.

It has been suggested that we now have lived through a decade of disappointment, really a decade of backsliding from progress made. Let us talk about Canada. In 1996, there was a very good parliamentary report from a task force on persons living with disabilities. Many important recommendations were put forward. Sadly, six years later, one has to lament the fact that only 20% of the recommendations of that task force have actually been acted upon by the government. Instead, what we are working together to try to reverse, which is the purpose of the motion, is the introduction of draconian changes in the last year that literally have resulted in the harassment of disabled persons living with disabilities in this country.

Supply

What is that source of harassment? It is the changes that have been proposed to the disability tax credit. Unbelievably, some 106,000 Canadians recently received notification that they would not continue to receive that disability tax credit. Let me make it clear that this is a modest income supplement to disabled persons living with disabilities, intended to assist them with the costs of and the barriers to living that full life that we intend for them, a small supplement to assist them with the extra costs and burdens of living with disabilities. It is a maximum of \$960 in a year, but in many cases is far less than that, and of course spread over 365 days of the year, we are talking about a tiny sum of money.

• (1020)

One hundred and six thousand Canadians were notified that they would no longer be receiving that benefit unless they re-qualify. Some people would ask what is wrong with that. What is wrong with that is that we are talking in many cases about people who are severely mobility impaired, dealing with severe illnesses or dealing with very major disabilities. In some cases we are talking about people who bear the burden of being forced to go to a doctor to have a further examination, for heaven's sake, to demonstrate that they have not grown back the limbs that were amputated which resulted in their receiving the disability tax credit in the first place or have not regained the eyesight from the state of blindness that qualified them for the disability tax credit. There are many other similar absurdities.

These people are being required to go to doctors. In some cases the government will not pay for the examination required or pay the doctors for the work involved in this. We know we have an overloaded health care system. What is the government doing? It is making the most vulnerable segment of Canadian society go through hoops to re-qualify for a tax credit which, in the first place, is meagre compared to what the need is for those disabled persons to maximize their opportunities in life.

Today we have introduced a motion that we invite every member of Parliament, and that means from all parties on the government side and the opposition side as well, to take the opportunity to say very clearly that the government must make a commitment that the proposed changes to the disability tax credit that were introduced some months ago will in fact be withdrawn and that improvements will be introduced to the disability tax credit.

In 1996 when that parliamentary task force reported it talked about how there was an enormous gap between the saying and the doing when it comes to support for disabled persons. Today members of Parliament have an opportunity to demonstrate that there is not a gap between what they have been saying and what we are doing as a federal government to support disabled persons. If people are serious about supporting persons living with disabilities, at the very least the government should be prepared to withdraw these proposed changes and follow through on the unanimous recommendations of the subcommittee working on issues affecting disabled persons.

In the moment or two remaining I want to go quickly to the very small amendment that I am suggesting. I want to make it very clear that this has been achieved because of collaboration back and forth with the government bench to try to come to a consensus that will allow all members to speak with one voice in support of the motion

that the NDP has put on the floor today and that will be voted upon in the House.

The wording of the motion has already been read into the record but I want to refer to the latter part of that motion. Let me read the proposed amendment in context.

—in particular the recommendations calling for changes to the eligibility requirements of the Disability Tax Credit so that they will incorporate in a more humane and compassionate manner the real life circumstances of persons with disabilities—

The amendment to that would read “and withdraw the changes to the Disability Tax Credit proposed on August 30, 2002 by finance officials”.

The reason for proposing that amendment is that we are very eager for persons with disabilities to understand that Parliament stands together in recognizing that they need not be harassed by bureaucratic changes that have been put into the pipeline, but rather deserve the support of the House and the government for improvements to the disability tax credit, ones that recognize that unless it is to be simply empty rhetoric we have to put our money where our mouth is. We have to do less talking and more doing to support persons living with disabilities.

• (1025)

The Acting Speaker (Ms. Bakopanos): Is the hon. member proposing an amendment to her own motion?

Ms. Alexa McDonough: Yes, Madam Speaker, I am.

The Acting Speaker (Ms. Bakopanos): Unfortunately the member needs the unanimous consent of the House to move an amendment to her own motion or allow the second speaker to move the amendment.

Are you asking for the unanimous consent of the House?

Ms. Alexa McDonough: Madam Speaker, I do ask for unanimous consent in the very spirit of our trying to achieve a unanimous position in support of this. It is based on collaboration that has taken place with the government benches and reflecting the kind of words that have been expressed in the debate over the last many months to try to reverse this wrong.

The Acting Speaker (Ms. Bakopanos): Is there unanimous consent of the House to allow the mover of the motion to make an amendment to her motion?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Dennis Mills (Toronto—Danforth, Lib.): Madam Speaker, I stand here today and celebrate the initiative by the leader of the New Democratic Party to bring this issue to the floor of the House of Commons. I have always believed that the primary purpose of the Chamber was to speak for those who did not have a voice and who were in the most difficult moment of their lives.

Supply

I believe that what has happened over this screw-up in revenue and finance has been one of the most despicable things I have ever experienced in my 20 years on Parliament Hill. If ever there ever were a moment for the entire Chamber to come together and create a consensus to fix this immediately it would be on this motion. I will do my part, with my colleagues on this side of the House, to work with the NDP to have this corrected.

The Acting Speaker (Ms. Bakopanos): I would caution the hon. member for Toronto—Danforth on the use of certain unparliamentary language.

Ms. Alexa McDonough: Madam Speaker, I do not want to comment on the language but I do want to comment on the sentiment. It does express the point of view that is shared by the vast majority of Canadians who have come to understand what is wrong with the initiative that has been taken here. We have been trying to find a way to work together to undo this injustice. I welcome the support and comments from the member for Toronto—Danforth.

Not only have 106,000 Canadians received the harassing letter that we talked about but more than 30,000 Canadians have already lost the disability tax credit. We should keep in mind that disabled Canadians are living, in the main, in poverty conditions to begin with. Forty per cent of disabled persons are unemployed. Unemployed is defined as seeking work, wanting work but not able to find work, in part because they do not have the kind of support that this small supplement would give them to overcome the barriers, the added burdens and the costs of their disability to allow them to take advantage of opportunities in the workforce.

It is very welcomed to hear at least one member on the government benches enter into the spirit that was intended with the resolution that we introduced today, which is to speak with one loud, clear voice in support of persons living with disabilities.

Mr. Loyola Hearn (St. John's West, PC): Madam Speaker, I congratulate the member. I also want to tell her that our party will support her solidly on this motion. It is a stand that we should all take collectively, as the member opposite just said, for people who cannot be here to stand up for themselves. Unfortunately many people cannot even stand. We hear of a number of people being told that if they can walk 150 feet they will not get a disability tax credit. One of my friends told me that if someone would put on his shoes he probably could walk 150 miles with his crutches.

It is extremely hard to believe that we would try to take back from deserving people a minuscule amount that is so helpful to them but so little in relation to a budget, especially a budget that is administered by a department that brags about having an almost \$40 billion surplus. It is unbelievable. That surplus is being built up on the backs of such people who have worked so hard to make a living so they can pay taxes at extreme expense to themselves, above and beyond what the rest of us face. With the little break that they get we are trying to withdraw it.

It is terrible that the government would even think about such a thing. I congratulate the member again. I hope that the whole House will stand behind her in an effort to get the department to wake up and treat people the way they should be treated.

● (1030)

Ms. Alexa McDonough: Madam Speaker, I appreciate the offer of support by the member from Newfoundland and Labrador and to take the opportunity to say that at least Nova Scotia members, at least those on the NDP benches, and I hope all other parties, are very proud that last week the Nova Scotia house of assembly unanimously passed a motion in support of the position we are advocating on the floor today. It was an all-party support.

In Newfoundland today a private member's motion will be introduced to the same effect. I hope the member and others will encourage their provincial counterparts in the Newfoundland and Labrador assembly to give the same kind of unanimous support that was given in Nova Scotia last week and that we are seeking today from members of the House of Commons on all sides.

Ms. Wendy Lill (Dartmouth, NDP): Madam Speaker, I wish to thank the member for Halifax and the leader of the NDP for her passionate words on the subject of persons with disabilities.

As the NDP critic for persons with disabilities I welcome the opportunity to take part in this important debate. I will start with a brief summary of what brings us here today to discuss the disability tax credit. I will keep the discussion simple.

In September 2001 CCRA sent letters to over 100,000 persons with disabilities, asking them to reapply for their meagre disability tax credit, claiming the need for an administrative review, always cognizant of the need to be good stewards of the public purse. The cost of reapplying for the credit is between \$25 and \$150. Doctors must refill forms, there are challenges for many with physical disabilities of getting anywhere near a doctor, and the Catch-22 nature of the newest revisions of the DTC forms make it next to impossible for doctors to fill it out accurately. All of these factors led to many people not even reapplying and many others being turned down.

Out of this valiant exercise in the public interest the CCRA was able to separate over 30,000 Canadians with disabilities from their benefits. That might add up to about \$55 million. However, this does not appear to be nearly enough.

On August 30, 2002, the finance department released draft amendments to the Income Tax Act to further restrict the number of people considered disabled and, therefore, eligible to receive the credit. The proposed amendment would tighten the rules in the Income Tax Act governing whether disabled persons were capable of feeding or dressing themselves, again an important means by which the ever diligent CCRA would guard taxpayers from unworthy cheats and frauds within the disability community.

This is ironic given that today of all days we are hearing in the media stories about massive GST tax frauds. Hundreds of millions of dollars in tax frauds were involved in fake exports and car flipping without the CCRA and the federal government being able to lift a finger. I guess this is all the more reason to further shake down persons with disabilities for whatever the government can get.

Supply

In our motion we are calling for the need to change the eligibility requirements to the disability tax credit so that they incorporate a more humane and compassionate manner, the real life circumstances of persons with disabilities and the thousands of caregivers who help carry the load both emotionally and financially. I would like to take a moment to look at that real life circumstance that people are facing.

Gail lives in Halifax and is retired from teaching since the onset of multiple sclerosis. She lives on a small teacher's pension. She uses a wheelchair and lives with crippling pain. She has a small fixed income and watches every penny. She cannot afford to drink coffee or read newspapers. She cannot afford to go out. The federal government is reviewing her disability tax credit. How would losing the \$500 credit affect her? Members can guess and I already have an answer to that.

A father in Regina who is emotionally and financially supporting three adult sons with schizophrenia is having the disability tax credit he receives reviewed. The credit helps to offset the cost of transporting his sons to hospitals and clinics. There are costs for parking, prescription and non-prescription drugs, housekeeping, personal care and counsellors.

He has looked at the newest DTC form and he sees no point in reapplying. He believes the new form is unjustly targeting persons with mental illness such as his sons. He says that to qualify under these new definitions one would have to be a physical vegetable, so why even bother.

Norman is 52 years old. He has Down's syndrome and diabetes and lives with his adult sister, Karen. He is having his disability tax credit reviewed. His sister and her partner have had many modifications made to their lives to allow Norman to be a part of it, including a reduction in income. They do not want it any other way, but having Norman live with them involves costs for special meal preparations, special transportation, and personal care. Their day-to-day lives cost more than ours. Norman's sister Karen has looked at the even more restrictive criteria presented by the finance department and throws up her hand. Of course Norman can dress himself and feed himself she said, but what does that really mean? Norman still requires someone to care for him 24 hours a day.

• (1035)

Sandra is from Sydney who cares for her 22 year old son with cerebral palsy. He uses a wheelchair; he needs a great deal of help to dress and eat. Sandra fights for proper seating and lifts for transporting her son. She pays for special boots and adaptive eating devices and now is being told her son may no longer be eligible for the disability tax credit under the new regulations.

These are only four cases of people and families living with disabilities in our country. Four of over 100,000 who have been asked to reapply for this small tax credit. They are ordinary Canadians who are managing, who are loving and caring for one another, despite all of the crap being thrown their way.

Now, we are seeing the Canada Customs and Revenue Agency shaking these people down because they are easy targets, too tired, too vulnerable, and too poor to hire lawyers to fight back. All of this is supposedly being done in the so-called public interest.

It is not in my interest or the interest of anyone that I know. I heard a catchy tune at a wedding that I attended with the refrain about how we must look below the surface, because "everybody's got a story that can break your heart". Sometimes when I hear what people are having to endure, it does just about break my heart. However, that is not what this is all about.

Canadians with disabilities do not want to break anyone's heart, they just want a break. They are not looking for tears or pity; they are looking for dignity and respect, and a reasonable degree of assistance. That is why New Democrats in the House today are asking the federal government to stop targeting and fleecing people who are working flat out to survive. The government should pick on someone its own size.

In October last year when the CCRA asked to review over 100,000 claims to the credit, the subcommittee of parliamentarians charged with overseeing disability issues held a series of round tables to determine the impact of the CCRA's actions. We were all, bar none, stunned by the deep and calamitous response from all we heard from and we were ashamed.

Our investigations found that the inadequate income support and rehabilitation programs left one-third of Canadians with severe disabilities living in poverty. At least 40% of Canadians with disabilities were unemployed. Federal downloading and the elimination of the Canadian assistance plan left Canadians with disabilities poor and more vulnerable than ever. Without exception, we heard that the DTC in its present form needed to be revamped, improved, humanized and sensitized to reflect the many silent and significant costs involved in living with a disability.

We recommended in our final unanimous all party report to the finance minister that the time had come to make some much needed changes in definitions around disabilities for the purposes of the Income Tax Act. In tone and in spirit we called on the government to respect the successive judgments of the federal court rulings calling on parliament to give disabled persons a measure of relief from the increased difficulties under which their impairment forced them to live, by affording them humane and compassionate treatment under the law—no more, no less.

Our report was tabled March 2002 and we waited, and hundreds of thousands of Canadians with disabilities waited, for the response from the government. In June the NDP held up the business of the House to force the government to speed up its response and to encourage a positive response.

I would like to say that democracy and the consultative process won the day in this instance, but sadly, that was not the case. Instead of humanizing the disability tax credits, the department proposed changes that would make it even more difficult to qualify for the disability tax credit.

I started my speech by talking about individuals living with disabilities and I will return to them in closing. I urge all parliamentarians to create a society which truly supports, values and treats Canadians with disabilities as true citizens. The teacher with MS, the sons with mental illness, the brother with Down's syndrome or cerebral palsy are our neighbours, parents, children and someday quite possibly they will be us.

It is time our government, on behalf of us all, began to treat persons with disabilities fairly and humanely. We have a chance to start today with a strong message to the finance department about the disability tax credit. This is what is truly in the public interest and for the future well-being of our country and citizens.

• (1040)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Madam Speaker, it is ironic that the member for Winnipeg Centre tried to bring a motion before the House of Commons asking the government to change a ruling regarding companies that get fined but are able to deduct the fine from their income tax. For example, a company was fined \$250,000 and received \$125,000 in tax rebates. When the member for Winnipeg Centre brought the issue before the House, the government said it was not parliamentary and he could not do it.

Disabled people have been able to deduct a little money from income tax to help them to see a doctor, to do this and that, and buy equipment. For example, one member in my riding had his legs cut off. He has been receiving income tax rebates for the last 12 years. For the information of all hon. members, his legs did not grow back, but his disability tax credit was cut.

Is it not ironic to see the government beating up people who lose their jobs? It has a \$40 billion surplus in employment insurance. It is now attacking disabled people instead of going after those big corporations who have a right to a rebate on income tax if they get fined by the government. It is totally unbelievable and unacceptable. I would like to hear a comment on that from the member for Dartmouth.

Ms. Wendy Lill: Madam Speaker, there is an expression, "Go hunting where the ducks are".

Aside from the exposé today about the multi-million dollar tax frauds that we have heard regarding the GST, car flipping and input tax credits, Canada Customs and Revenue Agency has admitted in its annual performance report of last week that it has been unable to collect over \$16 billion in outstanding taxes last year. Yet here we are today trying to defend the slim and vastly inadequate tax credit of our most vulnerable citizens.

I find it stunning. I know all members on all sides of the House feel the same way. We must keep in perspective the people who are being affected here, the hundreds of thousands of persons who are vulnerable and who are incurring additional costs because of their disabilities. Yet they are not able to get what is truly a small but important tax credit to offset their additional disability costs.

• (1045)

Mrs. Bev Desjarlais (Churchill, NDP): Madam Speaker, over the past number of months when questions came up in the House about the disability tax credit, the government would often respond by saying that if those people were really disabled, their cases would be reviewed and they would get their money. I have a letter that was

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sent to the minister by some constituents of mine. I would like to read it to give hon. members, including my colleague from Dartmouth, the impact that those types of attitudes have on the disabled:

I have had a recent experience regarding how Canada Customs and Revenue Agency treat the disabled.

My mother was removed from the rolls of the disabled for a period of six months. While her exclusion was eventually overturned, I got to endure such comments as: "We are targeting seniors. We will get to them all eventually". When I spuriously suggested that the great physicist, Stephen Hawking, would not qualify as disabled, one of your bureaucrats had the audacity to agree. Seniors and disabled persons are easy targets and many have neither the will, energy nor support to fight back.

While ultimately vindicated I feel the stress and anguish contributed to the subsequent hospitalization from which my mother has recently recovered.

It is not okay to treat the disabled like this. It is not okay to have them go through an appeal process with Revenue Canada when there are numerous criminals out there who are trying to escape from paying their taxes. These people just want a little bit of a break. The government is willing to give breaks to corporations for boxes at baseball games and for corporate executive wives to buy \$1,000 gowns, but the disabled do not get a break for a mere pittance of a tax credit. It is absolutely shameful. I would like my colleague to comment on that.

Ms. Wendy Lill: Madam Speaker, I agree completely with my colleague from Churchill.

With regard to the whole issue around appealing these situations, it is important for people in the House to realize that many people, even though they are very much disadvantaged, have taken the government to court over the loss of their disability tax credits and they have won. The Federal Court of Canada in several cases has recently awarded on behalf of persons with disabilities and not the federal government. We have to keep that very central to our debate today.

Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): Madam Speaker, I will be splitting my time with the hon. member for Laval West.

I am pleased to address the motion put forth by the hon. member for Halifax.

An inclusive society is at the heart of Canadian values. This is why the government has taken action on a number of fronts to strengthen and support persons with disabilities.

One of the key ways in which we help people with disabilities is through the disability tax credit. For those who qualify for it, it represents a benefit of up to almost \$1,000 per year. About 450,000 Canadians benefit from these measures alone. In all, the disability tax credit provides tax relief of more than \$400 million per year.

An even better indication of the government's commitment to helping Canadians with disabilities is to look at how we have enhanced the disability tax credit in recent years.

Supply

In the 1997 and 1998 budgets, and again as recently as 2000, we have expanded the list of medical professionals who can certify individuals eligible for the credit.

In budget 2000 the government broadened the eligibility criteria to include individuals with severe and prolonged impairments who require extensive therapy essential to sustain their vital functions. This had the effect of extending the credit to many dialysis patients and people who suffer from cystic fibrosis.

Budget 2000 also expanded the list of relatives to whom the disability tax credit could be transferred and introduced a supplement for families caring for children with severe and prolonged impairments. In addition, budget 2000 increased to \$10,000 from \$7,000 the limit on the child care expense deduction for children eligible for the disability tax credit.

Finally, as part of the government's five year \$100 billion tax reduction plan, the amount used to calculate the amount of credit increased to \$6,000 from \$4,293 as of January 2001. In fact the tax reduction plan also restored full indexation to the personal income tax system to protect Canadians from automatic tax increases caused by inflation and to preserve the real value of benefits they receive, including the disability tax credit. For 2002 the disability tax credit amount is \$6,180 and will increase to \$6,279 in 2003.

Individually these measures may not be the stuff of four-inch headlines, but there is no disputing what these measures together mean for the hundreds of thousands of Canadians who receive this credit. The result is twofold and it can be stated quite simply: more Canadians are now eligible for this credit, and the tax credit for eligible recipients is greater than before.

The disability tax credit is only one of a number of steps the government has taken to assist people with disabilities. There are several other areas of the tax system that clearly show the direction in which the government is headed when it comes to helping those in need.

The medical expense tax credit helps people who face above average medical expenses. For 2002 the credit equals 16% of qualifying medical expenses in excess of about \$1,700 per year, or 3% of net income.

The list of eligible medical expenses is regularly reviewed and expanded to keep pace with new technologies and the needs of Canadians. For example, budget 2000 recognized as an eligible expense the incremental cost of modifying new homes to assist individuals with severe mobility impairment.

In 1999 the budget expanded the list of eligible expenses to include the care and supervision of persons with severe and prolonged impairments living in a group home, tutoring for persons with learning disabilities and certain types of therapy.

In the 1997 budget sign language interpretation fees were one of several items added to the list of eligible expenses.

These examples are by no means exhaustive. Nevertheless they do give a sense of how one particular tax provision, the medical expense tax credit, responds to the vast range of needs and circumstances that Canadians face. Other measures have been enhanced too.

For example, in 1998 the government created the caregiver credit to help the many Canadians who provide in-home care to adult loved ones. For claimants this measure also represents an annual tax benefit of almost \$600.

The infirm dependant credit provides tax assistance to individuals caring for an infirm relative who lives in a separate residence. Effective January 1, 2001 the amount used for calculating both this and the caregiver credit rose to \$3,500 from \$2,386, an increase of almost 50%.

• (1050)

Again, I must emphasize that this list of enhancements to the tax system aimed at helping persons with disabilities is instructive but is not exhaustive. Perhaps the best way for me to sum up what the government has done on the tax side to help Canadians with disabilities and their loved ones is to look at what has happened to the total bottom line benefits for these individuals during the last year.

In 1996 the federal tax assistance for these individuals amounted to \$600 million. Today the total is \$1.1 billion, an increase of 80%. This is a significant increase and is a clear sign of the government's priorities. The \$1.1 billion per year in tax assistance is in turn only a fraction of the more than \$4 billion we provide in support of Canadians with disabilities through the Canada pension plan and direct federal spending programs.

Human Resources Development Canada is the lead federal department on disability issues. It invests or delivers approximately \$3 billion annually through the Canada pension plan and key departmental programs for persons with disabilities. These include programs designed to reduce barriers to labour force participation such as employability assistance for people with disabilities and the opportunities fund.

In addition, Canada study grants help reduce barriers to post-secondary education for students with disabilities. The social development partnerships program supports disability organizations, which have a crucial role to play in advancing issues of concern to Canadians with disabilities.

On that note I would like to return to the disability tax credit to discuss another aspect. In fact, the member for Halifax mentioned the August 30 proposed amendments to the disability tax credit.

In March this year the Federal Court of Appeal rendered a decision that would have expanded the eligibility for credit far beyond its policy intent. The decision would expand access to the disability tax credit to individuals who, because of food allergies or other similar medical conditions, must spend an inordinate amount of time to find, procure and prepare sustainable food. Such an expansion of eligibility would have resulted in fewer resources being available to individuals with severe impairments, an outcome that would obviously be unacceptable.

I would point out however that these are only proposals. The government is engaged currently with organizations to seek their comments with regard to the proposals, such proposals as an amendment to ensure that individuals would not be eligible for the credit solely on the basis of dietary restriction that results in an extraordinary amount of time being spent on choosing, shopping for, preparing or cooking food.

Similarly, the proposed amendments also clarify the intended meaning of being markedly restricted in dressing oneself as being unable, or taking an inordinate amount of time, to put on or remove one's clothes.

It is important however to remind the House that the objective of the proposed amendments, and they only are proposed, is not to reduce the government's support for persons with disabilities but rather to ensure that the support continues to be provided to those most in need based on sound medical diagnosis.

Even more to the point, I would emphasize that no one who was receiving the disability tax credit in accordance with its policy intent prior to the Federal Court of Appeal decision will be disqualified as a result of the amendments which are proposed and which we are seeking public comment on. Again, I would emphasize that no one who was receiving the disability tax credit in accordance with its policy intent prior to the Federal Court of Appeal decision in March will be disqualified as a result of these proposed amendments, should they go forth.

In short, these amendments punish no one. Nevertheless, we recognize that some people are concerned that they may be adversely affected by these amendments. That is why the minister and the department are in consultation.

I thank the member opposite for the issues that she has raised. We take these concerns very seriously. Officials are meeting and continue to meet with regard to this. The government is committed to ensuring that any unintended consequences which may surface, either now or in the future, are dealt with in a manner that is reasonable and compassionate.

• (1055)

Ms. Wendy Lill (Dartmouth, NDP): Madam Speaker, I thank the member from the other side of the House for his comments. I was interested that he talked about ongoing consultations with advocacy groups on this issue. I have heard that consultations have broken down and they are very discouraged by what the finance committee has been putting forward.

I have to come back to the people I have put forward as examples of persons with disabilities who are fearful and who have been asked to have their credit reviewed. One is a woman with multiple sclerosis, an episodic illness which does not seem to fit into the categories that Department of Finance is putting forward. People with mental illnesses and illnesses that are intermittent do not fit into the government's constellation of disabilities.

I ask the member how is it that persons with disabilities incurring additional costs, such as people with MS, schizophrenia and bipolar disorder, will be comforted by his speech and what he says the government will do if the people do not fit into the proposed amendments put forward by the finance department?

Supply

Mr. Bryon Wilfert: Madam Speaker, again let me emphasize that there is no intent under the proposed amendments to disenfranchise anyone who currently meets the qualifications prior to March 2002. The intent is to ensure that the support continues to be directed to those who need it most. It is certainly not the intent of the government to disenfranchise individuals in any way.

I have outlined what the government is doing. A review is taking place. One should not lead to the conclusion that what is proposed is cast in stone. That is why discussions are taking place. They are proposed amendments. Obviously we are seeking comments from members in the House, from people directly affected and from the associations.

Let me again state clearly that the objective of the proposed amendments is not to reduce the government's support for persons with disabilities. It is to ensure those who are eligible under the disability tax credit continue to receive that assistance.

• (1100)

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Madam Speaker, I have listened to the parliamentary secretary say in a highly qualified statement that no one who is qualified will be denied these benefits.

There has been a process where reapplication has been required by those who were receiving these benefits. I would like to know how many of those who were receiving them are no longer receiving them since this demand for reapplication was imposed.

Mr. Bryon Wilfert: Madam Speaker, the short answer is I do not know. CCRA sent out the forms. At this point I do not have that information, but I certainly will attempt to find out.

Mr. Dennis Mills (Toronto—Danforth, Lib.): Madam Speaker, I acknowledge the parliamentary secretary's litany of all the good things the government has done for the disabled over the last three years. The reality is that the CCRA has interpreted a law here in a way where there are 30,000-plus disabled people who right now are really getting screwed.

The Acting Speaker (Ms. Bakopanos): Order. I did caution the hon. member earlier in terms of parliamentary language. Can we get to the question, we have 13 seconds left.

Mr. Dennis Mills: Madam Speaker, through you, I will tell the parliamentary secretary that I do not think that there is a more important issue in front of us today.

My question is how quickly will we get a resolution on this critical issue?

Mr. Bryon Wilfert: Madam Speaker, although I do not have an answer, it is my hope that it will be much sooner than later.

Ms. Raymonde Folco (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Madam Speaker, there has been a fair amount of discussion over the disability tax credit and it is indeed an important program, helping Canadians with disabilities to obtain the tax credits to which they are entitled under the Income Tax Act.

Supply

I would like to address some concerns that have been expressed by members in the House and Canadians in general with regard to the review process undertaken by the CCRA by better explaining the review and its importance. It is important that we all deal with the same information.

I would also like to tell the House about the efforts that have been made by the Canada Customs and Revenue Agency, the CCRA, in consulting with those most deeply concerned with disabilities in ensuring fair and equitable administration of the program.

[*Translation*]

It is critical that the Canada Customs and Revenue Agency, CCRA, take measures to protect the integrity of this program and other programs so that persons with disabilities can continue to benefit from them.

As members know, very few claims for the disability tax credit accepted between 1985 and 1996 were subject to the current level of review. Since 1996, when the CCRA became responsible for validating eligibility, it has been reviewing all applications in advance of assessment to ensure that the benefit is available to those for whom it is intended.

● (1105)

[*English*]

This is especially important since under the disability tax credit a one time review can lead to a lifetime benefit. Given a significant rejection rate for claims to the disability tax credit since 1996, it is possible that applications were accepted between 1985 and 1996 that were never eligible for the disability tax credit, and some recipients are no longer eligible to receive it. To ensure the integrity of this benefit program, claims filed during this period are being reviewed.

A number of concerns have been raised by the CCRA's recent review of disability claims.

An important aspect of tax fairness is ensuring that those who benefit from tax measures are entitled to receive them in accordance with the policy intent.

[*Translation*]

Prior to 1996, all applications for the disability tax credit were accepted upon assessment. Subsequently some of these returns were selected for review. This review resulted in some adjustments in which the disability tax credit was disallowed for more than the current year.

This approach was not favourably received and caused hardship for some individuals.

Further, following recommendations by the 1996 parliamentary task force chaired by the hon. member for Fredericton, the CCRA changed this administrative approach for the disability tax credit.

[*English*]

Since 1996 the CCRA has been verifying all new disability tax credit claims before granting the credits. The adoption of this new administrative policy reveals that a substantial number of individuals who applied for the DTC are not eligible to receive it. This is not to suggest that these individuals do not have impairments but rather

that the effects of their impairments are not in accordance with the policy intent of the DTC.

This led the CCRA to conduct a pilot project in 2000 to review the eligibility of a sample of individuals who had applied for the credit between 1985 and 1996. The pilot project found that a significant number of individuals should not have qualified for the credit, should have been approved only on a temporary basis or did not have sufficient information on their files to determine if they were eligible. This information indicated that a full review of claims between 1985 and 1996 was needed.

[*Translation*]

Of the approximately 200,000 active files for disability tax credit claims made between 1985 and 1996, 135,000 claims were reviewed in the fall of 2001. Tax filers whose claims were supported by sufficient information, as well as those over age 75, were excluded from the review.

This left 106,000 claimants, just more than half of the entire number of claimants, who were asked to submit a new form T2201 in order to continue to claim the credit. No claims were immediately disallowed; all individuals contacted in the review were given the opportunity to substantiate their eligibility under the disability tax credit for the 2001 tax year.

No one will be denied access to the benefit without a full review of their claim, and the minister has ensured that clients who have documentation from the period from 1985 to 1996 will be able to submit this documentation as evidence that they are entitled to the benefit.

[*English*]

The purpose of the current review is to ensure that all claimants who apply for the credit are treated fairly and consistently and that the DTC is administered in accordance with its requirements. Of the 106,000 individuals who were asked to re-certify their DTC eligibility for 2001 and subsequent years, about 90,000 have responded to date. Of those, about 60,000 have been determined to continue to qualify for the credit.

It is important to note that this review ensures all claims for the DTC prior to and after 1996 receive the same level of eligibility scrutiny and that the governing criteria are applied to all claims in a consistent manner.

● (1110)

[*Translation*]

Nonetheless, after hearing from members of Parliament, senators and Canadians, and in response to a March 2002 report by the Sub-Committee on the Status of Persons with Disabilities that expressed concern about the T2201 form used to determine eligibility for this benefit, extensive consultations on administrative matters were initiated by the CCRA with organizations representing persons with disabilities and medical practitioners.

Supply

[English]

Furthermore, the minister has asked her officials to conduct further consultations before initiating the second phase of the review, a review of the pre-1996 spousal and dependent claims originally scheduled for this year. As part of these consultations, a new T2201 form for the DTC has been drafted and distributed to all participants and to the members of the subcommittee.

At the request of organizations representing persons with disabilities, the existing version of the T2201 form will be used for the coming tax filing season while consultations are completed. The Minister of National Revenue has instructed CCRA officials that no new administrative reviews are to take place until these consultations and changes are completed.

[Translation]

The government is committed to consulting with organizations representing persons with disabilities and medical practitioners on an ongoing basis. It is important that the government hear their views to help ensure that federal tax assistance for persons with disabilities is fair and effective.

As indicated above, the CCRA will establish a new permanent administrative advisory committee on disability to ensure ongoing consultations on administrative issues.

[English]

Finally, I would like to conclude by saying that I do not believe that Canadians would want the CCRA to extend the disability tax credits in cases where it is not warranted. Nor would they object to a review being conducted to ensure the integrity of this important program. The CCRA has a responsibility to administer the disability tax credit in a fair and equitable manner in accordance with legislation approved by Parliament and to ensure that those who are entitled to receive the disability tax credit can continue to benefit from it.

As my colleague from Oak Ridges indicated earlier, the government is continuing its consultation and will be reporting to Parliament at a later date.

Mrs. Bev Desjarlais (Churchill, NDP): Madam Speaker, I have a hard time not getting emotional over this. It is often said that we really do not know what someone else's life is like unless we experience it ourselves or possibly have a family member or a friend who because of their disability is greatly affected. It is apparent that is what is happening on the other side of the House by the comments of the hon. member.

