CANADA

House of Commons Debates

VOLUME 138 • NUMBER 047 • 2nd SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, January 28, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, January 28, 2003

The House met at 10 a.m.

Prayers

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.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to several petitions.

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FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP) moved for leave to introduce Bill C-344, an act to amend the Federal-Provincial Fiscal Arrangements Act (prevention of private hospitals).

She said: Mr. Speaker, I am very pleased to present to the House a bill calling for the prevention of private hospitals. I place the bill before the House of Commons in response to the growing concern among Canadians about privatization of our health care system. It addresses the threats to universal public health care posed by private hospitals and public-private partnershipsin health care delivery which are springing up across the country.

It is a concrete proposition for implementation of the overriding recommendation of the Romanow commission report for a public not for profit health care system.

It amends the Federal-Provincial Fiscal Arrangements Act to provide that provinces be financially penalized if they allow public funds to be used for the provision of insured services in private for profit hospitals.

Finally, the bill ensures the principles of medicare and the spirit of the Canada Health Act are absolutely and unequivocally reflected in the letter of the law.

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

CANADIAN HUMAN RIGHTS ACT

Miss Deborah Grey (Edmonton North, Canadian Alliance) moved for leave to introduce Bill C-345, an act to amend the Canadian Human Rights Act.

She said: Mr. Speaker, I am pleased to reintroduce this private member's bill. It is very important. The bill would amend the Canadian Human Rights Act to protect the rights of individuals who require assistance dogs for daily living and the rights of the individuals who train these dogs.

This enactment would specify that it is a discriminatory practice to prohibit access of an individual with an assistance dog to goods, services, facilities or accommodation normally acceptable and accessible to the general public. The bill would assure that assistance dogs, other than seeing eye dogs, are recognized under federal law including seizure response and seizure alert dogs.

The owners and trainers of assistance dogs should be given the same rights of access under federal law as those individuals who require seeing eye dogs. As the House know, that has been in place for a very long time.

These exceptional assistance animals are a necessity in the daily lives of many Canadians. They can be trained to pull wheel chairs, carry and pick up things for persons with mobility impairments, alert deaf individuals to sounds, and even dial the telephone in an emergency. I have seen one of these dogs in action. It is high time that we enacted the laws that they would be given the same rights as others.

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

* * *

● (1010)

COMMITTEES OF THE HOUSE

CITIZENSHIP AND IMMIGRATION

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have two travel motions. There have been consultations among the parties and I think if you seek it you would find unanimous consent for the following motion. I move:

That, in relation to its studies on settlement programs, on provincial nominee agreements, on a national identity card, and on Bill C-18, an act respecting Canadian citizenship, a group comprised of 2 government members and one member of each of the opposition parties of the Standing Committee on Citizenship and Immigration be authorized to travel to St. John's, Newfoundland; Halifax, Nova Scotia; Charlottetown, Prince Edward Island; Fredericton, New Brunswick; Quebec, Quebec; and any other city deemed necessary, in January and February 2003, and that the necessary staff do accompany the committee.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, again there have been consultations among the parties and I believe if you seek it you would find unanimous consent for the following motion. I move:

That, in relation to its studies on settlement programs, on provincial nominee agreements, on a national identity card, and on Bill C-18, an act respecting Canadian Citizenship, a group comprised of 2 government members and one member of each of the opposition parties of the Standing Committee on Citizenship and Immigration be authorized to travel to Victoria, British Columbia; Edmonton, Alberta; Saskatoon, Saskatchewan; Winnipeg, Manitoba; Toronto, Ontario; and any other city deemed necessary, in January and February 2003, and that the necessary staff do accompany the committee.

Mrs. Carolyn Parrish: Mr. Speaker, I rise on a point of order. I would like to seek the unanimous consent of the House to return to reports from interparliamentary delegations.

The Speaker: Is there unanimous consent to revert?

Some hon. members: Agreed.

Some hon. members: No.

* * *

PETITIONS

CANADA POST

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present a petition from Canadians concerned about the working conditions of rural route mail couriers. They point out that these couriers are not allowed to bargain collectively and that section 13(5) of the Canada Post Corporation Act prohibits them from having collective bargaining rights.

They call upon Parliament to repeal section 13(5) of the Canadian Post Corporation Act.

STEM CELL RESEARCH

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition from citizens of Victoria, British Columbia, who point out that hundreds of thousands of Canadians suffer from illnesses and diseases such as Parkinson's, Alzheimer's, diabetes, cancer, muscular dystrophy and spinal cord injury. They point that ethical stem cell research has proven to be effective in addressing some of the problems faced by those Canadians.

They call upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and diseases suffered by such Canadians.

RELIGIOUS FREEDOM

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, on behalf of my constituents of Bruce—Grey—Owen Sound I have the honour to present two petitions pursuant to Standing Order 36.

The first petition deals with sexual orientation, section 318 and 319 of the Criminal Code. My constituents ask that they be allowed to practise their religious freedom and not be prosecuted because of it.

STEM CELL RESEARCH

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, the second petition deals with stem cell research.

The petitioners are asking that the government, through ethical practices, use adult stem cells to make sure that those Canadians who are suffering from various illnesses can be looked after and that cures could be found for these diseases.

RELIGIOUS FREEDOM

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I have a number of petitions on four different subjects.

First, the petitioners draw to the attention of the House that the addition of sexual orientation as an explicitly protected category against hate propaganda would lead to individuals being unable to exercise religious freedom.

The petitioners call upon Parliament to protect the rights of Canadians to be free to share religious beliefs without fear of prosecution.

● (1015)

MARRIAGE

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, in the second set of petitions the petitioners point out to Parliament that the majority of Canadians support the current legal definition of marriage as the voluntary union of a single, that is unmarried, male and a single unmarried female.

The petitioners call upon Parliament to use all possible legislative and administrative measures, including invoking section 33 of the charter, if necessary, to protect and preserve the current definition of marriage.

STEM CELL RESEARCH

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, in the third petition the petitioners point out to Parliament that hundreds of thousands of Canadians are suffering from debilitating diseases, that Canadians support ethical stem cell research and that non-embryonic stem cells have shown significant progress without immune rejection or ethical problems.

The petitioners call on Parliament for legislative support on adult stem cell research.

MARIJUANA

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, in the final petition the petitioners point out that incidents of drug use is becoming more frequent, that each incident leads to public harm and that the use of marijuana leads to the use of harder drugs. Therefore they call upon Parliament to stop any legislation that would legalize the use of marijuana.

CANADA POST

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I have three petitions to present. The first one is from Canada Post rural mail couriers who claim that they earn less than the minimum wage of ordinary workers and that they are not allowed to bargain collectively.

They ask Parliament therefore to repeal section 13(5) of the Canada Post Corporation Act.

CHILD PORNOGRAPHY

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, in the second petition the petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia involving children are outlawed.

ARMENIA

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, in the third petition Canadians across the country ask the House to consider opening an embassy in Yerevan, the capital of Armenia, as Canada is the only G-7 country that does not have an office in the Yerevan. They feel that this office will work toward establishing better bilateral relations between Canada and Armenia. They ask the House to ask the government to open an embassy in the Yerevan.

STEM CELL RESEARCH

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have a petition from approximately 100 people in the St. John's area who make the point that non-embryonic stem cells, known as adult stem cells, have shown significant research progress and do not have the rejection or ethical problems associated with embryonic stem cells.

The petitioners are calling upon Parliament to focus our support on adult stem cell research to find cures and therapies necessary to treat the illnesses and diseases of suffering Canadians.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I too am pleased to present a petition signed by a number of Canadians, including from my own riding of Mississauga South, on the issue of stem cell research. I present this petition on behalf of these Canadians who believe, as I do, that life begins at conception.

The petitioners would like to point out that Canadians support ethical stem cell research, which has already shown an encouraging potential to provide cures and therapies for illnesses and diseases. They also point out that non-embryonic stem cells, which are also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

The petitioners therefore call upon Parliament to support legislative matters which pursue adult stem cell research to find the therapies and cures necessary for Canadians.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 58, 83 and 86.

Routine Proceedings

[*Text*]

Question No. 58—**Mr. Loyola Hearn**:

> Has the CBC or any of its agents used public funds to secure broadcast rights or other access to Paul Burrell; and if so, how much was paid and were these funds taken from news budgets or entertainment budgets?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, Canadian Broadcasting Corporation: The CBC cannot divulge information which might undermine the corporation's autonomy, its competitive position, or its ability to preserve confidentiality. This question seeks commercial information regarding the corporation's internal budgets and the cost of acquiring program rights, the revelation of which would harm both its autonomy and competitive position.

Question No. 83—**Mr. Jim Gouk**:

> What is the total cost incurred by the government in advertising for the Kyoto protocol?

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, as of November 26, 2002, the Government of Canada had spent approximately $9,700,000 on advertising for the Kyoto protocol.

Question No. 86—**Mr. Loyola Hearn**:

> With respect to the Department of Human Resource Development's withdrawal of Employment Insurance (EI) benefits from over forty fisherpersons from the Cape Shore Region of Newfoundland and Labrador: (*a*) was an investigation carried out or a hearing held prior to the suspension of the EI benefits of these fisherpersons; and (*b*) if not, is the practice of suspension without an investigation or hearing in accordance with the Charter of Rights and Freedoms?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, an investigation was conducted in each individual case. These investigations led to the cases being referred to the Canada Customs and Revenue Agency, CCRA, for rulings on whether the claimants are or were employed in insurable employment. In cases where there was an active claim for benefits and when appropriate, EI benefits were suspended. The following regulation provides the legislative authority to suspend EI benefits during the course of an investigation.

Regulation 88 of the Employment Insurance Act states the following: "(1) Subject to subsection (2), where a request is made to an officer of the Department of National Revenue under paragraph 90(1) (a), (b) (c) or (d) of the Act for a ruling on the question of whether a claimant is or was employed in insurable employment for any number of hours in a particular period of employment or alleged employment, no benefits are payable in respect of any hours that is the subject of the ruling¼".

In addition, Section 3B2.1.1 of the benefit manual states that when a ruling is requested, the payment of any benefits are to be suspended on the claim based on the employment in question, until the ruling is received. Furthermore, claimants who are denied EI benefits as a result of an insurability ruling from CCRA have a right to appeal that decision to the Minister of National Revenue.

The practice of the suspension of benefits is based on the EI legislation and is in accordance with the Charter of Rights and Freedoms.

[*English*]

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

The Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

ASSISTED HUMAN REPRODUCTION ACT

The House proceeded to the consideration of Bill C-13, an act respecting assisted human reproduction, as reported (with amendment) from the committee.

● (1020)

[*English*]

SPEAKER'S RULING

The Speaker: There are 107 motions in amendment standing on the Notice Paper for the report stage of Bill C-13.

[*Translation*]

Motion No. 102 will not be selected by the Chair as it was ruled out of order in committee.

Motions Nos. 12, 34, 35, 37, 54, 56, 58, 67, 70, 87 and 107 will not be selected by the Chair because they could have been proposed in committee.

Motions Nos. 3, 8, 15, 25, 31, 38, 41 to 43, 48, 50, 57, 59, 60, 62, 63, 65, 66, 68, 69, 73, 79, 97 and 101 will not be selected by the Chair because they were lost in committee.

Motions Nos. 9, 76 and 91 will not be selected by the Chair because they were proposed in committee and withdrawn.

[*English*]

In my statement of March 21, 2001, concerning the new guidelines for report stage, I mentioned that the reasons for non-selection of amendments will not routinely be provided by the Chair. However, today I would like to expand on this approach and share the reasoning that I have used for certain motions from the hon. member for Mississauga South.

The Chair notes that the member for Mississauga South attended the clause by clause meetings of the Standing Committee on Health but was not an official member of the committee. Furthermore, the member contends he was not able to have his amendments proposed by any official member of the committee.

Of course, the Chair recognizes that our parliamentary system is party driven and that the positions of parties are brought forward to committees through its officially designated members. The Chair also recognizes that some members may want to act on their own.

[*Translation*]

The Chair has examined the note to Standing Order 76.1(5), which reads in part,

> The Speaker will normally only select motions that... or could not be presented in committee.

Consequently, the Chair is of the opinion that certain motions by the hon. member for Mississauga could not be presented during the clause by clause study in committee and should therefore be studied at the report stage.

[*English*]

All remaining motions have been examined and the Chair is satisfied that they meet the guidelines expressed in the note to Standing Order 76.1(5) regarding the selection of motions and amendments at the report stage.

The motions will be grouped for debate as follows:

[*Translation*]

Group No. 1: Motions Nos. 1, 2, 4, 5, 7 and 9 to 11.

[*English*]

Group No. 2: Motions Nos. 13, 14, 16 to 18, 20 to 24, 26 to 30, 32, 33, 36, 39, 40, 44 to 47, 49, 51 and 95.

[*Translation*]

Group No. 3: Motions Nos. 52, 53, 55, 61, 64, 71, 72, 74, 75, 77 and 78.

[*English*]

Group No. 4: Motions Nos. 6, 80 to 86 and 88 to 90.

[*Translation*]

Group No. 5: Motions Nos. 2 to 94, 96, 98 to 100 and 103 to 106.

The voting patterns for the motions within each group are available at the Table. The Chair will remind the House of each pattern at the time of voting.

[*English*]

I shall now propose Motions Nos. 1, 2, 4, 5, 7 and 9 to 11 in Group No. 1 to the House.

MOTIONS IN AMENDMENT

Hon. David Kilgour (for the Minister of Health) moved:

Motion No. 1

That Bill C-13 be amended by replacing the long title with the following:

"An Act respecting assisted human reproduction and related research"

Motion No. 2

That Bill C-13, in Clause 2, be amended by replacing, in the English version, line 15 on page 1 with the following:

"individuals, for families and for society in"

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance) moved:

Motion No. 4

That Bill C-13, in Clause 2, be amended by deleting lines 1 to 4 on page 2.

Mr. Paul Szabo (Mississauga South, Lib.) moved:

Motion No. 5

That Bill C-13, in Clause 3, be amended by replacing lines 25 to 28 on page 2 with the following:

"introduced;

(b) an embryo that consists of cells of more than one embryo, foetus or human being; or

(c) a non-human embryo into which any cell of a human embryo, human foetus or human being has been introduced."

Motion No. 7

That Bill C-13, in Clause 3, be amended by replacing lines 40 and 41 on page 2 with the following:

"(b) in relation to an in vitro embryo, the original gamete providers and the embryo provider who created the embryo."

Motion No. 9

That Bill C-13, in Clause 3, be amended by replacing line 3 on page 3 with the following:

"purpose of creating a human being, and further includes polyspermic embryos."

Motion No. 10

That Bill C-13, in Clause 3, be amended by adding after line 33 on page 3 the following:

""human genome" means the totality of the deoxyribonucleic acid sequence of the human species."

The Speaker: The hon. member for Calgary Centre is not here to present his motion, Motion No. 11. Is there unanimous consent for another member to move the motion?

● (1025)

Mr. Rick Borotsik: Mr. Speaker, I would like to seek unanimous consent to have the motion moved by the hon. member for St. John's West.

The Speaker: Is there unanimous consent for the hon. member for St. John's West to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I understand that the debate is starting with the first group that you put to the House. I think that this first group of amendments that you grouped together in accordance with the rules of the House allows us to discuss a more general principle and to put the bill in context.

This bill is certainly one of the most important bills that we will be called upon to debate this year because among other things, it concerns the issue of human cloning. You probably heard the news in December, as did all Bloc Quebecois members. We were all very worried about the issues of values, ethics and human integrity when we learned about the possibility of certain corporations such as Clonaid, with support from a group called the Raelians, having successfully cloned humans.

It is at times like this that all Bloc Quebecois members appreciate the member for Drummond. Why do Bloc Quebecois members, and other members I am sure, appreciate the member for Drummond? In 1995, 1997 and 2002, the member for Drummond introduced a private member's bill inviting the government to plug the gap in the Criminal Code and asking members to introduce legislation making it a criminal offence for any person, non-profit organization or corporation to attempt to clone humans in a public or private laboratory.

Now we know how to extract a cell, inoculate it in another living organism and transfer genetic material, thereby achieving cloning. What is obviously less certain is whether a child can be born in viable conditions. Cloning has produced extremely worrisome results in animals. However, when it comes to humans, it is completely out of the question.

Why do parliamentarians oppose and why should we oppose human cloning? Obviously, it is because of our belief that all human beings are created equal. This equality naturally leads us to seek out what makes each person unique. Each human being has a unique personality, unique ideas, temperament and sense of humour.

What would human relationships be like? How could a family be created if a father had to build a relationship with a son identical to him? He would have to live his entire live with an undeniable and inescapable basic premise: that his child is an exact physical copy, not the result of nature, but the result of a deliberate and intentional act.

I heard experts say that there are identical homozygous twins. How appropriate, since I myself am an identical twin. Think how wonderful it is for the House to discover that there is another person who looks like me. There must be some measure of satisfaction in the fact that this is the result of fate and nature. This was not something my parents tried to do, but something that occurred because nature took its course.

Even if my twin brother René, to whom I want to say hello this morning, has the same genetic baggage as I do because we are identical twins, our personalities are not the same nor do we relate to the world in the same way. Even for identical homozygous twins with the same genetic baggage, life does its best to make each of us unique.

● (1030)

That is not the same as creating a cloning operation—I am sure the member for Hull—Aylmer will agree with me—and it is not the same thing as letting nature take its course.

What is rather hard to understand, obviously, is the government's delay in legislating, some 10 years after the conclusions of the Baird commission on new reproductive technologies were made public.

Once again, every member of the House owes a debt of gratitude to the member for Drummond. We knew that in terms of technology, the issues raised by cloning were on the political horizon. We knew that it was imminent.

Does this bill before us this morning, as well as amendments to it, mean that we as parliamentarians are against research? Of course not. I am one of those who believe that if research can be done do improve the human condition, then we should authorize it.

This bill, as introduced, establishes a fairly satisfactory balance, because research on reproductive material is generally prohibited.

However, if a researcher comes up with a research protocol and demonstrates that the research that he intends to conduct will be beneficial to human beings, but cannot be done without an authorization and cannot be conducted on other types of materials, the Minister of Health may authorize such research. A ministerial authorization will be issued to allow the research to be conducted under the protocol.

Ultimately, and most exceptionally, this may mean that research will be authorized on stem cells. What do we mean by stem cells? These are the cells that are available in the first days after conception. There are about one hundred cells that have the extraordinary biological potential of being used for the regeneration of all tissues.

This is why the availability and use of stem cells is extremely valuable for the research that may be conducted regarding such major degenerative diseases as Parkinson's disease, Alzheimer's disease, diabetes and cerebral palsy.

It is true that when we use stem cells, human embryos are destroyed. It is also true that, depending on how we view the beginning of life, this may raise certain questions. Does life begin at conception? Does it begin once the fetus is born alive and viable, as the Supreme Court says?

Again, the bill strikes a balance in that it does not prohibit research on stem cells in all situations. However, when such research is necessary, it will have to be conducted under a research protocol, and the researcher will have to demonstrate that there is no other solution than to use stem cells to achieve the results of the proposed research.

Throughout the day, I will rise to address other amendments that have been proposed, but I want to say that we are aware of the urgency of this matter and we realize that we must prohibit cloning for reproductive purposes as quickly as possible.

We are really uncomfortable with the whole issue of the regulatory agency, which will have an annual operating budget of $10 million. I will get back to this issue when the related amendments come before the House. Since we are responsible people, we will probably support the bill.

● (1035)

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to have the opportunity finally to address long overdue legislation in the House on a clause by clause basis. I totally agree with my colleague from the Bloc who outlined the incredible importance attached to the legislation and the need for urgent action.

Given the incidence and reports of developments pertaining to human cloning over the past month, particularly in the context of the Raelian example, there is no question that we are compelled to act as urgently and as quickly as possible. Whether there is truth to that organization, whether the incident of human cloning happened, we know that science is progressing rapidly and that the possibilities of an actual cloning of a human being is real and could be taking place as we speak.

It is imperative that we have legislation that clearly reflects the views of Canadians and the hard work of parliamentarians over a decade on this matter and assert as quickly as possible a complete prohibition on human cloning. I believe there is general support, perhaps unanimous agreement in this chamber for that. The question though for all of us is why has taken so long to get to this point and why, as we begin the serious issue of clause by clause analysis of the bill and address a number of amendments at report stage, has the government continued to mire us down in details in terms of its own particular opposition to the hard work of members of the health committee over a long period of time.

What is so critical today is that we are beginning a process of receiving a number of amendments, some of which were made in the spirit of constructive amendment and improvement to the bill. Some though, as members will note, were proposed by the government of the day and the Minister of Health to negate the good work of the committee.

The obstacles that the government has put in the place of parliamentarians concerned about the issue have been extraordinary over the past year or more. The committee spent a great deal of work studying draft legislation and made a very comprehensive report to the government for improvements to that draft legislation, some of which were included and many of which were totally ignored. It was then in the process of clause by clause analysis of Bill C-13 by members of the health committee that we were able to reinstate some of those good recommendations to make positive changes. Lo and behold we now find that the government of the day is coming forward with amendments to negate the good work of the committee.

At every stage of the process the work that was done by members of parliament to ensure that we had the best possible legislation, acknowledging that there was some give and take required and some need to include a wide variety of views to reach a position of consensus, the government ignored all that.

At the outset, we are in January 2003 looking at, exactly one decade since the Royal Commission on New Reproductive Technologies, the Baird commission as we all know it in the House. For 10 years we have been grappling with the issue. The government for 10 years has ignored the suggestions of the women's movement, of people committed to action in this area and to the broad community that wants to see the government put in place a strong regulatory framework to ensure that women are protected, that the offspring of reproductive technologies are ensured of full protection under the law and that we have a mechanism in place to protect the health and safety of Canadians as new and future developments occur in our society today.

We have raised a number of concerns from day one around the process and today we still are concerned because of the failure of the government to respect the wishes of the committee and to include some very positive suggestions. Our concerns have focussed around four or five areas and in all areas we remain unconvinced that the government has addressed those concerns to the fullest extent possible.

We have raised concerns about health protection because we knew that women involved in reproductive technologies ought to be assured at every step of the way that the drugs and treatments they took would be safe beyond a reasonable doubt. Based on testimony and expert witnesses before our committee, we know that women must have access to independent information and counselling at critical times when they may be vulnerable to pressure from promoters of technologies that may put them at risk. We will see through the course of this consideration of the bill at report stage that all those concerns have not been fully addressed.

We remain concerned about commercialization in this sector. We know that much of reproductive technology remains the private preserve of giant life sciences and drug corporations with patent protection taking precedence over the public good and with private for profit interests dominating the field of reproductive technology. The health committee of Parliament recommended to the government that in the context of the bill it review and amend the Patent Act to ensure that the genes and genetic sequencing developments that were part of the human body were not matters for intellectual property rights and for profit of giant life sciences corporations.

● (1040)

Another concern relates to the off-loading of key policy decisions to an agency. At the committee members worked very hard to ensure that this new agency, to be enacted with the proclamation of this legislation, would be constituted to ensure that there was no possibility of conflict of interest and to ensure that the board reflected the concerns of Canadians, particularly women who were most directly affected by this legislation.

As we proceed through this report stage process, members will see that the government has ignored many of the very good suggestions made with respect to ensuring that the agency is not a toothless wonder or an arm of the government, but is an independent body able to do the necessary work required.

We also have raised very serious concerns about the need for us as a health committee and the Parliament of Canada to reflect the fact that we have a diverse society and that we ought to acknowledge that people live with disabilities and that those people can lead full and satisfying lives. Our committee recommended that one of the proclamatory statements in the bill include reference to the fact that people living with disabilities ought to be referenced in the bill. It should be said that persons living with disabilities can lead full and satisfying lives and enrich the lives of those around them. That was taken out of the bill by the government of the day. Regrettably, an amendment which I proposed to assert that idea at this final stage of Bill C-13 was ruled out of order.

I regret that situation but want to say that as a Parliament we must address the concerns of organizations and individuals dealing with issues of importance to people with disabilities. We must ensure that those concerns are reflected in this bill, that we have an appropriate response to the issue of eugenics and that we work as hard as we can to develop a national strategy to protect individuals from the negative consequences of eugenics. We must ensure that people from all backgrounds, with all different abilities, are respected and their contributions acknowledged to the work we do today.

● (1045)

Mr. Rick Borotsik: Mr. Speaker, I rise on a point of order. I am sure if you seek it, you would find unanimous consent to have Motion No. 11 moved in the name of the member for St. John's West and included in this grouping.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Mr. Loyola Hearn (St. John's West, PC) moved:

Motion No. 11

That Bill C-13, in Clause 3, be amended by replacing line 14 on page 4 with the following:

""Minister" means the Minister of Justice and Attorney General of Canada."

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, it is a great pleasure to rise and debate the first group of amendments to Bill C-13. We need to start by laying out exactly where the bill has come from, why we are discussing it and the importance of report stage.

Over the years we have discussed different issues and different pieces of legislation in the House for different reasons. Many of them involve dollars and cents and the protection of individuals and the economic welfare of the nation. Others are that we are trying to protect the freedoms of individuals by passing laws that are better for the entire nation.

This legislation is all about life and death no matter which side of the argument one is on. Some individuals understand that some of the research that will come out as a result of this legislation will create great advancement in technologies and in the lifestyle of individuals. Research will also provide some of the cures that we long for. Some diseases have the potential of being cured because of this legislation. With regard to embryonic stem cell research, some people have great hope for the reproduction aspects of having a child through advancements in some parts of this legislation.

There is also a negative side to this legislation. As we look at this first group of amendments we have to understand what we are really talking about, particularly when we think of what has been in the news in the last little while regarding the Raelian cult that has been looking at cloning a human being. There is a vacuum in legislation in this whole area and it is about time that our country had something. Bringing legislation forward on this issue has been a 10-year ordeal.

We stand here today to talk about the first group of amendments at report stage. It is very important to note that we are talking about the title of the legislation. The first amendment I wanted to propose was with regard to what we would call the bill. When looking at this legislation and understanding what we are trying to accomplish, we realize it is not about new technologies. Some amendments were made in committee and the title was changed to "an act respecting assisted human reproductive technologies and related research". We are not assisting technologies; we are assisting reproduction. We should change the title to "an act respecting assisted human reproduction and related research". This legislation has nothing to do with technologies.

With regard to cloning, my hon. colleague just spoke about whether or not it was a real clone which is a moot point. If that group did not create a clone, we know that other groups will. There is certainly a craving internationally and a drive in the science community to be the first to create a clone. We hear many voices saying they will potentially do it to make a name for themselves internationally.

It is an appalling situation when we think of the human clone, not so much because of the clone itself but because of the appalling practice. There is almost a 300% failure rate for any individual cloned. Dolly the sheep is a clone. That means 300 human lives would be sacrificed for one healthy clone. If we understood what cloning was all about and how it takes place, we would find that identical twins are much closer genetically than an actual clone would be.

The quest for what people are trying to do is not achieved in the outcome of actual reproductive cloning. This piece of legislation will ban reproductive cloning. It will also ban therapeutic cloning.

It was my privilege to sit as the vice-chair of the health committee as we went through this piece of legislation. Over the last two years the best witnesses from across Canada and around the world came before us. We had the opportunity to ask them important questions regarding the details of this very complex legislation. It is important that we in the House understand how complex this legislation is because members will be asked to vote on it. It is important that we discern what it is all about.

● (1050)

One example happened in the fall when an individual was healed of leukemia from umbilical cord stem cells. The preamble to that story on the national evening news was a poll that was taken on how the people of Canada are for embryonic stem cell research. It talked about how wonderful embryonic stem cells were and all the cures that could be provided through embryonic stem cells. Yet when we saw the rest of the news story, it had nothing to do with embryonic stem cells. It was about umbilical cord stem cells which obviously are not embryonic stem cells. They are termed adult stem cells. I would prefer to use the term non-embryonic stem cells because they can come from embryonic fluid and other places.

Much success is being found in the non-embryonic stem cell research. Some phenomenal things have happened over the last year. Last summer there were instances where stem cells from bone marrow could be turned into any organ in the body. Even individuals such as the president of the Canadian Institutes of Health Research, Dr. Bernstein, have suggested that this would change the thinking of how we should be driving for embryonic stem cell research.

When we look at the whole piece of legislation and this group of amendments, we have to understand what we are doing. The bill is not talking about the technology; it is talking about reproduction. The bill should have been split in two. It has a scientific side and a reproduction side. The reproduction side is all about the quest for individuals who cannot have children to produce children from their own genetics.

People go to in vitro fertilization clinics where they are hyperovulated and produce up to 30 ova which are then fertilized. Those become embryos that are put in storage. Some of them are used in the in vitro fertilization process. The others are held in storage for a period of time until it is known whether the person will produce a child from the first procedure. There could be four, five, six procedures. We heard from a witness at the committee who said that there are individuals who have tried as many as 16 times before a child was produced.

The question now is what is done with the other embryos that are in storage. That is what this piece of legislation tries to address. Some people say we should be able to grow them in a Petri dish for 14 days and then kill them, take the stem cells and produce research. We call those stem cell lines. In the United States over 60 stem cell lines were produced before the U.S. legislation came along and said that they would not create life in order to destroy it.

That is the background to this piece of legislation. It is very important that we understand that we are not talking about economics or freedoms. We are talking about life and death. I hope that is the sobering thought as members rise in the House and decide whether this is the right piece of legislation for Canada at this time.

We are crossing a line that we have never crossed before as a nation. We have never before decided to destroy human life for the sake of saving other lives. When we cross that line, we are on a very slippery slope. Where will this stop? What arguments will we use when scientists come to us in three years and say that we have to open this up to therapeutic cloning?

Members will then be asked what is the difference between therapeutic and reproductive cloning. There is no difference. They both start exactly the same way: we take an egg; we take a nucleus from a cell and put that into a hollowed out egg, it is given an electric shock and it grows. The only difference is that one will be killed at 14 days and stem cells will be taken from it. The other will be planted into a womb and will grow into a human being.

It seems that scientists want one and not the other. This piece of legislation at least bans both of them for now. When we know where we are going with this group of amendments, we have to start with the title. The title should reflect what the bill will actually do.

● (1055)

Everything is grouped together in the bill. We were not successful in splitting the bill between the science side and the reproductive side. Nonetheless, we are trying to discern what would be the wisest way to amend it so that we can go forward with the best piece of legislation.

[*Translation*]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, it is a pleasure to rise in the House this morning to speak on Bill C-13. For several months, the committee worked very hard and vigorously on this bill to try to come up with a reasonable bill that would meet the needs of Canadians. Today, we are finalizing details and putting forward legislation that meets the needs of Canadians.

Some will say that the government did not listen to the committee. Personally, I had the privilege of sitting on the committee from the beginning and I would say we had very interesting discussions, which were quite spirited at times. Views were expressed in all earnestness by committee members. Consequently, we have today a bill that reflects the committee's position. I do not agree that anyone tried to push without earnestly listening or considering what others had to say. I therefore differ on this.

As regards Motion No. 4 currently being debated, here is a great example of the extent to which committee members listened to the presentations. This is why we feel we ought not to support Motion No. 4. We feel that in an advanced society like ours, there should be no discrimination on the basis of sexual orientation. It used to be the case 50 years ago, but in our advanced society, we are recognizing that individuals are entitled to their particular sexual orientation; we cannot even tell whether it is a matter of choice or whether such is their nature.

I am very pleased to participate in the consideration of this bill in the House of Commons in order to finalize a number of details. I am convinced that all parliamentarians will have a chance to take part in the debate. All are welcome to express their opinions on this bill.

● (1100)

[*English*]

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, my amendment is to delete subclause 2(e). Clause 2 is the statement of principles that is supposed to underlie the whole of Bill C-13. The statement of principles in clause 2 begins with:

> The Parliament of Canada recognizes and declares that

and then these declarations are listed. They include:

> (a) the health and well-being of children born through the application of assisted human reproductive technologies must be given priority in all decisions respecting their use;

Subclause 2(f) reads:

> (f) trade in the reproductive capabilities of women and men and the exploitation of children, women and men for commercial ends raise health and ethical concerns that justify their prohibition;...

Subclause 2(g) states:

> (g) human individuality and diversity, and the integrity of the human genome, must be preserved and protected.

I propose to delete subclause 2(e) which I note at this point was added in committee. It was not part of the original drafting and that subsection reads as follows:

> (e) persons who seek to undergo assisted reproduction procedures must not be discriminated against, including on the basis of their sexual orientation or marital status;

Before dealing with my main points I want to stress that this amendment was added in committee. It was inserted at the committee stage. It was not included in the original bill as presented by the government.

This means that the principle in subclause 2(e) was not necessarily part of the fundamental ideas considered when the bill was initially drafted.

If we want to articulate a statement of principle in terms of access to IVF procedures, it should reflect a commitment to limit access to natural and secure families. If we as parliamentarians are committed to passing a bill that protects the best interests of children we should be making decisions that are consistent with the scientific data, and I will cite some in the time that I am allotted.

Providentially, last Friday the *Globe and Mail*, which is hardly a hot bed of radical conservative sentiment, reported on yet another study which demonstrates the higher incidence of negative outcomes in children who are raised in single parent family situations.

This is not a slight against single parents, but it is rather an indication that they are real heroes; those who are in those situations and those who are 24/7 parents. Many single parents are the victims of circumstances not of their own doing, such as death of a spouse or various other factors. I emphasize that many single parents do a valiant job against the odds. However, that is the point. They are fighting against the odds.

Many will tell us that all things being equal they would rather not be doing the job of parenting on their own. They would rather have someone else assist them in that most crucial of all roles. Most single parents either find themselves living in poverty, on welfare to be able to stay home to raise their children, or sacrificing a huge amount of time during which they would rather be caring for their children instead of working full time to make ends meet.

Notwithstanding the cruel effects of the government's oppressive tax regime, two parent families have greater flexibility in the choices they can make for raising their children and living above the poverty line than does a single parent.

The recent *Globe and Mail* article which reported on a study published last week in *The Lancet*, a British medical journal, reported that children growing up in single parent families were twice as likely—this is some of the difficult and disturbing but nevertheless very thorough results that came out—as their counterparts to develop serious psychiatric illnesses and addictions later in life. Experts say that the latest study is important mainly because of its unprecedented scale and follow-up. It tracked about one million children for a decade into their mid-20s.

There was also a Swedish study released by Sweden's national board for health and welfare. Some of the findings of the study were that children of single parents were twice as likely as others to develop a psychiatric illness such as severe depression or schizophrenia, to kill themselves or attempt suicide, or to develop an alcohol related disease. The study also found that girls were three times more likely to succumb to drug related diseases such as addiction if they lived with a sole parent, and boys were four times more likely.

Those are somewhat disturbing results but very thorough in that one million children were tracked for a long period of time through their mid-20s.

● (1105)

Another Swedish study found that adults raised in single parent homes were one-third more likely to die over the 16 year study period than were adults from intact families. I want to emphasize that we are talking about functional, healthy families, because people right away sometimes want to make a comparison with a dysfunctional family, and I would say that is not a fair comparison.

This and numerous other studies were discussed in a book published in 2001 written by Linda Waite and renowned researcher Maggie Gallagher. In the book entitled *The Case For Marriage* the authors examined hundreds of studies that cast light on how family formation affected children's health. In their conclusion they say divorce appeared to be literally making some children sick. For example, one study tracked the health of children before and after their parents' separation. The authors found that divorce made it 50% more likely a child would have health problems.

My colleague from the government side, the member for Mississauga South, has for many years openly addressed the benefits to children of intact families. He has pointed out that study after study showed that children from stable family environments had better lifelong health outcomes than children who were not in those relationships. That does not mean that a kid coming from a bad or broken home, or a lone parent situation cannot turn out to be healthy. We have wonderful examples of that, even possibly colleagues and members across the way. That is a real tribute to the parents who raised those children. They turn out to be healthy, well adjusted, contributing members of society, and they are truly heroes. However, the probabilities are very clear in terms of the overall spectrum.

Early last year a report by Britain's centre for policy studies produced data showing a sharp distinction in the effects on children of marriage over those of cohabitation. The research, "Broken Hearts Family", chronicles the decline and the consequences for society. It found out that while over 50% of cohabiting couples break up within five years of having a child, only 8% of married couples split after a child is born and the children from single parent families are more than twice as likely than those from two parent families to experience some form of mental disorder. The research also found that children of both lone and cohabiting parents are more likely to suffer physical abuse than the children of married couples and are more likely to turn to drugs, to commit crime, and to run away from home.

The internationally respected Heritage Foundation in the U.S., in a study in April of last year, showed the significant impact marriage had in protecting mothers and children from domestic abuse. Among the findings of the study were that children of divorced or never married mothers were 6 to 30 times more likely to suffer from serious abuse than children raised by biological, married parents, and that the rate of abuse was six times higher in step families. It was 14 times higher in the single mother family and 20 times higher in cohabiting, biological parent families.

Ottawa Families, a community newspaper distributed free in the National Capital Region, recently reported on data provided by the Toronto based Institute for the Study of Anti-Social Behaviour in Youth. It noted the important role that fathers play in the lives of their children:

> Kids are more inclined to exhibit violent behaviour if their biological father is absent from their lives, according to a study released by the Institute for the Study of Anti-Social Behaviour in Youth. The presence of a stepfather does not change this behaviour.

Very few people question the essential importance of mothers in the nurturing and raising of children. This quote points to that solid body of research that demonstrates the vital role that fathers play in the best interests of parenting, the need for a biological or adoptive parent, a mom and a dad.

I am running out of time so I will not be able to say much about the issue of same sex parents but the same arguments would apply. Same sex relationships are equivalent to cohabitation, or at least that is the argument made by gay people. Using their very own leverage that they have exerted on the courts and legislatures to extend benefits to their relationships, those cohabitation facts would apply as well. I do not claim to be original with respect to that.