We will not let the Liberal government off the hook. The Liberal government is the problem. The member is absolutely correct that it is the government that has brought in these changes. It is the government that is attacking the disabled. The CCRA is following through on bad legislation and on a mistake. The government should simply admit it is wrong and get it over.

In no way should we attack the disabled and the small pittance of a tax credit which they receive. I do not want to hear one more person talk of the seriously disabled or those who really deserve it when we have a tax exemption for a child under a certain age in the Income Tax Act. We do not say that because this is the third child,

the child will get hand me downs. We do not say that because that child does not cost as much money, we will give less of an exemption. The bottom line is we recognize that in certain aspects of human living there are greater costs incurred.

I would suggest that the member listen very clearly. I mentioned some things that maybe she does not consider the seriously disabled have to pay for, such as incontinent pads because when they go to bed at night they are not sure whether something will happen. Catheters ensure that they have adequate bladder drainage. They pay for suppositories that so they can fully empty their bowels because when they go to work they do not have an accident. There are additional foot coverings that are not covered because their feet swell because of their disability. Adjustments must be made to clothing because their arms or legs might be a bit shorter or not there at all. Those are all costs that she might not consider to be the cost of a seriously disabled person.

However until she and everyone here experiences those types of costs, the mere pittance of a tax credit that the disabled get should not be attacked. The government should go after those who get tax breaks which they should not get. For years the NDP has called for tax fairness. This is living proof that the government's priorities are out of whack.

• (1115)

Ms. Raymonde Folco: Madam Speaker, I would like to say at the outset that I have a lot of sympathy for the hon. member's position, particularly since I understand that she is personally involved in this. I have a lot of sympathy for the position of all the other people who have disabilities.

I would like to say that at no time have I or the member who spoke before me talked about degrees of seriousness. We are talking about the fact that all people who were eligible for the disability tax credit will still be eligible for it. We are looking at a review so that those people who are not eligible will not receive a credit. I cannot be any clearer than that.

The Acting Speaker (Ms. Bakopanos): We have a minute and thirty seconds remaining. The hon. member for Halifax.

Ms. Alexa McDonough (Halifax, NDP): Madam Speaker, we heard the Parliamentary Secretary to the Minister of Finance a few minutes ago admit that he did not have a sweet clue as to how many people had been disqualified of the 106,000 who received that letter demanding that they requalify. One minute later the Parliamentary Secretary to the Minister of Human Resources Development stood up said and acknowledged that 30,000 claimants had been cut off as a result of that demand to go through hoops and loops to requalify for this tax benefit. At least she has done her homework I guess.

I have heard now from two parliamentary secretaries in a row that it was not the intent of the government to disqualify these people. Furthermore, the Parliamentary Secretary to the Minister of Finance said that people should take it on good faith and that as a result of the new proposed changes coming forth they would not be disqualified or punished.

Supply

How can the government expect people to take it on faith that the new proposed, more restrictive measures being introduced are not going to hurt them, when the government said that it was not the intent to disqualify anybody as a result of those 106,000 letters and the—

The Acting Speaker (Ms. Bakopanos): I did mention the fact that there was only one minute and thirty seconds left. I apologize but miracles I cannot do.

Ms. Raymonde Folco: Madam Speaker, in response to the hon. member, there is no division between members on the opposite side who have asked me questions, and the government.

We are all trying to fix something that is not working properly. We are trying to fix it to the best of our ability. The intent of this debate is to hear from members, not only from our side but from the opposition side, on the best ways to fix this. This is what we intend to do.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Madam Speaker, I will be sharing my time with the hon. member for Surrey Central.

It is indeed an honour to stand and speak in the House on behalf of Canadians, individuals and families, who are dealing with the burden of disabilities. We all feel for those people. Our hearts are broken in many cases because of what we see.

A moment ago the hon. parliamentary secretary mentioned that it was the aim of the government to ensure that all those who re-apply or apply are treated fairly and consistently. However, if we look carefully at the way the act is written, it could be contested. For instance, people who are blind can receive the disability tax credit, even though they may be fully functional in other ways, employed and that sort of thing, but if they are missing, let us say, their hands and parts of their legs, but by the use of devices can walk and feed himself, they are no longer counted to be severely disabled.

I would count myself to be severely disabled if I were in that condition. I think some very basic problems with the act need to be explored as well as these on the surface that we have been mentioning.

The disability tax credit was established during World War II to recognize the fact that individuals with severe and prolonged impairments often face additional non-discretionary expense for the basic daily living that reduced their ability to pay taxes.

The DTC is to provide support for those with severe and prolonged mental and physical disabilities who have marked restriction performing basic activities of daily living, such as seeing, hearing, walking, speaking, perceiving, thinking, remembering, controlling waste elimination and feeding or dressing themselves.

It seems to me that the interpretation being given most of the time would be that those who severely disabled are those who have to go to great lengths just to keep themselves alive. It seems to me that we are tightening this up way beyond what was really stated in the legislation.

The credit is claimed by approximately 430,000 Canadians. The maximum benefit per year is only \$960 and it costs the federal budget only about \$390 million. We are not talking about a real huge

dollar hit on the federal budget. It is peanuts to the government and to the country. It is absolutely absurd that we would go through this kind of tightening and tightwad activity to impair further those who are already impaired through disabilities.

The people who need to qualify need to have a doctor or another professional certify that they have the disability to the extent prescribed by law. The word “prolonged” is in there; the requirement that if they have a disability it must be prolonged. It would be for a year or more was the interpretation. Sometimes people have recurring problems that may not last an entire year. Let us say that they last nine or ten months and later on more and more. These people do not qualify.

Marked restriction is a requirement, of an activity of daily living. It is interpreted to be all or a significant portion of the time, and that of course is interpreted to be 90% of the time.

I am not really sure why that mark has to be so high, unless the government is concerned that it might not be eligible or it might be able to receive tax credits, if it is not thinking or perceiving 90% of the time or more than 10% of the time. Maybe that is why there is such a narrow gate to get through.

● (1120)

No credit is given for multiple disabilities. For instance, if a person is afflicted with a disability that disables him completely for 35% of the time, has a second disability that perhaps only bothers him 35% of the time and a third disability that only bothers him 35% of the time, that comes up to being 105% disabled but he would not qualify because not any single disability is there all the time. This of course applies especially to those who have cyclical mental problems or disabilities that recur but are basically unpredictable.

I have a constituent who has a problem. One of the allowances is that if a person needs life giving therapy for 15 hours or so a week they qualify. My constituent is a former member of the RCMP. During his time of service he broke his neck and back in three places. As the years have gone by, those broken vertebrae have increasingly caused trouble until he finally had to go on disability. He cannot work. He is unemployable and must stay at home.

The only therapy that will stop the intense pain that drives him to his bed is for him to simply lie on his bed for sometimes a few hours, sometimes many hours and sometimes days. However, because that is not a life giving therapy, he does not qualify even though he has to do it. He is not able to do any of the other activities of life while he is in that condition.

I suggest that there are many ways in which this legislation is not entirely fair in the way that it is being interpreted.

Some of the changes made by Revenue Canada were suggested by the committee but most of them are very superficial things. One of the major changes is simply dividing the ability to dress oneself and the ability to feed oneself into two separate categories rather than appearing that they are together. For the most part the changes simply tighten the restriction, not loosen it.

Supply

I would like to refer to a news release, released by the chairman of the committee for disabilities, with whom I served as we did this investigation. The release states:

Recent court rulings... have interpreted the legislation in a more humane and compassionate manner than Finance is willing to accept... To make matters worse, this decision by the Department of Finance ignores all of the hard work by the government's own parliamentary committee. The Sub-committee's report, recommending a complete overhaul of the DTC program, was tabled in the House of Commons in March this year. The Sub-committee recommended that "the Canadian Customs and Revenue Agency (CCRA) and the Department of Finance take immediate steps" to consult with disability groups and professional organizations, to discuss future amendments to the Act. Instead the Department of Finance acted arbitrarily.

Over and over we see the government ignoring the work and the recommendations of committees. We saw that when the health committee, which was working on recommendations for stem cell research, was pre-empted by the announcement of the guidelines even before it heard the recommendations. We hear rumours going on now about what the Minister of Health and the Minister of Justice will do in relation to safe injections sites, the legalization of marijuana and so on.

• (1125)

As members of the committee, we heard many witnesses. We had the responsibility of making recommendations to the government. It is a real tragedy and an insult to the operation of Parliament to see the government ignore its own committees and the reports they bring back. We on this side will certainly be supporting the motion.

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Madam Speaker, I would have liked to pose a question to the previous speaker but unfortunately time prevented that. She mentioned in her speech that the rules governing this were those adopted by Parliament and yet I hear in the speech just delivered that the parliamentary committee's report was absolutely ignored.

I wonder if the member who just spoke can correlate the parliamentary secretary's comment that what is being done is within the purview of Parliament, when he said that the parliamentary committee was absolutely ignored. Could he comment on that?

• (1130)

Mr. Larry Spencer: Madam Speaker, the only way it has not been ignored is that the government made a few minor changes. However most of the changes ignored the feeling of the committee that this tax benefit was not to be made more restrictive, and that form T2201 was already too restrictive, too prohibitive, too complicated and too hard to follow through on. We asked for a review of the whole thing.

Such minor changes, as what the government has so far proposed, are basically in no way a review of the whole situation. We asked that the government go back and review the original intent of the legislation. If we were to go back to the days when this was instituted during World War II, we would probably find out that it was for more than just keeping people alive. Although we have asked the government to do it, that is the way it is done but it is done outside the House.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, we have heard a lot of discussion today with regard to integrity. The government has used that word a number of times. However we have to look at the broader issues.

The government introduced a litany of small piecemeal tax credits with regard to persons with disabilities. However over the last 10 years my community has had increased employment challenges. We have had a widening of the gap in terms of our standard of living and additional challenges.

Within the hon. member's community, does he think there has been integrity in this process? Is he seeing more vulnerable Canadians in his community similar to those in mine of Windsor West where this government has not addressed the general issue of disability? This tax credit is really an attack when the government is widening the scope of people's ability to have tax exemptions and capital losses. It is focusing all those things on one small group. I would like to ask the hon. member how he feels about integrity in this process.

Mr. Larry Spencer: Madam Speaker, I agree that integrity is quite hard to find, especially, as has already been pointed out in this debate this morning, considering the kinds of tax deductions given to others. We hear about companies being fined for breaking the law and the fines being tax deductible. We hear about major amounts of money leaving the country and thus escaping taxes.

People with disabilities, no matter whether they are life threatening or not, have extra expenses. We need to take that into consideration and acknowledge that. How many of us would want a disability payment of \$960 a year maximum? Not one of us would. We would not take a minor disability if somebody paid us that much every year. To slap these people in the face by not allowing them these kinds of benefits shows a callous and uncaring group of people who worry more about money than people. Good government is about people, not about money.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Madam Speaker, could the hon. member who just spoke about the disability tax credit tell us about the experience of disabled persons in his riding? They cannot even consult a physician to have him or her fill out the new form introduced by the government.

• (1135)

[*English*]

Mr. Larry Spencer: Madam Speaker, of course we believe the government has a responsibility to ensure that proper steps are followed and that people do receive it if they do not qualify. However it is fairly obvious that some people with disabilities would have difficulty in getting to see a doctor.

Supply

One recommendation the committee made was that if this was required unnecessarily and the disabled person went to the expense, usually around \$125, to requalify, the government should recognize that as its responsibility. The government is asking for this and is asking people to spend over one month of disability benefits simply to requalify.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Madam Speaker, I am pleased to rise on behalf of the constituents of Surrey Central and many disabled Canadians to participate in the debate on the disability tax credit motion by the NDP.

I would like to thank the hon. member for Regina—Lumsden—Lake Centre for his eloquent remarks and for allowing me to share my time with him.

We are talking about the most vulnerable people in Canadian society. One hundred and six thousand disabled Canadians will be denied the modest tax credit benefits and will have to reapply to be eligible. Forty per cent of Canadians with disabilities live in poverty and one-third are unemployed. The Liberal government only knows how to reward its friends, those who contribute to the Liberal Party's coffers, or to give out corporate welfare.

We already know the dismal record of the Liberal government when it comes to compassion and caring of Canadians. The government denied compensation to hepatitis C victims. We all know that. Single parents or stay at home parents providing care to their children had been discriminated against for tax benefits until the Reform Party, now the Canadian Alliance, forced the government to take action. We know all that. As responsible Canadians we must stand up and fight for people who cannot, because of circumstances beyond their control, fight for themselves.

Under the proposed amendment, this arrogant, weak and heartless Liberal government has narrowly defined the ability to eat and dress oneself as the physical act of putting food in one's mouth and an arm through one's sleeve. However, as critics have already pointed out, the proposed tightening of the rules excludes individuals who might be able to get their spoons up but cannot get their dish to the table.

The disability tax credit was established during the second world war to recognize the fact that individuals with severe and prolonged impairments often faced additional non-discretionary expenses for basic daily living that reduce their ability to pay tax. The DTC is a \$6,180 credit to provide support to those with severe and prolonged mental and physical disabilities who have marked restrictions in performing basic daily living activities.

In a case involving an individual who suffered from an intestinal disease, the Tax Court of Canada decided that because he had to spend a significant amount of time each day in identifying, producing and cooking food he could digest, he met the "inordinate amount of time" test. This decision was upheld by the Federal Court of Appeal.

In response the Department of Finance has announced its decision to amend the Income Tax Act so that individuals will not be eligible for the DTC merely on the basis of a dietary restriction that results in an extraordinary amount of time being spent on choosing, shopping for, preparing or cooking food. Specifically, the amendment proposes that the expression "feeding oneself" be defined for DTC

purposes to mean the act of putting food in the mouth or swallowing that food. The proposed legislative amendments apply in the current 2002 tax year.

About 200,000 Canadians claim the disability tax credit. In total the credit provides about \$390 million in tax assistance. DTC's rules should be clear and fair across the board and fraud should be vigorously pursued.

CCRA form T2201 is problematic. That is where the problem is. The guidelines pertaining to the application's questions are very restrictive and result in denying support to many legitimate applicants.

● (1140)

The Department of Finance evaluated the DTC in 1991 and stated that under an administrative system in which eligibility was determined and certified by a family physician depended on the development and communication of guidelines which illustrated the intended application of the definition. When the CCRA simplified the form in 1996, it failed to capture the true nature of many disabilities.

After three months of hearings, the Subcommittee on the Status of Persons with Disabilities on March 21 tabled in the House a report, "Getting it Right for Canadians: The Disability Tax Credit". It stated that the current practices in administering the DTC were "grossly inadequate". The disability community supported the recommendations in principle.

On August 21, the Department of Finance responded formally to the report. Less than 4 of the report's 21 pages actually addressed the subcommittee's report.

The draft T2201 form, which was distributed by the CCRA on August 28, does not reflect the spirit and the objectives of the Income Tax Act. It is too restrictive and will continue to unjustly deny the tax credit.

On August 30, the Department of Finance aggravated an already sensitive matter by proposing amendments to further restrict access to the tax credit because of a Federal Court of Appeal decision which ruled in favour of the appellant. This was *Villani v. the Attorney General of Canada* 2001 case.

The Department of Finance and its administrative arm in the CCRA have taken the opposing position and have applied the most restrictive interpretation possible to the language of the act. The Liberal chair of the subcommittee is extraordinarily disappointed.

It is alarming that the CCRA is narrowing the eligibility for the credit. It is not consistent with the Canadian values of fairness and equality. It is a disturbing message to all Canadians by discouraging them from seeking justice in our court system.

Philip Gudger, who has only one leg, was told by taxation officials that he no longer was considered disabled. After going through all the hoops, he has won an appeal and is entitled to the credit. We will be hearing a lot of horror stories. Decisions made in the Tax Court of Canada, the Federal Court of Appeal and the Supreme Court of Canada must be considered by Parliament.

The DTC is intended to reduce taxable income for people who have severe and prolonged mental or physical impairments, causing them to be markedly restricted in the basic activities of daily living. Yes, the Department of Finance must make tough choices to keep our budget in balance, but the Liberal finance minister is going about it in the wrong way when he removes resources from those most in need.

The government must withdraw the proposed amendments to the disability tax credit and act on the unanimous recommendations of the Subcommittee on the Status of Persons with Disabilities which call for fairness and effective consultation before any changes to the Income Tax Act are made in regard to Canadians with disabilities. The decision by the Department of Finance ignores all the hard work by the government's own parliamentary committee. This is an affront to democracy.

The subcommittee's report tabled earlier this year recommended a complete overhaul of the DTC program but the government chose to ignore that.

Canadians with disabilities deserve to have their concerns addressed with the same consideration, if not more, than would be afforded to any population other group. This is not a question of seeking special benefits for special interests. Instead, it is seeking an effective and efficient process for providing a much needed tax credit to severely disabled Canadians. The failure to do so subverts the hard work of the parliamentary committee and ignores it.

I am appalled at our skewed tax laws that allow a businessman to write off 50% of a business lunch, while disabled people are only allowed to write off less than 20% on the purchase of wheelchairs.

An all party parliamentary committee came up with unanimous recommendations which the government should abide by. This would ease the burden on persons with disabilities in claiming DTC.

When will this weak, arrogant Liberal government do the right thing, implement the recommendations and help rather than hurt disabled people in Canada?

• (1145)

[*Translation*]

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Madam Speaker, there are times when coming back from a week of recess is absolutely great. This is one instance, and I will tell you why.

As everyone knows, a week of recess is a unique opportunity for members to do any number of things, including, in my case, devoting six and a half days to constituency work.

During the last two recesses however, I deliberately broke with tradition. I did not spend that time in my riding. Where was I, do you ask?

I used these two weeks to sleep in a different town every night. I toured Quebec. It is indeed a pleasure to travel across Quebec. Sadly, those I met on my journey are easy targets for the federal government. This is our topic of discussion today: the status of persons with disabilities. I am therefore delighted to speak on the motion put forward by the hon. member for Halifax. I will not reread this important motion, which the Bloc Quebecois fully supports.

Supply

Going after the most vulnerable people in our society seems to have become a habit of this government. After targeting the unemployed and the elderly, the party in office is at it again, this time going after those who have functional limitations. Its incomprehension of the plight of the disabled is nothing new. It is unfortunate that the current Liberal government should be marking the beginning of the 21st century in such a sad way. Let us take a look at the recent events relating to this issue.

There is definitely a reason behind my taking advantage of those two weeks of recess to tour Quebec, instead of staying in my wonderful riding of Laval Centre. That reason is simple: if the government does not care to inform the public of its most contemptuous actions, someone has to do it. For almost 10 years now, the Bloc Quebecois has made it its duty to protect the most vulnerable people. It had to do so again this time.

While the Standing Committee on Human Resources Development and the Status of Persons with Disabilities has been recommending for years that the government review the administration of the disability tax credit, the message seems to have either been misunderstood or totally ignored.

To understand how the situation has evolved, we have to go back to the year 2000. That is the very recent past. That year, the Canada Customs and Revenue Agency, which has been managing this tax credit since 1996, decided to review the case of several thousands of claimants who had been deemed eligible between 1985 and 1996.

After closely examining various files, the government decided to ask close to 170,000 claimants to fill out a new claim form. This review process was to be conducted in two phases. The first phase was to reach 106,000 claimants from coast to coast, through an insolent letter sent on October 19, 2001. That letter asked these claimants to resubmit their claim by using the controversial eligibility form, the infamous T2201. The purpose of this measure was to ensure that those who benefit from this tax credit are entitled to it. The second phase will target an additional 65,000 claimants, for the same reasons. Let us hope that this second phase never takes place, because this process is an outrage.

For the government to decide to review some files is one thing, but for it to act without any judgment or respect is a different matter.

• (1150)

Imagine some double amputees receiving the letter, asking whether their condition might perhaps have improved. Imagine blind people being asked whether, by some miracle, one that would by the way be greatly desired, they had recovered their sight. And imagine parents of Down syndrome children being asked whether their children did indeed have that syndrome.

These examples are not figments of my imagination, nor exaggerations. They are true events that have been shared with me by blind people, amputees and parents of children with Down syndrome.

Supply

Obviously, no time was wasted in informing the Sub-committee on the Status of Persons with Disabilities of this situation, and it reacted immediately. We heard a number of witnesses who spoke of the experiences of the disabled and of how they felt when they received this infamous letter of October 19.

Following on these consultations, the sub-committee unanimously adopted the report "Getting it Right for Canadians: The Disability Tax Credit". This report was unanimously adopted by the full Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

So what does this report say? There are 16 recommendations in all, and I shall quote the main ones only. The first is:

that the CCRA send a letter to every individual who received the letter dated 19 October 2001 requesting DTC recertification. This correspondence should apologize for the tone of the letter and provide a complete explanation as to why the CCRA requested recertification.

Yet, guess what, no letter has been forthcoming.

The second recommendation is as follows:

that the T2201 be thoroughly modified in conjunction with organizations working with the disabled and health professionals.

Third recommendation:

that no new requests for recertification be sent... until Form T2201 is redesigned.

As well, it is recommended that:

health professionals have greater latitude for applications;

that registered nurses should be able to complete the form in certain specific cases, particularly for individuals who do not have ready access to "qualified persons", such as those residing in remote areas of the country;

And finally:

that the Department of Finance conduct a comprehensive evaluation of the Disability Tax Credit and that this evaluation be tabled with the Standing Committee on Human Resources Development and the Status of Persons with Disabilities no later than 31 December 2002.

Will this come to pass? I doubt it.

Since House procedure requires the government to respond to committee reports, the Minister of Finance replied some months later, in fact, on August 21. I use the word respond lightly, since it was basically a flat refusal to consider it. It was as if the government had told us that we did not understand anything, that our work in committee, even though the report was unanimous, was nothing but a mirage of the reality. Consequently, there would be no major changes.

However, something very interesting transpired during this time. A man by the name of Ray Hamilton claimed the disability tax credit. He suffered from celiac disease, a severe gluten intolerance. While I am sure that you are aware of this disease, it might be useful to explain briefly the implications of this type of intolerance.

Gluten is found in flour, and everyone knows that flour is an essential part of most people's diet. In fact, most of the foods that we eat every day contain gluten. In the morning, we eat toast, or cereal or muffins. At lunch, we might have pasta, and tonight, you might have some type of sauce on a beautiful fillet steak, and with your tea some cookies or cake. This is all perfectly normal.

People with this disease must buy gluten-free foods, because for them, eating gluten is tantamount to eating varying quantities of arsenic. This means additional costs, as you can imagine, because these products cannot be purchased at the corner store, or even the local supermarket. These people must visit specialty stores in order to feed themselves safely.

• (1155)

In addition, gluten-free food is very expensive. To give you an idea, a small bag of cookies costs approximately \$7. That is a lot of money for a few cookies to munch on with a cup of tea after dinner. You can imagine the grocery bill when you have to shop for gluten-free items.

So, Mr. Hamilton had his application filled out, but lo and behold, it was turned down by department officials. Mr. Hamilton decided to appeal to the Federal Court. The court ruled in his favour, finding that Mr. Hamilton is disabled within the meaning of the Income Tax Act and may benefit from the tax measure in question. In its reasons, the court stated that the disability tax credit is an affirmative measure and must be given a broad, non-restrictive interpretation.

This is a very heartening judgment for persons with any disability who have expenses associated with their condition. From the moment that the court rules in favour of a citizen, we can expect the government to abide by its ruling and act on it. This is, anyway, how things should go in a State worthy of the name, where the judiciary is supposed to be independent from the executive.

To the dismay of many, however, the current Minister of Finance amended the act to circumvent the court ruling. Instead of abiding by the judgment, the minister with a heart of gold—in the financial sense of the term—developed a draft bill designed to change the definition of what is meant by feeding and clothing oneself.

According to the minister, someone's ability to feed oneself will be determined by answering the question: "Am I able to bring food to my mouth—as you can see, I can do it with water, so it should be the same with food—and to swallow it?". I may not be able to hold a glass in my hand, but if a kind person brings me one, I will be able to drink from it. That is the minister's definition: as long as a person can take or swallow, that person is not considered as disabled under the definition of feeding oneself.

And there is a second point. Our friend, the minister, must certainly benefit from some special treatment at home, since it does not seem necessary for him to buy food, to prepare it, or even to digest it. There is no doubt that the Minister of Finance does not live in the same world as the rest of us do. The great money man of the federal government really seems like a Harry Potter character. We were used to seeing surpluses appear by magic, but now the Minister of Finance is feeding himself without buying food, without preparing it, perhaps without even swallowing it, and, what is most surprising, without digesting it. No doubt, what we have here is a true sorcerer.

Let us now see how the draft bill defines the expression "to dress oneself". It says:

To dress oneself means the act of dressing and undressing oneself.

Supply

How nice. What about a person who has a foot problem and needs special \$800 shoes, but can put these shoes on by himself? The tax credit should primarily help deal with the financial implications of a disability. And what if it takes a person three hours to get dressed? Sure, that person manages to do it, but his morning has been somewhat shortened, unless of course that person can get dressed like our Minister of Finance or like the character in *Bewitched*, that is by simply twitching his nose.

This draft legislation is unacceptable since it tries to circumvent a court ruling and goes against common sense. Nothing prevents the government from giving us a logical explanation for its action. This is a non-refundable tax credit, which means that the government does not have to take one dollar out of its pockets. While this credit may result in a shortfall, it is definitely not an expenditure.

• (1200)

What is more, when we see from the statistics that one in two disabled persons lives below the poverty line, the mere act of offering a non-refundable tax credit is questionable in itself. The government is seeking to restrict access to a tax deduction for people who are already having problems making ends meet, whereas it seems not to have any problem with making it possible for certain members on the other side of this House, who probably have no trouble making ends meet, to take advantage of tax havens such as Barbados.

Now that hon. members are familiar with the details, allow me to tell you about what came next, the struggle to ensure that the most vulnerable members of our society are entitled to fair and equitable treatment. When we became aware of the draft bill, it was clear to us that they had gone too far and that we needed to react vigorously. But how could the maximum number of people be reached within a short time?

It is also rather revealing that the government decided to release the news of its draft bill over the summer, when people are on vacation and organizations advocating for the disabled are operating with skeleton staffs.

The Minister of Finance, of course, did refrain from holding a press conference to promote and justify the new measures. Without the opposition parties and the organizations for the disabled, the minister would have got away with his little trick.

The approach used by the Bloc Québécois was one that had proven itself in the past, particularly with the guaranteed income supplement for seniors. After a discussion with my colleagues, we all agreed that a tour of Quebec was called for. I took advantage of two weeks of parliamentary recess to visit some ten cities in Quebec. As a result, I was able to meet directly with over 85 regional organizations working directly or indirectly with individuals with disabilities, as well as meeting face to face with more than 170 individuals. I was also able to explain the issue to more than 35 regional and national media outlets. All in all, directly or indirectly, we met with over 100 organizations and 200 individuals.

As members know, when we meet people in the real world, when we shake their hand and look them in the eye, they no longer represent just some statistic from a report. The horror stories that we heard throughout our tour about people's terrible circumstances

moved us. These are people who want nothing more than respect for their dignity, who want nothing more than justice.

It is both discouraging and humiliating to have to beg the government for what one rightly deserves. Do we question tax deductions for professional groups? Never.

In a democracy, there are tools for people to demonstrate their disagreement with certain government policies. Petitions are one such tool.

I have been a member of Parliament for almost ten years now. I have always been reticent about personally initiating petitions. They must be initiated by citizens in response to injustices. To my great delight, during the first day of our tour, which began in beautiful Quebec City, some organizations approached me and asked if they could start a petition asking the House to oppose any government action to restrict eligibility for the disability tax credit.

That was all it took to get things moving. Now there is a petition that is making its way across Quebec and it will also travel across the rest of Canada.

Indeed, I would like to seize this opportunity given to us today by the New Democratic Party, an initiative I applaud and support, to inform my colleagues that I would be happy to forward them a copy of the petition in both official languages, so that they can forward it to organizations and residents in their ridings.

I am sure that I can count on their cooperation, because as we saw in the Standing Committee on Human Resources Development and the Status of Persons with Disabilities, this is an issue that is non partisan, and under no circumstances must that change.

We are all aware that the true strength of democracy is felt when the actions and support of citizens is combined with the actions of their representatives. One thing is sure; if the Minister of Finance ignores the entirely legitimate requests of citizens, they are quite likely to remember it in the not-too distant future.

For all of these reasons, I am proud to support the NDP motion. I encourage people to contact their member of Parliament, or call my office at 613-995-7398 to obtain a copy of this petition.

• (1205)

[English]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I thank the member from the Bloc for her insightful comments.

I found her summary of the Hamilton case and the issue of persons with celiac disease being cut off the disability tax credit very interesting.

Supply

I was also interested in the whole issue around the way the federal government very quietly and surreptitiously tabled its response to the disability subcommittee's report. I am sure all the committee members were embarrassed when they received calls from the media saying that the media had heard the report was out and that the finance committee had put forward some new amendments. We knew nothing of them and when we did see them they were punitive and meanspirited. We were left feeling very much that the whole democratic process we had undertaken in good faith with people in the disability community and with professionals in the medical community had been for naught and had been a joke.

New Democrats have a letter writing campaign to put this whole issue on the table. I am happy to hear that the Bloc is doing the same kind of thing as a petition in Quebec.

What does the member think of this type of strategy on the part of the government? It released the response in the middle of the summer. It released proposed amendments in the dog days of summer when in fact no one was around to respond, to herald it or to criticize it? What does that really say to her about the kind of government we are looking at here?

[*Translation*]

Ms. Madeleine Dalphond-Guiral: I thank my hon. colleague for her question. Everyone will agree with me that making announcements at 5 p.m. on a Friday before a break week or during the summer, particularly on potentially contentious issues, is a long-standing strategy of this government. This is a reality.

What does it tell us? It tells us two things. The Minister of Finance may be floating trial balloons to see how people react; this is possible, but it does not say very much about him. Where the condition of persons with disabilities is concerned, a minister worthy of the name and office should be able to recognize the needs of people and take them into account in making decisions.

The other aspect is a financial one. I did not address this in my speech, but I will make a comment on the 106,000 letters sent out last fall to people with disabilities who qualified for the tax credit, asking them to reapply so that it could be ascertained whether or not they did qualify.

A number of them did not reply to the letter, figuring it did not make any sense, because they had already provided all the information. These people lost their tax credit.

Among those who responded to the government's request, a number also lost their tax credit. In the end, one person out of every two among the 106,000 contacted lost their credit. That is a substantial number. In Quebec, for example, some 90,000 persons with disabilities—I am quoting this figure from memory—were entitled to the tax credit for 2000. This credit is worth a maximum of \$960. Let us say \$1,000 to make it a round figure. We are talking about \$90 million.

Is that too high a price to pay to recognize the plight of persons with disabilities? Only for heartless people obsessed with squeezing the taxpayer in order to come up with money to spend elsewhere, on more appealing things, as the Liberal government is doing, and I find that deeply regrettable.

●(1210)

[*English*]

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I have a question and I do not know if any of the members have dealt with this issue.

The fact is that there are 58,000 people who are disqualified and many of them are probably mentally impaired. I have worked with the mentally challenged. Those people are not able to fill out their own forms. Some of them do not have any family members to help them. Does the hon. member know how many are mentally impaired and has anyone asked the government to look into that situation?

There is a lady at my church who is having a terrible time. The government took away her disability tax credit and she cannot even walk alone.

How many has the hon. member looked at, has her party looked at, has the government looked at? How many of those 58,000 people are mentally impaired and cannot fill out the forms?

[*Translation*]

Ms. Madeleine Dalphond-Guiral: Mr. Speaker, I thank the hon. member for her question. Unfortunately, I cannot answer it, but it would definitely be something worth looking into, so as to have an idea of the various groups to whom this infamous questionnaire was sent.

It is very clear that, given the obstacles with which people with disabilities may be confronted, those who are mentally challenged require almost constant support. Many of these people get only occasional support.

Sometimes, when we read something that is too complicated—and we have all had the experience of reading something and wondering what it is all about—we throw it in the garbage. Therefore, it is quite possible that a number of mentally challenged people decided not to reply. Having said that, this is definitely an issue that we will raise in committee and we will demand that we be given the appropriate breakdown.

[*English*]

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, I appreciate the opportunity to speak on this issue, even though we really should not have to have this debate. I will be sharing my time with the distinguished member for St. John's East.

We should not be having the debate because this should never have happened. The system was working before and the whole restructuring of the disability tax credit system should not have happened.

What seems to be happening now is that every effort is being made to eliminate people, not include people, with disabilities. The concept is simple to me, it costs more when a person is disabled. It costs more for transportation, alteration of a house, devices to help a person get through a day, and medication and treatments. This is a sensible program. The government must allow people to deduct a certain amount from their income tax to help pay for these extra costs. Certainly, in most cases where someone is disabled, this does not even address those additional costs. It is only a token of the additional costs disabled people run into.

I had a meeting with the Minister of National Revenue over this issue. The minister took her time and went through all the issues with me. The only conclusion I could draw at the end of the meeting was that it was too bad not everybody had the advantage of that discussion. It was very helpful to me. It really homes in on the fact that there was a poor communication process as this unfolded, poor consultation and poor decisions as well. I do appreciate the minister taking time with me. It does not change the fact that the program is poorly directed and has the wrong concept.

The concept or the goal is to cut costs, when the goal should be to help people with disabilities pay the extra costs that they must pay.

I will run through three examples of cases. There have been many cases that have come to my attention. This is how I became involved in the first place.

Don Pryor from Truro was run over by a train in 1979. He had one leg amputated and there were a lot of other serious injuries. He has not been able to work since that time. He has many extra costs relating to limbs, transportation and medication. This man has an artificial leg. Suddenly after 20 years of qualifying for the disability tax credit, some smart person in the department wrote him a letter and said, "Mr. Pryor, you are no longer disabled." This is a shame.

I want to mention Sherman Bent, a real gentleman, who was diagnosed with cancer some years ago. He went through the full chemotherapy treatment and it did not work. Then he had an entire bone marrow transplant. He has lost much of his hearing and vision. He cannot get around and he is totally disabled by any standards. He is another person who received a letter from the Department of National Revenue saying, "Mr. Bent, you are no longer disabled and we are denying you the tax credit."

I received a call this morning from Mr. Albert Comeau of Rothesay, New Brunswick. He is the chairman of K.V. Committee for Disabled Persons. He has not been able to work since 1989. He has leg problems. He has had his knees replaced and he is impaired in many ways. He cannot even get dressed by himself. He cannot walk; he cannot negotiate stairs. He too has extra costs relating to braces, canes and extra medication. Why can we not give these people this small disability tax credit?

These are all examples of people with real disabilities who have been turned down and denied the disability tax credit.

We are debating the details of this legislation and the criteria, but we should be talking about the concept. The concept is to help people with disabilities cover the extra costs that most of us who do not have disabilities do not have to deal with. It is so simple, yet we

Supply

seem to be focusing on how we can get more people off the disability tax credit rolls.

The Department of National Revenue sent a form to people with disabilities to determine whether they were disabled. It was also sent to their doctors. It states in one section:

Answer the following questions as they apply to your patient's impairment.

Can your patient walk?

Answer no only if, all or almost all the time, even with therapy, medication, or a device, your patient cannot walk 50 metres on level ground, or he or she takes an inordinate amount of time to do so.

If you answered no and your patient is confined to a bed or a wheelchair, how many hours per day (excluding sleeping hours) does this apply?

● (1215)

I cannot even understand that. What it is saying, Mr. Speaker, is if individuals can walk from me to you and back again they are not disabled. That means somebody with two artificial legs that could negotiate down there, even with medical devices, from me to you and back again but not up the stairs, just on the level floor here, he or she is declared no longer disabled. That is not good enough. Because someone can traverse 50 metres on level ground, the fact that he or she is not able to climb stairs does not count. It is entirely discriminatory. It is offensive the way that is handled.

It first came to my attention as a member when people would come and ask me about this. I thought there were a lot of people who were asking about this so I put in an access to information request to find out how many of these letters went out to people, how many answered the letters, and how many were disqualified.

As of May 2002 we learned that of the 106,000 letters that went to people who were already deemed disabled and qualified for the program for years and years 36,000 did not even reply. They were automatically removed. These were people who had been on the disability tax credit rolls for years. They were automatically removed because they did not reply.

Of the 70,000 that did reply, 22,000 at that time had also been denied. Therefore 58,000 of the 106,000 people at that time had been ruled out. These are people who had already qualified for it and had enjoyed the benefits of it for years, some as many as 20 or 30 years.

I asked if there was any attempt to contact the 36,000 people who did not respond to find out why they did not respond. Was it because they could not read or could not see? Was it because they had an emotional disability or their doctor would not fill out the form? I questioned why 36,000 people did not return the forms. Maybe it was because it was so confusing. I cannot even understand it. I asked that question and it has never been answered.

Supply

The government has a responsibility to contact all the people who did not reply to the first form, now that it acknowledges it was wrong, confusing and difficult. It should contact every single one of the people who did not respond the first time and give them a second chance to respond when and if it ever gets a new form developed that can be understood and interpreted. It should also contact all of the 22,000 people who were denied and the 70,000 who did reply and inform them that they can appeal, especially now because the process is undergoing another review process to change the rules.

I call on the government to contact all of those people who were denied the tax credit. It is incumbent upon the government because it owes it to them. We would not be here today if there was no problem with the readjustment of the program. The government is acknowledging there is a problem and it is going to change it. It should go back and address all of the people who were excluded when the first form went out, the first criteria that were outlined to the doctors, the patients and the people with disabilities. Let us go back to those people. That is what this is about. That is what we should be doing here. We should be trying to help people with disabilities. We should not be trying to get them off the disability tax credit roll to save a little money. We should be reaching out to these people.

I am asking the government now to contact those people who did not return the form in the first place. I am asking it to recontact the people who did return it and were turned down now that it acknowledges that the criteria were wrong in the first place. I make that request on behalf of disabled people in Canada. I hope the government will change its attitude on this and say, "How can we ensure everybody that needs it gets it?", instead of, "How can we get people off of it?"

• (1220)

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I agree with everything that the member has stated because, having worked with those who are disabled, I have seen the difficult time that they have and so many of them have no one to help them.

The hon. member mentioned an access to information request. Did it show those who were mentally disabled? Did it show how many of them were turned down because they could not fill out a form or read it? Even if a new one is sent out they will not be able to read it because they cannot read. Did the hon. member find out how many of the 58,000 were mentally challenged? How could any government take away any pension or any tax credit from any one of them?

Mr. Bill Casey: Mr. Speaker, I wish I could answer the member's question, but I cannot because I did not get that information. However, I will say from personal experience that people with emotional disabilities had the most difficulty qualifying for Canada pension disability and also for the disability tax credit. When someone has an emotional disability an x-ray cannot be taken of it to show the problem.

It is so difficult to define it and difficult for people with emotional disabilities to convince the authorities that they have a disability. It is the most difficult type of disability to qualify for and it is difficult for people to go through this process. When people with emotional disabilities receive these government forms, demands, appeals and rejections, they cannot handle it. They already have an emotional problem in many cases.

In my experience people with physical disabilities end up with an emotional disability as well because they cannot contribute to their families any more, they cannot work or contribute to their communities. This must be taken into consideration. We throw all these hurdles in front of them and make it more difficult for them to receive the Canada pension disability as well as the disability tax credit. I know that we must have rules and parameters, but it seems to me that we throw more hurdles in their way than we do trying to reach out to help people with disabilities.

There is a third disability that eventually affects almost all people with disabilities. First of all, they start with a physical disability and end up with an emotional disability because they cannot contribute. Then they end up with a financial disability because they cannot work.

I refer to the man that was run over by a train in 1979. He cannot contribute. He cannot earn a living and his disability tax credit was taken away after having received it since 1979. He has now been informed that he is no longer disabled. The man has a sense of humour. He looked down and said, "My legs are gone, but I have a letter saying I am no longer disabled". God bless the man for having a sense of humour and being able to handle that, but what the government has done is wrong.

In answer to the member's question, there is no way to tell how many of these people are emotionally disabled and how many are physically disabled, but often they are both.

• (1225)

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I am very pleased to support the motion put forward by the NDP. I am also very pleased to support my colleague who made a very compassionate and passionate speech on this issue.

As we are all very much aware, the motion calls upon the government to make changes in the eligibility requirements for the disability tax credit. It calls for changes that take account of the real life circumstances of people with disabilities, changes that are a little more humane and a little more compassionate in how the government approaches the disabled problem.

We would not be having this problem today if we had a government that was a little more humane and compassionate in its approach. One would think that a tax credit program designed to assist the disabled community would be the heart and soul of compassion and humanity. However, in the hands of the government, even a program designed to assist disabled people can become a very blunt instrument causing no end to grief. It can become an instrument that government dickers around with and causes an awful lot of problems for our disabled community.

Nearly a year ago my office and all members' offices were flooded with calls about the pending changes to the disability tax credit. Then the changes came and thousands of Canadians were notified that they no longer qualified for the disability tax credit. Imagine, as a member pointed out with one of his constituents, being a disabled individual and after 10 or 15 years of receiving a disability tax credit suddenly being told that the government will make that determination as to whether or not the person is disabled. These are people with genuine disabilities, people who had availed of the tax credit for years who were suddenly and summarily cut off from the program. That not only played havoc with the mental abilities of disabled people, it played havoc with the household budgets of thousands of Canadians on low or fixed incomes, who had little in the way of options to plug the hole in their budget that was caused by the stroke of a pen in Ottawa.

The speed and harshness of the cuts only served to maximize their impact. One day someone was a disabled person availing of a certain government program, and the next day that person was not disabled. There are no provisions to take into account the various types and levels of disability.

The member for Saint John made the very good point about the individual who happened to be mentally disabled. There is no x-ray for the doctor to hold up to the light and say that the individual is mentally disabled.

As a matter of fact, the form the CCRA sends to people has ridiculous questions, for example:

Can your patient perceive, think, and remember? Answer no only if, all or almost all the time, even with therapy, medication, or a device, your patient cannot perceive, think, and remember. For example, answer no if he or she cannot manage or initiate personal care without constant supervision.

This is absolutely ridiculous and it places the onus upon the doctor to get back to the CCRA on this.

The speed and harshness of the cuts only serve to maximize the impact. These questions, as the member for Cumberland—Colchester pointed out, are designed to exclude people. It makes it very difficult for people within the disabled community to get a fair reading from the government.

● (1230)

The government makes much of the fact that it has balanced the nation's books. What the government has really shown is that it had the necessary ruthlessness to balance the nation's books on the backs of the unemployed, the people who are disabled and the people who are sick in the community.

We see it everywhere, not just within the disabled community. Transfers to the provinces for health care and post-secondary education were cut as well, which threw the budgets of the provinces and the territories into a tailspin. A university education became the domain of the rich or the massively indebted. The sick are lined up for treatment in the health care system, whose strains are only surpassed by those of the armed forces. Now it is the disabled. In the regions of the country dependent on seasonal employment, there have been massive cuts to the EI system.

All of those things are an indication that the government is balancing its books on the backs of the unemployed, the people who

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are sick and who cannot avail themselves of decent health care. Now it is people who are disabled. First it was the sick, then it was the unemployed, and now it is our disabled community. All groups in our society are potential targets when the government starts slashing funding to serve its own particular priorities.

If the government would only cut out some of its waste and political patronage, that would go a long way to financing the disability tax credit that is suited to the everyday realities and practical needs of our disabled people.

We do not need any more unilateral cuts or changes. Interest groups should be thoroughly consulted about these things before sweeping changes are made to a program like the disability tax credit.

We are dealing here with many of our society's disadvantaged people. It behooves us to be extra sensitive, not insensitive, not unilateral, but extra sensitive to the harsh realities that are faced by many Canadians through no fault of their own.

It is no problem really for any of us to support this motion. The motion makes sense. It is a motion the government should be willing to deal with before the day is out.

We should also realize that the tax credit does not recognize the significant variation of cuts for individuals who have disabilities. We should realize that the tax credit only offsets a very small portion of the costs most individuals experience, which does not create tax fairness for people with disabilities. The tax credit does not benefit the majority of Canadians with disabilities because they might be living in poverty. Most of them do not have a taxable income.

A review was recently held by the parliamentary Sub-Committee on the Status of Persons with Disabilities. It held hearings last winter and issued a report on the issues related to the tax credit. The report criticized the CCRA for "practices that are grossly inadequate for people with disabilities". It called for a complete overhaul of the disability tax credit program.

Everyone on this side of the House is in support of the government overhauling that program. Everyone on this side of the House is in support of the government doing something very quickly to help our disabled people.

● (1235)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I just wonder, having heard the member opposite, in his experience whether he has had people come into his office, even before he became a member of Parliament, who were receiving the disability tax credit but who, at least as far as he could see, were probably perfectly capable of working and making their own way?

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I would suggest to him and ask him, does he not think at least the government's intention, which is to promote self-reliance and to promote people trying to do things for themselves even if they are disabled, is the correct thing to be doing? Even if we might see opportunities to amend the rules to make them a little bit more precisely targeted, would he not agree that the basic idea of trying to encourage people to be self-reliant rather than through money through the disability tax credit make them more dependent?

Mr. Norman Doyle: Mr. Speaker, we are not talking here about people who are self-reliant. We all agree that people who are not self-reliant should be encouraged to become self-reliant but this is not what we are talking about. We are talking about people who are genuinely disabled.

I would refer the hon. member once again to the review that was held by the parliamentary Sub-Committee on the Status of Persons with Disabilities. It held hearings last winter and issued its report, not on people who are self-reliant but on people who are genuinely disabled. I would imagine that the subcommittee had representation from all political parties. When it issued its report, it made it very clear that it was criticizing the CCRA for practices that were grossly inadequate for people with disabilities. It called for a complete overhaul of the disability tax credit program.

That indicates to me there is a problem in the system. The government itself created the problem. The subcommittee looked very closely at the issue and called upon the government to do something to help the disabled community, people who are legitimately disabled, not people who are self-reliant.

• (1240)

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I will make a comment and my colleague may wish to comment back. In a roundabout way it reflects on the question that my colleague from the governing side just asked.

If the premise behind tax credits within the Income Tax Act is based on self-reliance, I have to question why there are tax breaks for corporations, why there is a tax credit available if one has a child under a certain age, why there is a personal exemption tax credit, and why there is a tax credit so to speak for a political donation or a charitable donation. If the premise behind a tax credit is self-reliance, I think the member on the governing side has missed the whole point.

The premise of a disability tax credit recognizes that disabled people have additional costs, costs that we do not always see. Those costs are there on things we would not normally think about.

I know someone who is a paraplegic and who goes to work every day. Do the people here recognize the things that might push up costs are incontinence pads, suppositories, additional footwear, catheters that have to be used on a daily basis, and increased transportation costs? That person is quite self-reliant but deserves the opportunity of a tax break because of additional costs. That is the premise behind the disability tax credit.

If the member across the way does not realize that, we are in deep trouble.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, I was first elected in 1988. I have seen my job as a member of

Parliament change a lot with the cutbacks to government offices, HRDC, CCRA and the Canada pension plan. In many cases I have become the front line for people in my rural riding. If they need to contact the government, it is done through my office when before they had other places where they could go.

Was the member for St. John's East or his staff given a briefing on the proposed changes and how they would affect the disabled people in his community? Was the staff told how to deal with people with disabilities? I ask this because I did have a briefing with the minister a couple of weeks ago. It was very good.

Mr. Norman Doyle: Mr. Speaker, no. The very least the government could have done would have been to brief members on what effect this would have upon the disabled community.

The member for Churchill made a very good comment. We have to realize that the tax credit offsets only a very small portion of the costs that most individuals experience and it does not create tax fairness for people with disabilities.

I made the point a moment ago that tax credits probably do not benefit the majority of Canadians with disabilities because a lot of these people live in poverty and most of them do not have a taxable income. The member made a very good point.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I have thought a lot about the process and the way the government is going. I am not sure whether it is meanspirited, whether it is ignorant or whether a lot of people on the government side have not done their work and maybe will look at this matter, hear from the public and join us in opposition to this meanspirited attack.

A few moments ago a comment was made regarding whether we can make a visual judgment as to whether or not an individual is disabled. That is a lot of the problem. People are making assumptions. They are drawing conclusions. They have no knowledge or understanding of or respect for those individuals who have muscular dystrophy, fibromyalgia, psychiatric disorders, cerebral palsy or AIDS. We cannot judge just by looking at them, and we should not be doing it anyway, but that is what we in the House are reduced to. That is the insinuation: that one can make a diagnosis on the spot as to whether a person should get money or not. We are talking about \$950. It is \$950 and we are talking about whether they should be taught self-reliance or self-respect.

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I have news for members. The disabled population in Canada is overrepresented in terms of lower income and overrepresented in terms of unemployment. I can tell the House this because I spent seven years as a job developer for persons with physical disabilities and also for persons with developmental disabilities, at two fine organizations that were underfunded. We actually were able to save taxpayers money by helping people get off assistance by working part time or full time, but during that process those individuals incurred additional expenses. If they had to go to work and could not use public transit because it was not accessible, they had to take cabs. These people did not have timeframes that allowed them to use Handi-Transit or other types of accessible transportation systems that ran on a regular basis. They needed systems at alternative times, so they had to take cabs to get to and from work.

There are all kinds of personal support needs required as well and we are talking about \$950. We are not talking about something that is a luxury for people. We are not talking about something they can claim because they went on a corporate golf outing or to a sporting event somewhere and were able to write it off. This is not a choice. It is not their choice to be disabled. This is something people have to deal with and we should be supporting them. It is not about making them feel that they have to be more self-reliant. They understand that. They do not want to be a burden to their community or to Canada. They want to contribute and participate.

The process we have gone through is clearly a mess. Anybody across the country who is watching this debate realizes that the comprehensive platforms or tax issues that have been put forth to persons with disabilities are barriers. This is not working for them. The application process is something else again. It is dehumanizing to these individuals to have to go to a doctor again and have him or her reaffirm that they are disabled. It is not something they want to do. They do not want to go back to their doctor to prove again that they are disabled.

I have a letter from one of my constituents, who states:

I have used a cane since I was 62. I have a damaged balance organ because I was given massive doses of Genomycin when I had a ruptured appendix. It made no difference that I used a cane or walker—as long as I could walk 50 metres, I was refused. Over the years I have also developed spinal stenosis and diabetes, which is treated with insulin and metformin. I am certainly much worse than I was 14 years ago.

This is somebody who was collecting the disability tax benefit when she was 62. She is now 76 and has been denied that tax benefit, so somehow age has improved her condition. I just cannot believe that.

In my excitement to get started, Mr. Speaker, I failed to mention that I will be splitting my time with the member for Palliser. I apologize for not noting that at the beginning of my speech.

In general, we have to look at persons with disabilities in our society and this tax credit is something that could facilitate their inclusion. That is an improvement. The tax credit will provide people with the means to offset their actual incidentals so that they can be more involved in society, involved in employment and in social activities and all kinds of different things. That is why the tax credit is so important. It is a tool. It is a means necessary for them to be able to achieve some of their goals.

With regard to some other situations we have seen, I believe that is the reason why this has been an emotional debate in the House and I think it is one of the reasons why we have to look at this issue. The government has claimed to be opening the tax bracket for many other people, such as the capital gains tax. We heard a recent report involving the return of \$1 billion to people because of capital gains tax differences and we are talking about \$950 per person. That will not come anywhere near the billion dollars. What about the GST and not closing in those gaps? What about all the uncollected revenue because it chooses not to go after people? One could go on and on.

● (1245)

In the parliamentary subcommittee hearings that were reported in March, 2002, members were unanimous in what they recommended. They also showed a teamwork initiative that should be respected in the House. The amendments clearly defined that there was a participation point for persons with disabilities and one for the agencies that represented them. They said clearly that they wanted to have changes that were more inclusive and they did not want there to be a restrictive element, but that is what has happened.

My local constituency has been really affected by this. Petitions, forms and letters keep coming in on a daily basis. We get more and more examples.

Another gentleman came to see me just the other day and I talked to him. He has cerebral palsy. It is a lifetime condition. He has extreme difficulty with walking and a staff member saw it when he came into the office. His form mentioned the 50 metre rule in terms of the walking distance. On some days he is able to do it, but on most days he is not. The doctor is in a quandary in terms of whether he can or cannot walk 50 metres. Some doctors would say yes and when that happens, people would get disqualified. But it is not all the time, so how can they? Also, where does this 50 metres come from? Why is it not 49? Why not 51? Can anybody answer that? It makes absolutely no sense whatsoever.

This issue is something that is very important to Canadians in general and to society. A number of disabled persons have had challenges over the years. It is something we need to change. We need to be more inclusive. I know that a number of opposition backbenchers have been talking about the troubles that they have had with this in their local offices. There are 30,000 people who are affected by this right now. It is the unknown quantity, the unknown element, that makes it difficult. People are waiting for the shoe to drop, so to speak, with regard to their tax credit. When they have to reapply, it is an additional cost for them. It is also a gamble because if they do not get it, then they are not reimbursed for the doctor's costs and the medical costs. That is something that is very traumatic. It is also about their sense of security.

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For those reasons, we need to have this motion debated and, more important, we need to have it implemented. I think the will is out there. I am hoping that people will not draw conclusions and that they will assist in at least maintaining the status quo, while at the same time the government is opening up breaks for big business, corporations and other people.

•(1250)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I think all of us in the House would agree that we want to treat people with disabilities in a humane and compassionate manner, but surely one of the problems in something like this is the difficulty of framing rules that are indeed humane and compassionate, as was proposed by the subcommittee.

The member opposite cited the example of the 50 metre rule for walking ability and asked why it should not be 49 or why it should not be 51. May I ask him, then, if he were to frame such a rule to test somebody's level of disability in terms of how far they could walk, what would he do?

Mr. Brian Masse: Mr. Speaker, I thank my colleague for the question. First, when we talk about a humane and compassionate manner, let me say that persons with disabilities just want to be treated like anyone else. That is what they are really asking for. This \$950 is to offset some of the additional challenges because of the barriers we in our society have created. We are the ones who created the extra barriers by not having accessible transportation, by not investing our public funds in it for so many years. We are the ones who have created architecture that is a barrier to people. That is what we are talking about: being able to eliminate those extra costs they incur on a regular basis.

With regard to the specific number in terms of walking, we should go about it in terms of whether walking is relatively impaired or whether there is difficulty from time to time. It does not have to be 50 metres. What it has to be, medically, is that they have difficulty with ambulatory transportation by themselves. I think that is the way that we should approach this issue. We do not have to look at 50, 51 or 49 metres. We should open that clause so that people who have a difficult time with ambulatory movement and have to use some of their income to purchase some offsetting means for it are the ones who receive the credit.

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my colleague from Windsor West has indicated that some 30,000 people have been denied the disability tax credit. I am not sure whether he is aware of this or not, but some 60,000 people who received that form letter have not replied. Often in my riding what I find is that people are not aware that different credits are available. A number of people are unaware that old age security is available on top of CPP or that there are additional supplemental tax credits they may get. There are more of these types of things.

There are probably a lot of people out there who do not have a whole lot of money to deal with and who are not aware of this. They take their income tax into an H&R Block, and I am not giving them an advertisement, or some tax place and just hand it to them. There is no back and forth to ask if a person should get a disability tax credit because they do not necessarily know that a person has a disability.

I wonder whether my colleague would comment on whether or not he thinks that the cost of the bureaucracy involved in challenging disabled people on this tax credit would outweigh the benefit of what disabled people are receiving in tax credits.

•(1255)

Mr. Brian Masse: Mr. Speaker, I would like to thank my colleague for the question.

With regard to the 60,000 people who have received the letter and have not replied, it is not surprising given the fact of the written format of a letter and the fact that there are many people with visual disabilities. They have difficulty with regular communication, be it the papers, be it written materials, and they certainly would have a problem with this type of communication element. I think it shows the lack of accessible programming in terms of sending out one form letter to people using a supplement or at least a tax benefit that offsets some of their incurred costs when there are other issues with regard to language, literacy and the ability to read. There are all those different things, so it is really not that surprising that 60,000 people have not responded.

As a former board member for the Canadian National Institute for the Blind, I can say that a lot of people are shut out with regard to day to day communications that are in the general media or even generally in their community, be it in flyers and different materials of that nature.

Specifically with regard to the cost, it is certainly one that we would be better off putting toward the implementation of social programs or at least toward assisting in facilitating persons with disabilities to be more involved in the community and, more important, in being able to participate and fully function, as opposed to incurring hundreds of thousands of dollars in costs. Those are the costs we are talking about in terms of the money to get this out through the letter system at a complete waste.

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, it is a pleasure to rise in the House today to talk about the NDP opposition day motion. It is a pleasure because there are many people in my riding of Palliser who are very interested in this topic. They have come to my community offices to talk about their concerns and experiences with regard to the disability tax credit and the sudden decision by the government. These people had been declared disabled but must now reapply.

I congratulate the leader of our party and our critic on disability from Dartmouth for putting the motion forward. I also want to recognize the work that has been done by the Subcommittee on the Status of Persons with Disabilities. I know the chair, the member for St. Paul's across the way, is following the debate closely as I think are a number of the members of Parliament.

That subcommittee has done excellent work which unfortunately has been ignored by the Canada Customs and Revenue Agency and the Minister of Finance. Therefore it is doubly important that our caucus has brought this issue forward to remind Canadians and the House that we as a country are failing those who have received the disability tax credit. They need our help, not the back of our collective hands.

The great American song writer, Woody Guthrie, had a line in one of his songs about the kind of people who would take nickels from a blind man's cup. I was reminded of that when my colleague from Windsor West talked about the years that he had spent with the chapter of the Canadian National Institute for the Blind in Windsor, helping people who desperately need our assistance.

Unfortunately some of those people may be on the other side or may be working with the Canada Customs and Revenue Agency. We maintain that they are harassing disabled Canadians.

Many people with disabilities encounter costs that the rest of us do not have to bear, as the member for Windsor West so eloquently noted. This may mean, for instance, that they need to have help in preparing their meals or help in getting dressed in the morning.

We know that about 200,000 Canadians who receive CPP disability benefits have also been eligible for a modest disability tax credit, \$960, against the federal income tax they pay. This is not a lot of money for individuals. There have been problems with the credit because the federal government has been applying the regulations, as I have indicated, in the most restrictive way possible. Some people who have been denied the credit have gone to court and have won.

Six years ago a federal judge broadened the general scope of the restrictive tests that the government put people through by saying, "If the object of Parliament is to give to disabled persons a measure of relief that will to some degree alleviate the increased difficulties under which their impairment forces them to live, the provision must be given for a humane and compassionate construction".

A humane and compassionate construction is something we have not seen from the government on this particular issue.

Last fall, CCRA sent letters, as has been pointed out, to 100,000 Canadians receiving the disability tax credit telling them that they would have to reapply in order to maintain that benefit. These letters were sent despite the fact that the individuals involved had been receiving the tax credit for years and despite the fact that opposition members from the Bloc Quebecois, the New Democratic Party and the Progressive Conservative Party had stood up and asked pointed questions to the appropriate minister of the day as to why the government was proceeding with those letters.

People now have to get a doctor's certificate and have to fill out a form all over again. Incidentally doctors often charge those people who do not have a lot of additional disposable income to spend in that regard.

● (1300)

As I indicated at the outset, we have received many calls in Regina and Moose Jaw from constituents who are frankly confused, frightened and angry about what has happened, people who know that their health has not improved. At the very least, it has been probably maintained and in many cases it has probably worsened. They are asking why in heaven's name they are being put through this kind of a torture chamber.

Our fear was that the government was using this bureaucratic process to force some recipients to give up their credit, and we believe that these fears have now been realized. About one-third of

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those receiving letters have been denied the tax credit because they are no longer considered eligible to receive it.

Then a few short months ago, at the end of August, the newly minted Minister of Finance announced that he would amend the Income Tax Act to write these new restrictions into the law. These changes to the Income Tax Act clearly reverse the gains that people with disabilities have made in court. I cited the 1996 decision. The minister has indicated that he intends to tighten the rules by restricting the definition of whether people are capable of feeding themselves. A tax credit will no longer be provided to someone who has to spend a great deal of time shopping or preparing food.

These narrow definitions mean that as long as people can manage to put an arm through a sleeve they will no longer qualify for the benefit. These are callous decisions. One individual said that people almost had to be dead now before they would receive the disability tax credit. I maintain that is not what was ever intended, but it is the way it is being interpreted.

A lot of people are saying that people with disabilities are being cut off. I would also like to emphasize that I met with a couple last week during our constituency week in my office in Regina. It is not just a matter of the fact that this couple's two sons have now been cut off and have been denied at all the appeal stages. It is also the fact that the Canada Customs and Revenue Agency sent them a bill for more than \$1,200 because they had been receiving the tax benefit. Suddenly it was deemed to be money that was owed by this couple for their sons who had previously been considered as eligible for the disability tax credit. That is just totally unacceptable. They came to my office and said that their collective decision was that whatever was required they would continue to fight because this was simply wrong, that it was inhumane and that something had to be done.

The government is doing a very good job of uniting not only opposition parties on this issue, but I think a lot of their own backbenchers, and the disability community is galvanized as never before. If changes are not made, this fight will grow and continue. I put the government on notice for what will happen if it does not wake up and realize that it has made a significant mistake and is perpetuating that mistake.

Another person who came to my office had been receiving the tax credit for 10 years as a result of a heart attack. Her tax credit has now been disallowed.

A woman in Saskatoon, who I spoke to at our convention on the weekend, said:

I am still waiting, as are many, for a response saying that I still qualified for the Disability Tax Credit. I qualified in previous years and believe, as do my doctors, that I still qualify...

I filed my taxes and expected over \$3,000 in a refund based on the Disability Tax Credit. Instead, I was billed. I paid that amount in anticipation that someone would realize a mistake was made. The doctors I see know a heck of a lot more about me and my condition than some doctor that reads my tax files from Winnipeg.

These are comments from ordinary Canadians across the country and across my province. The government has to make the significant changes to address this problem and eliminate this crazy notion of having people who had already qualified for disability tax credits to reapply.

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●(1305)

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, I would like to express my support for the principle behind the motion. Canadians with disabilities should be treated with more leniency than the current disability tax credit now provides. I congratulate the member for Halifax for bringing the motion before us.

The people we are talking about are some of the most vulnerable people in our society. While we have a duty to ensure that taxpayer money is well spent and that there is as little waste as possible in the system, surely we can prevent tax fraud while respecting the dignity of and understanding the special needs of our disabled citizens.

As a compassionate and caring government, we should acknowledge that the current method used to determine whether one is eligible for the tax credit needs improvement and should be reviewed and changed by the Minister of Finance.

I agree entirely with the member for Palliser. He touched upon the questions that are in the disability tax credit certificate for eligibility. The answers are yes or no and seem very restrictive. A lot of the situations with which we deal are not yes and no.

There is one question in particular which I would like to point out. It is can the patient dress himself or herself. The doctor then has to answer yes or no. If the doctor answers no, that the patient does not have the ability and if the patient falls or has a mishap while being dressed, then there is no leeway for the doctor to say that somebody should be supervising while a patient dresses. Pride sometimes comes into the act where patients will insist on dressing themselves, but they need a person either from the family or outside the family to be present just in case they have a mishap.

There is absolutely no discretion when they fill out this certificate application form for any amount of leniency at all.

Could the member for Palliser comment on the disability certificate application form and maybe suggest other areas where the certificate could be improved?

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, I thank the member for Egmont for his comments. I think parenthetically he is alluding to the point that I made, that I thought a lot of members on the government side were uncomfortable with their executive branch decision on this issue.

With regard to the specific question about the certificate, I believe that if we consulted with the medical community, the people charged with filling out these disability tax credit forms, we would find that they are very concerned about the fact that they are pretty much restricted to yes or no answers. There is little opportunity to put in sufficient explanatory notes that would allow somebody who was assessing a form at a CCRA office in Winnipeg or somewhere else to make an honest determination as to the condition of the individual. There is only the briefest amount of space for the doctor to respond. If there were more opportunity for the doctor to expand and explain the condition of the individual that he or she had seen, it may result in a happier outcome.

Our point is that the medical forms are simply too restrictive for that currently to happen.

●(1310)

Ms. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I will be sharing my time with the member for Toronto—Danforth.

The real shame of today's motion is that the work of the subcommittee on persons with disabilities is really the best of Parliament.

A constituent of mine, Lembi Buchanan, came to me with her concerns about the restrictive nature of the form and the fact that it really did not deal with mental illness. We then had a huge administrative problem with the CCRA, such that all members of Parliament ended up quite galvanized, that this was not the way to administer an audit and that people were being seriously put out in terms of having to go to the doctor to re-qualify.

As chair of the subcommittee, I want to point out that it was not just an all party support. This was the unanimous report of the subcommittee with the unanimous support of the parent HRDC committee. It was very clear that we wanted the government to act.

If we draw attention to the Library of Parliament document, which compared what we asked for in the report, and the paucity of specific responses in the government response that was tabled in August, it is a shame that this many months later we are still here today commenting on the subcommittee report and on the proposed changes to the disability.

We need to point out that the finance department seems to think that its job is to interpret the Income Tax Act and the CCRA's job is to administer it. I think we need to now understand that we, as Parliament, want the job of interpreting the Income Tax Act back.

There is no question that the disability community does not want people to be getting the disability tax credit if they do not deserve it. They want the money to go to the people who deserve it. That is why, when we look at some of the recommendations of our committee, we actually suggested some very clear solutions.

We wanted an immediate moratorium on the way that the audit was carried on, but mainly we asked for an advisory committee, such that the medical community and the disability community could come together to interpret various things and could be called when there was a court decision that seemed difficult or whatever. It would be a way to get citizens involved in the democracy between elections that we think Parliament represents.