I would like us to delete that subclause because of the overwhelming scientific evidence. I believe that Parliament wants to make a statement about access to in vitro fertilization. It should be one defining limited access. If we do not delete this subclause we abandon the best interests of children for the sake of a remarkably narrow ideological agenda that is increasingly being exposed as errant by the international scientific community.

● (1110)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the report stage debate on Bill C-13 deals with assisted reproduction and related technologies. I have four report stage motions in Group No. 1. I would like to address each one to relate to the House precisely why these motions are there as each of them in their own right is extremely important.

Motion No. 6 seeks to amend the definition of donor. Presently the bill that came out of committee states that in regard to an embryo the donor would be a person who is specified in the regulations. In regard to gametes, the sperm and the egg, the donor would be the human being who contributed those. I ask the question, why is it that the donors of the sperm and the egg that created the embryo are not the owners and, therefore, the donors?

One of the fundamental principles of the bill is the non-commodification of human beings. This definition would lead us to believe that the donor of an embryo has to be someone other than the genetic mother and the father of that embryo. Motion No. 6 seeks to establish that the donor of an embryo would be the donor of the egg and the sperm which created that embryo. To do otherwise would in fact transfer the ownership of a human life from one person or persons to others. This is a total contradiction of one of the fundamental principles of the bill.

Motion No. 5 has to do with the definition of chimera. Chimera is basically a multiple joining of embryos where, for example, one had genetic material from two embryos and put them together or one had a human embryo and non-human cells and put them together. These are something more than a basic embryo.

The bill seeks to define chimera. However I noticed that one of the items it did not address was whether or not chimera included transferring human reproductive material into an animal. The bill in fact is silent. The current definition of chimera is silent on whether it is permissible to put human genetic material into an animal. Members should think about it. If the purpose of the bill is to ensure that we are not mixing human and non-human species of genes, then we should clearly amend the definition of chimera with the related clause to mean that in the bill one is not permitted to mix human and animal reproductive material.

The reverse is in the bill, that one cannot put animals into a human embryo, but any activity which would take human reproductive material and combine it with any non-human reproductive material or cells or anything like that would be totally inappropriate and should be corrected in the bill.

Motion No. 9 wants to expand the definition of embryo to include polyspermic embryo. I do not want to get too technical, but this basically is an embryo, with its chromosomes et cetera, that has been affected by more than one sperm. From what I understand from the experts it means that this embryo would not ultimately be viable but is still living. It is like a disabled person. It is like someone who has disabilities. I am sure there are parallels with born children.

● (1115)

By including the polyspermic type of embryo in the family of embryos generally, it would ensure that research on these disabled embryos or non-viable embryos would be covered under the same rules dealing with other human embryos. That is basically to say a human embryo is a human embryo regardless of its abilities or disabilities. That is the purpose of this. I hope the health officials will look carefully at that. They may know that Françoise Baylis recommended that.

I believe that the final report stage motion in Group No. 1 is Motion No. 10 which has to do with defining the human genome. As laid out in the report stage motion, it is the entire DNA sequence of the human species. It is not presently defined. There are very serious concerns about the possibility of polluting the human genome by the combination of non-human and human cells, et cetera. The bill makes reference to human genome but the definition of it is not there and I seek to have that introduced.

Those are the four motions. I hope that I will have the support of the parliamentary secretary, the health minister and others to make those important changes to protect the integrity of the principles on which this bill was based.

In the remaining discussions on the other groups, one issue that will come up often will be the existence of the Canadian Institutes of Health Research guidelines for pluri-potent stem cell research. This agency of the Government of Canada is responsible for public funding of research on a broad variety of matters, including stem cell research.

In these guidelines, which I would be happy to provide members, it says that people donating sperm or eggs for the purpose of in vitro fertilization who also specify that if there are any embryos created and stored that they subsequently do not need for reproductive purposes, must give their informed consent for research purpose. These guidelines go very extensively into the disclosures that have to be made by a fertility clinic and by subsequent researchers as to the authorized uses.

Presently the bill before us does not designate or specify what informed consent constitutes. Informed consent is just relegated to what we always understand, which is informed consent as in the laws of Canada. This material, the guidelines of the CIHR, clearly lays out the importance of having a clear idea for the providers of gametes as to what the terms and conditions are for the use of their reproductive materials if they are not used for their own reproduction purposes. If they are to be used for research, these guidelines say that the donors of the gametes must know. In fact these guidelines say that the researcher has to disclose their conflict of interest, their commercial relationships and all kinds of these things to the gamete providers prior to the donation even being made.

The bill as it comes out says that the donor of an embryo could be somebody other than the parents. It is totally contrary to the guidelines of the Canadian Institutes of Health Research. I think we will find in the debate that there are very serious differences between what the Canadian Institutes of Health Research will operate starting on April 1 of this year in terms of public funding and what this bill says.

I believe it is incumbent on the government to explain the real status of these guidelines. We cannot have two different rules of the game. We will either respect the peer review process, the tri-council policy statement or the CIHR guidelines with respect to reproductive technologies, informed consent, commercialization, non-commodification and all other aspects which are clearly laid out. I hope the government will lay out and explain to the House the status of these guidelines on this very important bill.

● (1120)

The Acting Speaker (Mr. Bélair): Before I go to the next speaker, I would like to clarify the decision made earlier this morning regarding Motion No. 11 standing on the Order Paper in the name of Mr. Clark. By unanimous consent the House agreed that the motion would be moved by Mr. Hearn, seconded by Mr. Borotsik. Therefore Motion No. 11 is debated as part of Group No. 1, which we are debating right now.

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, Bill C-13 is the subject of our debate this morning. The title of the bill is an act respecting assisted human reproductive technologies and related research. One of the first amendments we will be considering in this block today is about the very title, and we will be addressing that momentarily.

This bill has been a long time coming and Canadians have certainly been interested in the debate. If we go back historically, as we heard the member from Winnipeg earlier describe, interest in this area goes back at least 10 years to the Royal Commission on Reproductive Technologies. It travelled the country, studied the issue indepth and made some widespread and strong recommendations that regulations be brought in to control and regulate this area of assisted human reproduction because of the epidemic of many couples who were having trouble conceiving and naturally having their own children. This involves rather invasive procedures to help a woman who is infertile to ovulate and produce ova that can then be fertilized and reintroduced or by a variety of reproductive technologies help a family to have a child.

When the health committee took the draft legislation from the minister, it was heralded as a real breakthrough for democracy. Rather than receiving legislation and then coming to committee to try to change and alter it, the minister of health of the day referred in draft form the legislative package, the ideals of the government in terms of which way this legislation should go, and left it to committee to consult Canadians and come up with recommendations on how we should proceed. I was pleased to serve on that health committee, and we did indeed hear from many Canadians. We heard from scientists, interest groups and infertile couples.

The bill covers a wide range of subjects and I will talk about them briefly. It is a very complex subject and it is very wide in its scope. We are talking about issues such as surrogacy. We are talking about the import and export of gametes. We are talking about the related research that comes out of this, such as words like the member for Mississauga South just used, chimera, words that are not commonly used on the street in Canada and that even many members of the House likely would find confusing. On committee we spent a lot of time discussing the ramifications, the parameters and what the language really meant. There are very complex issues associated with the bill.

Our committee titled its report on the draft legislation, "Building Families". We wanted to ensure that the focus of this technology was about helping people who were having difficulty, because of reproductive failures, to build the families for which they so longed. That I think was the focus that we hoped all members would retain. Somehow we feel that we have gone a little off track in some areas of the bill on that ground. If the focus is building healthy families, we want ensure that all aspects of the bill drive in that direction.

The bill also deals with related research. One of the very important spinoffs that comes out of this is the issue of embryos for research, the promise of stem cells for the potential for healing and the tremendous breakthrough. Although it has taken 10 years to get us to this point, perhaps one of the benefits that comes from that lengthy delay is that we have had access to information on the stem cell debate that other jurisdictions and other countries that considered this before us did not have.

We now have today information about the tremendous potential within our own bodies to harvest cells that can offer the cures that were promised from embryos but without the complications, not only morally but scientifically and clinically, that come from taking cells from embryos which require the necessity for anti-rejection drugs. As well we have the moral dilemma of using embryos that were intended to become human beings for other purposes such as research and the implications that has. We hope to address that further in a later block on this issue.

● (1125)

There are many challenging issues associated with this research. Another issue of course in "Building Families" is the children, keeping the focus on the children who would be produced from these technologies and whether we would adopt in Canada an open system or a closed system of donation. Nations before us have gone away from a closed system of anonymous donors which has created real problems for the children produced from the technology. We hope to address that in more detail as we get further into this debate on other blocks of amendments.

The issue of whether we pay surrogates or how we would reimburse people who help another person deliver a child is also a very challenging. The committee wanted to ensure that this was not turned into a commodification exercise, one that turned into another industry with great dollars and people choosing it as a career using their bodies to produce children for other people. We wanted to keep it altruistic and an initiative to help people, not one for profit or vulnerable to being exploited for commercial purposes.

In this block of amendments one important issue which has come up is the fourth amendment by the member for Saskatoon—Wanuskewin. It has to do with the preamble. It is a very important issue. I will read subsection (e) at the top of page 2 which was added at committee. It said that the purpose of it was to help people with failed reproduction to have healthy children. The following words were added at committee, that:

> persons who seek to undergo assisted reproduction procedures must not be discriminated against, including on the basis of their sexual orientation or marital status;

I believe the member has raised a very valid issue in bringing forth a motion to delete these words because they take the bill in a direction that was not intended from the beginning. The bill is intended to help those with failed reproductive challenges, not those who have healthy reproductive system but who look for a way to circumvent nature and have a child another way. I feel that is not the intent of the bill and therefore we support the motion. We hope all members will support it and keep the bill on track for the purposes for which it was intended.

Very sensitive issues will come up on the importing of gametes. We have to ask why we would import sperm from other countries such as the United States. We do not know from where it comes. Health Canada purports to certify it is safe but we have heard evidence that we are importing sperm from U.S. prisons. That shocked most members on committee and I believe it would shock most Canadians. If we are trying to ensure a healthy, wholesome effort to help people with tragic circumstances, why would we allow anonymous donations from other countries that we cannot possibly control or regulate except to examine the product and try to determine whether we can detect something wrong with it. We feel we have no shortage of reproductive material in Canada. There are 33 million of us. We have the resources among us. We should not be importing sperm from other countries.

There are many items like this in the bill that need to be debated and Canadians need to be engaged. I am disappointed that the amendments I brought forth at committee on this subject, and in fact amendments we brought forth to be discussed at report stage, have been disallowed by the chair. It seems the government is determined to keep this current system in place with the flaws and risks that leave Canadian women exposed to the import of gametes from other countries. That is a disappointment.

We will be discussing more of these issues as we get further into the debate and I hope that all members will take these matters seriously.

● (1130)

[*Translation*]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, I am pleased to take part in this debate. As you know, I am no longer my party's health critic; it is now my colleague for New Brunswick Southwest. I have followed this issue with great interest and learned a great deal in the process.

Often, we learn a bit from analyzing bills, but where assisted reproduction and all the issues surrounding it are concerned, I have really had a learning opportunity. I must say that the atmosphere within the committee was exemplary.

That said, in the first group of motions, there is one by the Progressive Conservative Party calling for the report to be submitted to the Minister of Justice rather than the Minister of Health. The reason is that, where assisted reproduction is concerned, law often takes precedence when there is an analysis of circumstances.

There is a need to ensure that the agency to be created will be at arms length. The creation of that agency will, moreover, be debated at report stage. The agency must keep a certain distance from the Minister of Health. This is a health issue, yes, but also a legal one, a point raised various times in committee.

Motion No. 11 calls for, with regard to reports tabled in Parliament, the Minister of Justice to be held responsible for ensuring that the rights of unborn children and of others, women in particular, are respected.

Yes, it is a matter of health. We know that health is a provincial jurisdiction and so the provinces too are involved. On the legal level, however, the responsibility is federal by virtue of the Charter of Rights and Freedoms, and it is important for the legal status to be correct. It may seem odd to say so, but producing a child is also a legal act. It is an act of love, a sexual act, but it is also a legal act. There are certain rights and responsibilities involved.

I would like to set aside Motion No. 11 for a moment to take advantage of the opportunity provided this morning, in the short time that I have, to talk about a few points regarding this bill.

My colleague from the Canadian Alliance spoke about one of them, first, the issue of sperm donors. Canada is a country that is rich in natural resources, but not in sperm. What causes me to say this? Because we import it. We produce 50% of the tomatoes we consume, but when it comes to sperm, we do not yet produce 50%, because the system is not designed this way. Sperm donation is done on a voluntary basis, as we know, as is the case with blood. In other countries, donors—whether they be blood, sperm or egg donors—are remunerated. In Canada, this does not exist. We raised this issue several times in committee.

For safety reasons, in terms of the health of mothers and children, we want to keep it this way in Canada, and I agree with that. However, we do not have the system in place to allow this. Furthermore, we want to ensure that donors are no longer anonymous. In Canada, these realities are different from those of other countries.

I had proposed that there be some sort of payment for sperm donors, that there be analysis, and that a full medical record be kept on the donor, but that the donor's name be kept anonymous. From a legal perspective, the bill does not go far enough.

How will the donor be protected? The bill does not say enough on this; it is flawed on this issue. The provinces, including Quebec with its Civil Code, have an important role to play. There is no correlation between the federal bill and the provinces; the rights of parents are not sufficiently developed.

I proposed that, to begin with, in terms of enforcement of the legislation, we retain the anonymity of sperm donors but that we also invite healthy men in this country to donate their sperm.

● (1135)

Some may find this funny. I remember when I proposed this report. Canada is such a rich country yet we have to import sperm. We often begin to look after our own affairs, but in a very safe manner when it comes to health.

The other important factor is that this bill raises questions about the right to life, the rights of the fetus and the rights of gays and lesbians.

Once again, perhaps because Quebec and other parts of the country are more forward looking, we have to be careful. In terms of Motion No. 4, when the hon. member from the Canadian Alliance talks about excluding lesbian couples, I find this somewhat odd.

Look what has happened in Quebec for example. I have friends who are lesbian and use the assisted reproduction system to have children. Between you and me, children born to lesbian couples are no more or less perfect than children born to heterosexual couples.

This is a reality. It would be a step back to send an anti-gay and anti-lesbian message in this bill. We cannot censor the right to life. That is what Motion No. 4 sets out to do. It would censor the right to life based on the sexual orientation of the parents. I find this appalling, but that is vintage Canadian Alliance.

Another related issue that we often talk about is the issue of family. What is a family today? The traditional family includes a father, mother and children. We know that 40% of couples are divorced. The traditional family is desirable. When we fall in love we want it to last for life.

● (1140)

Except that a relationship may last a few years, a few months or a lifetime.

So, the family has changed and evolved. Unfortunately, there are members in this House who have neither changed nor evolved.

Mr. Antoine Dubé: They are conservative.

Mr. André Bachand: This is most unfortunate. The hon. member for Lévis-et-Chutes-de-la-Chaudière is saying that they are small c conservative, in the derogatory sense of the term; he is not referring to the Progressive Conservative Party. We must be careful here.

Having said this, overall the bill is good but incomplete. Some people provided invaluable input to the committee. Because of the moral issues that some people see in this, or want to see in it, we decided to have a free vote. But I can guarantee that a majority of the Conservative caucus will support the bill.

This is an essential step. Why? Because a review will take place in three years. This is not a bill that will remain unchanged. It will be updated as we gain more experience as a result of the enforcement of its prrovisions.

It is true that we do not know what the regulations will look like. They will be very complex. The agency has yet to be created. It will surely cost more than the budget established by the government. In any case, when the government draws up a budget, things always cost more than anticipated.

Nevertheless, this is a major step toward assisted reproduction. There are members of my own family who have resorted to these techniques. Unfortunately, they were unsuccessful, and it happened on a number of occasions.

The costs involved are huge. The government should also consider signing an agreement with the provinces, to see if financial assistance could be provided to these couples. There is no tax incentive for those who spend tens of thousands of dollars to have a child. There is nothing.

Perhaps it is time to look at modernizing the system. A parliamentary review of the act within three years may seem like a short timeframe, but the committee was very pleased to see the government take action. Initially, the review was to be conducted within five years. This will ensure that the legislation remains up to date. There will probably be some loose ends, because three years is a very short period of time, but we will be able to ensure that people who want children, whether it is a couple of heterosexuals or lesbians, can do so with legal protection and, perhaps, financial assistance, in a safe framework for parents and children.

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, thank you for giving me this opportunity to express my views at this stage of Bill C-13.

First, I would like to mention, like the hon. member for Hochelaga—Maisonneuve, the groundwork done by the hon. member for Drummond. She introduced a private member's bill on this subject several times. Of course, the throne speech ensured that all the bills died on the Order Paper. However, her interest in this issue is long-standing. I remember working with her on the Standing Committee on Health. She was already making representations on this.

This issue itself is not new, since, in 1989, the then federal government appointed the Royal Commission on New Reproductive Technologies, known as the Baird commission. This commission, after having spent or used $28 million and questioned over 40,000 witnesses, which was phenomenal, tabled a report in 1993.

In 1995, this government implemented a voluntary moratorium on the issue, not that that made much difference. This became significant with regard to public opinion in 1997, when British scientists succeeded in cloning a sheep they named Dolly.

This has caused so much concern to scientists and officials worldwide, including UNESCO, that in November 1997 this UN organization issued a universal declaration on the human genome and human rights. According to UNESCO, human cloning is an attack against human dignity and, as such, must be prohibited.

We have witnessed recent events, after the three announcements by Clonaid, a firm associated with the Raelian movement, and all the publicity surrounding these announcements.

This bill was introduced last December, belatedly, if you ask me. It was not for lack of studies. As I said, it has been under consideration since 1989. Why have waited so long? Granted, this is a sensitive issue. But at the same time—because it was and still is a sensitive issue—it was important that the Parliament of Canada look into it. It is now doing so. Better late than never, I suppose. The issue is now before Parliament.

At this stage, we can say that the bill to prohibit reproductive technologies, or cloning, is pretty clear. As the hon. member for Richmond—Arthabaska just said, it remains a debate about values. He is right about that. We can feel it even in our ridings, regardless of our affiliation.

In my riding, supporters of my party have different opinions, and they have made them known. There are also people who, while they do not support our political option, share their concerns with me as their MP. This is great, because that is how I have always envisioned the role of member of Parliament. First and foremost, as representatives of our ridings here in Ottawa, we must take a stand on bills or motions, as we are now.

● (1145)

I have always shared the member for Drummond's concerns about cloning. However—and I am not implying that she will disagree with what I am about to say—I feel it is both prudent and correct to leave open the possibility of stem cell research.

This can, of course, turn into a debate among experts, particularly concerning the point at which an embryo ceases to be an embryo and becomes a fetus, and so on. There are criteria in the legislation, which we shall address a little later on.

The idea of research being authorized by ministerial order is both pertinent and appropriate, since it is known that there are a number of diseases, such as Alzheimer's, multiple sclerosis, diabetes and others, for which research might one day find a remedy or rather a solution.

Of course, there would have to be guidelines, ones that were as specific as possible, because we must not allow things to be done indirectly because people do not want them done directly.

In this connection, there are many in my riding who share my view that it is wise to address the issue of research within a very precise framework, not for the purpose of human cloning but rather to allow stem cell research with a view to finding solutions for certain illnesses.

That was the view I wanted to express at this stage of the debate, both for myself as an MP and also for the riding I represent, in connection with this bill.

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I am pleased to speak today on this very important bill. During the holidays, I received calls for a great many people in my riding. The media also sought my opinion on the publicity done by Clonaid over the Christmas period.

I told my constituents and the local media that I was against human cloning. There was also the issue of the use of human embryos for research purposes. Bill C-13 is addressing to a fair extent concerns I had in my heart about human cloning.

I would like to take this opportunity to salute and congratulate the hon. member for Hochelaga—Maisonneuve for his excellent work on this issue in the Standing Committee on Health and for the insight he has given Bloc members into this bill. I also wish to join him in congratulating my hon. colleague from Drummond.

I want to point out that, sometimes, if opposition members were not there to question the ruling party and confront them with the aggravating circumstances found in society, governments would often get pretty set in their ways. Over these past years, my colleague, the hon. member for Drummond, has repeatedly raised the point with all Liberal health ministers that the government ought to take action to prohibit human cloning. In 1989, the Baird commission was established. Four years later, in 1993, it tabled its recommendations. The government has done nothing ever since.

On a personal note, my nephew is a cancer researcher in Montreal. Every time we get together, he tells me, "You cannot imagine how fast research in this field is advancing". He also said, "You parliamentarians will have to be up on what is going on right now; you are already falling behind".

I think, therefore, that this bill reassures Canadians and Quebeckers that human cloning will finally be made illegal in Canada. In my opinion, human conception does not begin with taking DNA. As a woman, I think that human conception begins when a sperm and an egg meet. I am very religious and, according to my principles, human beings are created by God. He gives us the ability to give birth to other human beings.

Many people in my riding wanted me, as the member for Jonquière, to take a stand. So it is with pleasure that I tell them what that stand is, because I am sure that many of them are listening to me today. I told them that I was going to speak this morning in the House on Bill C-13 to tell them that, finally, the government has decided to ban human cloning.

In fact, I support the objections raised and the reasons why this bill should be passed. Bill C-13 proposes banning, for any reason, unacceptable practices such as creating human clones. It also prohibits the creation of an in vitro embryo for any purpose other than creating a human being or improving assisted reproduction procedures, the creation of human and non-human hybrids for the purpose of reproduction, the provision of financial incentives to induce women to be surrogate mothers, commercial surrogacy, and selling or purchasing embryos or offering property and services in exchange. Bill C-13 bans these practices.

● (1150)

This bill also authorizes the regulation of assisted procreation activities and related research such as research into the causes of infertility and improving fertility techniques. We are seeing that women are increasingly unable to procreate. This will authorize research to determine the exact cause.

Research will be allowed into problems that are unrelated to fertility, such as birth defects, as well as to find treatments for serious illnesses such as Alzheimer's disease and cancer.

Two of my friends passed away over the holidays, one from cancer and the other from Alzheimer's. I would have liked to have seen more research on embryonic stem cells because it has been proven that this is how scientists will make the greatest advances in finding cures for illnesses.

However, it should be noted that the bill proposes to rigorously regulate stem cell research. This is why I say that a code of ethics will be required to guide this process.

It was clear from Clonaid's announcement during the holidays that ethics were in short supply. The odd thing is that although they told us they had cloned three humans, we have not seen them yet.

I think a stop must be put to all this. We must follow the lead of the European countries. In 1998, President Clinton had also declared a five-year moratorium on human cloning.

We are going further. I think that the bill will pave the way for discussion with the provincial governments since they are responsible for health.

It will foster the well-being and safety of all Canadians and Quebeckers. It is with pleasure that I add my voice to that of my colleague, the hon. member for Hochelaga—Maisonneuve, and tell him and the people of Quebec that human cloning will be prohibited in Canada when this bill is passed.

● (1155)

[*English*]

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I want to speak against Motion No. 7. A great deal of concern has been expressed that when we talk about who owns the gamete, as was discussed in some of the amendments, we are removing the decision making. If we say that the donor owns all the decisions and makes all the decisions with regard to any offspring born of a gamete, then we are taking—

Mr. Jim Gouk: Mr. Speaker, I rise on a point of order. I am pleased to be here today for such a very important debate but I think it is incumbent upon the government to make sure that it shows enough interest to have a minimum quorum of people in the House.

The Acting Speaker (Mr. Bélair): There is a quorum call. Obviously there is no quorum and the bells shall not ring more than 15 minutes.

And the bells having rung:

The Acting Speaker (Mr. Bélair): Order, please. We now have quorum. When the call was made, the hon. member for Vancouver Centre had nine minutes left in her speech.

● (1200)

Hon. Hedy Fry: Mr. Speaker, I was speaking with regard to motions that have been made in this group which try to ensure that the biological parent remains the one who makes all the decisions about a child born of a gamete or sperm or egg donation. The point we are trying to make in this piece of legislation is to ensure that the person who receives that gamete, when that child is born, will be building a family with that new family. We cannot have another donor or somebody else make decisions for what happens to the child within this new family.

We have heard members across the way speak about building families. If a new family is built, then that new family becomes the child's family. There cannot be decisions about what happens to a child made by the person who donated what at the end of the day turned out to be a donation of reproductive material that they no longer have any sort of control over because it has become a child in a new family.

We want to be very careful that we do not take away the rights of parents who now have children as a result of reproductive technology, because they are going to be parents and they need to be able to live like parents, to bring up their children, to care for those children and to form a family. That is the slippery slope that we are worried about with some of these motions.

The other point is that some of the motions also seek to stop research. This is an extraordinary piece of legislation. It is the first time that we are setting guidelines and regulations for very important and ground-breaking research. We do not want to inhibit research, yet we certainly do not want to allow research to carry on galloping at a pace without any regulations and without any way of defining the guidelines within which that research will take place. We must have research. Research will allow us to look at assistance for people with Parkinson's, for people with congenital abnormalities that are coming about in the future, for a whole host of things that we now deal with as diseases which create mortality and cost human life.

We have to continue to do research. Research is important if we are to move the agenda forward. How we set ethical regulations and guidelines that would frame that research is what the bill is seeking to do, not to throw research out the door and stop us from moving forward. I want to speak against some motions that will do that, because I think what we are in danger of doing is being extremely retrogressive and not allowing for any movement forward with regard to good science.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I am pleased to rise in debate on Bill C-13. This of course is a bill of great moral gravity which, if passed, will have tremendous implications for the legal status of human life as it is assaulted by new and emerging technologies and as we seek to harness those technologies to advance the dignity of human life in certain respects.

It is unfortunate that this legislation has been so long in coming. Of course, as we heard in debate earlier, the Royal Commission on New Reproductive Technologies was appointed in 1989. It is now nearly 14 years after that date. Indeed, many of the horrific Frankenstein-like technologies which were at that time of an almost fictitious nature have now apparently become all too real.

Today, unfortunately, this and previous governments have avoided taking swift enough action on some of the issues addressed in the bill upon which there is a broad social, moral and ethical consensus, such as banning cloning and banning human-animal hybrids and the like.

I would also like to say at the outset that I regret that the government has chosen to ignore the recommendations of the Standing Committee on Health, which spent nearly a year in an exhaustive review of draft legislation. That committee of course recommended that the bill's provisions be split between those on which there was a general consensus, such as the prohibition of cloning and animal-human hybrids, and more contentious and difficult issues, such as the treatment of embryonic stem cell research, upon which there still is no social consensus. Had the bill been split, I believe that all members of the House speedily could have passed legislation restricting these most offensive practices, while more closely debating the need for statutory protection for nascent human life and the prohibition of creating life for the purpose of manipulating it and destroying it.

Let me further say at the outset that the bill is not founded on sound philosophical principles. It is imperative in a legislative exercise of this importance that first philosophical principles be established explicitly in the bill, preferably in the preamble, as a guide to us as legislators, to the regulators who will interpret and apply the bill and indeed to the courts who will adjudicate it.

For instance, the bill fails in its preambular section or anywhere else to assert the sanctity of human life per se. The bill clearly fails to assert the inviolable dignity of the human person. The bill fails to attribute to nascent human life, embryonic human life, the clear status of human life, let alone of personhood. Therefore, I believe, as do many who have critiqued this legislation, that it is founded on weak principles which will lead to weak application of the law if passed.

Let me turn to the amendments in Group No. 1 now before the House. I have no objection to the first and second amendments put forward by the Minister of Health, which are technical in nature. I would like to speak in favour of Motion No. 4 brought forward by my colleague from Saskatoon—Wanuskewin, which seeks to remove from the bill the language in clause 2, paragraph (e), which states:

> persons who seek to undergo assisted reproduction procedures must not be discriminated against, including on the basis of their sexual orientation or marital status;—

● (1205)

I object to the inclusion of this provision, and not because I support unjust discrimination because indeed I do not, but I do believe that we discriminate, if that word is properly defined, to make choices. We choose to give preferential options in legislation every day in this place to advance the social good. That we might call just discrimination, discrimination in favour of a social good. The social good in whose favour I think we ought to discriminate is the social good of the human family.

I submit that the focus of this legislation ought not to be the putative rights, the rights claims, of adults who seek to benefit from certain reproductive technologies, but rather the human beings, the children, who will be created by these technologies. It is their rights and their best interests which ought principally to govern this legislation, not the whims of individuals already seeking to use this reproductive technology.

In this respect I believe it is a self-evident and essentially irrefutable fact of human history, sociology and anthropology that the human family with a mother and a father is, generally speaking, the best environment in which to raise children, children with a sound and loving environment. That of course can be provided in non-traditional families, but the evidence is overwhelming that children benefit most, on average, in a family that includes a mother and a father. I believe that the focus of the bill ought to be to give that kind of environment to the children whose lives are in part created through reproductive technology. I will vote in favour of Motion No. 4.

Motion No. 5 put forward by my hon. colleague from Mississauga South is critically important, because it seeks to clarify that chimera may include animal-human hybrids. The definition of chimera in clause 3 now states "an embryo that consists of cells of more than one embryo, foetus or human being", but this motion would amend that to include "a non-human embryo into which any cell of a human embryo, human foetus or human being has been introduced". We know that there are researchers who seek to explore animal-human hybrids, and this of course has very troublesome ethical, moral and physiological implications, which I think the bill clearly should prohibit and which Motion No. 5 seeks to do.

Motion No. 7 clarifies the definition of a donor and makes it clear that ownership of an embryo cannot be transferred away from its human parents. This, I think, is the intent of the bill. The motion is a positive way to clarify its intent.

Motion No. 9 seeks to extend protection to polyspermic embryos, about which the bill as currently worded is mute. Essentially, polyspermic embryos are deformed embryos. I would hope that this Parliament has learned the lessons of the history of eugenics in the 20th century and understands that imperfect or flawed human lives deserve statutory protection, which is what Motion No. 9 seeks to do.

My time is coming to a close, so I will simply say that I look forward to speaking to other groups of amendments. I hope the government will take serious consideration of the thoughtful amendments that colleagues have brought forward.

● (1210)

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, it is a privilege and an honour to speak to Bill C-13 at report stage. This is a critically important bill. We deal with a lot of important issues here but this bill talks about life itself, the definition of how life can be created and how it is handled after it is created. A wide range of issues need to be addressed.

In addressing the amendments in group one, I will aim my comments mostly at the issues of donors and the control of them. Some of the amendments deal with that.

The bill is really about improving human life. We strongly support that and the research to that end, but it has to be done keeping in mind the dignity and value of human life. The Canadian Alliance as the official opposition will work to protect that dignity and value. What more important thing could we possibly address ourselves to?

It is about the best interests of children born from assisted reproductive technologies. I will address some of my comments to that. It also addresses access by prospective parents, that they should have access to the best technology available, but done ethically and with the value of human life front and centre.

When we get into the issue of donors, it really becomes complex. There is no limit on how many times a person can donate to reproductive technologies. A donor could make multiple donations and could have dozens or even hundreds of genetically related children. This is all right if everybody is healthy and everything goes well, but the donor may be unhealthy and it may not be detected at the time but it may show up later. There needs to be some limitation on how many times one person can be involved in donating.

The Standing Committee on Health made a recommendation both on the number of donations from the same donor and on the number of babies born through that same donor. The government must put something in the bill to require those limits.

As we look at the rights of a child to know his or her heritage, let us think about the number of people who have been adopted. I have had an experience in this. An adopted person needed to know the medical history of the biological parents because of some medical problems that had arisen. Not only is it important for peace of mind but it is important medically. Doctors sometimes ask about a family's medical history so they know what to look for. When a person does not have that information it creates a problem. In the instance with which I am familiar, the person was able to find out this information. It was of great help to the person to know what the history was. There were some things that were immediately disregarded and there were other factors that could have an impact. It was important to know that information.

What this bill means to do is to stop that. In the preamble the bill states that the health and well-being of children born through the application of these technologies must be given priority in all decisions respecting their use. Certainly that statement needs to be made. We agree with this but the government does not. The bill protects donors by giving them complete anonymity but does not protect children who need to know their heritage. That needs to be addressed and it has not been.

The agency that is going to be established to deal with the records will have all of this information. The information has to be given but it will not be forthcoming. At present it will not be given out.

● (1215)

I firmly believe that children have the right to know what their heritage is and in some instances it is critically necessary for medical reasons. That is why anonymous donors of sperm or ovum should not be allowed. It is critical that the records be complete so that down the road, if questions arise about health issues, they can be answered. They cannot be answered if anonymous donors are allowed.

Reproduction should take place within the context of a human relationship and should not be divorced from that. That is something we have to be very careful of. If we remove all of the human aspect to this, then where are we? If we do not know who the donors are and cannot go back on that in years to come, it takes out all of the relationship that is built around the creation of life. It can remove a whole group of people from those who know their lineage. It creates further problems in society.

The bill goes directly contrary to the recommendation of the Standing Committee on Health which said that it believes that only donors who consent to have identifying information released to offspring should be accepted. It went on to state:

> We feel that, where there is a conflict between the privacy rights of a donor and the rights of a resulting child to know its heritage, the rights of the child should prevail. We need a system of responsible donation and greater public awareness. We want to end the current system of anonymous donation.

That recommendation came from the Standing Committee on Health. However as in many instances, committees meet, bring forward expert witnesses from all aspects of the issue and when recommendations are put forward, they are ignored by the government.

I feel very strongly that we need that amendment in, that a child created has the option of knowing his or her history and lineage.

We get back to the point about adopted children who want to discover what their origins are but are unable to do so. I have a lot of sympathy for those people. As I have stated, someone very close to me was able to find the biological parents and put at ease some of the health issues.

A whole section of society will be unable to do that. They will be a separate class of people, those whose history starts from the day they are born. They will not be able to go back any further than that to find out where they came from. I have English, French and Scottish heritage. Those people will be unable to do that.

We also think that a donor who is not anonymous is a responsible donor. There would be certain responsibilities that went along with becoming a donor. If people had to be willing to be identified, they would be donating for the right reasons. That is so important to the whole moral aspect of what is being proposed here.

Unfortunately, one of the driving forces for anonymous donations is money. If we factor that into this whole system then it will really become bizarre. If it becomes a commercial enterprise in that payment can be received for however many fertilized eggs are developed, that opens a whole new can of worms.

We certainly support some of the amendments in this group. We will not be supporting Motion No. 11, but we will support other ones. It is important that this debate take place and that Canadians realize there that much needs to be done to the bill before it becomes law.

● (1220)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I am pleased to speak to the merits of Bill C-13 on human reproductive technology.

It is hard to believe that the government has taken so long to even begin addressing this important issue. It was 10 years ago that the Royal Commission on New Reproductive Technologies reported. Since that time the government, at best, has paid lip service to this issue. In the meantime technology has been changing rapidly and there has been no legislation to regulate the industry. Indeed, the government has shirked its duty and once again has relied on outside agencies to set quasi regulations rather than be proactive and set legislation in place. We are very glad we are at this point in the debate in the House today.

I am proud to say that some of the strongest voices on this important issue come from my own riding of Nanaimo—Cowichan. Shirley Pratten and her daughter Olivia have appeared before several standing committee meetings. They have expressed their opinions in a clear and concise manner and have added immeasurably to the debate. On behalf of all members I want to thank them for their insight and commitment to this important issue.

Simply put, the bill is about improving human health. As a member of the Canadian Alliance, as a father and a foster parent, I strongly support research that is compatible with the promotion of dignity and the value of human life. I would like to speak to some of the amendments that are before us today.

The preamble sets the tone for the remainder of the bill. In turn, I believe that the preamble should state unequivocally that the bill refers to the promotion and the protection of human life. I find it ironic that while Bill C-13 deals with the creation of human life, the preamble does not even reflect this, so I urge the House to adopt that amendment.

I would urge also that the House adopt the proposed subclause (h) in clause 2 which would recognize that persons with disabilities can lead full and satisfying lives and enrich the lives of those around them. We must simply ensure that reproductive technologies are not to be used as a tool for eugenics. The screening of in vitro fertilization embryos for the purpose of eliminating those cells that may contain some disease or disability simply is not acceptable. It sends a terrible message to the disabled community of Canada. It is very important to recognize that disabled people are not lesser persons than the rest of us. We need to see that the House clearly states this in the legislation.

I have had the pleasure of being a foster parent to over 145 children and the adoptive parent to three. All of these children have added much to our family. I firmly believe that families are the cornerstone of our society and that adoption is an alternative means of building families, one with many benefits for all involved and one that should be recognized in the bill.

I note that in clause 3 there is only recognition for one donor. Let us remember that there are two parents for each embryo. This clause should be amended by replacing lines 40 and 41 on page 2 with the recognition of each biological parent of the embryo. Any decision making with respect to in vitro embryos should not rest with only one donor.

I also strongly support the proposed amendment to clause 5 which calls for the deletion of lines 33 and 34 on page 4. The existing clause would allow for the creation of embryos solely for the purpose of improving or providing instruction in assisted reproduction procedures. Simply put however, we oppose the creation of embryos for research purposes. Life should not be created in order for it to be destroyed.

One of the more important issues that the bill has denied concerns the identity of donors. In turn, I support the amendment to clause 18 on page 12 that calls for the recognition of the donors' identities.

We are all unique individuals, yet we are all a product of our biological parents. It is important to allow children born through donor eggs or sperm to know the identity of their biological parents. Under the existing draft of Bill C-13, this is prohibited. Donor offspring and many of their parents want to end the secrecy that has shrouded donor anonymity and currently denies children the knowledge of an important chapter of their lives.