We also asked the finance department to have a look at all disability related measures of the Income Tax Act and to do an audit review of that. There is a lot of confusion right now, not only in terms of the receiptable expenses and the non-receiptable expenses but everything to do with persons with disabilities.

We asked for an appropriate response to the DTC subcommittee report, which we still have not yet received but which, thankfully, will be reviewed at the HRDC committee on Thursday morning with finance officials and CCRA officials.

Let us go to the proposed changes to the Income Tax Act and to the reasons they are so misguided.

Supply

The Department of Finance has taken an approach to the disability tax credit. The reverse is the line of all modern judicial interpretation of the Income Tax Act. It contradicts the intentions of Parliament when it passed the act while it is saying it is actually the intentions of Parliament that it is acting out.

The courts and the subcommittee have taken the same approach and argued that the decisions regarding the eligibility should be made on a case by case basis after applying a human and compassionate set of criteria.

The Department of Finance, on the other hand, is trying to exclude whole classes of people with disabilities, for example those with celiac disease, regardless of the degree of their impairment. While it is doing this, the department claims it is carrying out the will and intentions of Parliament when Parliament passed the Income Tax Act measures related to the disability tax credit. This is wrong both in fact and interpretation. The department has never provided any evidence for its claim to know what parliament intended.

Unlike the static view of the Department of Finance, the courts have taken a much more dynamic approach and aim to adapt the legislation to respond to social change and modern thinking about the issues such as disability.

• (1315)

The Supreme Court of Canada has pronounced its views regarding social benefits for Canadians. Justice Bertha Wilson pointed out that in the court's view "any doubt arising from the difficulties of the language should be resolved in favour of the claimant".

It is entirely reasonable to apply Justice Wilson's logic to the disability tax credit. The courts have done this by stating that where the Income Tax Act is vague or ambiguous, the best approach is to take a "humane and compassionate" approach that achieves "the object of Parliament".

When we consider the proposed legislation, members of Parliament expect that those who administer it will operate in a sensible and effective way to achieve its purposes. We also expect that those who interpret the legislation will adapt to its involving circumstances.

How is it possible to know, as the Department of Finance claims, what Parliament intended? Parliament did not even consider many of the complex and interrelated conditions associated with the DTC.

We do know that Parliament intended to create a tax measure that would provide some compensation to those with serious disabilities. We do know that the Income Tax Act does not deal exhaustively with the list of disabilities that Canadians have. We do not know that Parliament meant this list to be exhaustive and frozen in time.

As a family physician, the fact that breathing is not viewed as an act of daily living has always been a bit surprising to me but we believe that this section should be interpreted or even expanded in a broad and humane way. I do not believe, nor do my colleagues on the subcommittee, that Parliament intended the statute to disqualify this whole group of disabled people. Knowing my fellow parliamentarians as I do, there is overwhelming evidence that Parliament intended the bureaucratic decisions about the DTC should be dealt with in a humane and compassionate way and with

the consultation of the disability community and the medical community. That is what the courts have decided and what three parliamentary committees have recommended in the past 10 years after studying the tax system.

When the Minister of Finance and the Minister of National Revenue commissioned the hon. member for Fredericton in 1996 to look at tax issues, he asked the ministers exactly the same thing: Where is the evidence of the Department of Finance that it knows what Parliament decided?

One principle of law is formal equality, which is that laws must be applied fairly and in a consistent and even-handed manner. This means treating different cases differently and like cases alike. Similarly, the concept of horizontal equity requires equal tax treatment of those with equal ability to pay.

The Department of Finance is not applying either of those principles. It is interpreting the Income Tax Act in a manner that treats some people who are disabled differently from other people who are disabled. The act does not mention the cause of disability. It only talks about the effect, the impairment, but the department is focusing on the cost.

Why does the department want to treat people differently? Does the department want to exclude all those with chronic bronchitis, and all those towing their oxygen machines around but technically are not disabled according to its interpretation of the Income Tax Act? Why not all those with dietary restrictions? Why not all those who can get out of bed? Why not all those who even have a minuscule ability to see or hear?

The idea that somebody must be 90% impaired was appalling to the committee. How can people not be disabled if they are only confused 50% of the time? This type of restriction is an ultimate destination where the department is leading us. If we are trying to apply different standards to some groups of Canadians with disabilities, so much for equality and equity. If Parliament had intended to take this approach, it would have passed a statute that said exactly that.

Is that what Parliament decided when it passed the disability tax measures. Absolutely not. If we look at the act closely, Parliament intended exactly the approach that had been taken in the subcommittee's report, that is a case by case approach and not one that excludes entire groups of claimants based on the cause of their disability.

The department, therefore, is directly contradicting the wishes of Parliament as explained in the plain words of the Income Tax Act.

I urge the Department of Finance to interpret the statute in a way that is consistent with existing laws and principles of justice, and the way that Parliament intended and still intends, and will continue to be vigilant on this.

• (1320)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I thank the hon. member across for her fine leadership on that committee.

Supply

Does she see any way in which the act is being unfair in that some of the qualifications required to receive DTC are related directly to staying alive, while some would apply to others who are quite able to go out in the community, live a normal life, work at a job, et cetera, for example, a blind person who has a job and is quite capable of working?

Would the member comment on that. Is there a need to look at the fairness overall in the act?

Ms. Carolyn Bennett: Mr. Speaker, as a group we need to look at how we help disabled persons, who actually have receipts, with their expenses. There are indirect costs that allow somebody to get out into the community. However if they have trouble walking, they will always have to pay more for parking places that are way closer to their job than people who can park farther away at a much cheaper cost. There are many interpretations of this. It really was an acknowledgment that it costs some people a great deal of money to earn the same salary. That was what we intended.

There has been some trouble and the disabled community is very clear that some people accidentally received the credit. We need to make it clear that they do not qualify in a certain way. That does not mean that those who do have genuine expenses in order to contribute to society but who do not happen to have tax receipts applied to them should not be allowed to have that level playing field that was the intent of the disability tax credit.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I am happy to hear the member for St. Paul's refer to the overall objective here, which really is levelling the playing field for Canadians living with disabilities.

I have to say that every single person with whom I have talked or from whom I have heard since they found themselves, to their utter dismay, disqualified from a benefit that some have received for many years, is actually worse off today than when they first received that benefit. They are worse off in terms of health, in terms of deterioration of their condition and are certainly worse off financially.

However we are now learning that 30,000 people have been cut off and are beginning to get some support in the courts, where they have had the resources, the wherewithal and the support of the community to challenge in the courts, which really gives us a two tier disability tax in a sense because we know great numbers do not.

As I admire the leadership the member has shown through the committee and as a member of Parliament on this issue, will she today, in the spirit of those recommendations that came from her subcommittee, vote to support the opposition day motion that we put together today and crafted in such a way to make it absolutely supportable by all members in the House?

Ms. Carolyn Bennett: Mr. Speaker, I would be very proud to vote for the motion that supports so well the work of our committee. It also supports Parliament. Parliament works well when it allows a committee to come together and put forward some solutions but we expected a better response from our government than the one we received in August.

When the HRDC committee meets on Thursday we may well be sending the bulk of that report back to the government for a better response. I think it deserves that opportunity.

The CCRA has shown good faith in terms of putting together its advisory committee and in getting us a better form. The minister agreed to use last year's form because the community was still not happy with the new form. I think we have seen some progress from the revenue agency.

I was disappointed in the finance department's response, but particularly the government's response when we asked for an advisory committee. The best it could do was tell us that it could avail itself in prebudget consultations. It is really not good enough in terms of what we want in a democracy between elections.

● (1325)

Mr. Dennis Mills (Toronto—Danforth, Lib.): Mr. Speaker, once again I would like to acknowledge the leadership of the member for Halifax in putting forward today's motion. Also I thank my colleague for giving me the opportunity to share some of her time. I would also like to acknowledge her leadership on the subcommittee for the disabled.

The first week in September I was sitting in my constituency office on the Danforth. A young fellow who has worked with me in the last three election campaigns on my phone bank rolled into my office in his wheelchair. Johnny has no legs. He said, "Dennis, guess what I have here. I have a letter that says I am no longer eligible for my disability credit". I said that it must have been some kind of a joke or a computer glitch, that it was a no-brainer and I would get it fixed in a second. I took the letter and sure enough it said he would have to reapply and it went on and on with a long list of things.

I immediately called the office of the Minister of Finance and said it was crazy and that they would have to get on it. The letter was real. I was shocked. I followed through with a letter to the Minister of Finance and I received a response that the law of the land had to be amended because in fact there were some loopholes in the current law. I was shocked when I received that response.

The very first week we were back in the House the issue was raised by a member of the New Democratic Party. In fact I responded to the member by saying that this was something that must be dealt with immediately. I made a commitment that I would be pushing and following through on this. Now it is almost three months later.

I can remember a few months ago when all the Olympic athletes we cheered for in Salt Lake City were ushered into the House of Commons, every one of our athletes who won a medal. I remember how we all stood and cheered for about 10 minutes because of their accomplishments.

In order to get the point across here, we may have to usher in a couple of hundred people who are visibly disabled who have been disallowed their disability credit. This is such an obvious discrimination against the most disadvantaged people in our country. For the life of me I cannot understand why the Department of Finance and the Canada Customs and Revenue Agency do not just lock themselves in a room and design the policy that fixes this immediately.

Supply

Many years ago I had the opportunity to work across the street in the Langevin Block in Prime Minister Trudeau's office. We coined an expression in those days. It was called the MAD treatment, maximum administrative delay. We would use that expression when we had a political priority that we wanted implemented but the officials would give us the MAD treatment, maximum administrative delay. I think this Parliament, this House of Commons is getting the MAD treatment on this file.

● (1330)

It is pretty basic to me. I will be supporting the New Democratic motion this afternoon, or whenever the vote takes place. I believe that to create any kind of a misperception that we are doing anything other than supporting those people in our country who are most disadvantaged disgraces this chamber.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the consistent support from the member for Toronto—Danforth on this issue is greatly appreciated and I say that not meaning by the NDP caucus, but by the number of Canadians and their families that are being discriminated against in exactly the way the member has described.

This morning the parliamentary secretary stood up and with no apology, no shame and no embarrassment said that he did not have a clue how many of the 106,000 people who received that letter were disqualified. This leads me to believe that the Parliamentary Secretary to the Minister of Finance and certainly the Minister of Finance who has the opportunity to do something about this do not really understand the circumstances of the people living with disabilities for whom it is a severe punishment to have been disqualified.

Could the member for Toronto—Danforth expand upon that? It is clear that some of his colleagues understand why it is necessary for us to take a united stand here, but it is also clear that some of his colleagues do not. I wonder if he might elaborate on that.

Mr. Dennis Mills: Mr. Speaker, I have not encountered a single member of Parliament on this side of the House or that side of the House who is not in accord with the member's motion.

I am not a technical interpreter of the motion, but sometimes motions are put forward that may need technical amendments in order to get the job done that really needs to be done. I know there have been some discussions that some technical changes to the member's motion may be needed in order for us to get the job done that we want done. I am praying that the member is receptive to that. I do not see any resistance on this side of the House to what has to be done.

The number of people who are affected is really not an issue. If it were only one person, we would still have the duty to amend the law.

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I want to make the comment that the government in question today allowed a \$2.1 billion trust fund to go to the United States without any taxes on it, taxes to the tune of \$700 million that should have been here in Revenue Canada's pockets for the people of Canada. It did not do so.

My colleague mentioned the term MAD, maximum administrative delay. I would suggest that the term we should be using in relation to

the policy the government is implementing on the disability tax credit is snafu, and I will not bother to interpret it.

● (1335)

Mr. Dennis Mills: Mr. Speaker, I do not know how snafu translates, but the bottom line of today's debate is that the chamber has spoken. I have listened to every speech today. We are all in accord. It is now up to the executive of the government to do what it has to do to fix the problem.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, does the member not find it very clear that the motion presented to the House is that the government should withdraw its proposal and refer to the proposed recommendation of the committee, which was a recommendation of all the parties? It would be pretty hard to vote against that if we agree to have a democratic committee established to make some recommendations to Parliament. To withdraw from that or move around the motion just brings it to light and it does not mean anything any more.

Mr. Dennis Mills: Mr. Speaker, I agree with the member for Acadie—Bathurst. However, if words came along that could even improve on those recommendations, we would be irresponsible to ignore them.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, it is my pleasure to join in this debate. It has been very interesting to listen to my colleagues in the House, most of whom have said what we all feel on this side of the House anyway, which is that this is a very unfair thing that is about to happen.

It is awful to realize that the House does not respect the work of the committee. When groups of people from all parties sit together to come up with recommendations, that is something that takes a lot of effort, time and cooperation, and is something that is unusual in politics. When a committee can come together and make a firm recommendation as to what has to happen to better serve the people of Canada and then the government throws that recommendation out the window and puts forward whatever it is it wishes to do, it does not sit well with anyone.

In my own constituency I have heard from many of my constituents about this exact problem. For years people have qualified for the disability tax credit. Their disabilities have not gone away. Disabilities do not just disappear overnight. There have been no miracles. These people are still as disabled as they were when they began.

On top of all of the other trials and tribulations they have to go through on a daily basis, they now have to justify still being disabled. I cannot imagine a government wasting time on something like this. I would be the first person to stand and say that if fraud was taking place, then we need to use the full measure of the law to prevent the fraud from happening.

Supply

However, in cases where people have AIDS, as do 12 of my constituents, in order for them to survive on a day to day basis, they require \$400 to \$500 worth of medication every month. It is obvious that people who have AIDS still have AIDS. Either people have it or they have passed away. It is not a matter of its having miraculously disappeared. These people are now in a position where they cannot afford to buy the medication that is required to keep them alive. This has come from a government that says it supports all people. I have a great deal of difficulty with that.

I have also talked to another one of my constituents who finds himself in an even worse predicament. The predicament I suppose to some would be called pride, but it is not pride. One of the questions on the questionnaire is "Can you dress yourself?" This man has been a contributing member of society his entire life. The disability happened to him without very much warning. He has the pride of being able to continue to dress himself.

What this man does not get a chance to say on that questionnaire, and what his doctor does not get a chance to say on that questionnaire, is that it takes him three full hours to get dressed. When he gets up in the morning, that is his daily routine. By the time he gets his buttons done up, his arms in the sleeves, his socks on his feet and all the rest of the things that go into getting dressed in the morning done, which we could probably do in 30 seconds if we were in a hurry, he is so exhausted, that is it for the day. He has to lie down and rest .

Does this man require some support through disability? Yes, indeed he does, but with the way the form reads, he will not be entitled to it. His doctor has to put the x there because, yes indeed the man can dress himself. That is about all he is able to do and it takes him all day to do it, but with the way the questionnaire is worded, there are no options.

When I was growing up, I had the privilege of having a man in my life, my sister's brother-in-law, whose name is John Stranne. John Stranne is a brilliant man who at a very early age was destined to be a prodigy. His interest was in science. At the age of 12 years he decided to build a rocket. As he was putting the rocket together, he very foolishly, and I know John would not mind my saying that, held the rocket between his legs at the knees. As sometimes happens, things did not go right, the rocket exploded and John lost his legs.

● (1340)

If we were to tell John today that he was disabled he would be very offended. He is probably the most independent man I have ever met in my life. He has taught me many lessons over the years about handling adversity, making do with what one has, and being grateful. He does qualify as a disabled person. To be quite honest with my colleagues, we have not talked about this. I am not sure whether he is even on that disabled list, but I will tell members that having no legs is a definite disability.

John has managed over the years to overcome his disability. He can get around faster than most people with two good legs. He has also managed to make major contributions to the country, to his family and to all those who have known him.

There are things that he must do to be able to do his job. One of those things is putting in a hand steering wheel with special gears.

There are day-to-day things that we would not even think about that is something that he lives, eats and breathes every day.

Is he entitled to some compensation or are people like himself entitled to compensation? Of course they are. So are the people who have found themselves in the same position as one of my constituents who takes the better part of a day to put on his clothes.

Several times today the question has come up of whether the person can get the spoon to his or her mouth. Certainly there are a lot of people who can get the spoon to their mouth. That is not the hard part. The hard part is preparing the food that goes into the bowl that the spoon goes in so the person can sustain his or her body. We are not taking that into consideration.

The government has made some poor choices in the two years that I have been here. This is a perfect example of another poor choice. It seems to me that the government targets the disabled and the elderly. I am speaking from only two years of experience.

However, I have seen what happened with my own constituent, a war veteran who is being ignored. We have the war veteran situation that is being ignored and now disabled people have their disability credit taken away. They still live day in and day out with this issue.

We have so many things done by the government that are wasteful and that we could go after and attack, pare down, and make Canada a better country. Why is it that the government would choose to pick those who are least able to defend themselves? This legislation would be damaging, harmful and of no benefit to any Canadian.

Recent court rulings regarding this credit have interpreted the legislation in a more humane and compassionate manner than the finance department is willing to accept. I come from a party that believes in accountability for taxpayers' dollars and believes we must be transparent in our dealings with money. It may sound odd that I would think that the finance department should take a better look at this. However, that is truly what I do believe.

Let us try our best as a government to eliminate any possibility of fraud, but in that process let us not damage and harm people who are not in a position to defend themselves. That is not what Canada is about.

We have just celebrated Remembrance Day. We have seen what people have done to give us the rights and freedoms we have. We cannot ignore that and we cannot pass things that are absolutely contrary to what Canadian values are all about.

● (1345)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, the member opposite in her closing remarks touched on an area of great sensitivity in this issue.

I would ask her a very direct question. I am very much with her on the need for transparency and accountability. We have in some sense the conflicting intent of wanting to show compassion for those who need the help of government because of circumstances beyond their control.

Supply

I would ask the member a risk management question. Would she, as a legislator, be prepared to accept some fraud in the system if it meant reaching out to more people who actually needed the help of government as disabled people?

Mrs. Betty Hinton: Mr. Speaker, that question is not relevant. This issue does not have a lot to do with fraud. There is a wonderful little invention called the computer and computers contain the records of many people. I am telling the member opposite that we should look at the people listed in these computers who have obvious disabilities that did not just disappear and go away. Why do we plague their already troubled lives by sending them notifications telling them they must prove they are still disabled? Is this fraud? No. I do not accept fraud. We have all the means at our disposal to make certain that there are no fraudulent claims.

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, I would like to thank and compliment the member for Kamloops for her comments.

We are talking about people who have already been classified as disabled and are suddenly being taken off the list until they can prove once again that they are still disabled. This concerns me because those who are at the extreme of their resources right now are being asked to go further and reprove what has already been done.

What we are talking about here is tax benefits and that is another point that troubles me. We are talking as though this is government money that we are going to give to these folks. What we should be talking about is what the government is not going to take away from people. This money belongs to them. The government in some instances seems to justify theft by legalizing it, by taking away peoples' money that they need to sustain themselves. This is also part of the unfairness. The government feels that what people have belongs to it until it says they can have it back again. I really have a lot of difficulty with that. The cruelty that this imposes upon those who are unable to defend themselves is unjustifiable.

Mrs. Betty Hinton: Mr. Speaker, my colleague and I are certainly on the same page. I agree with him wholeheartedly. There are already assurances in place that people have qualified and that they do require these exemptions from their taxes. I do not understand why we would waste time by going through something that is to me a given. If people are disabled and have met the qualifications, and we have all kinds of ways of checking that, why would we put them through this aggravation? They are able to deduct their costs and they should continue to be able to do so.

• (1350)

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I want to begin by taking a slightly different format. I am sure it is the same for all members of the House that in our constituencies we are probably more in contact with the human resources people than any other branch of government. I want to accentuate the positive a little. In most cases I must say that the regional offices of the department are extremely helpful to us. The staff in my offices would say the same thing. For the most part we deal more with human resources, because of all the various programs, than with any other department.

Before I get into the problem which we are discussing I will say that the human resources department in the field, in the constituency,

has served me well. I want to accentuate the positive because it has been positive.

I heard on the radio this morning about the corruption in the GST. As long as we have people, as long as we have governments, we will have corruption. It is not that we must accept it, but we must continually fight it. If we want to take a look at the GST scandals and the scandal of the Minister of National Revenue, I have big one. It is terrible that an audit is being done of the Saskatchewan Junior Hockey League. It is completely out of this world, but that is another topic and we will fight that another day.

Of all the claims, correspondences, and people who come into my office, the disability tax credit issue takes precedence over everything else: immigration, farm aid, and everything that has ever come to my office. The problem is, as my colleague has pointed out, the possibility of fraud in the disability claims. There is no question about that. Members should ask any insurance company or province with respect to the workman's compensation.

I want to deal specifically with an issue which we could have dealt with differently. With all due respect to the government and the minister, they have bungled this one.

When people come to my office with a temporary disability, they could be checked out with one flick of the switch with computerization and so on. However if I have a woman, living 60 miles from my office, who has MS, who qualified years ago, whose situation is getting worse with that disease, and she has to come all the way in, through some rather nasty weather at some expense, not only to get the doctor's certificate, but to prove that she is still disabled, I believe that could have been avoided.

That is the argument I have with this department. Would there be people trying to get disability credits that did not deserve them? The answer is yes. On the other hand, I say this to the members opposite. If we were going to make a mistake I would much rather, as a Canadian and as a taxpayer, see it go too far this way than too far that way.

I have been around Parliament, boards and public life for a long time. When we push it to the extreme, as we did in this case, I had more heartaches and more nights without sleep over these people coming into my office than I had in many years in public life. This was a mistake made by the government and I know that it will do it right the next time because it has all the machinery in the world to check on disability claims quickly and accurately.

• (1355)

It is extremely difficult to deal with disability. I sat on some boards. We had people who came in and claimed they were sick and we asked them to get proof, like every insurance company. Somebody said that everyone who comes in claiming disability should get something. I do not believe that and I do not believe in that philosophy.

S. O. 31

I want to describe very clearly a couple of cases I had. I saw a cartoon that was very good. A fellow was sitting in a wheelchair holding up two parts of wooden legs, saying "I haven't grown any new legs" in reference to this particular call for proof of disability. I would challenge the government and the department. I have no quarrel with asking for proof from some people who are on temporary or extended disability, but I have every reason to believe that those people who are severely disabled are known by the department. It really was very cruel to call in all those people. Frankly, it was very inhuman, yet we had to deal with those people.

I am glad that we have this program. I am glad that for the most part we do not abuse it, but I will say to the government that in the future when it is doing this it should make sure that it does just not pull every name out of the file and have everyone go through the same thing. It is wrong. I think the government knows now that it is wrong. Let us do it right the next time and let us remember that these are people who are suffering now and will continue to suffer as long as they live.

In my own thinking, I understand it. I understand what we go through with insurance companies and what the 10 provinces go through with workers' compensation. I have met people on workers' compensation and teachers on sick leave who abuse it, but the people who were hurt the most were not those who were abusing it. The people who were hurt were those who were truly suffering and had to spend money and suffer to prove their point. Let us not have this happen.

STATEMENTS BY MEMBERS

[*English*]

UNIVERSITY OF WATERLOO

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, it is my pleasure to inform the House that Dr. Mike Lazaridis, founder, president and co-chief executive officer of Research in Motion has been appointed chancellor of the University of Waterloo.

He is a passionate, eloquent and compelling champion for education and fundamental research. He is recognized as one of Canada's leading visionaries and entrepreneurs and is also known as a powerful and passionate advocate for education at all levels.

Dr. Lazaridis is a community leader and a philanthropist whose private support of research is unparalleled in Canada. He founded the Perimeter Institute for Theoretical Physics in 2000. In donating \$100 million toward its creation, he embarked upon the fulfillment of a vision for research that is unlike anything ever seen in Canada.

In addition, his gifts to the University of Waterloo have helped establish the Institute for Quantum Computing, projected to be one of the leading centres of its kind anywhere.

I wish to extend congratulations to Dr. Lazaridis.

SENATE OF CANADA

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, Senator Nick Taylor reached the magic age of compulsory retirement on Sunday. Now the question is, who will replace him?

In the past the Prime Minister has snubbed his nose at the people of Alberta, who have elected their choice of senator. It requires no constitutional change to appoint the person the people have chosen. It takes only the will of the Prime Minister.

It was very interesting to hear the Prime Minister's statements when he was seeking the support of the people before the 1993 election. He told the Edmonton Chamber of Commerce "You want a Triple-E Senate and I want one too".

Later he promised to dismantle the patronage system of appointing senators and he said he would establish an elected Senate within two years of the Liberal Party forming the government. Maybe the Prime Minister's problem is that he cannot count. He has been here for nine years and has done nothing.

When will the Prime Minister appoint Bert Brown, the people's choice?

* * *

• (1400)

[*Translation*]

INTERNATIONAL DAY OF TOLERANCE

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, Saturday, November 16, was the UNESCO declared International Day of Tolerance. On behalf of the Secretary of State for Multiculturalism, I call upon all Canadians to reflect on what we have accomplished and what remains to be done.

As Canadians, we should be proud of our multiculturalism policy, which has been a part of our heritage for over 30 years. Canada was the first country in the world to introduce such a policy, the success of which is reflected in the scores of diverse newcomers who choose to make Canada their home.

[*English*]

We should be proud that we are moving beyond tolerance, through acceptance and respect, to valuing and cherishing deeply the diverse nature of the people who make up our country. It is our duty as Canadians to work together to build an inclusive society. Our diversity is recognized as being a source of strength. It is a national asset.

[*Translation*]

Let us continue to build a truly multicultural country and—

The Deputy Speaker: The hon. member for Cambridge.

* * *

[*English*]

COMMUNITY LEADERSHIP

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, since 1916 when the Chaplin family bought Canadian General-Tower, this company has exemplified the very best in community leadership.

A North American leader in the production of flexible polymer covers, including vinyl for the automotive, construction, leisure, publishing and environmental sectors, this Cambridge based company was chosen top business by the Junior Achievement of Waterloo Region.

CGT's motto, "Best people...best products...best practices...best service", explains its reputation for quality and service, its investment in employees and the Chaplin family tradition of excellent corporate citizenship.

I am very pleased to extend congratulations to the Chaplin family, CEO and President Jan Chaplin, and the management and employee teams at CGT for their ongoing success.

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GOVERNOR GENERAL'S LITERARY AWARDS

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I would like to congratulate the 14 Canadian authors, translators and illustrators who have won this year's Governor General's literary awards, presented for works written in both English and in French.

Canadian literature in English has been enriched by the works of these following winning authors: Gloria Sawai, author; Roy Miki, poet; Kevin Kerr, playwright; Andrew Nikiforuk, for non-fiction; Martha Brooks, for children's story; Wallace Edwards, for illustration; and Nigel Spencer, for translation.

In the realm of Canadian literature in French, congratulations are due to: novelist Monique LaRue; Robert Dickson, for poetry; playwright Daniel Danis; Judith Lavoie, for non-fiction; children's writer H el ene Vachon; Luc Melanson, for illustration; and to translator Paule Pierre-Noyart.

All these authors, translators and illustrators can be proud of the contribution they have made to Canadian literature for which they have earned this distinction.

I would like to extend congratulations to them and wish them continued success in their literary endeavours.

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THE BEACHCOMBERS

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, there is good news for all Canadians, especially those in Gibson's Landing on the Sunshine Coast: *The Beachcombers* are back.

On Sunday, Canadians watched a CBC documentary on *The Beachcombers*, the longest running comedy-drama series in Canadian television history. Executive producer was Jackson Davies, one of the stars of the original series, who played Constable John.

Next Monday, *Beachcombers*, the movie, will air on CBC and will again feature one of the most beautiful locations in Canada, the Sunshine Coast of British Columbia. There will be new characters in the movie and we know they will be as beloved by today's viewers as all the characters in the original series.

I hope that the CBC will see the value in giving the world *The Beachcombers* again. What a terrific program it was, and what a

profitable one for the CBC and all the networks that brought the series into syndication.

I hope the CBC brings it back as a series for another reason. The Sunshine Coast and Gibson's Landing are too beautiful to keep to ourselves. We should be happy to share the natural splendour and beauty of my home with the whole world.

* * *

EMPLOYMENT

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.): Mr. Speaker, in response to my recent question about the government's discriminatory state-sanctioned hiring scheme, the Treasury Board minister confirmed that racial quotas dictate hiring and promotion in the federal government.

Sadly, the NDP supports this blatant discrimination and the Canadian Alliance has steadfastly refused to address the issue on behalf of the vast majority of Canadians who oppose racist hiring quotas.

The quotas, or "targets" as the Liberal minister prefers to call them, are the imposition of race-based hiring, which is as demeaning to those it discriminates in favour of as it is to those against whom it discriminates. The truth is that we cannot discriminate in favour of someone because of their race without unfairly discriminating against someone else because of theirs. To do so fosters racism.

Unfortunately, this fact is intentionally ignored by the Canadian Alliance and socialist MPs in the Liberal and NDP who, because they hide behind politically correct rhetoric instead of a white sheet, are nothing more than modern day Klansmen.

* * *

● (1405)

[Translation]

FERNAND OUELLETTE

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, it is with great emotion that I pay tribute to Fernand Ouellette, recipient of the Prix Gilles-Corbeil for 2002. With its recognition of his work, the Fondation Emile-Nelligan is underscoring the key role played by this poet, novelist and essayist in casting light on the Quebecois soul.

Co-founder of the journal *Libert *, this determined independantiste and passionate lover of art and music has been the recipient of numerous awards. Some will surely recall his refusal of the 1970 Governor General's Award as a protest against the War Measures Act. Despite having abandoned the formal side of religion like so many of his fellow Quebecers, Fernand Ouellette has not abandoned a life-long quest for spirituality. His last work, *Le danger du divin*, is a record of his personal spiritual quest.

I thank the author of *Lucie ou un midi en novembre* and *Je serai l'amour* for his carefully honed language, so rich and yet so restrained, the sure mark of literary greatness.

S. O. 31

AGRICULTURAL COOPERATIVES

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, today and tomorrow, representatives of Canadian agricultural cooperatives will be here to submit to members of Parliament and other stakeholders their plans for funding and capitalization.

There are cooperatives in western Canada, Ontario, the Maritimes and Quebec, representing in all thousands of members, and thus having a finger on the agricultural pulse.

In Quebec alone, there are 37,000 members. They rank seventh in Quebec in job generation, generating 14,700 jobs. As well, they generate \$4 billion of business, ranking them fourth in Quebec. Last year alone, they created 700 more jobs. The cooperatives deserve to be listened to in their search for funding and capitalization, as it will involve investments in excess of \$1 billion and will create thousands of jobs, without any direct cost to government.

I invite my colleagues to support them in their endeavours.

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[English]

NATIONAL DEFENCE

Mr. David Chatters (Athabasca, Canadian Alliance): Mr. Speaker, I rise today to present a glaring example of how arrogant the government has become. On a mission in the high Arctic, our troops were promised a daily \$38 American living allowance, but on return from the mission they were told that there had been a mistake and that they would receive only \$14 American a day.

Now they must pay back the difference within six months.

I cannot help but compare this shoddy treatment with the fact that when the Prime Minister attended a three day summit in Mexico on poverty, he and his entourage spent an average of \$5,104.90 per person per day. That works out to a total of \$643,345 over the three days.

Our soldiers get peanuts while the politicians get pearls. What a telling example of this government's out of control arrogance. Canadians really deserve better.

* * *

WORLD ROAD CYCLING

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, on November 18 the 2003 World Road Cycling Championship Organizing Committee launched the countdown for the 2003 World Road Cycling Championships scheduled for Hamilton in October 2003.

The Minister of Canadian Heritage announced that the Government of Canada will contribute \$10 million to the event. This event will be an opportunity for Canadian athletes to compete against the world's best cyclists right here in Canada.

This event will involve some 800 athletes, over 50 countries, nearly 1,000 coaches and officials, over 1,000 volunteers and approximately 500 journalists. More than 500 million viewers from all over the world are expected to tune in.

The Championships are a great example of the partnership between federal, provincial and municipal governments, the private sector and the volunteer sector.

All the best to those involved with the 2003 World Road Cycling Championships taking place in Hamilton next October.

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● (1410)

MENTAL HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the critical issues raised in today's NDP motion on disability tax credits are compounded for Canadians facing mental health disabilities. Five of the ten leading causes of disability worldwide are rooted in mental illness. Yet sufferers cannot access tax relief because the government does not recognize the unique nature of their illnesses.

The Canadian Mental Health Association has asked the government to improve the fairness of this credit, but to no avail. The government's response to mental illness, a problem affecting 20% of Canadians, has been abysmal. It has recently cut back its paltry mental health budget.

The Auditor General last month reprimanded the government for its lack of surveillance of mental health. We do not even know how severe the problem is or what is being done about it across the country.

We desperately need a national strategy for mental health in Canada, one that includes research, an information base, public education and policy infrastructure. We need the government to do that, to withdraw its meanspirited disability tax credit changes and to stop ditching its responsibilities for the most vulnerable in our society.