Liberals have made the claim that they want to put the interest of children first, but in this case they have allowed the desires of some parents to trump the needs and interests of all the children conceived through reproductive technology. In reality, the government has attached a greater weight to the privacy rights of donors than to the access to information rights of donor offspring. In doing so, I believe that the government has this backward.

● (1225)

Listen to some of the statements that Olivia Pratten made to the health committee when she appeared before it on October 25, 2001, and told committee members what it felt like to be conceived through an anonymous donation. She said:

> I have never had access to any of my medical or genealogical histories. I don't even know if I have any half-brothers or half-sisters. I'm quite doubtful my doctor ever maintained proper records, and even if he did, it's unlikely they still exist...With the fact that I don't have my medical information, and it's very unlikely I ever will, I almost feel like I was created in a back alley. It's like I wasn't good enough or wasn't worth keeping the records for...an anonymous system violates our human rights, as stated in article 8 of the United Nations Convention on the Rights of the Child, to "undertake to respect the right of the child to preserve his or her identity.

Canada, incidentally, ratified this convention in 1991.

She went on to state:

> As for myself, born of an anonymous system, I'm completely in the dark about my donor. I have no possible way to find him or find any information about him... I'm always left pondering, trying to put the pieces together of who this man was and how this relates to who I am today. If I could somehow know who he was, it would not alter the essence of who I am. I know that already, but it would alter the way that I look at myself.
>
> I would like to see a system where donors cannot donate unless they are willing to be identified if the child requests this when he or she comes of age at 18. The donor enters the program knowing this before donating. After all, he entered into this voluntarily; as offspring, we never asked to be put into this situation.

Those are elegant words from Olivia Pratten.

I believe that Olivia has provided a great deal of wisdom in those and the other statements she made to the standing committee and we should certainly heed them.

The very last issue that I wish to make comment on today refers to clause 70 and the proposed amendment. This amendment calls for a three year prohibition on experiments with human embryos, corresponding with the first scheduled review of the bill. Embryonic stem cell research is ethically controversial and it divides Canadians.

I have received hundreds of e-mails and petitions from concerned Canadians stating their opinion on this particular matter. Today during petitions we heard from four different members all tabling Canadians' wishes for a focus on adult stem cell rather than embryonic stem cell research. Let us remember that embryonic stem cell research inevitably results in the death of an embryo, an early human life. For many Canadians, this violates the ethical commitment to respect human dignity, integrity and life itself. It also constitutes an objectification of human life, where life becomes a tool which can be manipulated and destroyed for other, even ethical, ends.

I have come to learn that adult stem cells are easily accessible, are not subject to immune rejection and are being used today in the treatment of Parkinson's, leukemia, multiple sclerosis and many other conditions.

I believe that the government has been far too long in addressing this issue. I am pleased to see it come forward, however, I must urge all members that if we are going to address this issue, let us be certain that at this time we get it right. The current draft of Bill C-13 does not have it right in many respects and it requires change. Now is the time to correct it. I hope members in the House will have the intestinal fortitude to do it.

● (1230)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I am pleased to speak to this group of amendments which include the title. I am not sure whether someone has talked about the title and what happened to the original title, but the original title of the bill was "an act respecting assisted human reproduction".

Someone might ask why it is important that the title has been changed. What happened was that the committee, without the approval of anyone it seems, changed the title to assisted human reproductive technologies and related research. It seems to me that part of the purpose for that was to put the emphasis more on technology and to take the discussion and the debate away from what the bill really is about, which is human reproduction. I think that is an important change just in the tone of the debate.

When we look at the title of the bill and what is in the bill we see that the bill's original title, "an act respecting assisted human reproduction", was appropriate. I think it should be returned to that. That proposal was made but it may be difficult to get that changed now.

In looking at the bill we see that the bill is about improving human health. The Canadian Alliance strongly supports research to this end, obviously. Who does not? However it has to be compatible with the dignity and value of human life. What we are talking about here is human life and human reproduction.

The Canadian Alliance will strive to protect the dignity and value of human life. We have seen in Parliament over the past nine years that there have been certain members of Parliament from all parties who have focused on protecting the dignity and the value of human life. However, as a political party, certainly the Canadian Alliance has focused on that more so than any other political party. That is important to our members.

The bill is important not only for Canadian Alliance members of Parliament but for Canadians generally. I am pleased to see members from other political parties who understand that and to hear them speak out very strongly on that throughout the debate at second reading and now at report stage. I am sure it will be carried through to third reading.

If we look at the essence of the bill it is about the best interests of the children born of assisted reproductive technologies.

The Canadian Alliance will continue to work hard, as our critics have, as others who have had input into the legislation have and as our former leader, Preston Manning, did as he worked through committee, over the months and months that led up to this bill, taking care of every detail. The Canadian Alliance will continue to work to protect the children born of assisted reproductive technologies. To me that is the essence of the bill. I do not think the title properly reflects that.

The bill is also about the prospective parents and the best assisted reproductive technologies that science can ethically offer. The Canadian Alliance will work to preserve that access to prospective parents which is also important.

When it comes to dealing with this issue, it will be extremely important, and I think most Canadians would agree, that all MPs from all parties have a free vote on the bill at all stages.

● (1235)

The bill was brought forth by the government but it is too important a bill to be dealt with through party whips. The essence of the bill deals with human life and reproduction. It is about protecting the children born of reproductive technologies or assisted by reproductive technologies, and it is about the parents of these children. It is the type of issue that should be dealt with and settled entirely by each member of Parliament voting to represent their constituents on the issue.

I know that many members of Parliament from the governing party and the official opposition have done a lot of work with their constituents on this issue. They have had a lot of debate on the issue, more debate than we probably have had on most of the legislation that has passed through the House. They have had that debate and have heard from their constituents. There is obviously no other appropriate way to deal with this other than to have a free vote. I cannot stress that too much. It may sound like I am belabouring the point but it is a point that has to be made clearly. If we see a whipped vote, then I think each MP who accepts that should have to answer to his or her constituents on it because it is that important.

When we look at the legislation we see that dealing with the research of human embryos is a key part of the legislation which is what makes it so important. Clause 40 says that human embryos can be harvested if the new agency satisfies itself that it is necessary for the purpose of proposed research. However this discretionary power must be reduced by defining in the bill what constitutes necessary. I think that is something that must happen. I know we are not yet speaking to the group that deals with clause 40 but when looking at the title this certainly is a connection that should be made. It must not be left to regulations made by the agency.

We have seen too much of that in legislation where, instead of dealing with the hard issues in legislation, the government leaves the issues out of the legislation and then deals with the sensitive issues through regulations so that it is not open to public debate nearly as much. I do not think that is an appropriate way to handle issues like this. I think Canadians are looking for clear definitions on words like necessary when looking at the issue of research involving human embryos.

The purpose of research on human embryos is not specified in the bill. The purpose must be restricted to creating medical therapies that will assist in healing the human body. It is not specified in the bill what the purpose of research on human embryos really means and it certainly should be.

A modification in the phrase from the majority standing committee report should be placed in clause 40 of the bill. It would read "unless the applicant clearly demonstrates that no other category of biological material could be used from which to derive healing human therapies". This is an important amendment and one which I hope would be supported by all members in the House.

I see my time is up. I am looking forward to speaking to the other groups of amendments as they come before the House, as well as to third reading of the bill. To me this is clearly the most important legislation that the House has dealt with and will deal with for some time.

● (1240)

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I echo the sentiments expressed by my colleague who just rose to address the bill.

The Canadian Alliance presented something in the order of 100 amendments that we felt would make this a better bill and more adequately suit the needs of society that are being requested and looked at here. If my count is right, I think something like three or four of our amendments were accepted in a very minor way, which is a great tragedy because there was a tremendous amount of research, reason and consultation with our constituents on those amendments. The amendments, a couple of which I will refer to, would not have taken away the possibilities that are available to us as human beings in this particular bill.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order because I think it is important for the House to know that the reason for the amendments not being accepted was that the committee members of the health committee were not permitted to make them. That is no reflection on the quality of the amendments. The member should be aware that the Speaker made that very clear when he addressed the House this morning on these motions. The member should withdraw his remarks.

The Acting Speaker (Mr. Bélair): Thank you for the reminder. The hon. member for Okanagan—Coquihalla.

Mr. Stockwell Day: Mr. Speaker, thank you for the interjection. I will not be withdrawing the remarks and I am glad the hon. member opposite did reflect on the quality of our amendments.

In my view and in the view of constituents who contacted me about this particular bill Canadians, being trusting, rightly or wrongly of our process here, feel that things are moving along in a proper fashion with the bill. But of Canadians who raised and brought their concerns forward, their concerns could have been addressed in a way that would not have been harmful or destructive to the issues that are being presented.

I will give an example. One of the fundamental aspects of the bill is that it presents Canadians with a moral dilemma, do we allow life to be created for the purpose of destroying it, for the purpose of research or of coming up with some kind of product, albeit a healing product, or something else? Do we allow life to be created for the purpose of then destroying it?

That is an ethical and moral dilemma which confronts, bothers and troubles many Canadians. It could have been avoided simply by saying that research and development in this area would be focused on non-embryonic cells. Twenty years of animal cell research on embryonic cells shows that there is an astonishing lack of possibility and progress in terms of developing healing properties through embryonic cells. Non-embryonic cells are absolutely available. They are less prone to requiring a lifetime of immune rejection therapy that would be required if embryonic cells were used. They are more able to be controlled for a certain purpose whether they are directed toward diabetes related issues, Parkinson's or whatever it may be. There is greater control and possibility of healing properties through non-embryonic cells.

There are more problems just on the physiological side by using embryonic cells and by the government insisting that embryonic cell research can go ahead in this way. It plunges millions of Canadians into this moral dilemma. It could all have been avoided if the government had said it would focus on non-embryonic cell research.

The question of donors is something that is a concern to many Canadians. Witness after witness came forward from all over the country saying that the issue of donors should be addressed. We proposed an amendment that would have allowed children born through donor eggs or sperm to know the identity of the biological parents and the bill prohibits that. There are a couple of concerns about that.

We know for instance that criminals, in certain prisons, even in the United States, are able to donate into that particular donor bank. That, literally, would allow the possibility that somebody could be receiving the donation from, let us say a criminal or convict in a jail cell in Mississippi. I am not saying anything pejorative about where the jail cell is but I am suggesting that at the very least recipients should have the opportunity to know that and then make a judgment on whether they should be the recipient of such a donation from such an individual. At the very least, leave that up to the recipient to decide.

Not only that. As we well know genetic health information is important for health issues that could arise later on in life. There is more than compelling evidence to show that it is important that we have access to our own genetic code for the purpose of confronting, and hopefully overcoming, future health difficulties.

● (1245)

The government has refused to allow that to happen. Donor offspring and many parents want to end the secrecy that shrouds this donor anonymity and denies children an important chapter of their lives. The Liberals claim to want to put the interest of children first. I will not attack that claim at face value; I want to accept it at face value. However, if that is true then in this case one would think that the desires of some parents should be acknowledged related to the needs and interests of children. The government is attaching a higher weight to the privacy rights of the donors than to the access of information rights of donor offspring. Frankly, that is all backward.

These are just two areas of concern that we heard from people across the country that could have been addressed without serious detriment to the bill. In fact our society would have benefited, first from the avoidance of the excruciating moral dilemma which I have addressed, and from having access to information that could be not just valuable but possibly lifesaving later on in life.

These are two examples where the government has failed the people of Canada, which could have been addressed. We hope that at sometime in the future, upon reflection, the government would look to these areas brought forward by Canadians and bring these changes into being.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. It has come to my attention by reviewing all of the documentation that one of the motions which I had submitted for report stage purposes has been inadvertently left out and replaced by another. It has to do with the definition of chimera, I believe it is report stage Motion No. 5.

I understand, since the deadline for submitting the report stage motions was 6 p.m. yesterday, that the officials and their support staff were here until 6 a.m. to try to put this together. I understand how this can happen and I suspect that there are some other items.

I also note that with the groupings that we were advised of this morning, that in Group No. 2 I have 10 minutes to speak to 14 motions. I could not even read them in 10 minutes. I believe that if I had an opportunity to talk to the legislative counsel and to the Speaker that there could be some accommodation at least for splitting a group into subgroups so that at least a minute or two could be spent on each motion.

Our staff is not available because they have gone home to sleep. We need to sort this matter out because we have some other contradictions or issues, and I know members are concerned about what happened to their motions, We are trying to get it settled.

I wonder if the House would agree to defer the further consideration of Bill C-13 report stage motions in Group No. 1 until these questions could be asked of the appropriate staff or officials to get clarification so that members will know what they are talking about.

I cannot address 14 of my report stage motions, which I spent a lot of time during the Christmas break developing, in only 10 minutes. I think the grouping is unfair and in fact will constitute a breach of my privileges as a member of Parliament to do my job.

● (1250)

Mr. Rob Merrifield: Mr. Speaker, I would like to speak to the point of order because I think it is very valid.

As of 10:30 this morning I had an opportunity to look at the different groupings and how they were put together. When we look at some of the subject matter in Group No. 2 particularly, it is understandable that my hon. colleague would be upset because of the 14 amendments that he put forward. I know it was difficult for him to speak during committee as we went through this.

The dynamics and the differences in Group No. 2 are also quite significant. To give 10 minutes to speak to that wide a variety of subject matter in Group No. 2, I would suggest is a breach.

The Acting Speaker (Mr. Bélair): I listened attentively to both presentations and I will take the matter under advisement. It will be reviewed by the Speaker as well as by the clerks. In my opinion, if the member has 14 amendments that he wants to speak about then 10 minutes is definitely not enough time. However, let us wait and see what the Speaker has to say about it.

Mr. Paul Szabo: Mr. Speaker, I wonder if you would entertain a motion for the House to adjourn until 2 o'clock?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, on the same point of order, any measure that the Chair may take to allow the hon. member to express his views will be welcomed by the Bloc Quebecois, particularly since we are aware that our colleague worked hard in committee. However, we are opposed to interrupting our proceedings, since it is urgent that Parliament deal with this bill.

We are prepared to give more time—

The Acting Speaker (Mr. Bélair): So, there is no consent to have the House adjourn until 2 p.m.

Therefore, we shall resume debate on Group No. 1.

● (1255)

[*English*]

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Bélair): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Bélair): I declare Motion No. 1 carried.

(Motion No. 1 agreed to)

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

Some hon. members: Agreed.

The Acting Speaker (Mr. Bélair): I declare Motion No. 2 carried.

(Motion No. 2 agreed to)

The Acting Speaker (Mr. Bélair): The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): A recorded division on the proposed motion stands deferred.

The next question is on Motion No. 5.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. As you know I earlier raised the point that an amendment had been incorrectly put on the Order Paper. It is the one which you have just read, but it should have been another one. You have deferred consideration of that until you have had a chance to consult. As this particular motion which you are asking us to vote on is under consideration by the Chair, I believe it would be appropriate to defer putting this particular question in Group No. 1 until a proper investigation of which motion should have been on the Order Paper has taken place.

The Acting Speaker (Mr. Bélair): The Chair will hold Motion No. 5 in abeyance until a bit more research is done.

The next question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

[*Translation*]

The question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): A recorded division on the proposed motion stands deferred.

● (1300)

[*English*]

The next question is on Motion No. 10. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

The next question is on Motion No. 11. Is it the pleasure of the House to adopt the motion?

Some hon. members: No.

The Acting Speaker (Mr. Bélair): The motion is defeated.

(Motion No. 11 negatived)

[*Translation*]

The Acting Speaker (Mr. Bélair): We shall now move on to Group No. 2.

[*English*]

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. Earlier a point of order was raised with regard to the number of motions in Group No. 2, including that I have some 14 motions in one group and have only 10 minutes to speak. I think the Chair decided that it would defer its decision on whether or not we could have some relief.

I would appreciate some clarification if we should be moving the motions now. It may pre-empt some accommodation. I would ask that the House consider suspending until 2 p.m. to give the officials an opportunity to make that determination.

The Acting Speaker (Mr. Bélair): I am advised that your motions will be put at the very end of Group No. 2 in order to give the Speaker an opportunity to rule on your request of having time given to the 14 motions. I am advised that should come soon enough.

Mr. Paul Szabo: Mr. Speaker, I appreciate the attempt for accommodation. As the Speaker will know, it is not only the member who moves the motions who is here to speak to those motions, but it is all other members. At this point members will not know whether or not they are speaking to my motions.

With due respect, I honestly believe that the answers to what we will be debating should be made prior to moving any motions in Group No. 2 so that members have an opportunity to speak to the motions that are legitimately on the floor.

I would again ask that the House be suspended until 2 p.m.

● (1310)

The Acting Speaker (Mr. Bélair): I thank the hon. member for his representations. We will now proceed with proposing the motions in Group No. 2, without prejudice to any decision the Speaker may make with regard to how debate on the motions in Group No. 2 will proceed. I can assure the hon. member that the questions will not be put to the House until due consideration has been given and the Speaker has come back to the House.

Ms. Bonnie Brown: Mr. Speaker, I rise on a point of order. I would like to comment and ask for your assistance in the arrangement of these motions in groups.

I would point out to you that Group No. 1 has seven motions, Group No. 3 has 11 motions, Group No. 4, which is mainly about administrative matters and the agency, has 16 motions, and Group No. 5 has 11 motions. In opposition to that, Group No. 2, which deals with the most serious concepts and the issues most highly debated in committee, contains 27 motions. I do not have a motion in that group, unlike the previous speaker who has 14 motions, but even I, in trying to comment on the major issues which are being proposed in the 27 motions, would find it difficult to comment within 10 minutes.

Mr. Speaker, I am wondering if you could divide Group No. 2 into 2A and 2B. The member for Mississauga South and members who have worked now for two full years on this issue might at least have sufficient time for fulsome remarks on each of the 27 amendments proposed. It is impossible to comment on them in 10 minutes.

Mr. Garry Breitkreuz: Mr. Speaker, on the same point of order, your ruling has put us in a predicament as has already been described. Quite a number of motions have been put forward. According to your ruling, we do not at this point know if we are going to be addressing these more than once and whether there will be an opportunity to address them at length. We do not know whether the 10 minutes that we are allotted now to speak to this will occur again. I need some clarification from the Chair as to whether we will have another opportunity to speak to some of the other motions if the Speaker so rules.

Is our speaking time used up now? Will we have an opportunity to speak to the many other motions that are still coming? That is the predicament we are in, in addition to what has just been described.

Mr. Geoff Regan: Mr. Speaker, on the same point of order, I wonder if you might find consent to go to Group No. 3 and then come back to Group No. 2 later.

The Acting Speaker (Mr. Bélair): Does the House give its consent?

Some hon. members: Agreed.

The Acting Speaker (Mr. Bélair): Agreed and so ordered. We are moving to Group No. 3.

Hon. Ethel Blondin-Andrew (for the Minister of Health, Lib.) moved:

Motion No. 52

That Bill C-13, in Clause 14, be amended by replacing lines 8 to 10 on page 9 with the following:

"(b) to the extent required by the regulations, make counselling services available to the person;"

Motion No. 53

That Bill C-13, in Clause 14, be amended by replacing lines 14 to 17 on page 9 with the following:

"(d) in accordance with the regulations, provide the person with the information that the Agency makes available to the public under paragraph 19(i)."

● (1320)

Mr. Paul Szabo (Mississauga South, Lib.) moved:

Motion No. 55

That Bill C-13 be amended by adding after line 27 on page 11 the following new clause:

"16.1 (1) The Agency shall prescribe standarized forms and information disclosures related to the terms, conditions, options and other information relevant to the donation, use and ultimate disposal of human reproductive material for use by all fertility clinics or other parties that obtain human reproductive material for human reproduction or research purposes in accordance with the regulations.

(2) The information referred to in subsection (1) shall specifically include

(a) details on the option to give embryos up for adoption; and

(b) the facts related to what percentage of embryos donated for embryonic stem cell research are likely to produce stem cell lines that would meet the research quality requirements.

(3) All forms and information disclosures shall be approved by Parliament."

Motion No. 61

That Bill C-13, in Clause 21, be amended by adding after line 3 on page 15 the following:

"(3) The Official Languages Act applies to the Agency."

Hon. Ethel Blondin-Andrew (for the Minister of Health, Lib.) moved:

Motion No. 64

That Bill C-13, in Clause 24, be amended by replacing lines 31 to 35 on page 15 with the following:

"the professions respecting assisted human reproduction and other matters to which this Act applies, and their regulation under this Act, and respecting risk factors associated with infertility;"

Motion No. 71

That Bill C-13, in Clause 26, be amended by deleting lines 30 to 33 on page 16.

Motion No. 72

That Bill C-13, in Clause 26, be amended by deleting lines 10 to 17 on page 17.

Motion No. 74

That Bill C-13, in Clause 32, be amended by replacing lines 34 and 35 on page 18 with the following:

"its powers under section 40, 41 or 42 or any of its powers or duties"

Mr. Paul Szabo (Mississauga South, Lib.) moved:

Motion No. 75

That Bill C-13, in Clause 34, be amended by replacing line 12 on page 19 with the following:

"eligible for reappointment for one additional term of office only."

Motion No. 77

That Bill C-13, in Clause 39, be amended by adding after line 34 on page 20 the following:

"(4) The Agency shall establish a dispute resolution process, which may include arbitration, to resolve any disagreement which may arise between the Agency, the donors, the licensees and any other relevant parties."

The Acting Speaker (Mr. Bélair): The member who proposed Motion No. 78 is not in the House. Therefore we will not proceed with it.

Mr. Loyola Hearn: Mr. Speaker, I ask leave of the House that Motion No. 78 be put in the name of the member for Fundy—Royal.

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

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I take it that we are discussing Group No. 3, since we have set Group No. 2 aside.

The Acting Speaker (Mr. Bélair): That is right. We are now at Group No. 3. We will return to Group No. 2 later.

Mr. Ménard: Having read the amendments that the Chair has selected, I see that they deal with prohibition and payment for surrogate mothers, in particular.

I would remind the House that, for each of the groups of amendments to which I will be speaking, the Bloc Quebecois has serious concerns about the whole issue of the regulatory agency. If I understand correctly, the amendments will be discussed in greater detail when Groups Nos. 4 and 5 are considered. Because of this, I will refrain from commenting on the substance of the amendments, but I believe that the urgency of the situation that we experienced over the holidays compels us, as parliamentarians, to realize that it is important that the Criminal Code contain provisions to remind us that a certain number of practices are prohibited.

Of course, we could lament the fact that this government has demonstrated its characteristic sloppiness on this issue, and that it has taken almost ten years since the findings of the Baird commission, a royal commission of inquiry, to introduce legislation.

It is interesting to review the values to which each of the 13 prohibitions contained in the bill corresponds, for us as a society and as human beings. This bill on new reproductive technologies—or assisted reproduction, to use the official terminology—clearly contains extremely important ethical components.

We are opposed to human cloning because we believe, obviously, that every human being is unique. Every human is an entity in and of itself. We cannot imagine an equal relationship in terms of interpersonal or parental relations when a parent has a child who is identical to the parent in every way. This obviously raises questions. It raises questions about psychogenesis. How would a child be raised? How would the child's development be affected, if he or she sees a mirror image in his or her parents?

Among the prohibited procedures, we are also opposed to the genetic modification of cells to ensure that certain features are passed on from one generation to the next. Science would have enabled us to decide we wanted, for instance, children with blue eyes and blond hair who will grow to be six feet tall and weigh 180 pounds. We are talking about a choice made on the basis of specific physical features, and this can be achieved by altering a number of germ-line cells. We take it for granted that prohibitions like this one must be maintained.

In addition, we are opposed to the maintaining of embryos outside the womb for more than 14 days. We are talking about in vitro embryos here. Why this 14-day limit? It may sound like an arbitrary timeframe, but it is not. Fourteen days is the limit unanimously agreed to within the scientific community. After 14 days, the central nervous system starts developing. There would therefore be problems with maintaining outside the womb an embryo known as an in vitro embryo.

Moreover, we are opposed to a much debated aspect of the bill, that is, how far research should go. Should the creation of embryos for research purposes only be allowed? The bill—and I agree with this provision—prohibits the combination of genetic material and the creation of embryos exclusively for research purposes. We believe that when an embryo is created, it must be first and foremost for the purpose of reproduction.

● (1325)

As set out in the bill, this does not mean that, when there are authorizing mechanisms or cycles of fertilization that have left surplus embryos, a person cannot give consent for such embryos to be used for research. This is, however, part of another framework, which requires authorization by the agency to be created.

This authorization will, of course, make progress in research possible. But when it comes down to it, for ethical reasons relating to the concept of what constitutes human life, we believe that a created embryo must be used for reproductive purposes, not research purposes.

It is forbidden to create one embryo from another. Understandably, a child created under such circumstances would be deprived of ancestry, of natural ties to the human race, to the species. We cannot condone such a practice.

Any use of human reproductive material in the body of an animal would, of course, be an offence under the legislation. One very precise example of this: bringing ovum cells to maturity on the skin of a mouse.

In committee, there was another ethical debate on forbidding the selection or determination of a child's gender. We have the technology to do this. It is acceptable in certain specific cases, since it is known that certain gender-related diseases are passed on from one generation to the next,or skip a generation. Under such circumstances, technologies to identify sex may be authorized.

With the exception of medical considerations justifying jeopardizing the life of the mother or the unborn child, the value of individual equality stops us from wanting to see future parents able to determine a child's sex automatically. “If it's a boy, we don't want him; if it's a girl, we do”, or vice versa. This is not the kind of society we want to live in. We believe that men and women have an equal contribution to make to society, and I am sure the hon. member for Jonquière agrees with me on that.

Another very important provision is the one that prohibits the purchase, bartering or exchange of gametes. This leads me to a very important aspect of the bill: the only maternity we recognize is altruistic maternity. Under the bill, it is prohibited to pay someone to carry a child.

Of course, one can carry a child for altruistic reasons—although the Criminal Code does not recognize this type of maternity—but, as parliamentarians, we are definitely not prepared to allow someone to tell a woman, "I will give you $50,000, $100,000 or $250,000 if you agree to carry a child that will be recognized as mine". This is bartering, buying or selling and profit seeking, and these are not values we embrace.

My time is almost up, but I will have the opportunity, during the debate on the third and fourth groups, to explain why the Bloc Quebecois will support the bill, albeit with some serious reservations about the constitutional interference that the creation of the proposed regulatory agency will lead to.

● (1330)

[*English*]

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, it is a bit difficult to keep up with the changes in the day by debating Group No. 3, prior to Group No. 2. It was agreed that debating Group No. 2 would be very difficult because of the dynamics. If we look at the 26 or 27 amendments, we will see that there is such a variety that it becomes intense. I hope you will rule on that soon, Mr. Speaker, so we can get back to that part of the debate.

This part of the debate is very important because it talks about accountability on three fronts. One is the accountability when it comes to the different infertility clinics across the country involved with in vitro fertilization. It is very important that we understand how we can hold those fertility clinics to account for what is practised within those clinics.

I am not saying that are not doing everything above board. I am saying we need to look farther up stream when we look at them. Often when we talk to scientists or doctors who are involved in this, success to them is a brand new baby. That is as far as it goes. When they have a live child who is healthy, that is success to them.

We spoke to other individuals involved with in vitro fertilization and we looked up stream a little farther. Individuals who were 19 or 20 years old and adults came to committee. They suggested that they were having difficulty trying to cope and understand where they came from because of the practice that went on years before. We have to take their interest into consideration.

Part of that is to hold infertility clinics accountable. The other is to hold the government accountable. Some amendments deal with how we would audit the agency that would be set up. I would argue that the agency is the most important part of the proposed legislation.

Some people say that the bill is about the embryonic stem cell; others say it is about surrogacy and donation of gamete. I would argue that it is neither of those. I would argue that probably the most important part of the legislation is the regulatory body that will take us into the 21st century and will determine how far we will go or not go when it comes to the whole area of infertility. Virtually we are in the position where we are playing God. The regulatory body will be asked to make decisions that are very important to individuals in not only their lives but in the lives of generations to come after them because of the decisions that will be made.

We need to hold that body accountable. We have to understand how it is made up. Some of these amendments speak to that. The body is not the Senate. The body is there for a certain period of time for a certain job. We have to ensure that body is not driven solely by science or a single interest of any kind. We are creating something new, an agency that will take us into the 21st century. We must be absolutely sure that we look at all sides of the issue and that the regulatory body is responsible to the House and to the people of Canada through an extension of the House. If we do not, we will fail in the proposed legislation in a way that we could never imagine. Therefore that is what some of these amendments are about.

Let me go back to holding the infertility clinics accountable and about counselling. This was a very hot issue in committee. We listened to the witnesses and tried to understand why they were in the situations they were. We asked them how much they understood about the process and about the opportunities to have a child in another way. Virtually all of them said, "What counselling, what opportunity, what information? They knew nothing about that.

The proposed legislation revolves around the idea of embryos in refrigeration in the 25 or more fertility clinics across the country. What do we do with those? Then we have individuals who cannot conceive who have the opportunity to take one of those embryos in the freezer and use it to create a child of their own. However that had not been given to them as an option and they did not know the opportunity existed. They did not know that was something that could even be considered, but the drive was there for their own genetics. A lot of these people are not so concerned about that as they are about having a new child and having the experience of creating that child.

● (1335)

When it comes to the counselling side of it, as a committee we virtually unanimously said that we wanted not just the opportunity for counselling to be provided in those clinics, but that it be necessary to go through counselling and to have that information available. In fact we even said that maybe counselling should not really even take place in clinics, that maybe there should be third party counselling because fertility clinics have a monetary vested interest in how they would counsel. Perhaps the counselling should come from outside the clinics so that there could be no attempt to manipulate an individual with a very altruistic rationale and reason for going into this whole area. They should have not informed consent but informed choice about the options ahead of them. It is very important.

When I see the government putting forward an amendment that would water this down and just leave it there as an option, I suggest that this is something we should consider soberly and very carefully. The idea is to make available all of the information before an individual or a couple go into the most important area of their lives, which is to conceive a child and to create a new human being. The responsibilities that come with that and some of the challenges that will happen down the road because of it are very important.

That is why I would like to speak to Motion No. 52 in particular, which is about counselling. I am really appalled that the government would put forward an amendment actually reversing some of the decisions and amendments made in committee by individuals from all sides who listened to the witnesses, discerned and understood just how important this is and how it actually has been abused in many of the infertility clinics across the country.

Accountability of the clinic is very important, but then we can go on to look at some of the other amendments. Motion No. 55, for example, says that there should be appropriate forms and that they be standardized so we have that information available. When we start talking about a gamete donor, whether it is an egg or sperm, we should not be talking just about the numbers but about how to identify them. We identify them in more ways than by just placing a number on them. We should be identifying that material because it is human material that does not consist just of cells. It actually is the beginning of life. It all comes from individuals. It has a record and the potential of human life; when it is able to cause conception in an individual, it certainly is all of that. We should not just be numbering it. We should be naming these embryos, because they are life at its beginning.

I listened to some of the earlier debate in the House and the question of whether this is life at its beginning. I do not think that is really a debate. It is life at its beginning. It is just biology and it does not matter how one looks at it. One cannot deny that it is biology and life begins at conception. How much value we place on life at that stage is a fair and open debate, but that it is life, one cannot debate. DNA starts there. DNA is created when 23 chromosomes from an egg and 23 chromosomes from a sperm come together and start to grow. That same DNA is there for as long as you, Mr. Speaker, and I are on this earth. The DNA never changes. We have to discern the importance of understanding that this is life at its beginning, that it is not just cells. We have to be accountable for how we treat that life, for treating it with the dignity it deserves.

I also would like to talk about the accountability of the regulatory body. The terms for sitting on that body should be limited so that it is not completely controlled by a certain group of individuals, so that all interested parties have an opportunity to be heard and to be discerned so their views are understood before a decision is made as to how far we are going to allow the regulatory body to push its agenda. Believe me, that body will be pushed as we go forward into the 21st century. It is very important that we in this place hold that body accountable. Now we have an opportunity to amend the bill appropriately and I hope we consider it.

● (1340)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, before I commence my comments on the Group No. 3 amendments, I want to make a comment on today's confusion in the House, which has led us to this point. I am sure that all members of the House realize that the legislation is probably one of the most important and ground-breaking pieces of legislation to come before the House in a number of years, because it is opening up huge new frontiers to us. It is important not only for us today but for the future of all Canadians who are not yet born. We need to get this right. It is very important for us to be able to not allow the special interest groups or particular biases of any of us to interfere with this process.

I hope that you, Mr. Speaker, or anyone else who is in the chair, will be able to give us full flexibility to deal with this issue. The matter raised by the hon. member for Mississauga South certainly is bang on as far as I am concerned. We need to take the time to hear from all sides on this issue, particularly those who worked so long, and to not make an end run around the legitimate committee process, in which so many members worked for so long, to make sure this is done right.

Having said that, I would like to look at Group No. 3 amendments and related matters as they affect the whole bill.

The mandate of the agency in the bill, at clause 21, is to "promote...the human dignity and human rights, of Canadians", yet as we stated in our comments on the Group No. 1 amendments, this is really not reflected in the preamble of the bill. If there were a different statement of principle in the bill itself, it would affect the kind of regulatory agency there is and even the purpose and aims of that regulatory agency. The contradiction could be resolved by, for instance, including the following statement in the preamble. By the way, this is taken almost word for word from the majority report of the health committee. It states:

> It is hereby recognized and declared that assisted human reproduction and related research must be governed by principles and practices that respect human life, individuality, dignity, and integrity.

I suggest that the inclusion of such a statement in the preamble would go a long way toward setting the proper boundaries for the regulatory agency.

I know from having sat on a number of committees in the House how frustrating it is for us to do a lot of work in which members sometimes in the heat of the debate do have some heated exchanges, but where at the end of the day the good of country is put before all of that. The members come together in some kind of opinion that should be carried through on with legislation. To have the government of course then just ignore those particular unanimous or near unanimous recommendations of committees is a devastating thing. Again, let us get this right and take the time to do it.

Another matter is that the assisted human reproduction agency of Canada will not, according to the legislation, report to Parliament, only to the minister. We have had other situations in other quasi-government agencies where this has been the case. It circumvents the responsibility of Parliament to be the final judge and arbitrator of what is happening according to government agencies. This should be an independent agency that reports to Parliament.

● (1345)

Clause 25 allows the minister to give any policy direction she likes to the agency. The agency must follow it without question. The clause also ensures that such direction would remain secret. If it were an independent agency, answerable to Parliament, such political interference and direction would be far more difficult. We are suggesting that this entire clause should be eliminated for the good of the future work of the agency.

Members of the board should have fixed, twice renewable terms of three years to ensure that the minister simply cannot get rid of a non-compliant board member or keep one on forever. This again was a recommendation of the majority health committee report and should be implemented.

The performance of the agency should be evaluated by the Auditor General rather than the agency itself. Of course in the last number of weeks and in past years, we have seen how important the work of the Auditor General is, not only in terms of uncovering wasteful practices of government departments and agencies but also in making sure that the original intent of the agencies and the government departments that receive taxpayer money are actually kept on track. That kind of review by the Auditor General of course would be made public. We feel that there should be transparency in that regard.

As my colleague from Yellowhead has already suggested, the creation of new fertility clinics, for instance, also should be a very transparent process. The licensing of these new clinics should be something that all of us can see as that process moves on.

In the passing of any new legislation, there is of course the possibility for a particular sector of our economy to perhaps make more money than it used to. It is quite possible that the passing of this legislation will create a fairly lucrative business for a number of related agencies, along with job opportunities. We have to realize that the bill and the setting up of the new fertility clinics could become very big business. Money would become very much a part of that, for example, in regard to the whole role of surrogate mothers and some members wanting to allow surrogate mothers to charge for their services. All of this becomes very much a concern if it turns into a big business and takes out the aspect of really majoring in the public health and good of the country.

The bill also allows for the creation of advisory panels. We believe the bill should mandate that they include some key stakeholders. We would suggest these: the users of assisted human reproductive technology; children born with the assistance of AHR technologies; and people with disabilities. The disability community has had a fairly emotional yet rational response, I believe, to the possibility of new reproductive technologies taking place in this country. I have a little daughter who is quite severely disabled. Certainly one would want to protect the interests of that community, which often finds itself very vulnerable in the face of government regulation and society as a whole. We would suggest that people with disabilities have a large role to play on these stakeholder committees. We would also suggest the following: the scientific and medical communities; the faith communities, to discuss the ethical dilemmas that surround this; professional ethicists and representatives of research ethics boards; private sector providers of services and private research firms; taxpayers and their representatives; and, of course, the provincial and territorial governments.

This again is in accordance with the majority and minority health reports of the standing committee and we would hope that members of Parliament would see fit to include these recommendations in the law.

● (1350)

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, I want to point out a couple of items in the bill that bother me and that would make me want to support the amendments to the bill.

I noticed in the agency part of the bill that the minister in Motion No. 72 has actually moved to delete 10 lines on page 17. It appears to me that she is endorsing the conflict of interest part of this agency that we are fighting against. In other words, she would be endorsing the fact that anyone who sat on a pharmaceutical board, who was involved in research and could make a profit from the bill, would be allowed to do so with that particular deletion. I would have to look for a lot of clarification on that before I could consider that to be a good amendment.

I believe that conflict of interest to this House is an issue that we all take extremely seriously and that we should look at in the light that whether it is upcoming legislation that involves corporate donations or whether it is a simple thing like a ticket to a hockey game from a corporate sponsor for a member of Parliament, a person may ask "What is the next thing?".

According to what I read in Motion No. 72, "That Bill C-13, in Clause 26, be amended by deleting lines 10 to 17 on page 17", it would allow conflicts of interest among the board. I do not think that is right.