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ECCELLENZA AWARDS

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, on Saturday, November 9 the Eccellenza Awards Testimonial dinner was held at the Caboto Centre in Winnipeg. Hosted by the Italian-Canadian League of Manitoba and the Italian-Canadian Centre of Manitoba, this dinner recognized four exemplary Italian-Canadian citizens, who also happen to be recipients of the Order of Canada.

Mr. Sam Fabro was honoured for his tireless efforts in promoting and organizing sports in the Winnipeg area.

Dr. Sam Loschiavo was honoured for his innovative research in the field of entomology as well as being a founder of the Italian-Canadian League of Manitoba and of Winnipeg's own Folklorama.

Mr. Tony Tascona was recognized for his art. He is an internationally renowned painter, sculptor and printmaker.

Oral Questions

Dr. Arthur Mauro became a Member of the Order of Canada in 1987 for his work as a lawyer and financial executive and his community leadership. In 1992 he was promoted as Officer of the Order of Canada for his impressive career in the business world and his role as chancellor of the university.

It was a privilege to be part of this celebration.

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[Translation]

RENDEZ-VOUS NATIONAL DES RÉGIONS

Mr. Odina Desrochers (Lotbinière—L'Érable, BQ): Mr. Speaker, the rendez-vous national des régions was a great success, with all of the participants from Quebec's regions giving Quebec Premier Bernard Landry a spontaneous standing ovation.

The meeting provided an opportunity for a productive exchange between the Government of Quebec and Quebec's regions. Even Jean Charest and Mario Dumont, who had been critical of the meeting, agreed with the consensus that was struck.

Real commitments, such as reducing the cost of air travel to and from outlying regions, and even more importantly, creating a standing parliamentary committee on the future of the regions will have a real impact on the development of rural areas.

Hats off to the regional leaders. And congratulations to Premier Bernard Landry. Now let us hope that the federal government will do its share.

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[English]

YMCA PEACE WEEK

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, November 17 to 23 marks YMCA World Peace Week. Last week in my riding of Barrie—Simcoe—Bradford I had the honour of receiving the 2002 YMCA Peace Symbol pin presented to me by Mr. George Jonescu, president of Orbit Design Services.

The YMCA commissioned the Barrie firm to design the pin, which was manufactured in Schomberg. Orbit's principal designer, Ms. Sue Beard, as well as Tracy Hansen from the Barrie YMCA were present at this special occasion.

YMCA Peace Week originated in 1984 when YMCA Canada decided to add an entire week of peace-related activities to Peace Day. During this week local associations are encouraged to promote peace from a personal, community and international level.

I would like to congratulate the Barrie YMCA and Orbit Design Services for their dedication to such a worthwhile event.

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DISABILITY TAX CREDIT

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, today we have heard a great debate on a motion dealing with the disability tax credit. Although this issue has been raised before, it is only now that it is starting to hit home with the many individuals affected by this issue. The attempt by the government to eliminate the disability tax

credit from those in need of every break they can get is inconceivable.

The issue becomes even more repugnant when one realizes that the line department is HRDC, the very department that boasts a \$38 billion surplus. This surplus was built on the backs of the working class, including those living but yet working with their disabilities. The government and particularly the department of HRDC should be ashamed and should immediately restore the tax credit to those so deserving.

* * *

•(1415)

QUEEN'S JUBILEE MEDAL

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I had the honour of presenting the Queen's Jubilee Medal to 23 special constituents from Wild Rose last Wednesday in Calgary: from Sundre, Irene Cunningham, Gloria Gorrill and Garry Vooyo; from Airdrie, Vance Gough, Hugh Hamilton, Gordon Leek, Gretha Robinson and Lee-Anne Welter; from Banff, Bernadette McDonald, Brian Skrine and Nicole Yarmoloy; from Balzac, John Gough and Rudy Schmidtke; from Cochrane, Russel Sinclair, James Taylor and John Tennant; from Crossfield, Sheila Pagan and Edwin Snyder; from Olds, Olivia Amy Muir and Kelly Rasmussen; Beverly Cheesmur of Didsbury; Denny Gibson of Canmore; and Gladys Taylor of Irricana.

All 23 recipients truly represent the fundamental meaning of the Jubilee medal. They exhibited distinguished service or made a significant achievement to their fellow citizens, community and to Canada. Congratulations to all.

ORAL QUESTION PERIOD

[Translation]

KYOTO PROTOCOL

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, yesterday, the Minister of the Environment said that the government will follow the standard practice for the ratification of the Kyoto protocol. However, according to the Vienna convention, the time between the signing of a treaty and its ratification is to allow the government to pass all necessary legislation to implement the treaty nationally.

Will the Prime Minister respect this standard and introduce legislation before the vote in the House on the ratification of Kyoto?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not know where the hon. member gets his information. The government made a commitment to the international community to fulfill its obligations regarding Kyoto by the year 2012, and this is 2002. A vote will take place in the House of Commons. We could even have ratified the protocol without a vote in the House. However, we had the courtesy of asking for a vote here and we will ratify the protocol.

This is the reality. This is the prerogative of the executive branch. We did it and we will vote before the end of the year, as we said in the Speech from the Throne.

Oral Questions

[English]

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Prime Minister, after these years, should know the correct facts. That is not correct. We do not have an international obligation until Parliament adopts this legislation and legislation is passed through Parliament.

A former chair of the Privy Council, someone whom the government I believe holds in high esteem, said “99.9% of all treaties are not ratified until the implementing legislation has passed”.

Will the government follow the advice of former Deputy Prime Minister Herb Gray?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is an international obligation that we have been discussing with the international community since 1992. From Rio we went to Kyoto, and we made some obligations there.

Since that time we said we would ratify, and there is no obligation to pass legislation before ratification. We have 10 years to implement the obligation that we take in front of the international community.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, that is not true either. There is no obligation until the Canadian people accept that obligation.

Maurice Copithorne, an adviser to Foreign Affairs and a leading treaty lawyer, recently wrote that governments “will normally only ratify a treaty after any necessary enabling legislation has been passed”.

The government knows that to reach its made in Japan Kyoto targets enabling legislation will have to be passed by the provinces and by the federal government. Will the Prime Minister follow the standard practice and wait until the legislation is passed before Kyoto is ratified?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the members of the opposition want to delay and delay. They should be frank and simply say, “We are opposed to your Kyoto”. We on this side of the House are for Kyoto and we will implement it. We will vote before the end of the year and we will ratify it too.

* * *

● (1420)

GOODS AND SERVICES TAX

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, the Prime Minister should know something about the delay of the Canadian helicopter purchase. That is one.

Canadians are outraged by news stories today of millions of tax dollars being paid out to fraud artists. Criminals are setting up phony companies and claiming bogus car exports to get the GST refund. It is an easy scam because the government does not usually check the validity of such claims. Small businesses have to struggle to comply with the GST and deal with an army of CCRA bureaucrats every day.

How could the government allow this big time GST racket to slip through?

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, the CCRA officials are very

dedicated and hardworking. They have the best interests of the country in mind. We are taking additional action to address this. We also will audit first, then investigate. If we detect any fraud, we will prosecute without any question.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I bet the criminals are quivering in their boots over that.

When the people at CCRA were asked how cheques worth millions of dollars could be mailed out without raising any alarm bells, they said they did not have enough auditors to do the work. Well, the CCRA seems to have more than enough auditors to watch over every mom and pop store in the country.

Why does the government pay so much attention to the money that is coming in and so little attention to the millions and millions of dollars that is going out the door every day?

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, as I said before, we always investigate and then we prosecute. If any fraud is detected, we will definitely prosecute and impose a fine or punishment.

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[Translation]

MUNICIPALITIES

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on June 11, the Prime Minister said that municipalities are a provincial responsibility and that his government would respect provincial jurisdictions. Despite this commitment, his own task force is now proposing that Ottawa be authorized to discuss financing directly with municipalities, in an effort to increase its presence in an area that is clearly the responsibility of Quebec and the provinces.

Will the Prime Minister follow up on the task force recommendations or keep his promise and rule out immediately this strategy to encroach on Quebec's areas of responsibility?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have had a study committee which has done very good work, and I want to thank all members who contributed to it.

We have programs for municipalities in many areas into which we have injected new funds. Also, new ideas have been put forward by the members of this committee. We are going to look at them and retain those that are worthwhile.

It is very important to this government to make sure that the quality of life in our municipalities is decent throughout the country.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister is playing both sides. Perhaps the question should have been put to the member for LaSalle—Émard instead. The nice thing is that, on this issue, he is clear. He wants to take a direct approach and have a new agreement to finance municipalities directly.

I will ask the Prime Minister again. Will he keep his promise, rule out this approach and state clearly that direct financing of municipalities is out of the question and that he will respect the jurisdictions of Quebec and the provinces?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, on this issue, we have always respected the jurisdictions of the provinces. We intend to continue to do so. I have always made that clear.

However, there is room in the federal administration for better coordination and better implementation of our programs to ensure that they are as efficient as possible so that the quality of life in all municipalities in Canada can be first rate.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the idea being floated of creating a department of urban affairs indicates that the federal government is once again preparing to interfere into areas of provincial jurisdiction.

Will the Prime Minister admit that by wanting to intrude into municipal affairs, which are absolutely none of its business, the federal government is really concerned far more with visibility than efficiency?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the government has jurisdiction over areas that would allow us to help municipalities. Take social housing. Last week, this very same member was calling on the federal government to invest more money in this area. There are areas where we can, and do, help.

When it comes to all of the infrastructure programs, the municipalities are very happy that we have gotten involved since 1994. They continue to ask us for more and we are answering their requests. When it comes to infrastructure, the programs are funded by three levels of government: municipal, provincial and federal.

• (1425)

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, while we are on the subject of social housing, the Prime Minister neglected to mention that it is his government that has made deep cuts to social housing since 1995.

Instead of using every possible means to interfere in the jurisdictions of others, would the Prime Minister not instead admit that there is a fiscal imbalance in Canada? There is too much money for federal responsibilities and not enough to enable the provinces to fulfill theirs.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have to smile, because a few years ago, during the Quebec referendum, this member was saying that Quebec had to leave Canada because the country was being mismanaged, was in debt and on the verge of bankruptcy. Today he is criticizing the federal government for having managed things too well and for having a surplus because here in Ottawa we are doing things right.

* * *

[English]

IRAQ

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, UN weapons inspectors have not even unpacked their equipment and already the White House is accusing Iraq of non-compliance. The U.S. accusations arise from Iraqi resistance to U.S. and British bombing sorties. Bombings by the U.S. or anyone else in Iraq are not sanctioned by the UN and they are threatening the weapons inspections that are sanctioned by the UN.

Has the Prime Minister demanded an end to the American led bombing sorties which threaten the success of the weapons inspection process?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, respect for the no-fly zone in Iraq is a policy that was established a long time ago, about 10 years ago at the end of the war. From time to time there have been some interventions by American airplanes and British airplanes.

With regard to the question of the unanimous resolution of the Security Council, we are very happy with that. We hope that Mr. Saddam Hussein will respect the will of the international community and will destroy any armaments of mass destruction immediately so there will be no need for the international community—

The Speaker: The hon. member for Halifax.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, clearing Iraq of any weapons of mass destruction is absolutely the objective. Our concern is anything that might jeopardize that.

It seems as though the government's commitment to multilateralism is short-lived. It lasts until the next call comes in from Washington. UN resolution 1441 is absolutely clear that only the UN Security Council can determine what constitutes a breach and what action should follow.

The UN Secretary General has condemned the Americans thumbing their noses at the UN resolution. When will Canada do the same and challenge this dangerous American pretext for war?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am very disappointed that the hon. leader of the NDP is not complimenting the government because we were among the first countries to tell the Americans that they could not go there without the support of a resolution of the Security Council. We have worked very hard on that. I am sure that with this resolution we have a better chance of not having a war because every country wants Saddam Hussein to respect the United Nations so there will be no need at all for a war there.

* * *

GOODS AND SERVICES TAX

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, the Parliamentary Secretary to the Minister of National Revenue just said they are going to investigate the GST scam perpetrated by crooked car dealers and prosecute. Over four years ago car dealers came to me to bring it to my attention. I in turn brought it to Revenue Canada's attention and four years ago it told me it was going to investigate and prosecute then. Now four years later CBC reports that this growth industry has climbed to \$1 billion.

I ask the Minister of National Revenue, why does she not stop the scam now and then go back and investigate and prosecute?

Oral Questions

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I thank the hon. member for his concern. We are all concerned. We are going to put more resources toward looking into this matter and investigating it. If we detect any fraud we will definitely prosecute without any hesitation.

• (1430)

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, with all due respect, we have detected things wrong for a long time, years and years now. This affects consumers, taxpayers and legitimate car dealers. Somebody has to take action.

Government documents we have obtained through access to information indicate that there is \$26 billion in input tax credits each year. Will the Minister of National Revenue inform the House how much of the \$26 billion could be or is suspected of being a product of fraudulent claims?

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I am not able to tell the member the specific number. We are very interested in this matter. In the meantime, we will put additional resources toward looking into this matter. We will review this matter again and again. We want to assure Canadians that we are very interested in clarifying this.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I am glad that the parliamentary secretary is interested in this situation, but it is a lot worse than that. It requires prosecution. It requires real effort by the government to achieve something that it has known about and has seen coming for a long time.

In 1990 the government was warned by New Zealand that this was a potential problem. In 1996 when it revised the GST act, the government was told it was a problem. Instead of taking action, it chose to operate on the honour system and millions of dollars of taxpayers' money went out the door.

Why did the government choose to ignore the warnings that the GST input—

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

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, we definitely did not overlook this.

As we have said, CCRA officials are very dedicated and work very hard. There will be additional resources and personnel in order to investigate all the cases. In the meantime, if we find there is true fraud involved, we will prosecute and impose punishment and fines.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, last week CCRA did prosecute Tom and Helen Brouwer for \$72,000 tax on money they received to raise 82 foster kids. The Brouwers were making a tremendous contribution to our society. They thought they were following the rules.

Now we find that the criminals and fraudsters are breaking every rule, stealing millions of taxpayer dollars, defrauding the GST and getting away with it.

Will the minister tell us why she prosecutes people who raise our homeless kids but at the same time lets the fraudsters rob us blind?

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I am glad the hon. member changed the topic.

As the member knows, we are not able to discuss individual cases, but we will investigate the whole thing.

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[Translation]

HEALTH

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, in a study submitted to the Romanow commission, researchers from Queen's University stated that Ottawa's involvement would only further split up the health sector. They added that the provinces realize that the system is not truly integrated and they are trying to improve the situation. Introducing a new player into the system would, the researchers feel, only make the situation more difficult.

Could the Minister of Health give us a commitment that there is no way that the federal government will interfere with the management of health care?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I can reply on behalf of the minister, who is not here. I think that the federal government itself has such an important responsibility regarding health with first nations and the territories, that it is the fourth largest provider of health care services in the country. We want to work with the provinces, and this is what we are doing.

We are waiting for the report by a former premier on health services. We intend to meet with provincial premiers to discuss this report in early 2003.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the study also contends that taking a part of this system, whether it is home care or pharmacare, and putting it under the responsibility of the federal government would only make the existing system more cumbersome.

Will the Prime Minister pledge to take note of the findings of that study and do the only thing that we expect from his government, which is to restore transfer payments to their 1993-94 level?

• (1435)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are waiting to see what the Romanow report will say. We are waiting for that study.

Mr. Romanow was appointed at the suggestion of the provincial premiers. I was pleased to agree to appoint him to that position. I am sure that he will provide us with a very comprehensive report and we will see what we can do to meet the needs of all Canadians, within the financial limits of our government and of all the other governments.

*Oral Questions***TERRORISM**

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, yesterday, the Deputy Prime Minister gave an evasive answer concerning Maher Arar and his possible terrorist ties. As members know, a few months ago, the Minister of Foreign Affairs proudly announced that there was no reason to deport Mr. Arar. Now we know that the RCMP had received warnings about Mr. Arar weeks, perhaps months ago.

When did the Minister of Foreign Affairs receive these warnings?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as you know very well, we do not discuss in the House specific cases with respect to criminal activity.

I can assure the House and the entire country, however, that we are vigilant when it comes both to repressing terrorism and to protecting the rights of Canadian citizens when necessary.

[*English*]

An hon. member: Oh, oh. The lights went out.

The Speaker: Order, please. Speculation about what caused the failure of the power is not something we will indulge in during question period. Things may have dimmed a bit but I am sure the questions and the answers will be very stimulating.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Somebody up there did not like that response, Mr. Speaker.

There is lack of vigilance in the country on terrorism. Fourteen groups have been banned in the U.S. and in the U.K. but they have free passes here in Canada.

The minister said that he could not talk about security matters but when he thought everything was lovely about this gentleman, he was talking about him all over the place. When he receives some information that he was dangerous, all of a sudden it is “oops, maybe I should not have said something”.

The minister talked about it before and should talk about it now. He should shed some light on it. When did he know about this?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, we take threats very seriously but we do not cancel civil liberties without cause.

As I indicated to the hon. member before, we listed seven entities. We are working on listing others but we will do it based on accurate information, not the latest headline in some paper that the hon. member happens to have read.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, although the Minister of Revenue has stated publicly that she is totally against an ID card, the Minister of Immigration continues his campaign in favour of a more sophisticated card, which would involve biometric data such as fingerprints and iris images.

Is the Prime Minister aware that, by promoting such a project, the Minister of Immigration is contributing to the imbalance between freedom and security in this country?

Mr. Mark Assad (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I believe that the minister has stated in this House that this matter will be debated and also, and above all, that no decision has yet been reached by the government.

A debate is a good thing for democracy and I am sure there will be one here in the House.

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, my question is for the Prime Minister. I think I will be lucky this time.

Does the Prime Minister admit that the main concern of the Minister of Immigration, with his ID card project, is more with satisfying the excessive demands of the Americans than with guaranteeing the privacy of the people of Quebec and of Canada?

• (1440)

Mr. Mark Assad (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the hon. member will have an opportunity to express her concerns during a debate in the House. I am sure she will be very pleased with the way her concerns on this will be addressed by the debate.

* * *

[*English*]

PORT SECURITY

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, in its October response to the Senate report on Canadian security, the government claimed it was taking the necessary steps to secure Canada's ports.

However, in early November, in response to an access request, Transport Canada admitted that it had done no reports or reviews on the security at Canada's ports since September 11, 2001.

How can the government claim to be taking the necessary steps to secure our ports when it has failed to conduct a review of port security in the last 14 months?

[*Translation*]

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, Transport Canada is taking the necessary steps, together with all of the departments concerned, to ensure the maximum security at Canadian ports.

*Oral Questions**[English]*

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, the minister claims that the Liberal government is taking the necessary steps but just last week the president of the Vancouver Port Authority stated “Despite increasing demands to enhance our security, no federal funds have been forthcoming”.

The government has done no reviews of port security and has not put a single dollar into improving port security, yet it claims that it is taking the necessary steps.

Is this the government's idea of protecting the security of Canadians?

[Translation]

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, to answer my colleague, close to \$8 billion have been invested in additional security measures and cases are evaluated by the department as they arise.

Rest assured that when requests are legitimate, grants are given and the appropriate funding will be provided.

* * *

*[English]***URBAN COMMUNITIES**

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, in the recent Speech from the Throne the Government of Canada states “Competitive cities and healthy communities are vital to our individual and national well-being”.

With the tabling of the final report of the Prime Minister's caucus task force on urban issues, could the Minister of Intergovernmental Affairs tell the House how the government will ensure our urban regions remain competitive and sustainable to meet the challenges in the 21st century?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, thanks to the 18 months of hard work and intensive consultations done by the members of the Prime Minister's task force on urban issues, ably chaired by the member for York West, Parliament, the government and all Canadians will know more on how to deal with some tremendous challenges for the quality of life for Canadians living in urban municipalities.

The government, in particular, will find interest in the report's insight to fulfil its commitments to housing and homeless programs, and this will be done in collaboration with the provinces.

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CANADA CUSTOMS AND REVENUE AGENCY

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, my question is for the finance minister.

The Canada Customs and Revenue Agency is regularly cutting cheques for millions of dollars to used car salesmen without documentation. At the same time government officials have been denying disability tax credits to some people with severe disabilities.

Why is the government giving out GST cheques to non-existent claimants while at the same time taking away tax credits from 46,000 Canadians with disabilities?

How can the minister justify targeting the most vulnerable people in this country?

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, we are very cautious about that. We all know that 95% of taxpayers including businesses comply and pay their taxes.

We are doing a very adequate job and we will continue to do that.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I would like to reiterate to anyone on the government side who is listening that the government's tax policies are punishing the wrong people, while the real tax culprits are left unchecked.

According to the CCRA's own figures there are \$16 billion in outstanding income taxes.

When will the minister instruct his officials to stop harassing individual Canadians for a \$989 tax credit and crack down on a \$16 billion income tax giveaway?

• (1445)

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, we also put additional resources into hiring personnel to do this. As I said earlier, we collect 95% from business, corporations and taxpayers. Therefore it is obvious that we are doing an adequate job and the best for the government and Canadians.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, a question period briefing document dated January 31, 2001, obtained through access to information, reveals that when CCRA becomes aware of non-compliance it takes appropriate corrective action.

One case involving \$20 million worth of car flipping has been known since 1998. The government seems content to crack down on the disabled instead of disabling GST fraud artists.

My question is for the Prime Minister who promised to get rid of the GST, to kill it. When will he get his government to take specific corrective action, and why is it taking so long?

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, we have discussed the GST many times. We know there are cases of fraud but we are investigating them and have put a lot of resources toward that.

If we detect any fraud we will definitely prosecute. As I said repeatedly, we will take action to reassure Canadians.

Oral Questions

[Translation]

GOODS AND SERVICES TAX

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, in spite of the investigations by the RCMP and by the Canada Customs and Revenue Agency, in spite of the documents prepared for the minister advising him of the depth of the problem, the government has yet to act on the issue of GST fraud.

With all due respect to the hon. parliamentary secretary, could the Prime Minister give a straightforward answer to a simple question? How does he intend to deal with the issue of GST fraud?

[English]

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I will say it again loudly and clearly. We will go through the auditing process first and investigate second. If we detect any fraud we will prosecute.

* * *

AIRLINE INDUSTRY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the Minister of Transport said yesterday that there was no hard evidence that the air security tax on plane tickets was hurting the short haul air industry. He is wrong.

WestJet has experienced a dramatic drop in passenger flights between Edmonton and Calgary, and Vancouver and Kelowna. It also recently withdrew service from Brandon.

Transwest has dropped all air service to Winnipeg, Brandon and Edmonton and cut capacity between Saskatoon and Regina by 50%. Jazz is dropping all service to St. Leonard, Yarmouth and Stephenville in January.

All three air carriers cite the \$24 air tax as a dominant reason for their problems. That is the evidence. It is on the table. It is a fact.

Why will the government not listen to this fact or is it too busy collecting the revenue and ignoring the air industry and Canadians?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the hon. member will know that there are many factors involved in the air industry. Perhaps he would like to advise U.S. carriers that somehow or other there must be spillover effect because they have been having some bad times as well.

The truth is that we do not agree with him that the general taxpayer should pay the additional costs of airline security, rather that people who use the airline services are the ones that should pay for it.

He should come clean and say that he wants people who never fly to pay for increased airline security.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the finance minister's mortality math is as bad as his other math. On September 11 more people died in office buildings than died in the airplanes. It is a general security matter.

The air tax has been in place since April Fool's Day and only two things have changed with air security: first, the mass confiscation of

nail clippers; and second, we now are asked if we packed our bags ourselves, which is hardly a relevant question if we are trying to stop a suicide bomber.

The reality is that airline pilots themselves do not feel safer. The Air Canada Pilots Association has asked the government to allow them to carry tazers into cockpits. If air security has improved so much, why do airline pilots want to carry tazers into cockpits?

[Translation]

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, my hon. colleague is going to have to make up his mind. One day, security is important, and the next, it is not quite so important.

He is well aware that the tax is distinctly marginal as compared to the overall costs of the security measures the government has put in place. He is also well aware that this tax is continually reassessed.

* * *

● (1450)

GOVERNMENT CONTRACTS

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, just before the break week, it was established that Everest had fulfilled a very large part of its contract for the tour of the former Secretary of State for Amateur Sport well before being officially awarded that contract, which shows that it was already in the bag, thanks to the former secretary of state.

Does the Prime Minister intend to ask for the resignation of the Minister of Citizenship and Immigration and former Secretary of State for Amateur Sport for having used his influence as secretary of state to benefit a personal friend, the president of Everest, in the organizing of his cross-Canada tour that began in June 2000?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the minister clearly said that he did not get involved in this issue and I have no intention of asking for his resignation.

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, the former Minister of National Defence was relieved of his duties for awarding a \$36,500 contract to a friend. The former Solicitor General also had to resign for patronage reasons.

How, from an ethical point of view, can the Prime Minister allow the former Secretary of State for Amateur Sport to keep his job when he acted in the same fashion as the other two and, moreover, originally denied the facts?

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, on the question of the contractual liability, there is no obligation on the part of the Government of Canada until the contract is actually issued and signed. That occurred on the last day of the month.

Oral Questions

If a private sector company undertook obligations before that date, it did so entirely at its own risk and its own liability. [English]

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PUBLIC SERVICE

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, my question is for the President of the Treasury Board, the official employer of the government.

Yesterday the minister tried to downplay and excuse the screening of the uncontrolled increase of federal public sector hiring. Nearly 30,000 workers were added to the taxpayer burden in recent months. Obviously the Liberals cannot manage. She claimed it was not her fault and beyond her control.

At 30,000 and counting, how many more bureaucrats does the government intend to hire?

[Translation]

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, the number of public servants is not a yardstick for determining whether or not the government has lost control of its spending. Contrary to what the hon. member says, this government has kept its spending under very tight control since 1993. As a percentage of gross domestic product, spending has even dropped.

Moreover, the government has a duty to deliver programs and services to the people of Canada. It does so with a competent public service, as it has done for many years now.

* * *

[English]

GOVERNMENT SPENDING

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, it appears more is out of control on the government side. One section is buying millions of dollars of computers when at the same time it is dumping valuable server machines it never had any use for. In fact such a multi-million dollar mistake in the private sector would get someone fired for gross incompetence.

In view of this huge blunder, what has been enacted to protect taxpayers from the minister's next mistake?

[Translation]

Ms. Raymonde Folco (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, I would like to respond to this question because it concerns so-called waste.

We have not wasted \$16 million on computer equipment. On the contrary, we are merely replacing obsolete equipment according to a clearly established plan. I would again like to state here in this House that serving Canadians using the most up to date equipment possible remains the top priority of the Department of Human Resources Development.

KYOTO PROTOCOL

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, could the Minister of Public Works and Government Services inform the House as to whether actions are being taken to ensure that all federal government and crown agency buildings across Canada become energy efficient, less dependent on fossil fuels, and better at conserving energy to come closer to the Kyoto objectives and set an example?

• (1455)

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the principal initiative in this area led by the Government of Canada is called the federal buildings initiative. To date my department has: signed 29 contracts under this initiative, representing about \$40 million in energy efficiency investments; partnered with the private sector, creating 672 jobs; generated over \$6.5 million in annual energy savings; and reduced carbon dioxide emissions by 50 kilotonnes per year.

I refer the House to our brand new building at 401 Burrard Street in Vancouver, the greenest in the country.

* * *

AGE OF CONSENT

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the Parliamentary Secretary to the Minister of Justice said that cultural considerations prevent the minister from raising the age of sexual consent from 14 to 16 years of age.

Can the minister tell the House which culture he is referring to? Which culture in Canada says it is okay for an adult to sexually abuse a child?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member knows very well that it is not exactly what was said by the parliamentary secretary. He knows as well that we just had a meeting with my colleagues from across Canada. We have been discussing the question of the age of consent and there is obviously no consensus around the table.

The main goal of all that is to ensure that we will keep offering our children good protection. I guess that by using the Criminal Code differently there are other ways we can achieve that.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the comments of the parliamentary secretary are an insult to all cultural groups in Canada. Canadians of all ethnic origins know that culture is never an excuse for the sexual abuse of children by adult sexual predators.

Why does the minister prefer to insult Canadians instead of taking important steps to protect children?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I cannot believe what he said. What is important in our society is to ensure that we will offer good protection to our children within our society instead of trying to score cheap political points for something which has not been said in the House.

Regarding the question of the age of consent, as I said, there is no consensus, but the aim and goal of the government is to offer children good protection. We will do that by tabling legislation before Christmas.

* * *

[Translation]

REGIONAL ECONOMIC DEVELOPMENT

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, during the Rendez-vous national des régions, which took place in Quebec City last week, the participants recognized the importance of regional investment funds for the economic development of regions and the Government of Quebec announced its intention to contribute to such funds.

Will the Government of Canada follow the Government of Quebec's lead and commit to financing the regional investment fund for the Saguenay—Lac-Saint-Jean?

Hon. Claude Drouin (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, first, it would have been nice if the Government of Quebec had invited the federal government to its regional summit, given that we too care about regional development.

You can be sure that since 1985, we have already contributed to regional development by way of the CFDCs, the CDECs, and the Business Development Centres, and we will continue to do so.

I can see that Quebec is basing its approach on what we at the federal level have done.

* * *

[English]

INTERNATIONAL AID

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, the Prime Minister pledged at the G-8 summit in Kananaskis to increase Canada's investment in basic education in Africa. The international community also pledged to achieve by 2015 the six objectives of Education for All agreed to in Dakar in 2000. The Minister for International Cooperation is currently participating in the high level group meeting on Education for All in Abuja, Nigeria.

What concrete measures is Canada taking to support education in developing countries?

Mrs. Marlene Jennings (Parliamentary Secretary to the Minister for International Cooperation, Lib.): Mr. Speaker, there is no greater guarantee of a country's future than to invest in the education of its children. That is why today the Minister for International Cooperation announced that Canada, through CIDA, will provide \$10 million per year over the next five years to both Mozambique and Tanzania. This is over and above our regular support for education to both these countries.

Privilege

The minister also announced the funding of \$5 million over the next five years to the UNESCO Institute for Statistics to help monitor the international community's work in meeting the objectives of Education for All.

* * *

● (1500)

[Translation]

OFFICIAL LANGUAGES

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, my question is for the Minister of National Defence.

After a seven month delay, the Minister of National Defence has finally released his annual report on official languages in his department.

Does the Minister of National Defence not find it indefensible that, again this year, the situation is far from having improved, since close to 60% of military personnel in bilingual positions are still unilingual anglophones?

When will this government respect francophones?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, as a Quebecker, I recognize, as does this government, the vital importance of bilingualism. I also recognize that there are problems in terms of achieving this objective and we will do our utmost to improve the situation.

* * *

[English]

CANADA PENSION PLAN

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, my question is for the Minister of Finance.

In the last six months we lost \$4 billion in the equity markets through the Canada pension plan. Despite this loss the CEO of the pension board says he still believes stocks will yield the best returns.

Will the government come to its senses, amend the CPP act to direct the investment board to get out of the private equity markets, and begin investing in security instruments in the municipal sector?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, we expect the CPP Investment Board to operate on the basis upon which it was created, that is to make prudent investments, to do so on the basis that we need to see the fund meet the requirements of Canadians for their pension incomes in decades ahead. We know from experience that long term investments such as those that it has been making will pay those dividends.

* * *

PRIVILEGE

STATEMENTS BY MEMBERS

The Speaker: The Chair has notice of a question of privilege, arising from statements earlier today, from the hon. member for Acadie—Bathurst.

Supply

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, during statements by members the member for Saskatoon—Humboldt accused members of the House of hiding behind a white sheet and being the equivalent of modern day Klansmen.

I believe this is not in order in the House of Commons. The member has attacked bilingualism, francophones and minorities on many occasions. I believe very strongly this is going overboard.

Mr. Speaker, I am asking you to review his statement. I believe it is not parliamentary.

[*Translation*]

On November 7, the same member asked a question in the House. He said, and I quote:

Mr. Speaker, the Liberals are ramming through bilingualism enforcement measures. The Canadian Alliance is demanding expanded bilingual services in the nation's capital. However bilingualism is a divisive affirmative action program for francophones that discriminates against anglophones. Francophones hold 78% of all civil service jobs designated as bilingual. Last year francophones got 71% of all bilingual jobs and 68% of promotions.

Why is the minister refusing to end systemic discrimination against anglophones in civil service hiring and promotion?

The minister's answer was the following:

Mr. Speaker, this is the second amazing question from the same member. The last one was about visible minorities in the public service. This time it is about linguistic duality in the public service. The member should perhaps look at the values of Canadians and for what Canadians are ready to fight. Diversity and bilingualism in the public service are among them.

It is well known in this House that each time this member rises in the House, it is always to make offensive remarks, either about minorities or about the language used by our fellow Canadian citizens.

Mr. Speaker, I call on you to enlighten us as to whether it is acceptable to make in the House the kind of remarks he has made again today. If not, he will have to withdraw the ones he made today. These are offensive to all members of this House.