I also want to comment on the standardization, the forms and the agency that would be being formed here: the terms, conditions, options and so forth in Motion No. 55 in the name of the member for Mississauga South. The motion includes:

> details on the option to give embryos up for adoption; and
>
> the facts related to what percentage of embryos donated for embryonic stem cell research are likely to produce stem cell lines that would meet the research quality requirements.

I have an adopted daughter. We have spent an inherent amount of time being private detectives trying to find out her history. No history is available, at least none that I know of. I searched everything from the birth mother's OHIP number, the old Ontario hospital insurance number, to searching CPIC to see if the person has a driver's licence but none of those exist. I have gone down the path of trying to find the history of someone in my own family. It is for their information not for mine. I am quite happy to accept everyone as they are.

However the fact is that she wants to know her lineage, her roots and what the possible connections could be genetically that cause us to be in certain forms, such as whether one keeps a good head of hair, like the member from Calgary, whether one is bald, or whether one is allergic to peas or to something else. Some of these things cannot be found out until it actually happens, whereas if there is genetic information available one can be on the lookout for it.

In my own case, all the men in the O'Reilly family, previous to me coming along, all died in their late forties and early fifties. No one knew why until we researched it and found out that there was a genetic problem that sets in around the age of 45 to 47 where blood pressure starts to elevate. Back in the forties and fifties blood pressure was not something that anyone looked at as a problem. Being able to trace that, knowing what to look for, seeking the proper medication and doing the things that can be done, we can preserve and make our lives longer.

● (1355)

I am most interested in the fact that transparency not be removed from the bill, that it be very transparent and that people will be allowed to know the health and the history of their parents.

As we go through the bill and the amendments to it, we should keep in mind that this bill deals with life itself. It deals with the reproduction of human beings. It deals with what can happen with the recent scandal over Clonaid and those people who pretended they cloned someone. We need to make sure that when we examine the bill that we examine it all the way through and that we look at every clause, not taking a particular line because someone is a right wing fanatic, or someone is a religious lunatic, or someone is maybe standing up for the rights of the unborn.

We have to look at the rights of people who, like myself, have adopted children. I think those children have a right to know their background. They have a right to know what they can expect in their growing years and what they can expect to find out from their genetics.

In conclusion, I just want the House to know, and certainly the people who have phoned my office with concerns about the bill, that we are reading it and going through it line by line. I look forward to debating Group No. 2, which, by the way, I cannot read because it is messed up. I hope we get to the bottom of that and find out that it is placed properly. I seconded the motions from the member for Mississauga South. I did it not just to fill in the numbers but because I believe in what he has brought forward.

STATEMENTS BY MEMBERS

[*English*]

FIREARMS REGISTRY

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, over the past few months we have seen the facade of the gun registry program unravel before our eyes. This other billion dollar boondoggle of the Liberals has given Canadians little security in their person, reputation or their privacy.

Just last week we heard that a computer hard drive, loaded with personal health and financial information on the residents of Saskatchewan, was stolen from ISM Canada in Regina, but what about that broken down old wreck, the firearms interest police database?

People are named within that system whether they are gun owners or not. The data is unreliable, an invasion of privacy and has gone through the hands of several private industries. A database system is only as secure as the people who have handled it. Lives have been disrupted due to inaccurate or mischievous information inserted into that system.

I ask the Minister of Justice to call it a day. The registry is compromised. Will he axe the database before the information gets into the wrong hands? It is that serious.

* * *

● (1400)

IRAQ

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, many of my constituents in the riding of Hamilton Mountain are concerned about Canada's involvement in any conflict with Iraq.

As this volatile situation continues to dominate the news and the minds of Canadians, I feel it is important to speak out on behalf of my constituents on this issue.

I would just like to state categorically that I am against Canada's involvement in a war with Iraq. War must be a last resort. I share Canada's view that on matters of peace and security the international community must speak and act through the United Nations Security Council. The stakes in this situation are simply too high.

As the member of Parliament for Hamilton Mountain and speaking for the thousands of my constituents, I wish to express my strong opposition to Canada's involvement in any conflict with Iraq, except through a clear mandate of the United Nations.

* * *

IRAQ

Mrs. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, I rise in the House today to paraphrase the *Toronto Star* columnist Jim Travers who wrote that while the U.S. fist-shaking at Saddam Hussein successfully masks more pressing problems, including a flagging domestic economy, escalating violence in Israel and Palestine and the failure in effectively prosecuting the war on terrorism, violence is not the answer.

No matter how hard the Pentagon tries to reposition war as a bloodless video game, it will have inescapable consequences. Soldiers will die, civilian losses will be coldly counted as collateral damage and an unstable region will rearrange itself in ways that defy forecasts or logic.

I appeal to the House and to the government to remain committed to a multilateral UN approach and to have real faith in democracy. There should be no declarations of war until and unless a binding vote is taken in the House. There are political costs to defying uncle Sam but war is no way to try to please a friend.

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BRAMPTON

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, it is my pleasure to make my first statement as a parliamentary secretary about the City of Brampton.

S. O. 31

On January 17, 2003, the City of Brampton celebrated its 150th anniversary, and the celebration will last for the entire year. I invite members of the House to join me in congratulating the mayor, members of city council and the citizens of Brampton for the wonderful celebration.

Brampton is also known as the city of flowers or the city of gardens. Brampton is home to over 325,000 citizens and is one of the fastest growing cities in the country. Brampton is the home of Nortel Networks, Chrysler Canada, Brampton Brick and many high tech corporations, and employs over 100,000 citizens.

I ask members of the House to join me in wishing Brampton a happy birthday.

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GOVERNMENT OF CANADA

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, as the Prime Minister struggles to finish off his political career on a positive note, his so-called friends in cabinet insist on making it a bumpy road home. Every time he pretends to rein in the largesse of his ministers, especially his former finance minister, another one jumps up and proves again that the Liberal government is rotten beyond repair.

The heritage minister is now taking her turn at proving the Liberals just do not get it. She said recently "Obviously, there's a link between corporate donations and government policy...". This is quite an admission from a minister of the crown who sits at the cabinet table cooking up the thin gruel that passes for government policy under these Liberals.

We have also learned that the Minister of Canadian Heritage is not above strong-arming her own corporate connections at Heritage Canada to keep her sputtering leadership ambitions funded. She will never have the high priced connections of the member for LaSalle—Émard, but then again she will never have to register any ships offshore either.

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[*Translation*]

IRAQ

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, like many of my colleagues in this House, I have received calls and letters from constituents in my riding of Laval West, asking that the government not enter a war against Iraq.

We know that the government in that country is far from democratic. But before any offensive is launched, I want to put on the record that the clear and unequivocal consent of the UN is absolutely necessary. Peace and security worldwide are at stake.

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RIDING OF BERTHIER—MONTCALM

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, it is a pleasure to rise in this House today as the new member for Berthier—Montcalm.

My first words are words of thanks to the people of my riding for the trust they have shown in me by sending me to represent them in the House of Commons. I want to assure my dear friends in Berthier—Montcalm that I will look out for your interests in Ottawa.

As I said repeatedly while campaigning, I will focus my action on issues dealing with the social and economic realities of our region, that is, agriculture, lumber and health.

I will also go to bat for all seasonal workers in the tourism industry, who are heavily penalized by the existing provisions of the employment insurance plan.

I also take the opportunity afforded me in this House today to reiterate my commitment to my top priority: to support the people of Quebec in their pursuit of nationhood.

* * *

● (1405)

[*English*]

CANADIAN FORCES

Mr. John Maloney (Erie—Lincoln, Lib.): Mr.Speaker, Canadians have identified what they felt should be the government's top priorities. They named health care, the economy, education and defence spending as their top four national issues. With an upcoming budget these priorities need to be considered.

Most Canadians believe that the main problems facing the Canadian Forces are inadequate resources for equipment and personnel. Three out of four Canadians agree that the defence budget needs to be increased. Many Erie—Lincoln constituents also share these views. In a recent letter writing project by Lakeshore Catholic High School leadership class, one of the reoccurring themes was the need to adequately fund the men and women in the Canadian armed forces.

I urge the Government of Canada to consider the priorities listed by Canadians and Erie—Lincoln constituents, especially with regard to defence issues. We need to provide solutions to the immediate needs of the Canadian Forces that reflect the values and desires of the Canadian public.

* * *

VISIBLE MINORITIES

Mr. Joe Peschisolido (Richmond, Lib.): Mr. Speaker, recently Statistics Canada reported that my riding of Richmond, B.C. has the highest proportion of visible minorities in the country. Among municipalities with 5,000 or more, Richmond leads the way with 59% of its population being part of a visible minority group.

The census reported that during the 1990s Richmond was the top ranking city for immigrants to live in with the largest increase occurring in the Filipino community. Canadians of Chinese origin have established businesses and organizations in Richmond making it an exciting multicultural and diverse community in which to live.

Eventually these newcomers will embrace Canadian citizenship and the Canadian way of life. Richmond has excellent schools and community centres thereby making it a wonderful place to live and raise a family.

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IMMIGRATION

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, last week I held a town hall meeting on problems faced by new immigrants to Canada. Representatives from over 30 cultural groups gathered for a discussion of delays in processing, the need for settlement services and difficulties in obtaining accreditation for training received in other countries.

One man from South America with Masters degrees in both science and education told of being accepted as an independent class immigrant on the basis of his 15 years' teaching experience. However when he reached Canada he discovered he did not qualify to teach here. His current job is restocking vending machines.

A PhD student from China talked about other examples of wasted immigrant talent. He said "It's just like pulling out a tree—you transport it to this country but you forget to water it".

Immigrants and our wonderful country deserve so much better from this government.

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[*Translation*]

FISHERIES

Mr. Georges Farrah (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, Lib.): Mr. Speaker, last week, Fisheries and Oceans Canada released the results of the 2002 commercial fishing season in Quebec.

On November 30, nearly 58,000 tonnes of fish, shellfish and crustaceans were landed in Quebec, at a total value of $158.7 million, an overall increase over last year. This is the highest tonnage since 1995, at the highest value since 1993.

As the Minister of Fisheries and Oceans said last Thursday in Quebec City, during the conference of the Association québécoise de l'industrie de la pêche:

> By working together, the Government of Canada and the fishery can meet the challenges of tomorrow, maintain a strong fishery and aquaculture sector and produce the best quality seafood possible.

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[*English*]

FOREIGN AID

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, tonight the world will be watching the toxic Texan give his state of the union address to the American people and to the world. I guarantee the bulk of that speech will be based on future war in Iraq.

I encourage the President of the United States to start focusing on the war on despair, the war on poverty, the war on famine, the war on homelessness and the war on AIDS that is raping and pillaging the people of southern Africa. The real war that is facing us in the world today is the humanitarian tragedy that is beyond belief. As our colleague, Mr. Stephen Lewis said, "If the world does not focus on this, it is a human calamity beyond repair".

I encourage the President of the United States, our Prime Minister, all parliamentarians and all Canadians to focus their attention on the real despair in this world, which is that of the peoples of Africa.

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● (1410)

[*Translation*]

RIDING OF LAC-SAINT-JEAN—SAGUENAY

Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, I would like to take this opportunity, first, to sincerely thank the voters of Lac-Saint-Jean—Saguenay for supporting me on December 9. My words, actions, and sense of priorities will prove that they made the right choice.

The best way of showing my gratitude will be to be an effective spokesperson for the issues on which there is consensus in our region, in order to make concrete improvements in the everyday lives of my constituents.

I would also like to remind the Liberal government that, during the election campaign, it came and made promises to the people of Lac-Saint-Jean—Saguenay. As you can see, the people of my riding have not forgotten, and nor have I.

Finally, I hope to prove to everyone, particularly young people disillusioned by politics, that politics are essential if we want to make things happen and are still, in a democracy, the best way to send a message.

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[*English*]

OLYMPIC AND PARALYMPIC GAMES

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise to congratulate the Vancouver 2010 Bid Corporation for submitting the bid book to host the Olympic and Paralympic winter games to the International Olympic Committee in Lausanne, Switzerland on January 9, 2003.

Canada is still competing, along with Salzburg, Austria and Pyeongchang, South Korea to win the rights to host the world in 2010.

We have a great team made up of great players and I know we can win gold for Canada. The team, led by Mr. Jack Poole, includes volunteers and governments, first nations and athletes, the Canadian Olympic Committee and Canadian Paralympic Committee and leaders from business and finance from right across the country. I thank them for the good work.

Members please join me in congratulating the Vancouver 2010 Bid Corporation for its success to date. Let us go for the gold. Let us bring the Olympic and Paralympic winter games home in 2010.

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HEALTH CARE

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, for many years Canada's publicly funded health care system was the envy of the world. In the beginning the federal government paid 50% of the cost of provincially delivered health care services and had the moral authority to insist on a truly national health care program.

However the federal government drastically cut health care funding to the provinces, resulting in a dangerously downgraded health care system. Now paying only 14% of the costs, Ottawa no longer has the moral authority to insist on national standards.

The federal government has recently indicated it will put more money into health care. Accordingly, it is essential that the Prime Minister reach agreement with the premiers on a renewed and modernized health care program.

Canadians expect their leaders to work co-operatively to restore our health care system as one of the hallmarks of our citizenship.

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[*Translation*]

LOUIS ARCHAMBAULT

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, we were saddened yesterday by the news that Quebec artist Louis Archambault had died at the age of 87.

Louis Archambault was a refined artist who was respected by his colleagues and who redefined sculpture. He was one of the first sculptors to do public monumental art, and he moved sculpture from the religious and commemorative themes of the past to abstraction and modernity. The works of Louis Archambault can be seen throughout Canada.

Louis Archambault was also an excellent teacher, and he influenced young artists when he taught at the École de meuble and at the École des beaux-arts, in Montreal, beginning in the seventies.

In 2000, his life was the subject of a documentary entitled "À la recherche de Louis Archambault".

On behalf of the Canadian government, I want to praise Louis Archambault for his work and for his influence on sculpture in Canada. I also wish to offer my most sincere condolences to his family and friends.

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[*English*]

SPECIFIC CLAIMS RESOLUTION ACT

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, tomorrow the House is scheduled to debate Bill C-6, the Specific Claims Resolution Act. The Canadian Alliance strongly supports speedy resolutions of claims but we cannot support the government bill because it would not accomplish that goal.

In committee the Canadian Alliance introduced more than three dozen amendments to strengthen the independence, transparency and accountability of the Indian claims centre that would be set up under this legislation.

No timelines were mandated in the Bill C-6 process. In fact there are numerous opportunities for the government to stonewall. The proposed structure lends itself to patronage peddling.

Our Canadian Alliance amendments would have sped up the claims resolution process, reduced conflict of interest, increased organizational independence and saved taxpayer dollars. Every one of our amendments was brushed aside, despite support from opposition members.

This bill would offer very little hope to first nations or taxpayers that the backlog of specific claims would ever be resolved in a responsible and expeditious manner.

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● (1415)

HEART DISEASE AWARENESS MONTH

Mr. Gurbax Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, I am pleased to inform the House and the people of Canada that next month is Heart Disease Awareness Month.

Great progress has been made by the Heart and Stroke Foundation of Canada but there is still a long way to go in the fight to reduce the major risk factors such as smoking, high cholesterol and diabetes.

Events are planned in communities from coast to coast and I would like to encourage all Canadians to benefit from leading a healthy lifestyle. Lack of exercise is a significant health factor in the development of heart disease. Studies have shown that children whose parents are physically active are likely to be active as well.

Let us kick off this campaign to develop healthy habits and become role models for all Canadians.

ORAL QUESTIONS

[*Translation*]

IRAQ

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we continue to head toward a serious international situation, and this government needs to have a clear plan of action.

We have looked at the responses provided by the Prime Minister yesterday, and I would ask him the following in order to allow him the opportunity to clarify his position: does the government feel that resolution 1441 is sufficient on its own to give the international community the assurance that Saddam Hussein is disarming his country?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the resolution imposes a very clear path on Saddam Hussein. He must take the necessary steps to provide the information required by the inspectors.

The inspectors are doing their job, and made their report yesterday. As far as the atomic bomb is concerned, they say that a new program has not been established and that they are not satisfied with the responses obtained to date in connection with weapons of mass destruction other than atomic ones. They have asked for an extension in order to continue their work . When they come back with another report, we will be able to know whether or not Saddam Hussein has complied with resolution 1441.

[*English*]

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Prime Minister neglected to answer the authority question, but let me continue.

Yesterday, as the Prime Minister noted, the United Nations inspectors' report said that Saddam Hussein has not fully complied with his obligations. Today, the Prime Minister of Australia said the same thing. The British foreign secretary said the following:

> The conclusion is now inescapable that Iraq is in material breach of resolution 1441.

Does the Prime Minister agree with this position?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is certainly not what Mr. Blix reported. He reported that he has not completed his work; that he is working on that; that he needs more time to do his job, and then he will report. When he reports, if he comes to the conclusion that Iraq is in a real breach of the responsibilities imposed on it by resolution 1441, we would be in a position to react according to the report of the inspectors.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the government and the Prime Minister should not be spectators. The government should have its own opinion on what is happening in this situation.

We never used to be a spectator. A multilateral coalition of countries, including Great Britain, Australia, the United States, Spain, Italy and others is prepared to keep the pressure on Saddam to comply with United Nations resolutions, including resolution 1441.

Is the government prepared now to stand with the allied coalition to seek enforcement of this resolution?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, everybody is seeking the enforcement of the resolution. This is the position of the Canadian government. We have always clearly indicated that if Saddam Hussein does not respect the condition of resolution 1441 we will then be in a position to decide what to do.

According to resolution 1441, it says there will be great consequences, but we cannot make conclusions about a report that has not been made yet. We are waiting for the report and we are saying to Saddam Hussein that it is better for him to respect resolution 1441 because the consequences will be very great.

● (1420)

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, Saddam Hussein is a menace to international security and to all the values we hold dear as Canadians. The Canadian people and Canada's allies need to know where we stand. As a matter of fact, Saddam Hussein, the tyrant himself, needs to know where Canada stands.

Will the Prime Minister please tell us if Canadian officials are involved in the strategic planning on enforcing the United Nations resolution on disarming Saddam Hussein?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, on this question of the resolution I would like to quote the leader of his party who said on Saturday, "I think everybody should wait and assess the evidence before deciding on the most appropriate courses of action". That is from his leader.

What the leader, the member of Parliament, said was that it is under the control of countries that threaten our values of freedom and democracy.

For us, it is very clear. We are not to make a final decision until we know if Saddam Hussein wants to avoid a war. For him to avoid a war, it is very clear, he has—

The Speaker: The hon. member for Okanagan—Coquihalla.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, we are glad he is finally listening to our leader.

In its resolution the UN clearly demonstrates that it understands the only thing Saddam Hussein has ever responded to is the threat of serious consequences for his barbaric actions. In order to provide a strong deterrent to Saddam Hussein, the growing multilateral coalition of nations, including Australia, Great Britain, the Czech Republic and others, is deploying to the region to back up the UN resolution.