• (1505)

The Speaker: The Chair has heard what the hon. member had to say on this matter. I will need to review what the hon. member for Saskatoon—Humboldt said in his statement. Then, I will get back to the House, if necessary.

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—CANADIANS WITH DISABILITIES

The House resumed consideration of the motion.

The Speaker: When the House broke for question period the hon. member for Souris—Moose Mountain had the floor for questions and comments on his speech.

Questions and comments, the hon. Parliamentary Secretary to the Minister of National Defence.

Mr. John O'Reilly (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, before Ernie Eves turned the lights out on us we were dealing with a good speech by the member. He touched on how well the staff of the department actually operate. Certainly the two staff in my office find that they have a system that is such that we can get to the bottom of some of the problems in that department very quickly because of the promptness and professionalism of the people we deal with.

As former chair of the subcommittee on health dealing with AIDS and the poverty and discrimination that results from that, and the families that are affected by that, I agree with the member that most certainly his comments ring home true that there are other people affected and their lives are changed because of that. I would like the member to expand on that a little.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, disability is something that could be short term or life term. The department should take great concern. With all the mechanisms we have today, it should be able to tell without having the dreadful experience of last month of calling in people who have severe difficulties in answering the questionnaire or getting to a doctor to get confirmation and who are paying out of their own pockets.

In response to the cooperation, for the most part I do not take back what I said because on the field level they do an excellent job.

However, let me put something into perspective for the hon. member. In my province right now, the CCRA of the government is attempting to undermine to a phoney collection system and destroy a junior hockey club. While that is happening, it is forcing people to come in and prove that they are disabled.

The government has a responsibility to ensure that they are disabled. However, once they are disabled for life, why are they called back in to report this terrible disability all over again?

• (1510)

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I am pleased to have a chance to join the debate. I will be sharing my time with my colleague, the member for Ancaster—Dundas—Flamborough—Aldershot.

The disability tax credit is an important program administered by the CCRA to ensure that eligible Canadians with disabilities receive the tax credits to which they are entitled under the Income Tax Act. Today I want to clear up any confusion about how the CCRA administers this credit and address the concerns that have been raised by members of the House during the debate.

It is important that hon. members understand that the CCRA administers the disability tax credit program according to the very specific legislative criteria of the Income Tax Act. In administering the criteria carefully and professionally, the CCRA ensures these tax credits are provided in an equitable and fair manner. In other words, those who are eligible for the credits will receive them. They are not provided to those who do not qualify.

Supply

Let me add that the CCRA, acting on behalf of the Government of Canada in administering this program, makes every attempt at all times to be fair and equitable to all Canadians. That means that we cannot allow DTC claims that do not meet the specific requirements of the Income Tax Act. Our intention is to ensure that there is an even playing field for all Canadians.

An unfortunate common misconception, possibly caused by the credit's name, is that everyone who has a disability qualifies for the disability tax credit. This is manifestly not true.

The Income Act is clear on this matter: to be eligible for the disability tax credit an individual must have a severe and prolonged mental or physical impairment. Furthermore, that mental or physical impairment must have the effect of markedly restricting the individual's ability to perform a basic activity of daily living.

The benefits provided by the government to persons with disabilities has increased by 70% since 1996.

For 2001, the basic non-refundable amount of the disability tax credit has been increased from \$4,293 to \$6,000, while the supplement has been increased from \$2,941 to \$3,500. For 2001, the credit can reduce the federal tax of those who qualify by up to \$960. For individuals under the age of 18, the maximum federal reduction can increase to \$1,520. There is also a corresponding reduction in the provincial tax payable.

There have been questions asked in the House about how the CCRA administers this important benefit. Let me emphasize that the CCRA administers this credit to ensure that it is available for those who need it most. This is not always easy, but the CCRA should be commended for the way it performs this sensitive work. Let me outline some of the processes.

The cost of having form T2201, the disability tax credit certificate, filled out by a medical practitioner is deductible as a medical expense.

• (1515)

Once a client has filed for T2201, the disability tax credit unit at the local tax centre will examine it to determine if the person with the disability meets the eligibility criteria under the Income Tax Act. If the claim is for a dependant, CCRA will also establish whether the claimant meets the support requirements. If a claim is extremely complex and requires medical expertise beyond that at the local tax centre, it is forwarded to a team of medical experts at the national headquarters for review.

Anyone denied a claim for the disability tax credit is entitled to request a review and to appeal the decision in court.

Finally, I want to talk about what the CCRA has done in response to concerns raised about the administration of the disability tax credit and especially the form T2201.

In March 2002 the Subcommittee on the Status of Persons with Disabilities released its report on the disability tax credit. Let me commend the subcommittee and its chair, the hon. member for St. Paul's, on behalf of the Minister of National Revenue, today in the House for the hard work put into preparing this report.

The report expressed concern about the T2201 form used to determine eligibility for this benefit. In response, extensive consultations on administrative matters were initiated by CCRA with organizations representing persons with disabilities and medical practitioners.

As part of those consultations, a new T2201 form for the disability tax credit has been drafted and distributed to all participants and to the subcommittee.

Some members of the opposition have suggested during this debate today that those consultations were a sham. I am dismayed by their willingness to cast aspersion on the very fine public servants conducting the consultations. It is fair to criticize some work the government has done, but not to question the intentions of the officials in conducting broad consultations on their administrative practices.

In fact the CCRA has recognized that it has not quite got it right yet and, in response to concerns expressed by the community, has agreed that it will continue to consult until it gets the form right. The door is still open for consultation.

I am also pleased to inform the House that the Minister of National Revenue has agreed to establish a permanent advisory committee on administrative matters related to disability benefits at CCRA. The minister has also instructed CCRA officials that no new administrative reviews are to take place until these consultations and changes are completed.

In conclusion, let me say that the government recognizes the difficult challenges faced by persons with disabilities. The disability tax credit, as mentioned by my colleague the Parliamentary Secretary to the Minister of Finance, is one aspect of the support network offered by the Government of Canada and the provincial governments for Canadians with disabilities.

This credit is aimed specifically at Canadians who suffer from severe and prolonged impairments. It is always difficult when someone is refused a benefit by the government because he or she does not meet the criteria established in the legislation. However CCRA is doing its best to administer this and other programs with as much fairness and transparency as possible and the minister has personally committed to improving the administration of the program.

• (1520)

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I want to thank the member for her comments about our opposition day motion. I also want to let her know something that is exciting to us. The Newfoundland and Labrador House of Assembly also has just passed a motion calling on the federal government to restore the previously existing criteria for the disability tax credit. Last week, the Nova Scotia legislature also passed a motion denouncing the changes to the DTC.

The member is probably aware that the chair of the disabilities subcommittee spoke eloquently earlier about her concern regarding amendments passed by the finance department, which will cut off a whole class of people from the disability tax credit. She also spoke of her concern that the Federal Court's recommendations about compassion and fairness be dealt with.

Supply

Will the member be following the chair of the disabilities subcommittee, who said that she would be voting in support of the opposition day motion, and give her support to persons with disabilities in this country?

Ms. Sophia Leung: Mr. Speaker, I want to thank the hon. member for raising this aspect. Yes, we will support that. In the meantime, we will follow up on further discussions. Any consultations will be welcome.

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I believe I am unable to make a 10 minute speech, so I want to use this opportunity to comment.

This summer I read the subcommittee report being discussed here and I support it wholeheartedly. I wrote to various ministers at the time to indicate such support, so I must admit that it would be rather untoward for me at this point to vote against the motion put forward by the New Democratic Party today. I want to thank the New Democratic Party for bringing this up in an opposition day setting, because I think the work of the subcommittee is to be applauded. We must make sure as a country that we are taking care of those who need some assistance and some help.

Having said that, I think we have to be careful that things are not open ended. If and when the matter of the court decision is addressed, I believe that there have to be some consultations and some measures taken to make sure that any tax measure is not open ended, thus subjecting the rest of Canadians to an incredible tax burden without us having made the decision that it be so. I believe that there is enough wherewithal in the House and in the government to mix those two positions together so that we would end up with a very valid disability tax credit system but one that at the same time respects fiscal integrity.

I will follow the rest of this debate with great care because I believe it is an important one. Again, I am happy that it has been introduced today by the NDP as an opposition day motion and I look forward to tomorrow's vote.

Ms. Sophia Leung: Mr. Speaker, I certainly appreciate what my colleague has mentioned, the same as in my report already mentioned. I think that the contribution of the subcommittee is recognized. We are happy that the House has had a chance to look at the report very carefully and reassess what is best for Canadians.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I have been following this debate this morning and this afternoon with a great deal of interest because it is a debate about finding a balance.

I remember when the new rules for the disability tax credit came in some years ago. I felt that it was a positive thing, because we do not have to be members of Parliament sitting in our constituency offices to know that there are those Canadians who, for reasons that may be psychological, reasons in their own backgrounds, make much of what may be only limiting disabilities, make much in the sense that they use these limiting disabilities as perhaps an excuse not to work, an excuse to withdraw from society and an excuse not to participate.

I think the parliamentary secretary made a most important point when she underlined the fact that the disability tax credit is supposed to be applied to people who are severely restricted in their ability to

participate in society. It is not intended to reward people for having a disability. In that sense I supported the change that came down, because I think that at that time we on this side of the House, and this entire Parliament, were reviewing the way in which government social programs were being applied. We went through, I think, a period, particularly in the late seventies and throughout the eighties, of general irresponsibility in terms of how we were applying our social programs insofar as many people were taking advantage of the social programs who did not genuinely need them. I think we were losing many, many millions, if not billions, of dollars, because we did not demand scrutiny and accountability on the way programs were applied. I think this is the case in point with the disability tax credit.

As a member of Parliament since the program change came in, I certainly had experiences where people came in who were questioned. That was what happened. There were 106,000 Canadians who were automatically receiving the disability tax credit and who were suddenly required to justify, in documentation by responding to a questionnaire, why they should still be receiving the disability tax credit. Indeed, I did have in my office, I remember very vividly, a person who came in. She had filled out the questionnaire. Her disability tax credit had been refused. When she came to my office it was very evident that she was suffering from an extreme form of arthritis. Literally, her limbs and her fingers were tied up in knots.

The reason why she was denied the credit was that she had replied on the form that she was still going out there and being active in the community, so it was assumed by the bureaucrats that this was a person who did not have a severely restrictive disability. In fact she did have, and what was happening is that she was paying for her courage in losing this disability tax credit. I have to tell you, Mr. Speaker, I naturally intervened as best I could in her case. Indeed, it was reviewed and she did get the credit in the long run.

However, I contrast that with other people who came into my office and talked about the fact that they had been denied the disability tax credit. While one cannot get into the minds of people, it did seem very apparent that just by the way they moved around and the way they spoke and everything else, they did not seem to have the type of disability that would prevent them from participating in society in some useful way or, indeed, earning a living.

The problem is how to strike a balance between those two extremes. It is very, very difficult. One of the things that has fascinated me about this debate today is a sort of shift in sides between the Liberals on this side and in particular the Canadian Alliance on the other. We expect the NDP to always be in favour, as they always have been, of applying money, basically without question, to social problems.

• (1525)

I do not mean that in a disparaging sense but, shall we say, the social left of the political spectrum tends to put the money ahead of the requirement to make sure the money is well spent.

An hon. member: The conscience of the nation.

Supply

Mr. John Bryden: On the other hand, the Canadian Alliance has always argued, as do most people of a conservative ideology, and I do not like the word ideology, of a conservative attitude, shall we say, and would normally argue that we must have accountability and transparency in the system and we have to do everything we can to make sure that when we apply money to social programs it really does reach the people in need.

What struck me as so fascinating in the remarks, particularly from the Canadian Alliance, is that social programs are always risk management. The key thing that I would have thought differentiated Liberals from the Canadian Alliance is that the Liberals would say that we should err on the side of compassion if the choice is simply saving money, to always err on the side of compassion rather than saving money. What has delighted me enormously is that this is the argument that I have been hearing from the Canadian Alliance members. They have been saying constantly to err on the side of compassion in this program, not on simply saving money.

I agree with that. I would think and I would hope that all members of the opposition would agree with that. In the end, we have to try to find a balance. As responsible parliamentarians and lawmakers, we have to try to make sure that money for social programs is spent effectively, but we always have to bear in mind, as an earlier speaker said, that there are those who would abuse the system, there are those who would defraud the system. Whether it is a disability tax credit or it is money for poverty programs, drug programs or whatever, there are always those who will abuse the system.

We must try to set up rules that are effective, but in the end I agree this time with my Canadian Alliance colleagues that always we should err on the side of compassion.

● (1530)

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I believe my hon. colleague across the way used the key word in all of this, and that is accountability.

I want to ask the member a question. He is a member of parliament who has offices, as I do. When people come in and intrinsically he does not think they are disabled, does he do anything to discourage them from applying? Does he simply say to them that it is a long row ahead and to go ahead and apply if they would like to?

I think we have a role to play as well. We as members of parliament definitely have a role to play. I have personally asked "How disabled are you?" Mind you, I have had them apply. I said I did not want to support that at all. I ask the hon. member opposite, does he individually assist those who he has a real gut feeling qualify for disability?

Mr. John Bryden: Mr. Speaker, certainly MPs in their constituency offices should not play God. On the other hand, I do try to be scrupulously honest. When it is a person who in my view does appear to have a severe disability, then obviously I will intervene as best I can, but we have to be honest with those who may be kidding themselves. When people come in and want to claim that credit and they say they have a disability, then when we interview them and we think to ourselves really that does not fit the criteria, we have to still in my view take them at their honest word, but we have to be candid with them.

I do try to do what is right with all the people who come before me in the office and sometimes it is a matter of giving them very bad news.

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I am glad my colleague at least said he does not want to play God.

I would expect and hope that each and every one of us as intelligent members of Parliament would not for one iota of a minute suggest that we would be able to look at people and decide what medical problems they have or what disabilities they have. That is just not the way it works. That is why the recommendations of the committee were that it should be decided on an individual basis. The medical profession should be used to give the information that is needed.

I had the situation where an individual sent me a letter from his physician. It was life or death if this man did any kind of work. I had the letter from a specialist indicating that. I had to fight for a disability credit for that person. I had the physician's note saying it was life or death. This person looked no different than any of us. He could walk down the street and do other things, but could not do everything and could not work. He has a disability. It is not cut and dried. That is why the way that CCRA and the government's legislation is put into place is not working. It is not fair.

Quite frankly to suggest for a second that as MPs we should discourage anyone from claiming it without knowing is not our job. It is our job to say what the process is and to go to a doctor. What we are asking is that CCRA and the government not make it tougher on disabled people and not make it so they have to go back time and time again for a review. They should accept the fact there are disabled people out there who are getting a minimal tax credit. It is no different than a tax exemption for a child because of age. It is the same as getting a tax exemption because of disability.

● (1535)

Mr. John Bryden: Mr. Speaker, I am not quite sure what the member is saying because it sounds as though the member is playing God.

I do not see anything wrong with being honest with the people who come before me. To simply say that everyone who comes before me should use the bureaucracy and we should let the bureaucracy decide, is that the answer that she really wants? She contradicted herself because what she said on the one hand is to leave it to the bureaucracy to decide and then in the next breath said that I intervened in this particular case.

We all agree that when someone comes before us we need to intervene and check very carefully to see whether there is a problem. One just does not simply say, "In my view, you should go to the bureaucracy". When we look at them and see in our heart of hearts that people need an entirely different kind of help and not a disability tax credit kind of help, we should try to be honest with them. I do not see any problem with that and I will have to continue the way I am.

Supply

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, I listened with a great deal of interest to what my colleague across the House had to say. I hope he understands that under the CCRA rules the tax credit requires people to produce a receipt. It is not a matter of an honour system. That is well lined up with the platforms and policies of the Canadian Alliance. Erring on the side of compassion is something that members of our party do at all times.

In light of what the member has just recently said, and having listened to us now for quite a long time and having heard what we had to say on this particular issue, is the member now aware that he should not possibly have believed what his spin doctors in own party were saying about the Canadian Alliance because it was not factual?

Mr. John Bryden: Mr. Speaker, I often find myself at odds with Canadian Alliance policies, but I often find myself very much in agreement with individual Canadian Alliance MPs. I feel that all of us are motivated by the same ideals in the House. We run under different flags, but we all have the interests of Canadians at heart. This debate is a good example of it.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am very pleased to speak to this NDP motion by my colleague from Halifax.

I agreed to speak today because, as many of my colleagues here in the House are well aware, I have a disabled child. This is a subject close to my heart, and I am on the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

This is a matter of such importance that I feel each member of this House ought to take the motion into consideration, a motion I trust is not intended merely to spark a debate in order to demonstrate the unjust situation that exists in today's society. It is not just a debate for the sake of debate; I trust the motion will be taken as seriously as it deserves to be. It deserves not just majority support, but unanimous support.

It is time some thought was given to the disabled. It is time to create some all-encompassing programs that will provide them with some continuity. The bulk of these people live below the poverty line. I believe that 43% of the disabled are said to have incomes of under \$10,000. Hon. members can imagine the number of people experiencing difficulties.

When I hear such nonsense as I have just heard said about a member, who has had some significant comments to make about the disabled and our duty to help them and then is subjected to remarks about her playing God, it seems to me better God than the devil. It is unbelievable that anyone would make such comments about a member who understands the situation, because indeed she does understand the situation of the disabled. Let that hon. member come and repeat to me what he has said to her and I will have a one-on-one debate with him. It is unbelievable that anyone would say such things.

I was a member of the sub-committee, but unfortunately, due to certain responsibilities that I took on related to the House, I was forced to step down, but not for lack of interest. I am still interested in it and I attend when I can.

The sub-committee managed to come up with a unanimous report, despite the fact that it is no mean feat to do so in the House, unanimous reports being something rare, especially since 1993. However, the sub-committee managed to get the Standing Committee on Human Resources Development to adopt it. The report calls for changes to the T2201 form for the disability tax credit.

This whole debate stems from the fact that people who were eligible for the federal disability tax credit between 1985 and 1996—some 106,000 persons across Canada—received a letter telling them that they would be reviewed. I could talk about many cases, people who came to my office and other cases I heard about. Allow me to share one such case with the House, involving the parents of a child with a trisomy disorder who received a letter to re-evaluate their child to see if the eligibility for the disability tax credit still applied. It makes no sense whatsoever and demonstrates flagrant disrespect.

The unanimous report called on the government and its officials, who do not seem to know how to treat people properly, to apologize to the 106,000 people who received this letter. This government shelved the report and refused to apologize to the parents of persons with disabilities who received these letters.

There was a second mailing—I am not sure if it was sent out—of some 65,000 more letters, even after we in the committee and the sub-committee had said that it made no sense and that the government should apologize. They sent out the second mailing to some 65,000 people.

● (1540)

I do not know how hon. members see this, but it is insulting for these people, who already have difficulties and who have a hard time making ends meet. We are only talking about a tax credit. In order to get a non-refundable tax credit, these people must have earned an income. They must have been in a position to pay taxes. In other words, they must have earned enough money to have had to pay some taxes.

We are talking about \$960 in taxes before a person can get a tax credit. Imagine the costs. I am in a good position to say how much it costs to raise a child with disabilities. I also think about what persons with disabilities must face to earn a living for themselves and their family. These people live well below the poverty line. It is incredible to see the conditions in which these people live. We met some of them in our offices, in committee and in subcommittee, but we also see them in our daily lives.

We must give these persons—and I say persons because they must be considered as such—all sorts of possibilities. We must also give possibilities to parents, including time to get some rest. Take the case of parents who are professionals and who work about 70 hours per week, if not more. These parents are sometimes forced to take full days to go to the hospital. Still, their work must be done. Let us not forget that, in order to succeed in life, based on the criteria of today's society, we must be productive. However, if these parents do not work for several months, or even a year or two because they must go to the hospital every day or almost every day, how will they explain this situation to their employer?

Supply

Yes, I have a disabled child. Some people have two. The government must take into consideration what I am saying. Today, I hope that all members of this Parliament will set aside party politics when it comes to such an important issue.

The faster choices and comprehensive programs are provided, the better. We are not talking about six-week return to work programs whereby, at the end of the six weeks, participants cannot use what they have learned to get a job. Once the program is over, they are told "Sorry, if you wait another three to six months, there will be another equally useless program". That will not do; these people must absolutely be provided with the education and training they need. They have to be given a chance to learn and to enter the workforce.

These people work exceptionally hard. Here is an example. This is a person who is now on a national basketball team as a back-up. We just heard this person and a colleague are going to climb Mount Everest in their wheelchairs. That is good. These are individuals with extreme goals, but who nevertheless need support; they need to have the government protect and support them, not say "You are in a class of your own, and we have nice programs for you. You will be fine with the programs we give you". Programs and opportunities must be provided which ensure that these persons become full-fledged members of society who can earn a living and support their families. They are not back-ups. They need help so that they can take charge of their own lives.

Mr. Speaker, tomorrow you could be affected, or your wife. It is all the more cruel because we have not control over what may happen to us. Each of the 301 members in this House is a potential disabled person. We must not wait for it to happen to us before we realize what is going on. We need to take our heads out of the sand, and listen up. What I have to say today must be heeded, as must what the disabled have to say, along with their associations and health professionals.

As for the tax credit situation, these people, and I count myself among them, have come to say that they need help, that the form in question needs amending. It is important for health professionals to be involved, and not after the fact. They must not be presented with a draft form and asked to tell the public servants who created it whether it is OK or not.

● (1545)

These professionals want to have a part in drafting the form. The organizations responsible for persons with disabilities, and the disabled themselves, want to be involved right from square one, with the objective of allowing more disabled people to be eligible for this tax credit.

A person has to have an income if he or she is to take advantage of a non-refundable tax credit. It is not something special that the government can stash away, announcing that the disabled do not need help. These people do need our help. They need the representation I am providing here in this House today.

We are hearing ridiculous comments like those contending that the Defence budget can be raised overnight by \$4 billion without any knowledge of what we want our soldiers and our army to be doing. For us, the objective would be to first of all find out what the army

needs to do before talking about putting another \$4 billion into its budget.

Imagine what could be done with \$4 billion for persons with disabilities. We could help them, and not simply with tax credits. We could set up programs that would allow them to live their lives with dignity as parents, as mothers and fathers, and also as children, to not think that they are a burden on the family and society, and especially not on the government. When we truly help them, they will understand that we have helped all of society. They will be a part of that society and we will be happy to live alongside them.

We must not have preconceived ideas and simply feel sorry for these people when we see them. There are all kinds of disabilities, such as intellectual disabilities, with which I am less familiar, but they exist.

On the subject of intellectual disabilities, people sometimes have to travel very far in order to have this form filled out. In the case of intellectual disabilities, people sometimes have to see a doctor eight or ten times. For doctors, it is not just saying, "There you go, that's done". They are going to charge to fill out these forms.

In our unanimous report, we asked that, at the very least, the fees doctors charge to fill out these reports, be refunded. Doctors fill out the form just to show that the claimant or the claimant's dependent has an intellectual or other disability. People are forced to pay them just to say that, and they are not even refunded that money. We are not asking a great deal of the government. It is not much to ask it to sit down with stakeholders.

Something incredible is going on. The Bloc Québécois is touring Quebec on this issue. We are in the process of preparing draft legislation. The parent of a child with a disability went to the Federal Court and won. The government was not at all pleased. A person with a disability won because she had difficulty digesting food. She was deemed to have a disability, and therefore eligible for the tax credit. According to the government, this could be just the tip of the iceberg. They view it as dangerous.

The government immediately introduced a draft bill to change the definition of feeding and clothing oneself. What does it mean to feed oneself? It simply means bringing food to one's mouth and swallowing it. That's all.

Think of all those with digestive problems and difficulty feeding themselves. Should persons who can feed themselves but take half an hour to swallow three bites be considered as disabled or as being able to feed themselves?

This is ridiculous, and I am not dramatizing. I find it hard to believe that, in a free and democratic society, in 2002, in a country accumulating surpluses, the government would not even have the decency to take into consideration the unanimous report we have prepared. We did convince the members of that sub-committee, on which government members sit, and the members of the Standing Committee on Human Resources Development.

Supply

• (1550)

How many times have we heard the line “Debates are held, where you can express your views. See how democratic we are. You even have committees where you and persons with disabilities may come and express your views. You have been heard. See how wonderful our Parliament is?” How can the same government, which has members sitting on these committees who are unanimous, take a report like this one and shelve it? My feeling is that shelves are akin to garbage bins here. This shows a lack of respect for the members of this Parliament, and for the members of this committee in particular.

In November 2000, I came to this House and asked colleagues who are still here “Will you listen to what the parent of a child with a disability has to say, a parent who happens to be a member of Parliament? I suggest we seriously reconsider our position”. I think it took no more than three sitting to get the committee to change its mind. We were on the point of doing an about-turn, but in the meantime, a specific incident happened; I told you there were 106,000 signatures concerning the tax credit. We took concrete action. I figured if we tried to do too much, it would not work. But we are used to this. Except, they took our report and tossed it in the garbage.

I am very disappointed by the government, in such a rich country. And I am talking about Quebecers or Canadians. Be serious and do not lock yourself up in your offices without bothering to know what will happen here today with such an important motion. We will vote on this motion. However, as we all know, even if a motion is a votable item, it is not a bill. It is a directive that we must give to society and our society follows the directives that the government and the executive branch give to it.

If the scope of this draft bill, given the legal example that I just gave, is not broadened to allow people with disabilities to receive this tax credit—in fact the government is even trying to limit this scope right now—I do not understand anything anymore.

How can the government have so little heart and be so petty as to target society's most vulnerable members? The same thing happened with the guaranteed income supplement for the elderly. For a number of years, under this same government, the elderly were entitled to an income supplement that could reach \$6,000. The government is once again targeting the disadvantaged.

This supplement to which the elderly are entitled is a right. It is theirs and all they have to do is to fill out the form to get it. The Bloc Québécois provided information on this and people are thankful for that.

This same government has accumulated a lot of money over a period of several years. It is said to have received in excess of \$4 billion, but it will not give that money back to taxpayers or to the elderly.

Before, when a person was entitled to something, he could submit a claim and it would be retroactive for three or five years. However, when the government saw that there was money left in the coffers, it amended the legislation to provide for just one year of retroactivity.

I do not know if hon. members are getting the picture, but as far as seniors are concerned, the law is being changed to prevent

retroactivity and the government is keeping the money to which they are entitled. As for the disabled, the tax credits are being restricted and the programs that are created are so minimal, rather than treating them as worthy individuals who are part of our society and earn their own way. Think about the EI fund, and the \$40 billion grab. The money is no longer there. They used it to pay down the debt, when there are all the problems in the softwood lumber industry and so on.

Whether one belongs to the Canadian Alliance, the Liberals or the Progressive Conservatives—I do not think I need to convince the NDP of this—the disabled need to be helped immediately.

• (1555)

[*English*]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I want to thank my colleague from the Bloc, who has shown a very compassionate and sensitive involvement in our disability subcommittee, for his comments today.

Families of persons with disabilities and all advocacy groups have said to us that they forgo income, they forgo sleep, they forgo a great deal emotionally and financially to care for family members with disabilities. They pick up thousands of dollars of costs in terms of drugs, assistive devices, transportation, special shoes, special foods, special adaptive devices. There are many significant costs.

The latest figures put out by the National Council of Welfare show as a percentage of the welfare costs that they are below the poverty line. Persons with disabilities continue to see a decrease in terms of their overall income in provinces such as Nova Scotia, New Brunswick, Ontario and many others.

Based on the real disparity that is rampant for persons with disabilities, does the member support the concept of a refundable tax credit that recognizes the costs of disabilities and a tax credit that more accurately reflects the actual costs to individuals with disabilities?

• (1600)

[*Translation*]

Mr. Robert Lanctôt: Mr. Speaker, obviously, the answer would be yes. I will give an example.

My son is four. He has outgrown what we were using for him to get around. We have to think about applying for an adapted chair, because it is a one-time subsidy. Do we use it at age four, or age twelve? When will it be needed.

We have to ask ourselves: when is the best time to use the subsidy? The government has money, and I am in a bind, as is my child, and I have to make a choice. I ought not to even have to think about such things. There ought to be provision for it. People need money to live in dignity, whether for a prosthesis, a wheelchair, a bath, or even a special toilet seat, and all these things should be part of the refundable tax credit. Why? There is a lot of technology available now, and people must be able to live in dignity. This has nothing, absolutely nothing, to do with the financial state of the government or the country. Do not try to tell me it does.

I told you earlier. I took the example of National Defence, with its \$4 billion budget. It would cost much less than billions to enable these people to live with dignity without tiring themselves unnecessarily. To determine whether I am entitled to a given piece of equipment, I have to read up on this program, that subsidy. Only to find out that this other program or subsidy applies.

It takes my son's mother, myself and others a lot of time to look after all that and determined which subsidy to apply for and at what level. The process could be made simpler. People with disabilities and health professionals will tell you. I am not referring to officials here, but health professionals. It is the same thing for people with mental disabilities. They need this or that. They should be able to buy what they need and get a refundable tax credit.

The figures are dramatic. As we can see, the figures available date back to 1991. It is perhaps time for new figures; we are asking for studies. Imagine, we have gone more than 11 years without up-to-date figures. It is time this government acted and asked for new figures.

In 1991, it was reported that 43% of adults with disabilities had an income under \$10,000, and 26%, under \$5,000. Between you and me, the refundable tax credit will not be much help to them.

In 1997, it was reported that a mere 40% of persons with disabilities in Canada indicated labour compensation as their main source of income, compared to 78% for persons without disabilities. So, to your question, I answer, yes, a refundable tax credit is necessary.

[English]

Mr. Myron Thompson: Mr. Speaker, I rise on a point of order. These kinds of messages need to be heard by the majority government. There are two government members here. I call for quorum.

The Acting Speaker (Mr. Bélair): There is no quorum. The bells shall not ring for more than 15 minutes. Call in the members.

And the bells having rung:

• (1605)

The Acting Speaker (Mr. Bélair): We have quorum.

Before the quorum call there were three minutes left in questions and comments.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I would like to ask the hon. member what he thinks of some of the requirements that are in the legislation. People are required to be evaluated on perceiving, thinking, remembering, feeding, dressing oneself, speaking, hearing, eliminating, walking, et cetera.

The committee recognized that the government had left out one of the most vital functions of living and that is breathing. What does the member think about the government saying no, that it is not a vital function it would want to add to the list?

[Translation]

Mr. Robert Lanctôt: Mr. Speaker, that is because there is not enough air opposite. Clearly the form needs changing. Clearly what it contains is utterly ridiculous. That is why it needs changing. The

Supply

form is incomplete. It is poorly written. It is complex and it should allow people to be assessed for disabilities.

The main goal should not be to save as much money as possible with the form. It should allow persons with disabilities to be assessed as such, whether their conditions make it difficult for them to breathe or feed themselves. When we talk about feeding oneself, it does not simply mean putting food in one's mouth and swallowing. Feeding oneself is much more involved than that.

Imagine the way this form is to be interpreted. We must ensure, right away, that the government does not introduce the draft bill that it is planning. It must realize that people who need this tax credit should not be restricted. This, at least, must be respected.

Also, people should be able to have the form filled in by health care workers, persons with disabilities themselves and organizations that understand this better than the government; of this I am sure. We have to listen to these people; they will help us fill out the form. Please, we cannot simply leave this up to the bureaucrats, who will be given the order to provide as little as possible for people with disabilities, when these people should be entitled to more.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, discussions have taken place among all parties and I believe you will find consent for the following motion. I move:

That the ninth report of the Standing Committee on Procedure and House Affairs concerning the membership and associate membership of the Standing Committee on Official Languages be deemed tabled and concurred in.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—CANADIANS WITH DISABILITIES

The House resumed consideration of the motion.

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, I will be splitting my time with the minister for ACOA.

The debate raises a number of questions that are interesting for the House to consider. There has been a lot of work done, beginning with the work done some years ago by the member for Fredericton when they first began to look seriously at the question of providing greater support for people with disabilities. The work by the subcommittee that is the subject of the motion was an important piece of work that rightly had all party support.

Supply

It raises a question in the minds of all of us. I think it is a question that I and those of us who are on the government operations committee want to spend some time thinking about also. The question is why is it that smart people make stupid decisions? It is a funny question in a way.

I was a public servant within the department of family services in Manitoba for many years. Some of my colleagues and certainly those in the minister's office would call it the department of personal pain. In many ways government has to work in space that is very difficult for people, dealing with crises and great problems in their lives. The government tries to act to provide some remediation and it can never satisfy the demand.

In fairness to the public servants, they are always caught in this terrible collision between a huge level of demand and an equally strong pressure to maintain a balance or control on public expenditure. Yet every now and again caught in that nexus it is too easy to forget what is actually happening.

About two and a half months ago I received a call from a fellow I know in Brandon, Manitoba. He said he had applied for the disability tax credit for his daughter and was refused. He wanted me to help him understand why. I know his daughter. His daughter was born without her left arm; she has nothing from just below her shoulder.

I said that this could not be possible, that obviously some mistake had been made and somebody just did not understand what was going on. I thought maybe he had submitted the wrong form. I said I would see if I could sort it out. When my staff called the department they were told that because the child was born without her left arm she never would have missed it and therefore she could not be considered to be disabled.

I am not a lawyer, but I did study a commercial law course once and I remember the professor talking about the principle of the reasonable person. Would a reasonable person standing back and looking at that circumstance think that was a reasonable response? Of course he would not. It is absolutely outrageous.

By and large I have a great deal of respect for the public servants here in Ottawa and across the country, but how do smart people end up making a decision like that? How do smart people end up getting themselves so tied up in knots that they get so focused on the definition they have to apply and how to apply it that they lose sight of the fact that they are applying it to a human being?

I think that is an interesting question. It is also one that speaks to a related issue which is the need for the members of this chamber to become more active on these issues. The example of the subcommittee is an excellent one. By and large by allowing ourselves to become caught up in short term fatuous partisan debate, we have forgotten that part of our role here is to represent a set of values.

I have debates with the Auditor General all the time. I have great respect for our Auditor General. I had great respect for the last one; I worked closely with Mr. Desautels and I like the new Auditor General very much. I think at times the Auditor General gets called upon to determine or state what is valuable because of an absence of direction from this chamber. While the Auditor General's staff may

be great people to count the pennies, they are not necessarily the people who should be determining the values of the country. That is a job for us.

● (1610)

It is passing strange to me. Just as I was sitting here listening to the debate I sent up to my office for the most recent report on tax expenditures, because this is essentially a tax expenditure. One document says it is about \$360 million a year. Another report says it is \$310 million but that report could be a year out of date. That is the total expenditure we are making to assist in making lives a little bit easier for some of the most vulnerable people in our country.

We seem to spend not a lot of time debating the fact that we give \$1.7 billion in tax expenditures to people who win lottery tickets. We give \$590 million to people who pay a little interest so they can earn more money. We give \$565 million to people to deduct their union dues. We give \$260 million toward the deduction of luncheon expenses. We seem to do these things with relative ease, yet when it comes to providing a relatively modest amount of additional financial support to a group of citizens who are by definition among the lowest incomes and most vulnerable in society, we tie ourselves in knots trying to find ways not to do it.

Surely it is a response of a system that has gone a little mad. It is important that the House support the work of the subcommittee. The subcommittee did what we say committees should do in undertaking their responsibilities. Members from all parts of the country and all political persuasions came together and reached unanimity.

Unanimity is not an easy thing to do around here. Many of us would argue that we would be a lot better served if we strove harder to find unanimity in our committee reports and we would be far more influential if we did that. We finally have one that did it.

The subcommittee looked at the issue in detail. Very talented members spent a lot of time looking at the issue. In their responsibilities as members of Parliament, they came to a set of conclusions they believe are in the best interests of the people who are affected by this. The members did that unanimously and the House should support that work. We should applaud them for what they have done and frankly, we should urge other committees to do the same thing.

Given the conversations I have had with other members in the House, I think that the work of the subcommittee has been largely accepted and is respected by the government. I suspect we will find that the government will vote for the motion. I look forward to the opportunity to do so.

● (1615)

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I cannot turn down the opportunity to thank the hon. member for his very thoughtful rumination on why it is that smart people do dumb things. I find that a very interesting phenomenon. I have thought about that a lot at various times of my life.

I appreciate the respect the member afforded the subcommittee's work. As a member of the subcommittee I concur that we did an enormous amount of work. More to the point, we heard from hundreds of people who know clearly what is needed at this point in time. We synthesized the material and put it forward for this chamber to deal with and to take seriously. I thank the member for his support.

Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, I appreciate the informed debate and the different views that have been expressed in the House this afternoon but as well during the course of several weeks of discussion about a very important issue that touches upon the lives of so many Canadians who are reaching out to better their own lives and to participate as full Canadians in a full society.

I would like to acknowledge the hard work of one of the previous speakers, the hon. member for Winnipeg South who has been a passionate leader in speaking out on issues related to those who require assistance, those whose lives have been touched, not only by disabilities but, more important, by abilities.

The level of the discussion we are having today comes from the hard work at the committee level, the people who believe that we have a responsibility to assist people in gaining full access and full control of their own lives. I think this is what the hon. members opposite and hon. members on this side of the House have really been promoting, and it has come through loud and clear in this discussion.

It may be worthwhile to continue on with this informed debate and discussion to outline some important things that all members of the House should continue to reflect on and be aware of.

The federal government does have several tax measures that help with the costs associated with disabilities above and beyond the disability tax credit. Some provide tax assistance to caregivers while others help to reduce barriers to labour force participation for persons with disabilities.

The medical expense tax credit, for example, assists people who face above average medical expenses. In 2002 the tax credit equals 16% of the qualifying medical expenses in excess of about \$1,700, or 3% of net income. It also might be worth pointing out that the list of eligible medical expenses is regularly reviewed and expanded to keep pace with new technologies and needs of Canadians. That is an important element of an evolving assistance program.

I would also like to reinforce the fact that the caregiver credit, which this government introduced in 1998, helps the many Canadians who provide in-home care to adult loved ones. For claimants, this measure alone represents an annual tax benefit of almost \$600. There is also the tax assistance to individuals who care for an infirmed relative who may live in a separate residence. The amount used for calculating both this and the caregiver credit increased by almost 50% on January 1, 2001, from \$2,386 to \$3,500.

Perhaps bottom line figures, however, rather than examples, would better illustrate our government's commitment to persons with disabilities through the tax system. The 1996 total federal tax assistance to Canadians with disabilities amounted to some \$600 million. Today the total is approximately \$1.1 billion. That is an increase of almost 80%.

Supply

Clearly that is where the government's priorities are. Since assuming office back in 1993, our government has remained steadfastly committed to helping people with disabilities and using the tax system as an important element to our strategy.

However the federal government provides assistance to persons with disabilities through more than just the \$1.1 billion provided through the tax system. Assistance is also provided through direct spending programs.

More than \$4 billion in support is provided to Canadians with disabilities through the Canada pension plan and direct spending programs. Some \$3 billion is provided annually by the Department of Human Resources Development Canada through the Canada pension plan and key departmental programs such as employability assistance for people with disabilities, the opportunities fund, the Canada study grants and the social development partnerships program.

It is also important not to forget the Department of Veterans Affairs in this role, another key federal player, which provides direct funding totalling over \$1 billion annually for veterans with disabilities.

It is clear to me that when we look at the whole picture, instead of focusing on just one aspect of federal assistance to persons with disabilities, a clearer picture emerges.

● (1620)

This brings me directly to the disability tax credit itself. As all hon. members in the House know, the disability tax credit reduces an individual's federal income tax by up to \$989 per year. In total it provides approximately \$400 million a year in federal tax assistance.

Those who are proposing the motion called on the government to act on the recommendation of the standing committee report entitled "Getting It Right For Canadians: The Disability Tax Credit", and in particular the recommendations concerning the eligibility requirements of the disability tax credit.

As all hon. members are aware, the government released its official response to the report on August 21 of this year and has indicated that it is indeed taking action on a number of recommendations. While the government's response is not structured on a recommendation by recommendation basis, it is comprehensive and addresses all recommendations in the committee's report.

Let me highlight three specific principal committee recommendations on which the government is indeed taking firm action. First, the government has agreed to conduct an evaluation of the disability tax credit when key data become available next year.

Second, the Canada Customs and Revenue Agency is already expanding its consultations on improving the application form for the disability tax credit.

Third, the government will continue to consult and assess tax assistance for persons with disabilities on an ongoing basis to ensure its effectiveness.

Supply

It is important not to forget, as I mentioned earlier, that the overall tax assistance for persons with disabilities has increased about \$1.1 billion per year from \$600 million in 1996. Again, this is an increase of 80%. In light of the third recommendation, which I discussed a minute ago, I can assure the House that the government will continue to review tax assistance for persons with disabilities on an ongoing basis to ensure its effectiveness and its appropriateness.

No one can argue that the government has not been responsive to the priorities and needs of persons with disabilities. Think once more of the substantial enhancements to the disability tax credit, to the increased tax assistance for families caring for children with disabilities, to the increased support to caregivers and to the enhancements to the medical expense tax credit and that case is well proved.

We do recognize that there are important contributions that can be made to refine the system. I think that is why the motion from the New Democratic Party is timely and we will be reviewing that in due course.

In addition to federal tax assistance and spending, it is important not to forget that the provincial and territorial governments, as well as the voluntary sector and groups representing persons with disabilities, play an important role in helping to achieve this overall objective.

We should note that in the Speech from the Throne at the end of September the government announced that it would put in place targeted measures for low income families caring for children with severe disabilities.

The evolution continues. The priorities that were outlined in the Speech from the Throne built on the conviction that we must add to the work of our ancestors and leave a better place for future generations. That definitively includes a better place for persons with disabilities, people who have huge contributions to make to each and every one of us and to society. That is a commitment to which the federal government remains steadfast.

I want to say how much I appreciate, not only the input from the members opposite, but the members from this government, members who worked at the committee level who continue to advocate, lobby and express the need for expanded measures that really get to the core of how we ensure the complete integration of persons with disabilities into the community at large. The contribution they make equals the contribution we all make. We all grow as a nation when we have full participants, full Canadians building Canada.

• (1625)

[*Translation*]

The Acting Speaker (Mr. Bélair): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Ottawa—Vanier, Terrorism.

[*English*]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, we have been talking about the disability tax credit, which is a non-refundable disability tax credit at the present time. I would like to look back at a recommendation made by a member of his government in a 1996

report entitled “Equal Citizenship for Canadians with Disabilities: The Will to Act”.

The recommendation was for a refundable tax credit. The point of a refundable tax credit is to more accurately recognize the cost of disability. At that time the member said that a disability tax credit would combine the best features of the disability tax credit and the medical expense tax credit, and that like the DTC, the new credit would be available to persons with disabilities that prevent them from performing the basic functions of daily life even with the assistance of a technical device.

I would like to have his comments on a refundable disability tax credit.

Hon. Gerry Byrne: Mr. Speaker, I understand that the committee produced a unanimous report outlining specific recommendations. I believe it was the Scott report that she was referring to. If I understand correctly, all the information was available to the committee to make its recommendations.

Looking at the range of programs available to those incurring disabilities, our objective is to integrate them fully as participants in the mainstream of society because that is possible and it is our responsibility to do so. A number of different initiatives can be adopted.

The committee, which we are responding to in measure today, was an all party committee. It had a wealth of information at its disposal and it made recommendations.

However, at this point in time it would be more appropriate for me to simply stand in response to the committee report to which the government has already responded. It is something that encourages further debate and discussion.

Other measures can be taken. Obviously the recommendations in the Scott report are things that will not easily be shelved nor should they be shelved. It continues to allow us an opportunity to look at all aspects, all tools, all things available to us and to respond accordingly.

• (1630)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I believe the hon. parliamentary secretary of state for ALCOA referred to the desire to treat people fairly. Another parliamentary secretary earlier today said that the government wanted to ensure that all who reapplied would be treated fairly and consistently.

Under section 118.4(b) it states:

an individual's ability to perform a basic activity of daily living is markedly restricted only where all or substantially all of the time, even with therapy and the use of appropriate devices and medication, the individual is blind or is unable...to perform the basic activity of daily living;

It goes on to list things such as “perceiving, thinking, feeding, dressing”, et cetera.

My question is about the line that says “even with therapy and the use of appropriate devices and medication”.

Supply

Many times people have to spend their own money to buy those things which then disqualifies them for credit. Does the member believe that this is an item of unfairness that needs to be changed?

Hon. Gerry Byrne: Mr. Speaker, through you, in your role as Speaker in the Chamber, I must correct the hon. member on my title. My title is Minister of State of, not ALCOA, but ACOA.

It is very clear that a number of different initiatives have been employed, can be employed and will be employed. The technical rulings found within the legislation have been vetted through various voluntary sector groups, as well as through broad consultations with Canadians.

There is a purpose to establishing a criteria based on when the disability tax credit is brought into play and that affects who is eligible versus who is not eligible.

A very specific question has been raised but seeing that there is more to move on to today, I will take it under advisement.

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, I am pleased to rise to contribute to the debate today on the supply day motion concerning the disability tax credit.

By this motion, the House is asked to call upon the government to "level the playing field" for Canadians with disabilities. It is considered that such leveling of the playing field would be achieved if the government were to act on the unanimous recommendations of the committee report, "Getting It Right for Canadians: The Disability Tax Credit" and by this motion the government is so directed.

I am sorry, Mr. Speaker, I neglected to say that I will be splitting my time with the member for Peace River.

To get back to the report, the government is particularly directed to act on the committee report recommendations concerning eligibility requirements for the disability tax credit. At the same time, the government is asked to withdraw proposed changes to this credit that were released by the hon. Minister of Finance on August 30.

As the House already heard this afternoon, 106,000 Canadians with disabilities have already been affected by these changes after finding out that they were no longer automatically eligible and would have to reapply for a credit that they had been receiving for years. Given the concerns that have been expressed by various groups potentially affected by these changes, the views of the hon. Minister of Finance are particularly anticipated during the course of the debate.

I first want to commend the hon. members of the New Democratic Party for bringing this motion before the House. It would be preferable to be debating the actual proposed amendments to the Income Tax Act since, as many have noted, the House legislative agenda appears thin at this time. However in the absence of a debate on the actual legislation, a debate such as today's is particularly important and timely.

Disabled Canadians routinely face challenges that able-bodied people do not have to consider in their everyday lives. In many cases meeting those challenges means extra effort, extra time and extra expenses. The disability tax credit helped to offset a small portion of those expenses by providing a tax break to disabled Canadians.

Under the changes to the disability tax credit, even that small bit of relief has been removed for many Canadians who no longer are eligible for the credit even though their disability has not changed or lessened in any way.

The range of mental and physical afflictions Canadians deal with on a daily basis is staggering and often cannot be adequately described on a standardized form, as is required to be eligible for the disability tax credit. Some disabilities are more of a burden than others and we must recognize that some people are more challenged than others. With fewer people receiving tax savings through this disability tax credit, the government is punishing the people who need the most help, and that is a tragedy.

One example that comes to mind is a gentleman who contacted my riding office after he became ineligible for the disability tax credit. This man lost part of his leg and uses an artificial one to help him get around. Because he is able to move at least 50 metres using his prosthesis, which is counted as a device, the gentleman is no longer eligible for the tax credit that he had been receiving for the past 14 years. According to the government, he is no longer disabled enough to receive the credit. How absolutely ridiculous when in fact the opposite is true.

The gentleman feels he is becoming more disabled as his age increases and his body begins its natural decline. He also feels let down by the system that is essentially penalizing him for taking advantage of the prosthetic technology that allows him to improve his mobility.

The disability tax credit is refused to people who are able to meet performance criteria with help from a device, such as my constituent's prosthetic limb. The irony is that disabled persons often spend their own money on devices that will in turn allow them enough functionality to make them ineligible for the disability tax credit.

• (1635)

Another constituent, who is legally blind, expressed her frustration with having to fight to have her tax credit eligibility reinstated after she was informed she no longer qualified. Again, there was no miracle as far as her eyesight was concerned. Her disability was as real as it always was, just not in the eyes of the government.

After many visits to specialists, this constituent was able to prove her disability but felt the process was time consuming, insulting, annoying and frustrating. She says she understands there must be checks and balances in place to avoid fraud but feels the disability tax credit is now too restrictive and forces the disabled to go to too much effort to prove their condition.

Finally, I would like to share a part of a letter I received from Canadian arthritis patients alliance members, Anne Dooley and Joy Tappin, with whom I met to discuss the concerns I had heard about the disability tax credit and how it affected disabled Canadians.

The letter states that four million Canadians battle arthritis and the number is growing. In Saskatchewan, there are 140,000 people with arthritis, 1,000 of them children.

Supply

It goes on to say that arthritis can have a devastating effect on individuals, families and communities. It is the biggest cause of long term disability in Canada and costs taxpayers \$17.8 billion a year in direct and indirect costs. However the physical and socio-economic costs to the men, women and children with disabling arthritis and the families that care for them is most felt at home.

It goes on to say that the burden can be awful. To help offset some care costs, the Disability Tax Credit to a maximum amount of approximately \$960 a year was put into place. However a review by Canada Customs and Revenue of 106,000 individuals receiving the tax credit, denied one-third of claims for 2001. This was because a more restrictive Disability Tax Credit Certificate, Form T2201, had been put into place even though the criteria for eligibility had not substantively changed since 1991. This affected all disabled individuals, not just those with arthritis.

Further it says that consultations between CCRA, medical professional associations and disabled groups during the summer of 2002 produced recommendations that have been ignored by CCRA. A far more restrictive Form T2201 has been drafted and the Department of Finance proposes to amend the Income Tax Act to further tighten eligibility. The people who need this money, in most case, haven't the funds or the strength to appeal.

The recommendations that were referred to in the letter came from the Standing Committee on Human Resources Development and Status of Persons with Disabilities, which tabled a report on March 14 on the government's handling of the disability tax credit eligibility review.

The report, which featured 16 recommendations, including an apology to the 106,000 Canadians who were informed of their ineligibility by way of an ill-worded letter, is not supportive of the government's proposed disability tax credits or the way the eligibility review has been conducted. So far the government has ignored the unanimous recommendations of the report.

Disabilities affect many Canadians. We must do our best to ensure that they are not any more disadvantaged than they already are. In the case of the disability tax credit, disabled Canadians are not asking for any additional consideration or benefit. They simply ask that the tax credit, which has been in place for many years, be left alone.

• (1640)

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, is my colleague aware that the provinces of Nova Scotia and Newfoundland have passed unanimous recommendations to take the issue of the disability tax credit to task and want it to be reinstated as it was?

Mrs. Lynne Yelich: Mr. Speaker, no I am not, but I thank the hon. member for making me aware of that.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the member for Blackstrap for a very good speech and her very interesting views on this issue. I have heard a number of speakers today express very sincere interest in this issue.

I would ask the hon. member to consider what I see as a glaring contrast within the government's taxation policy. I have been pointing out over and over again to the government and to members on this side as well that I find it outrageous that a business can

deduct fines and penalties from their income tax as a legitimate business expense and the government does not seem to take any steps to recoup this revenue. Yet it finds unlimited resources to launch a nationwide campaign of harassment on disabled people, as if the disabled community is full of fraud artists or something scamming the government for this paltry \$960 per year.

Does the hon. member see, as I do, what a glaring contradiction and contrast this is and what a warped sense of priority this is in terms of taxation policy?

• (1645)

Mrs. Lynne Yelich: Mr. Speaker, that is what this debate is all about and why it has been brought forward this today. We have heard all afternoon that the contrast is glaring and that people are receiving deductions for all sorts of circumstances. People who are truly disabled and really need assistance are only asking for a tax break. They are not asking for any money. They are not asking for new ramps for their wheelchairs.

Yes, I do believe there is a glaring difference.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I rise today in support of the NDP motion calling for development of a comprehensive program for disabled Canadians. It recommends accomplishing this by acting on unanimous recommendations of the Subcommittee on the Status of Persons with Disabilities, in particular, the withdrawal of the proposed changes to the disability tax credit.

The disability tax credit was established during the second world war to recognize the fact that individuals with severe and prolonged impairments often faced additional, non-discretionary expenses for basic living that reduced their ability to pay tax.

It has quite a history. Prior to 1996, Canadians applying for the disability tax credit went through an assessment process administered by their physicians but very few were subjected to a post-assessment review. However, after 1996 the CCRA began to review claims before it assessed individual returns to determine whether the applicant was eligible. Once approved, however, those Canadians who were approved believed they could count on receiving the credit as long as their circumstances did not change.

Supply

That was not the case and we have seen a hue and cry across the land. I do not think there is a member in the House who has not had contact with constituents complaining about it, because in 2001 a full review of the disability tax credit was begun, with a poorly worded and confusing letter and form sent out in October to all 106,000 recipients requesting them to re-certify because CCRA did not have enough information to continue allowing claims for 2001 and future tax years. This request caused a lot of upset in all communities. My constituency office was certainly bombarded by people who were cut off as a result of that. I know that many MPs from across party lines heard the same stories: people with disabilities who had been qualifying had to re-certify and no longer qualified.

The member for Blackstrap related a story. I have a constituent with a somewhat similar story, one of the many who contacted me. The man is working in the oil patch. He lost a leg somewhere along the way in his life. He was receiving the disability tax credit. He has a prosthesis and he had to have his vehicle fitted so that he could move around and work from site to site. Of course when the form came through, the question the doctor had to ask as a result of the revenue agency's request was whether the man could walk 50 metres unaided. This is a proud person, a man trying to earn his living even though he has a severe disability. He said of course he could. All of a sudden he lost his disability tax credit.

He contacted me and asked what the government was trying to do, whether it wanted him to go on welfare and claim money from the government for that. He said he wanted to have a job. I know this individual. He is going to work no matter what happens. But why is there this mean-spirited attitude of cutting off people who have qualified for a very long time?

In fact, when I was in Toronto last week at the prebudget hearings, a group from the MS society talked about another aspect of the disability tax credit. My colleague from Regina—Lumsden—Lake Centre referred to it earlier. The question is whether people can function for a certain percentage of time. As we know, people with MS are not always in a condition of being debilitated. They actually have some times in their lives when they can perform quite well. They never know when that is going to be, but now they are cut off as well because the government seems to be shaking the tree and trying to get every cent possible from Canadian taxpayers. And to do what? To waste it on agencies, on advertising, or on not advertising, on not even having the advertising contracts, on Groupaction and Shawinigan. We have seen the HRDC scandal as well.

What is it trying to do? Is it trying to take advantage of those who have the biggest problem making a living in society, to take that measly disability tax credit away from them and waste it on all kinds of government programs that go out the door? In fact, the Prime Minister, when he was questioned about the Groupaction advertising contracts, said that we lost a few hundred million but it was worth it because we saved Quebec. Really, what a silly attitude and answer.

• (1650)

Here we are, having a problem with disabled Canadians who are trying to make a living. As my colleague said earlier, they are not asking for money from the government. They are just saying that in recognition of the fact they have a disability that costs them a certain

amount of money they should be able to get a tax credit, or in other words, a refund of some of the taxes they have already paid.

That is part of the problem. The priorities of the government are all wrong. In response to the complaints that were coming in, the Subcommittee on the Status of Persons with Disabilities held hearings last winter and issued a report on the issues related to the tax credit. My colleague was a member of the subcommittee. The unanimous report criticized the CCRA for “practices that are grossly inadequate for persons with disabilities” and called for a complete overhaul of the program. That was an all party committee of the House, including people from the government side.

In fact, when I was in the prebudget consultation meetings this spring, we raised it with the Minister of National Revenue and alerted her to the problem. It was like water off a duck's back. She did not seem to be the least bit concerned.

Instead of responding to the report, what has the government done? It has forged ahead on further restrictions to the eligibility requirements. This time it is the Department of Finance. In response to losing a court case, it has proposed amendments that would severely restrict the interpretation of feeding and dressing oneself. Those amendments were drafted without consulting the government's own subcommittee on the disabled community. It did not hold consultations with the disabled community about this issue at all. It just forged ahead, full steam ahead. To what end? To shake out a few measly dollars from these disabled people so that it can waste them in all kinds of other areas.

I think it is despicable. The Liberal members should give their heads a shake, look in the mirror and see what they are doing to Canadian society. Those who are the most vulnerable are the ones being taken advantage of. We think something needs to be done to turn this around. That is why we support today's NDP motion to have a complete review of this whole process.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I want to thank the hon. member for his comments and his support for our opposition day motion. I appreciated the comments he made about certain kinds of disabilities that are not being dealt with and are being completely left out of the disability tax credit system. One of them is MS, along with other illnesses which are of an intermittent nature.

I want to ask the member about his feelings with regard to the whole issue of mental illness. There is a lobby. The Canadian Mental Health Association is on the Hill today. We as a subcommittee on disabilities certainly heard a great deal about the issue of mental illness from the Canadian Psychiatric Association and persons who suffer from depression, schizophrenia and bipolar disorder. Again, mental illness is an intermittent kind of illness and is one that just falls between the cracks and does not get dealt with by the disability tax credit.

Supply

In my speech this morning, I mentioned a father who has three sons suffering from schizophrenia. This is a family tragedy. There is no question about that. Yet he is being asked to reapply for the disability tax credit. There are enormous costs involved in caring and supporting those young men in their lives and their difficult journey. I would like to know what the hon. member thinks about the issue of mental illness in the disability tax credit area.

Mr. Charlie Penson: Mr. Speaker, I thank the member for Dartmouth for that question. I think it is a very important one. Whether it is a physical disability or a mental disability it is very real. It causes distress in those families and for that individual. I think it should qualify in the same way that a physical disability qualifies.

We all know of families and individuals who have those kinds of problems and we all know about the difficulty they have in adapting to and functioning in society. In fact, I think some of the problems we have on our streets these days are related to that very problem: people with mental disabilities who need help.

I want to say one more thing on this. As members of Parliament we have constituents that deal with this all the time on other issues. Canada pension plan disability is another one. We have people coming in about that. What is really sad, I would say, is that in most cases the attitude of the government is to turn down those people on their first request. Why would the government not just consider the case on its merits the first time? It seems to be a government policy to completely deny all those people on their first request. Then they have to go through the whole process a second time on appeal and apply again. Sometimes they get it and sometimes they do not. It seems like a very backward process.

It seems like the government is trying to collect money from the wrong people. I think it has its priorities wrong. It needs to address its spending problem and quit trying to get money out of people in these categories.

• (1655)

Mr. John Harvard (Charleswood—St. James—Assiniboia, Lib.): Mr. Speaker, my comments will be brief. I want to say first and foremost that I am happy to rise to lend my support to the motion brought forward by the New Democratic Party. I am glad to see that we have the cooperation of all parties on this issue. I think it is very important. It is something that has been of concern to people with disabilities for some time now and I am glad we are going to be able to take action on it.

I want to make one other point. I am glad we have cooperation on this motion and I am glad we are moving forward on the issue, but I am also glad that this debate today sheds a little bit of light on the whole issue of tax expenditures. Tax expenditures are a huge part of the government's financing or budget package. When governments forgo tax revenue, it is called a tax expenditure. We can help corporations or others in many ways. We can give them direct supports, which is called spending, or we can reduce the impact of taxation, which is called a tax expenditure.

For example, we know of a number of corporations in the country that do not pay any income tax at all. How is it that a corporation can have perhaps millions and millions of dollars of revenue and scores of employees and not pay any income tax? It comes down to a

question of tax expenditure, so I am glad that there have been some comments on tax expenditures. We should explore the whole issue much further. I just wanted to put those comments on the record.

Mr. Charlie Penson: I hope there is time to adequately reply, Mr. Speaker, because the member has raised an important issue. I think it is all a matter of setting priorities. It seems to me that we do not take advantage of people who are disadvantaged, but that we actually try to help them up.

Canadians feel overtaxed already. In fact, we are some of the most heavily taxed people in any place in the industrial world, so instead of having more taxes, people want tax relief. In this case they want the disability tax credit, which I think is the right thing to do, but the member has raised the issue of corporations. I would just respond by saying that if I had to set a priority between giving huge companies in the aerospace industry, like Bombardier, Pratt & Whitney and General Electric, hundreds of millions of dollars, or refunding with a disability tax credit some of the money that disabled Canadians have paid to government, I do not think it would be too hard a choice. I think that the government has its priorities all wrong. That is what the problem is.

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I am pleased to have the opportunity today to join in the debate. There has been, as my Liberal colleague from Charleswood—St. James—Assiniboia has mentioned, some extremely good debate. It is an excellent point that we are actually debating tax revenues and tax expenditures.

He was mentioning that when someone forgoes a tax revenue it is a tax expenditure. The big one that always come to mind for me is the \$2.1 billion trust fund that went to the U.S., literally robbing Canadians of about \$700 million in tax revenue. The government did nothing to keep that money in Canada to support Canadians, our social programs and infrastructure. That is what our tax dollars go toward.

I am not one of those people who believes that when we pay our taxes the government takes our money and we never get it back. I believe I get my tax dollars back a hundredfold most times. It is when we see wastage that we start to cringe about the taxes that we pay. Taxes pay for infrastructure, post-secondary education, social programs and defence, because as it is now we still have a defence program. Our taxes provide a lot. They pay for this democratic institution and we have an obligation to ensure that tax dollars are used wisely.

I for one do not object to my tax dollars being used properly with the priority of Canadians as the initiative. I do object when \$700 million in tax revenue was lost because possibly it was a friend of so and so's trust fund and nothing was done. There is a real issue with that.

Supply

Then we see situations with the disability tax credit and disabled people being attacked. We are referring to it as an attack because there is no question about it. Statements were made by numerous members in the House from all parties who contacted Revenue Canada and heard the remarks coming back. My colleague from Winnipeg South commented on the young girl that was born without an arm. The remark he received from Revenue Canada was that it did not see it as a loss because the girl never had an arm. How could it be a disability? She never had it, so she did not miss the arm.

I have a letter from a constituent stating that she wrote to the minister and the response to her was, "We are targeting seniors. We will get to them all eventually". When those kinds of statements are made one cannot help but wonder what the heck is going on here. I was pleased with the comments from my colleague from Winnipeg Centre who said that sometimes smart people do stupid things or make stupid statements. There is no question about that.

When we realize that there is a bad policy and some bad action taking place, it takes good leadership and sound judgment to recognize that mistake. We should immediately say we are wrong and that we will not do this any more, that we will ensure the right policies and practices are in place to support disabled people to give them a break, while recognizing that with certain disabilities there are additional costs.

No one is suggesting for one second that there not be criteria. I have not suggested it, other members in my caucus within the NDP have not suggested it, and I have not heard anyone suggest it. I have not heard anyone suggest that everyone can apply for disability and automatically get it. What has been suggested is that we should adhere to the recommendation of the committee report that an advisory committee be put in place that would include the medical professional, people from the disabled community, people who recognize where the need would be and where the expenses would be incurred because of certain disabilities. Along with that we should deal with each case individually. That is what good legislation is about. Recognizing where the need is and consequently giving the support.

• (1700)

I mentioned numerous times in my comments today that each of us here does not necessarily know whether or not someone else has a disability. That means that we have done some good things. There are ways that people can carry on and be active members of society where their disability does not even come into play, it is not even noticeable. We have colleagues in the House who have hearing problems but are able to carry on. That is not to say they do not have additional expenses because they have some problems. We do not go around every day saying I have to do this and this.

We have heard numerous colleagues comment on having family members who have additional costs that are incurred because of their disability. Each and every one of us should not be here to judge the expenses of someone else's disability. I heard a comment today that we cannot have everybody who has some kind of food allergy or problem with eating receive a disability tax credit. Hold on a minute here. I know what it is like to buy particular foods because we cannot eat certain things and we might not be able to get those things in a certain community so we have to go to great lengths and expense to

get them. All of those things should be considered on an individual case basis. If there are additional costs incurred then people who are disabled should have the right to access the disability tax credit.

We are not just talking about food. I mentioned today things that many people would not think about. When people are in a wheelchair we might not necessarily know that they might have to, because it differs for each and every individual, do weekly catheterization, use suppositories, use incontinent pads, have additional expenses because there is a lot of wear and tear on clothing, and moving their wheelchair to get in and out of vehicles. There are a lot of additional expenses that are incurred.

People who do not have their sight incur additional expenses in material they may have to get so that they can carry on in society whether it be an additional phone, reading material, or material on video tapes, but there are a lot of additional expenses incurred. We are not in a position to justify each and every case. That should be up to the advisory committee that would look at this and put in some sound practices for the disability credit. It cannot be this process we have now where if individuals can walk 50 metres, if they can get the spoon to their mouth, they are not disabled.

I do not know if anyone has ever had a family member with Parkinson's. These individuals want to continue doing as much as they can themselves. They go through a whole long process of preparing their food and every so often they cannot do it and they have to hire someone to come in and help. Then as they are trying to feed themselves it might take five tries to get that food to their mouth. However, heaven help them if they get it there once. Revenue Canada would be cutting them off. That is simply not right.

I am pleased that we are hearing a good number of comments from colleagues throughout the parties supporting the motion. I hope it passes because I believe it is the right thing to do, not necessarily for political reasons, but because it is the right thing to do for disabled Canadians. It is the right thing to do for their families because any family that has a disabled member feels that impact. When most family incomes are spent looking after disabled individuals or doing things to make their life easier because they do not necessarily need us to look after them and do everything, but when additional income is spent, whether it is for prosthetics, mechanical equipment or food that must be bought, the whole family feels it. What we are doing is right for the disabled and their families.

• (1705)

A number of comments were made today about the type of tax deductions that were allowed. It was suggested by one colleague, the member for Ancaster—Dundas—Flamborough—Aldershot, that by giving a tax credit we were making disabled people reliant and if we wanted to promote reliance how could we possibly give a tax credit to people who did not really need it?

Private Members' Business

I was quite offended simply because it showed a total lack of understanding of why the tax credit was intended initially. It was not there to necessarily promote reliance, it was to recognize that an additional cost was incurred and as a result of that we were going to give someone a tax break. We are not going to give them back the money, even though that is a credible point. A refundable credit is a credible position and one that should be looked at, but that is not what this is talking about. We are just giving them a tax credit.

He also suggested, and I think he is right here, that the NDP always does the humane, compassionate thing and we do not think about the cost. That is just not true. We do, because as a party we know that to provide social programs, infrastructure, and all the things we desire in our country, there is an incurred cost. We must be able to support those programs or we are not going to survive. We do not for one second believe it should just be willy-nilly money handed out. There should be criteria in place and fair taxation. All those things should be in place. However I wanted to emphasize the fact that he made the comment that we are humane and compassionate and that it is always happening from the left. He is absolutely correct, it is. I do not regret it and I do not give any apologies. Quite frankly I am darn thankful.

We want to see fairness in taxation. My colleague from Charleswood—St. James—Assiniboia suggested we should have more tax discussion on tax revenue and tax exemption, and he is right. I would like to have greater discussion on the situation with CCRA which was mentioned in the House today. For four years CCRA has known about the GST scam and has done nothing. Meanwhile the government has been badgering disabled people. The problem is if it had been paying more attention to that real problem out there it would be getting the money. It could put its priorities in place and target where it needs to target instead of the disabled.

It is disappointing that CCRA had known for four years and nothing was done. It is disappointing that there are huge tax exemptions. The government talked about all the tax exemptions corporations were getting such as the capital gains tax exemption. Maybe it is justified but how does the government justify that and justify what it has been doing with the tax credit for the disabled? To me that gives a real indication of where the priorities are.

I am hoping that, in spite of the lights going off today and coming back on, tomorrow all members of the House will see the light and support the motion so we can do the right thing for the disabled and ultimately all Canadians.

• (1710)

The Deputy Speaker: The Chair will take a short, brief comment because at 5:15 the debate will collapse. The hon. member for Charleswood—St. James—Assiniboia.

Mr. John Harvard (Charleswood—St. James—Assiniboia, Lib.): Mr. Speaker, I appreciate the comments of my colleague from Churchill. I know she is concerned about this particular issue and I think her hope that the motion will pass tomorrow will be realized.

I want to set the record straight on one matter. My colleague from Churchill made reference to the tax case of more than 10 years ago that saw some \$2 million in trust funds transferred to the United States. That did not happen on this government's watch. That

happened on the Mulroney government watch. It was ably exposed by Mr. Harris of Winnipeg. I was rooting for Mr. Harris but unfortunately the court saw otherwise. However, it did not happen on this government's watch.

[Translation]

The Deputy Speaker: It being 5:15 p.m., pursuant to order made earlier today, every question necessary to dispose of the business of supply is deemed to have been put, and the recorded division is deemed to have been demanded and deferred until Wednesday, November 20, 2002, at 3 p.m.

* * *

• (1715)

[English]

BUSINESS OF THE HOUSE

SPECIAL COMMITTEE ON NON-MEDICAL USE OF DRUGS

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

That, notwithstanding the order of reference adopted by the House of Commons on Monday, October 7, 2002, the Special Committee on Non-medical Use of Drugs be permitted to present its final report by December 13, 2002.

The Deputy Speaker: Does the House give its consent for the parliamentary secretary to move the motion?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Geoff Regan: Mr. Speaker, I wonder if you might find consent to see the clock as being at 5:30 p.m.

The Deputy Speaker: Is there unanimous consent to see the clock as 5:30 p.m.?

Some hon. members: Agreed.

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]

LEONARD PELTIER

Mr. Bill Blaikie (Winnipeg—Transcona, NDP) moved:

That this House condemn as unacceptable the extradition of Leonard Peltier to the United States from Canada on the basis of false information filed with a Canadian court by American authorities, and that this House call on the government to seek the return of Mr. Peltier to Canada.

He said: Mr. Speaker, I am always amazed at the power we have over time in this place.

Private Members' Business

In rising today to speak to Motion No. 232, a motion in my name asking that the House condemn as unacceptable the extradition of Leonard Peltier to the United States from Canada, I am standing in a long tradition of other MPs who have raised this issue in the House in the past.

I recall one member in particular whom I would like to mention, the former hon. member for Skeena, Jim Fulton, who concerned himself with this issue at one time. I remember the entire NDP caucus being supportive of the efforts that Mr. Fulton was making at that time with respect to this same issue.

Unfortunately, there has been no positive development in this case that would lead to the freeing of Mr. Peltier or his return to Canada as the motion calls for. I would like to review briefly the history of this issue.

Leonard Peltier is in prison and has been in prison for 26 years. Mr. Peltier was first extradited from Canada in 1976. He had fled to Canada after being implicated in the shooting of two FBI agents in a standoff on the Pine Ridge reservation in South Dakota.

Pine Ridge has a long history as a symbol of protest against the treatment of native Americans by the United States government. It was at Pine Ridge that the Wounded Knee massacre took place in which 300 Sioux were massacred by U.S. army troops in 1890. It was at Pine Ridge in 1973 that the American Indian movement led a protest and standoff against the United States government to air their grievances.

Mr. Peltier was an activist with the American Indian movement and was invited to Pine Ridge in the aftermath of Wounded Knee in order to bear witness and work with the community in healing itself and standing up for the rights to which it was entitled. It was in doing this that Mr. Peltier was implicated in the shooting of two FBI agents.

The full weight of the Federal Bureau of Investigation was brought to bear in order to ensure that someone would be convicted of the murder of the two FBI agents. This case has been studied over the years and it appears that the FBI withheld and ignored important evidence that would have cleared Mr. Peltier and that it fabricated evidence in order to convict him. One could argue that Leonard Peltier has become a political prisoner and hostage to the ongoing unwillingness of the American government and the FBI to admit that they mishandled the situation at Wounded Knee at that particular time.

Mr. Peltier took refuge in Canada, I presume because he felt he would not get a fair trial if he stayed in the United States. It turns out that he was right. The FBI that fabricated or manufactured the evidence that persuaded the Canadian government to extradite him was the same FBI that was responsible for the evidence in his prosecution.

When Mr. Peltier was extradited from Canada, much of the evidence as I said, including the most damning evidence of all, turned out to be manufactured. It is this evidence that he was extradited on, particularly the claim that Mr. Peltier's alleged girlfriend witnessed the acts in question. This was good enough for the court at the time and he was extradited to the United States where he was convicted.

Over the past 26 years, evidence has regularly come up casting doubts on Mr. Peltier's guilt. The witness who claimed that she was Mr. Peltier's girlfriend later recanted her testimony and admitted that she did not even know him. Other witnesses who had testified against him during his trial recanted their evidence and claimed that they had been coerced by the FBI. Physical evidence such as ballistics reports have been found to be incorrect.

What we have here is a case in which the evidence used to convict Mr. Peltier becomes more suspect as time goes on. It seems to me it is way past the point where something should be done about this. They are not identical cases, but we certainly have seen more and more cases in Canada and elsewhere in the world where people who have served lengthy prison terms have been set free because evidence has been reviewed and has been found to be faulty. It seems that Mr. Peltier, certainly in my judgment and in the judgment of a great many other people, falls into the category of a person who deserves this kind of consideration.

• (1720)

Why are we talking about this in the Canadian Parliament? As I said, the Canadian government is complicit in Mr. Peltier's continued detention because it was the Canadian government that extradited Mr. Peltier and it was the Canadian government that threw its continuing silence on this issue. It has abdicated all responsibility for his continued incarceration.

As I said, the evidence presented in the Canadian court by the United States government was long ago shown to be inadequate, yet the Canadian government has raised no voice in protest. The Canadian government has chosen not to advocate for Mr. Peltier even though the Canadian government is in a unique position to do so because it is as a result of Canadian action that he was available for prosecution in the first place.

Two years ago the Canadian Leonard Peltier Defence Committee and the Osgoode Hall law school conducted an inquiry into the case. It was chaired by Justice Fred Kaufman, a Canadian jurist who has extensive experience in conducting inquiries into wrongful convictions. This inquiry found without a doubt that the evidence used to extradite Mr. Peltier was falsified and insufficient.

The key extradition witness, Myrtle Poor Bear, testified that the FBI coerced her into signing false affidavits stating she witnessed Leonard Peltier murder two FBI agents. Classified FBI communications and other briefs were presented that supported her highly persuasive statements. It has become clear that there is no sufficient reliable evidence to support Leonard Peltier's extradition and subsequent conviction for murder. This fraudulent extradition marked the beginning of what one could argue is the FBI's deliberate obstruction of justice.

Referring to Poor Bear's recanted testimony, Justice Kaufman concluded:

I am satisfied that if this had been known when the extradition hearing took place, the request to extradite Peltier would likely have been refused.

It is not as if the government has not had the grounds on which to act. It is not as if it has not had some chance to clear up this situation.

Private Members' Business

In 1999 the justice department finished its own inquiry into this issue and somehow found that there was other circumstantial evidence that was used to extradite Mr. Peltier, though it is unclear what that circumstantial evidence was. The Parliamentary Secretary to the Minister of Justice is here. Perhaps he could enlighten us on what the government was talking about.

Be that as it may, in the light of the Kaufman inquiry conducted one year after the justice department review was finished, the Prime Minister, in a response to a letter from Justice Kaufman, agreed to refer the recommendations of the inquiry to the justice minister. Nothing has come of this and there is no indication that the minister will take any action.

I was talking to a journalist earlier today after a press conference that I and the House leader of the official opposition had this morning. I was told by the journalist that the Minister of Justice had been approached on this issue and the journalist had been told that the Minister of Justice had no intention of reviewing the case. I hope that the parliamentary secretary is here to tell us that is not true, but we shall wait and see.

If the government does not want to agree with the motion, the motion is not votable anyway, but why not take some action that would redeem, if not necessarily the situation that Mr. Peltier finds himself in, at least the reputation of Canada as a place where people can receive justice and not be returned to an authority that has manufactured evidence in order to secure an extradition?

I also hope that the case of Mr. Peltier might be an opportunity for some reflection and instruction on our part. We live in a time post-September 11 where there may be other people who are the object of the attention of the FBI or of the American authorities. While I want the appropriate authorities to have the ability to find the real terrorists, it worries me when I look back on a situation like this one and I see that the FBI has had a tendency not only to manufacture evidence when it wants to produce a captive or it wants to produce someone it has caught but it also never recants and it stands by its mistake forever.

● (1725)

It has been standing by this mistake for 26 years now and Mr. Peltier has been in prison for that length of time.

We should, at the very least, receive some motivation for skepticism. I would say to the government, if there are Canadians who are implicated in certain things in the next little while, please be skeptical and practise due diligence when it comes to the evidence that is being forwarded by the FBI. Let us stand instructed by our experience of what happened to Leonard Peltier when there is a political dimension to what is otherwise regarded as a criminal event. That political dimension can often create a dynamic that does not exactly result in justice being served.

I hope this debate, even though it is not votable depending on what members say, might become one more contribution to the ongoing struggle to have justice done in the case of Leonard Peltier. I hope that he might take some comfort from the fact that the House of Commons is debating his situation and his future. One thing I have noticed over the years, in advocating for political prisoners, is that when I have met them later, when they have been freed for a variety

of reasons, they have had occasion to tell me and others who advocated on their behalf how much it meant to them to know that somebody cared, that somebody had not forgotten about the fact that they were languishing in some prison somewhere.

I hope the defence committee might be able to convey at least those supportive remarks that are made in this chamber today, or perhaps even the remarks of the parliamentary secretary, so that others might know better the position of the Canadian government in this respect.

In any event, we have waited long enough. I hope that in the future no other member of Parliament has to bring such a motion before the House again or some similar motion having to do with this because I hope that at some point something will be done. Without prejudice as to what exactly happened in Pine Ridge in 1976, the fact of the matter is that there is also an argument for mercy or clemency, given the length of the sentence. Many people have served much shorter sentences.

I regret that President Clinton did not have the moral fortitude to pardon Leonard Peltier, as many had hoped he might in the dying days of his presidency. Instead he chose to pardon a whole bunch of other people, friends and what not, many of whom we might want to argue about their worthiness for such pardons.

In my judgment this would have been a real opportunity for the president, not just to have done something for Leonard Peltier but to have done something that would heal the relationship between aboriginal people in the United States of America and their government because this is part of an ongoing saga between aboriginal people in North America generally and their governments.

We are no strangers in this country to confrontational events that happen between the Canadian government, the Canadian army, as they were at Oka, and the aboriginal leadership. For the Canadian government to acknowledge its fault or its complicity in creating the situation in which Mr. Peltier finds himself, would be a step not just in the right direction for Mr. Peltier, but would also be a welcome symbolic sign on the part of the Canadian government that it understands the need for a different kind of relationship with aboriginal people in this country.

● (1730)

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to respond to Motion No. 232 introduced by the hon. member for Winnipeg—Transcona. The motion calls for the government to condemn as unacceptable the extradition of Leonard Peltier to the United States from Canada on the basis of false information filed with a Canadian court by American authorities, and calls on the government to seek the return of Mr. Peltier to Canada.

I certainly share the concern that the legal rights of individuals must be respected whenever they come into contact with the Canadian justice system. However let me state at the outset that I do not support the motion of the hon. member for Winnipeg—Transcona for a number of reasons, and I will explain.

Private Members' Business

Mr. Peltier was extradited from Canada in December 1976 on two counts of murder, one count of attempted murder and one count of burglary in connection with the June 1975 murders of two FBI agents on the Pine Ridge Indian Reserve in South Dakota. For purposes of the extradition hearing, American authorities produced two affidavits of Ms. Myrtle Poor Bear who claimed to be an eyewitness to Mr. Peltier's participation in these murders. She also testified to admissions made by Mr. Peltier subsequent to the shootings which implicated him in them. These are the documents referred to by the hon. member for Winnipeg—Transcona as being the false information.

Mr. Peltier was committed for extradition following a hearing at which circumstantial evidence against him, in addition to the direct evidence of Ms. Poor Bear, was tendered.

It is important to remember that the purpose of an extradition hearing is not to determine the guilt or innocence. It is to determine the sufficiency of evidence for the purpose of extradition only. An extradition judge cannot assess the quality or reliability of evidence. That is a matter for the trial judge and jury.

It is also important to remember that it is inappropriate to comment on the judicial proceeding of a foreign country.

Shortly before his appeal from committal was heard by the Federal Court of Appeal, a third affidavit of Ms. Poor Bear, which predated the two used at the extradition hearing, was produced by Mr. Peltier's counsel. This third affidavit was inconsistent with the other two affidavits to the extent that Ms. Poor Bear stated that she left the Pine Ridge Reserve before the shooting took place.

The Federal Court of Appeal refused to admit this third affidavit into evidence and dismissed Mr. Peltier's appeal from committal. At that time, Mr. Peltier did not seek leave to appeal this decision to the Supreme Court of Canada.

Subsequent to the decision of the Federal Court of Appeal, Mr. Peltier made oral and written submissions to the then minister of justice, requesting that his surrender be refused. After considering the extradition request, including all three affidavits of Ms. Poor Bear together with Mr. Peltier's submissions and satisfying himself that Mr. Peltier would receive a fair trial and not be subjected to the death penalty, the then minister ordered Mr. Peltier's surrender to the U.S. authorities.

Subsequent to his return to the United States in 1977, a jury convicted Mr. Peltier on two counts of first degree murder. Myrtle Poor Bear did not testify at Mr. Peltier's trial. Mr. Peltier received two life sentences, which he continues to serve at Leavenworth Prison. The United States Court of Appeals and the United States Supreme Court have consistently upheld Mr. Peltier's convictions.

In 1989 Mr. Peltier sought leave to appeal the 1976 decision of the Federal Court of Appeal in the Supreme Court of Canada. The evidence used in support of Mr. Peltier's application included all three affidavits of Ms. Poor Bear and new evidence that was not available at the time of the Federal Court of Appeal hearing. Once again, counsel for Mr. Peltier argued that there was fraud and misconduct on the part of U.S. authorities, including the withholding of the third affidavit of Ms. Poor Bear. The Supreme Court of Canada refused to grant Mr. Peltier's application.

● (1735)

Mr. Peltier has exhausted all his means of appeal in Canada.

The Department of Justice conducted an extensive review of its file pursuant to request made in 1994 by the then justice minister. This departmental review was carried out in response to allegations that Mr. Peltier's extradition was based on fraud and misconduct on the part of the American authorities.

In October 1999 the departmental review was completed. At that time the subsequent justice minister concluded that Mr. Peltier was lawfully extradited to the United States. This subsequent minister found that there was no evidence that came to light since Mr. Peltier's extradition that justified a conclusion that the decisions of the Canadian courts and the Minister of Justice who ordered the surrender should be interfered with. This subsequent minister determined that, given the test for committal for extradition, the circumstantial evidence presented at the extradition hearing taken alone constituted sufficient evidence to justify Mr. Peltier's committal on the two murder charges.

Among other things, the review considered in detail the issue of the affidavits of Myrtle Poor Bear. These affidavits were relied upon by the extradition judge in ordering Mr. Peltier's committal and constituted the only direct evidence against Mr. Peltier in the extradition.

The review concluded that even without the Poor Bear affidavits, there was sufficient evidence in the extradition packet to justify Mr. Peltier's extradition and that the extradition was lawful. The review also noted that there had never been a judicial finding in either Canada or the United States that Mr. Peltier's extradition was obtained by fraud.

The departmental review and conclusions were sent to the attorney general of the United States and were made available to the public.

No new evidence has come to light since October 1999, when the department's review was concluded. This issue is now one for the U.S. authorities. Mr. Peltier was tried by judge and jury, and all jurisdictions in the United States have had the opportunity to examine Mr. Peltier's submission.

In light of the departmental review that took place in 1999 and given the absence of new facts since then, I am satisfied that Mr. Peltier was lawfully extradited to the United States.

In conclusion, I have provided a number of very good reasons why I cannot support Motion No. 232. The motion fails to appreciate the departmental review which was concluded in 1999 as well as the appeals both in Canada and in the United States.

● (1740)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, in the absence of the other parties taking their speaking spots, I will be happy to join in this debate regarding Leonard Peltier, a political prisoner for 26 years in the United States. I thank the member for Winnipeg—Transcona for raising the issue in the House of Commons and giving us this opportunity.

Private Members' Business

It is my position that Leonard Peltier should never have been put in prison. Even if there were grounds, the point has been made that after 26 years the United States government should free Leonard Peltier on basic humanitarian or compassionate grounds .

This is a tragic story. It was on June 26, 1975 that two FBI agents, Jack Coler and Ron Williams, entered the Jumping Bull Ranch, a private property. They allegedly sought to arrest a young native American man who they believed had been seen in a red pickup truck. At that time a large number of American Indian movement members were camping on the property and many non-AIM members were there as well.

A shootout began between the red pickup and the pickup truck carrying the two FBI agents. When the skirmish ended, two FBI agents were dead. They had been wounded and then someone shot them at close range through the head.

Today the United States government admits that no one knows who fired the fatal shots. The red pickup truck has never been seen again and has never been found.

More than 30 American Indian movement men, women and children present on the ranch were then surrounded by 150 FBI agents, SWAT team members and local posse members. They barely escaped through a hail of bullets. When the gunfight ended, a young native American named Joe Stuntz also lay dead, shot through the head by a sniper bullet. His killing was never investigated and no one was ever found at fault.

This bit of history is the beginning of the issue. We and many people around the world believe that the United States government overreacted at Wounded Knee. What happened was the culmination of three years of violence. In the years 1973 to 1975 over 60 American Indian movement members were murdered in and around Pine Ridge. Over 300 were harassed, beaten and otherwise violated. This level of rancour was building slowly over many years and this was the culmination of it.

Leonard Peltier was one of the several high level AIM leaders who were present at the shootout. As was stated, murder charges were brought against him as well as two of his friends and colleagues, Dino Butler and Bob Robideau who had been present throughout the incident. Butler and Robideau stood trial separately from Mr. Peltier because he fled the United States to Canada convinced that he would never receive a fair trial given the three years of violence they had lived through.

At the trial of Butler and Robideau a key prosecution witness admitted that he had been threatened by the FBI and as a result changed his testimony. The jury found both men not guilty. They found there was no evidence to link the defendants with the fatal shots. Moreover, they said that the exchange of gunfire from a distance was deemed to have constituted an act of self-defence. The two people who stood trial for the murders were found not guilty and released because the shooting was deemed to be an act of self-defence.

Mr. Leonard Peltier was extradited from Canada on the basis of an affidavit signed by Myrtle Poor Bear, a local native American woman known to have serious mental problems. As was mentioned, she claimed to have been Mr. Peltier's girlfriend and to have been

present and witnessed the shooting. As it turns out, both were false. She had never met Mr. Peltier and she was not present at the ranch at the time of the shooting. The judge barred her testimony at the trial on the grounds of mental incompetence but nothing had ever been done about the illegal extradition, what we are saying was a wrongful extradition, in that the same evidence that could not be admitted during the trial because it was so flawed was used to justify the extradition.

• (1745)

No known witnesses exist as to the actual shooting of the FBI agents Coler and Williams. Three adolescents gave inconclusive and vague testimonies, contradicting their own earlier statements. All three of them later admitted that they had been seriously threatened and intimidated by FBI agents to tell this story, and all later recanted their story.

What is perhaps most frightening is the gerrymandering of critical ballistic information which would have proved, without doubt, Mr. Peltier's innocence. This ballistic information was withheld from the defence team making a fair trial impossible. Specifically, at the trial, the FBI ballistic agent testified that he had been unable to perform the best tests, the firing pin test, on certain casings because the rifle in question had been damaged in a fire. Years later they did perform a secondary type of testing to mark scratches by the extractor but it was a far less conclusive test.

However, years later, documents obtained through the freedom of information act showed that in October 1975 a firing pin ballistic test had indeed been performed on that very rifle and the results were clearly negative. This evidence was withheld and was never given to the defence attorney.

The government of the United States undertook the modern day equivalent of a lynching. Two police officers were dead under tragic circumstances and someone had to pay. I think all of us here would be disappointed at the degree to which the FBI was involved in framing and setting up Leonard Peltier so someone would take the fall for this terrible and tragic murder.

At the appellant hearing, the United States attorney himself said:

We had a murder, we had numerous shooters, we do not know who specifically fired what killing shots...we do not know, quote unquote, who shot the agents.

That was a direct quote from the United States prosecuting attorney in this case. Yet Leonard Peltier has spent 26 years in prison, almost as long, as I am reminded, as the 27 years that Nelson Mandela was a political prisoner in South Africa.

When we raise the idea of releasing Mr. Peltier on humanitarian and compassionate grounds, there is another compelling reason why the American government should be interested in granting clemency. A terrible wound has developed in the relationship between aboriginal people and the government in the United States. Leonard Peltier has grown in status as a martyr figure, that he has been unfairly persecuted. He has come to symbolize everything that is wrong with the relationship between first nations people and the government. This would be a step toward healing these terrible rifts.

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The point has been made that the Canadian government is directly implicit in the wrongful incarceration of Mr. Peltier because we extradited him on not just shaky information but false information. We acted quickly. I know because I have some experience with how difficult it is to have an extradition go through. We have been trying to have a woman extradited to stand trial for murdering a Canadian captain who was killed in Florida. One person has been locked up and is serving a life sentence for that murder. The other, the co-murderer, fled to Canada and four years later is still in Canada. We have had it on the desk of the Minister of Justice for over three years but the government refuses to extradite her to stand trial for murdering a Canadian soldier in the state of Florida even though the grand jury took only eight minutes to indict her, so compelling was the evidence.

So in some cases they drag their feet and refuse to extradite. In a case like Mr. Leonard Peltier, because the American government was so eager and so anxious to punish someone, anyone for this crime, I suppose phone calls were made and the Canadian government acted swiftly and handed Mr. Peltier over where he did not receive a fair trial. We believe the evidence was stacked against him to where it was a sham and an absolute mockery.

The Canadian government should appeal to the United States to show clemency. Even if they cannot find it in their hearts to admit that they were wrong, Mr. Peltier should be released from prison as his health is failing and 26 years is a tragic enough story. It should not go on another day.

• (1750)

The Deputy Speaker: While no other member is seeking the floor, under the right of reply, the Chair will recognize the hon. member for Winnipeg—Transcona for a final five minutes of debate.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I find it regrettable, given the support that I thought existed, at least in the mind of the House leader for the official opposition, that no one in his party rose to speak to the motion either in support or in opposition, or even to comment on this case.

I thank the parliamentary secretary for his remarks, although I do not agree with them, but at least the government has made some contribution to the debate on this issue.

The Parliamentary Secretary to the Minister of Justice just said that there was other circumstantial evidence that justified the extradition. Since we are able to talk about the evidence that in retrospect was not sufficient, why was the parliamentary secretary not able to tell us more about this alleged circumstantial evidence?

The parliamentary secretary also did not respond in any way to the conclusion that Justice Kaufman reached when he said that had the testimony of Ms. Poor Bear not been present at the extradition hearings he was convinced that the extradition likely would not have taken place.

It seems to me that the parliamentary secretary, although he had what appears to be a rather fulsome response, did not respond to that element of the argument that I made or, for that matter, that Justice Kaufman made about the nature of the extradition hearing. Those were a couple of inadequacies in the government's presentation.

It is not enough just to say "circumstantial evidence". We need to hear more about what that evidence was. If we are supposed to be persuaded by this and drop the case, it is not enough just to get up and say that there was circumstantial evidence. We need to know more about that so we can pass some kind of judgment on whether or not we found it compelling or not.

Secondly, the parliamentary secretary did not deal with the observation made by Justice Kaufman.

I hope that some day justice will be done in this case. I regret, as I said before, that not enough members of Parliament were interested enough in this to make up the whole hour of debate. It is a rather sad statement about our parliament and about the interest that hon. members show in issues having to do with aboriginal justice, both in this country and in the North American context.

I cannot say that I am overly encouraged by my experience in this particular hour of parliamentary debate. In fact I might say that I am rather discouraged. I would much rather have had people get up and disagree with me. At least that would have been taking the issue somewhat more seriously than simply, which seems to be the case, that people regarded it as not worthy of being commented on. I find that rather disheartening.

The Deputy Speaker: The time provided for the consideration of private members' business has now expired. As the motion has not been designated as a votable item, the order is dropped from the Order Paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

TERRORISM

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, a little while ago I asked a question of the Solicitor General concerning an ongoing situation in the riding I represent, Ottawa—Vanier, and the Embassy of the United States of America.

As we all know, those of us who live in this community, shortly after the terrorist attacks in the United States on September 11, 2001, barriers went up around the embassy. There is some debate as to whether they went up because of that or at the request of the embassy as a precaution for the G-20 meeting which was to occur later that year.

Since then I have been able to ascertain somewhat the initiative behind this. I am going to quote a response from the general manager of Transportation, Utilities and Public Works, General Manager Leclair, from the City of Ottawa, in response to a question from a city councillor. This is a memo dated February 7, 2002, which states:

On 30 October 2001, at the request of the RCMP, staff from TUPW and Police Services met U.S. Embassy officials to discuss the need for upgraded security measures. At that meeting, officials of the Embassy requested that all necessary precautions be taken to protect their assets, including:

1. Installing jersey barrier along Sussex Drive to close the westerly curb lane between Murray Street and the northerly crosswalk at York Street;

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2. Installing jersey barrier along Mackenzie Avenue to close the easterly curb lane between Murray Street and the pedestrian staircase leading to York Street; and,

3. Changing the most westerly block of Clarence Street (between Sussex Drive and Parent Street) from two-way to one-way eastbound operation.

The final line that I wish to quote from that report is the next one, which states:

"The message heard throughout the meeting was that these changes were "precautionary" and "temporary" and that the RCMP would review the need for the barricades on a regular basis.

Since then, I have asked that question of the Solicitor General, both in the House and outside the House, and each time I get the same responses, such as, "We can't comment" or "Well, not in the foreseeable future".

This is a rather delicate matter. I am aware of that and I am not asking that security authorities in this country or the City of Ottawa Police divulge information that could prejudice the safety of our American friends here in our capital. No, but on the other hand, I think we must be cognizant of the impact this is having and of the potential impact.

In 1985, if I am not mistaken, the United States adopted a policy whereby its embassies must be at least 25 metres from roadways and have no underground parking. This embassy is about five metres from roadways on both sides and has underground parking, so there is a disconnect here in terms of policy and reality. I am concerned about the safety of the residents of Ottawa, and the residents of Ottawa—Vanier in particular, who are living in that area or working in that area, not just the people who work in the American embassy.

I have asked the question about whether we are concerned about this. This building was built in the nineties. It is a very strongly built building, a very secure building, and it was built to withstand such potential attacks. But the buildings in the vicinity are not. By directing any possible attack further away from the embassy and bringing it closer to people and buildings in the vicinity of the embassy, are we not, by protecting the embassy and the people who work in it, also putting our people at greater risk?

I am concerned about that and I would like the government to deal with that issue. If we are told that this is going to be a long term thing, because we cannot ignore the international situation and it is likely that it could indeed be a long term, permanent thing, then I think it behooves us to ask another question. Should the embassy be in another location? That is what I think the government is going to have to come to grips with and address at some point. This obviously is an issue that is not going to go away and it is one on which information has to be shared a little better than it has been up to now.

• (1755)

Mr. Lynn Myers (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I thank the hon. member for Ottawa—Vanier for the question, because it is important and we as a government need to respond accordingly.

I want to assure all members of the House that the RCMP takes the security of all Canadians very seriously. The role of the RCMP is to ensure safety and security for all internationally protected persons in Canada according to a number of domestic and international obligations. Of course that includes those residents here in the national capital region.

I have been advised by the RCMP that security measures in place are commensurate with the existing threat assessment. The RCMP continually re-evaluates threat assessments and adjusts security requirements as warranted by the circumstances. That is an ongoing process.

There are currently various security measures for the U.S. embassy which take into consideration the safety of the international community as well as the community at large. They include measures in and around the area to control traffic.

I am informed that the traffic re-routing on Clarence Street as well as the barricades in question provide maximum safety for that part of the city. Following the implementation of the security measures around the U.S. embassy, the RCMP in consultation with the Ottawa Police Service, which is responsible for the traffic flow on city streets, met and consulted with local members of Parliament, the city of Ottawa, business owners and residents of lower town in Ottawa.

I understand that U.S. embassy officials have also met with local residents and business owners in the area and are attempting to reach a mutually acceptable solution which will in fact maintain security around the embassy. Senior members of the RCMP also continue to work with law enforcement officers at the U.S. embassy and city of Ottawa officials in regard to this matter.

The RCMP and its law enforcement partners continue to re-evaluate the perceived threat assessment and the level of security. In consultation with members of the community, they also continue to monitor the impact of security measures on the community. The security measures will continue to be adjusted in response to those requirements for security, not only in and around that area, but other areas as well.

It would be inappropriate for me to comment further on any specific security measures undertaken by the RCMP or its partners, but suffice it to say that there is an ongoing monitoring process. As I pointed out, we need to meet domestic and international obligations when it comes to these kinds of threats, either perceived or real.

• (1800)

Mr. Mauril Bélanger: Mr. Speaker, I respect what I have just heard, but it is very much more of the same. It is a bit of stonewalling.

I am not asking, and I do not think anybody is asking, for the RCMP to say why it thinks there is a risk and so on and so forth, but I think the government is avoiding the question I am trying to ask it. If indeed there is a threat, and there would be if these things are maintained, is that threat, by having these barriers pushing away any attacks from the embassy, putting our citizens at greater risk? That has to be addressed, because what I am hearing is certainly not addressing that. If indeed we are putting our citizens at greater risk, then we have to look at another long term solution than just putting up barricades, widening the sidewalk, or whatever.

This is an important issue. I understand that we have a very good relationship with our neighbours to the south. At the same time, as the member of Parliament for Ottawa—Vanier, I have to be and the government has to be cognizant of whether or not we are putting our citizens at risk. If we are, then we have to address that with a long term solution.

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Mr. Lynn Myers: Mr. Speaker, I would certainly respond by saying we always continue to work very hard not to put at risk any of our people, or anyone from the international community for that matter.

As I stated in my earlier remarks, we certainly as a country and the RCMP, the Ottawa Police Service and other interested parties have a strong mandate to provide security and safety measures for people in Ottawa, certainly in Ottawa—Vanier and people beyond the national capital region. We have an obligation to provide that safety and security. Those obligations stem from not only domestic, but international obligations that exist for us in an area that is the capital of a country, in this case Canada.

It is fair to say too that the RCMP continues to re-evaluate the threat assessment and adjusts security requirements as warranted by those circumstances. The RCMP and others continually monitor this process and will continue to do so in the best interests of all concerned.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:04 p.m.)

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