Why will the Prime Minister not commit to a Canadian deployment to help support the United Nations resolution to disarm Saddam Hussein?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, resolution 1441 is very clear. We were one of among the first during the summer to ask the United States and Britain to go in front of the United Nations to get a resolution. Resolution 1441 is a unanimous decision of the Security Council. We want Saddam Hussein and everybody to respect the United Nations and go according to the resolution.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Bush administration believes the UN Security Council resolution 1441 gives the U.S. all the legitimacy it needs for military intervention in Iraq. Yesterday the Prime Minister stated that resolution 1441 is very clear.

Will he now tell us if he shares George Bush's opinion? Does the Prime Minister believe that with resolution 1441, the U.S. does not need a second Security Council resolution in order to attack Iraq? Yes or no?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if Saddam Hussein fails to comply with resolution 1441, not only the U.S., but its allies too will be there to ensure that weapons of mass destruction are removed from Iraq. That is the resolution. It is very clear. We must wait for a clear report from the inspectors. Mr. Blix has asked for more time to do his work. We believe that we must give him more time so that we can make a decision based on a full report.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister says that resolution 1441 is very clear. This is indeed true, particularly the last article, article 14, which specifies that the Security Council, and I quote, "Decides to remain seized of the matter". So, nothing has been decided and it is up to the Security Council to meet and decide by way of a second resolution.

Given the clarity of resolution 1441, can the Prime Minister tell us who must decide on military intervention in Iraq, the Security Council, with a second resolution, or the United States, on its own?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first we have to wait for the inspectors, under the authority of Mr. Blix, to do their work and report to the UN. All of the questions the member is asking are questions that will need to be raised in the House once Mr. Blix has submitted a report, after having been satisfied with the work he has done and with the facility of carrying out his work in Iraq. In order to accomplish this, he needs time. We believe he must be given the time necessary to do the job properly.

● (1425)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, paragraph 14 of UN Security Council resolution 1441 states that the Security Council decides to remain seized of the matter.

Does the Prime Minister understand that when the Security Council decides to remain seized of the matter, this means that it wants to reserve judgment until later and decide whether Saddam Hussein has met the conditions? Does the Prime Minister believe that this is the Security Council's duty and will he wait until it has fulfilled that duty before making any decisions?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the best example that the process is working well is that Mr. Blix reported to the Security Council yesterday and said that he was going to present another report to the Security Council. This indicates that the Security Council's authority is being respected in the way things are being done and I hope this will always be the case.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister does not have the right to feign ignorance. Many people might be in favour of going to war against Iraq, but France might exercise its veto power in the Security Council.

Under these circumstances, does the Prime Minister acknowledge that it is up to the Security Council to decide and not the U.S.? It is the United Nations, and not the United States that must decide. Does he acknowledge that?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, maybe we should wait until there has been a veto before we talk about it.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I am sure Canadians do not take the view that we should wait until everything happens before we talk about it. We want the Prime Minister to tell us what the position of the Canadian government is now. It is a fair, procedural question for Canadians to want to know what the Prime Minister's position is with respect to the need for a second Security Council resolution.

Will it be the United Nations that makes a judgment on the weapons inspectors' final report or will it be the United States? What is the Prime Minister's position? He owes the Canadian people an explanation of where he is at on this.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, Mr. Blix will report to the Security Council again. He provided an interim report. He said he needed more time and then he will report again. After the report, he will advise.

In terms of debating that, we had question period yesterday, we have question period today, and there will be a debate tomorrow night when all members will be able to express their views.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, as a supplementary question, I am asking the Prime Minister, through you, where he thinks the authority lies for making a judgment as to what follows from the final report of Mr. Blix. Does it reside with the United Nations Security Council or with the United States?

As for Parliament's role, could he tell us if he will allow a vote on whether or not Canada will participate in any military action? He did not answer that question yesterday.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in terms of the process in the House, we have done that clearly for many years. We always have debates on that. We will have a debate tomorrow night on that. Mr. Blix will not report for weeks and we want members to express their views right now.

There is a time when the government decides. It is the constitutional authority of the government to decide and if the opposition believes that the government is not doing its job properly, it can always vote non-confidence.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the Prime Minister says that he will follow established parliamentary procedures on votes about war. On October 19, 1990, the House agreed to a government motion that spelled out:

> ...the undertaking of the Government to present a further resolution to this House in the event of the outbreak of hostilities involving Canadian Forces in and around the Arabian Peninsula—

As the prospect of hostilities grew, the House was then recalled especially for a further motion and a vote.

Why will the Prime Minister not allow, in this crisis, the kind of vote by Parliament upon which he insisted during the Gulf War?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we have to make decisions like that, for example, in the case of Kosovo, we follow the precedent that has existed for a long time. It is a decision of the government and the government can always be defeated if it makes the wrong decision through a confidence vote.

● (1430)

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the Prime Minister is the master of the double standard on everything he does.

I have a question for the minister of defence. The minister of defence has said that Canadian Forces in the Persian Gulf area are ready for military action should the time come. The minister knows the trouble his predecessor got into when the rules of engagement for Canadian troops in Afghanistan were not clear, including the treatment of prisoners of war.

Can the minister inform the House whether new rules of engagement pertaining to military action in Iraq have been issued to Canadian troops now in the area. And, if so, when were those new rules of engagement issued?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, that question is triply hypothetical. There may be no war. If there is a war, there may be no Canadian participation. Who knows what the rules of engagement might be for a hypothetical Canadian contribution to a hypothetical war?

* * *

NATIONAL DEFENCE

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, last year the government made a huge flourish about giving raises to our military families. What it is doing next month with much less flourish is to slash and cut the cost of living allowance of military families making them substantially worse off this year than last.

What kind of a government do we have that while we are sending our troops off to a potential war, and their families are dealing with that, the government has chosen to slash their incomes?

I ask the Minister of National Defence, will he halt next month's cuts to their cost of living allowance? Yes or no.

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I think the whole House should congratulate my predecessor for making quality of life his top priority over five years. As a consequence, the Canadian Forces receive substantially higher wages, a substantially higher income for areas where the price of housing is much higher, and substantially improved health care.

We still have work to do but a huge amount of progress has been made.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, with due respect to the minister, that is absolute nonsense. Our armed forces personnel possibly are going to war. Their families are concerned. Next month the government is going to slash their cost of living allowance. Last year in November it increased the rents on their substandard homes.

When is the minister going to do the right thing and halt these cuts to their income? I ask him, for the sake of our armed forces personnel, to stop these demoralizing cuts now.

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, with all due respect to the hon. member, there is no one who has more respect for the brave men and women of the Canadian Forces than the people on this side of the House. With all due respect to the hon. member, what I said is true. There have been substantial increases in the salaries and quality of life of our military. That is a fact.

* * *

[*Translation*]

IRAQ

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, when the time came to ratify the Kyoto protocol, the Prime Minister said that the issue was important enough to warrant a vote in the House of Commons, and he added that this would be a vote of confidence in the government.

The environment is an important issue, but the decision to go to war is at least as important. If the Prime Minister feels that this is an issue of confidence, he should let members of Parliament vote on it.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, for several years now, our practice has been to consult the House whenever Canada participates in a military operation. This has been done every time since the current Prime Minister took office, even when only a small number of troops were involved. This is what we have done, and the government is committed to continue to do so. Incidentally, there will be a debate tomorrow evening on this issue, and there was unanimous consent in the House yesterday on how to proceed.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, a recent poll shows that the public does not want Canada to take part in a war against Iraq. Members of Parliament receive comments from their voters on this issue and, as representatives of the public, they wish to have the opportunity to vote on it.

Does the Prime Minister's refusal to let parliamentarians vote on this issue, despite what his party always said when it was in the opposition, not show that his only fear is the fear of being defeated by his own members on this issue?

● (1435)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member and his colleagues all know that we are using an approach that has been there for years. We have used it each time. About once a week, there are opposition days to allow parliamentarians to debate any issue.

The hon. member knows full well that what he is sayaing today is not quite accurate.

[*English*]

NATIONAL SECURITY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the Liberals imposed a punitive $24 tax on air travellers last year to finance air security. On the other hand, no user fee has been imposed on shipping companies for port security. That means air travellers get taxed while shipping companies, like Canada Steamship Lines owned by the former finance minister who imposed the taxing imbalance, get security without a tax bite.

Why should Canadians tolerate this clear example of a taxing imbalance for security needs?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the hon. member will know that there are a variety of charges that apply in the shipping industry. In the case of the air transportation security charge, the member also knows that we have released a consultation document. I hope that with some changes that are coming we will be able to see a reduction in that charge.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, there are no specific charges for port security and the government cut the port security.

In the former finance minister's last budget he played shell games with taxpayers' money and selectively taxed one industry but not another.

Canadians deserve secure borders, secure ports and secure airports without a tax increase.

I ask the finance minister, will he end the unfair taxing of one industry and not another, and put Canadian security interests first and the corporate interests of the former finance minister last?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the finance minister has answered the question with respect to the user charge on the airlines.

What the hon. member fails to inform the House of and consistently ignores are the security improvements that the government has put in place since September 11, 2001, not just in aviation, but look at the announcement we made last week with the ports.

The member should be focusing on that and reassuring Canadians and not alarming them.

* * *

[*Translation*]

HEALTH

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the federal government is preparing to put back into the health sector a portion of the money cut since 1994. Unfortunately, the Prime Minister wants to do so with strings attached, and this is unacceptable to the provincial governments, which have responsibility for health care.

Despite the formal commitment made by Bernard Landry that all moneys paid out by Ottawa will go directly to patient care, how can the Prime Minister maintain that there will be conditions, when his government is not the one with the expertise in health, the provincial governments are?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am delighted that this time he is not going to put the money in the Toronto Dominion Bank in Toronto. If he indeed wants to use it strictly for health, I am thrilled. I trust that he will have no objection to doing the same as the other provinces and the federal government, namely being accountable to the public for all expenditures, as is normal procedure in a democracy.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, does the Prime Minister realize that his government administers five hospitals, four for aboriginal people and one for veterans? The federal government lacks expertise in health care.

How dare it dictate procedures and priorities to provincial governments, which are responsible for health care, when its true expertise is limited to five hospitals? Once and for all, ought it not to be wise enough to leave it up to the provincial governments to look after these responsibilities?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there have been discussions among the ministers of health, and I believe a fairly clear agreement exists between all governments, the federal government included, on the priorities.

We want to be sure that the moneys which will be made available in the budget and which we want to see allocated to health care will focus on these priorities. We also want to see each level of government clearly reporting to the public on what it is doing with the taxpayers' money.

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[*English*]

GOODS AND SERVICES TAX

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, shortly before the House recessed in December, the Minister of National Revenue indicated that $25.4 million had been lost due to GST fraud and not the $1 billion that has been widely reported.

She was able to get away with clouding this issue because her department no longer reports GST input tax fraud in the public accounts.

Would the minister explain who made the decision to stop reporting these numbers? Was it the CCRA, Treasury Board or the former finance minister?

● (1440)

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, last year some $28 billion was collected from GST and over the past six years, as I reported, there have been accounted some $25.4 million.

My agency is forthcoming at public accounts. We are happy to report it in any way that the public accounts committee would like because we believe in openness and transparency and are happy to provide all of that information as always.

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the minister does not seem to understand that she has a responsibility to Parliament. The minister has a duty to report lost revenues to the House.

There is a huge difference between $25 million and $1 billion. Just ask the justice minister. The revenue minister should clear up the difference. There are strong possibilities that this GST fraud may be connected with organized crime.

Would the minister tell the House why she did not report this problem in November when the issue first came up?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, while our enforcement officers are extremely good at what they do, it often takes more than one year to complete cases before the courts. There are a number of cases before the courts at the present time.

As I have said and I will say once again, we are very pleased to report to public accounts in any format which would conform to its requirements the total of GST fraud as it has been determined by the courts in any given year.

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ETHANOL INDUSTRY

Mr. Jerry Pickard (Chatham—Kent Essex, Lib.): Mr. Speaker, the benefits of the ethanol industry in this country are clear. Ethanol can eliminate over 30 megatonnes of greenhouse gas emissions. It will generate over $1.5 billion in new investments. It will create new markets for 100 million bushels of wheat. It will generate 2,000 new jobs.

This year alone the United States has built one ethanol plant per month, while in Canada only one plant has been built in 10 years.

Would the finance minister make a one time commitment of $400 million over the next eight years to kickstart this industry in Canada?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the member has been a champion of the ethanol industry since he arrived here. It is no coincidence that his riding is the home of Canada's largest producer of ethanol, Commercial Alcohols.

As we prepare for the upcoming budget, the member will know that we have put a lot of our emphasis on alternative energy sources over the last several years. I will be working very closely with my colleagues in order to ensure that we continue to find alternative energy sources to help us achieve our Kyoto target.

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HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, Roy Romanow was crystal clear and Canadians have been crystal clear that profit must be kept out of health care. In the draft accord the Prime Minister presented to the premiers, there is no mention of this fundamental issue.

Does it not strike the Prime Minister as problematic that what he has said to the premiers could very well have come from the official opposition? The Alliance wants private hospitals. The Liberals just do not bother to stop them. What is the difference? Will he put a real Romanow offer on the table?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, let me underscore for the hon. member that Canadians have been crystal clear. What they want is a publicly financed system.

This government has been crystal clear. What we want to do is work with the provinces and the territories to ensure that the publicly financed system is sustained into the future and continues to provide accessible high quality care to all Canadians.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, let me ask the Prime Minister who is clearly interested in his legacy.

Unless he starts to listen to those commissions, the National Forum on Health Care, the Royal Commission on Aboriginal Peoples, the Royal Commission on the Future of Health Care, he will leave a legacy of ignoring the experts he sought out for advice and the advice of Canadians.

Will he start to listen to those royal commissions, change his position to the premiers, and put forward a Romanow offer that keeps the profit out of health care?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, let me reiterate for the hon. member that all those reports and task forces she referred to talked about a commitment to publicly financed health care. What Canadians have talked to us about, and what they have talked to Mr. Romanow and Senator Kirby and others about is a publicly financed health care system.

I suggest the hon. member should look at our proposed draft accord. She will see there are measures that will ensure a publicly financed health care system for all Canadians well into the future.

* * *

● (1445)

IRAQ

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, incredibly a minute ago the Minister of National Defence said who knows what the rules of engagement in the conflict will be. If the Minister of National Defence does not know the rules for his own forces, who does?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, my goodness, talk about out of context. I would have thought the hon. member would remember I said that for a hypothetical Canadian contribution to a hypothetical war, it would be very difficult to know in that doubly hypothetical situation what the rules of engagement would be.

Oral Questions

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, U.S. forces have ID paint on their vehicles that shows up in the thermal imaging screen of its weapons system to mark them as allies. In 1991 the British went into combat without such markings and suffered casualties as a consequence. Our Coyotes do not have this marking. Canadians are therefore at risk of being victims of friendly fire once again.

What steps has the Minister of National Defence taken to obtain the necessary marking system to avoid any more tragic losses for our military?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, it has been suggested that if our soldiers were to wear the dress of the hon. member over there they would be very well identified.

Some hon. members: Oh, oh.

Hon. John McCallum: More seriously, Mr. Speaker, I know that our Coyote vehicle is a top of the flight addition to our military. I will look into the answer to the hon. member's question with great seriousness.

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AGRICULTURE

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, here is another joke for the Liberal government. For three years the agriculture department has been in chaos. Programs are dysfunctional. The agriculture policy framework is a failure. Staff morale is at an all time low. This bureaucracy has completely failed agricultural producers.

Now we understand that this year's farm programs will be delayed by one year. There are only 10 weeks left until farming begins. What past unworkable program will the minister be dredging up and forcing farmers to endure in 2003?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, contrary to what the hon. member has just said, we will have some changes to the support for agriculture, starting in April of this year. Crop insurance will continue, with some improvements. The industry and the producers have asked us to take a look at improving programs such as NISA, including a disaster component to a new design of NISA with different levels of contribution and different participation choices by producers.

I can assure the hon. member that we will continue those discussions with the provincial ministers this Friday.

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, the minister has admitted that the APF is a failure. It will not meet its deadlines. He and his department have spent two years planning a new agriculture policy framework and the government is once again failing farmers.

Twenty-two farm organizations have written directly to the Prime Minister about their concerns about the APF. Farmers realize that the minister is wrecking NISA. Farmers fear they will be stuck again with CFIP in 2003 and they are facing reduced crop insurance coverage.

The minister knew years ago that these farm programs were ending and needed to be replaced. Yet he can still not get new programs in place. Why?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we have been consulting with the industry and consulting with the provinces. We will continue that.

I can assure the hon. member that every province will have the opportunity to make improvements to their crop insurance program, for example, for the 2003 crop. That is what the producers have been asking for. They have been asking for changes to the net income stabilization account. We are discussing those changes. I can assure the hon. member that we will have those changes in place for the 2003 crop year by April 1 of this year.

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● (1450)

[*Translation*]

HEALTH

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, the Premier of Quebec gave his word that all the federal money Quebec received would go to patient care. So it is hard to understand why the federal government is not satisfied with this unequivocal commitment.

Can the Prime Minister tell us why he is obstinately refusing to transfer money unconditionally, when the provinces have proven that they are the experts in patient care?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, it is very important that the governments have the same priorities. The Premier of Quebec said that this was the case, and the Prime Minister of Canada said that this was the case. So things are moving along, and we do not see why the Bloc Quebecois is objecting.

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, when the federal government decided to cut health services, it cut everywhere, leaving the provinces to deal with the mess.

Now that money must be restored to the health care system, why has the government suddenly decided to make such a fuss about where and how the provinces should spend the money?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Government of Canada restored the transfer payments while the provinces, during that same period, made $22 billion in cuts. So much for the past.

With regard to the future, we all know that Canadians want their governments to make health care a priority, and that is what we intend to do in partnership with the provinces, while respecting each other's jurisdictions and agreeing on the priorities that will ensure that our health care system remains one of the best in the world.

[*English*]

CANADA ELECTIONS ACT

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, last fall the Supreme Court gave imprisoned murderers the right to vote in Canada, even though their victims lost all of their rights. Recently, child killer Clifford Olson announced from prison that he supported the decision and that he would vote Liberal in the next election.

Could the minister tell Canadians what he has done to ensure that imprisoned murderers, pedophiles and other violent criminals cannot vote in the next federal election?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the Government of Canada, as the hon. member knows, put in measures regarding this. They have now been overturned by the Supreme Court of Canada.

The justice department and other departments of government are actively reviewing the decision with a view to doing everything we can both to respect the decision of the Supreme Court of Canada, because it is supreme, which is why it is called that, to the surprise of the hon. member, and at the same time to have fairness in a democratic society.

Mr. Vic Toews (Provencher, Canadian Alliance): A minister, Mr. Speaker, who speaks about fairness for murderers but nothing for the victims that these murderers have killed. Last fall the Liberal minister promised to review this decision. Unfortunately, the minister and the justice department have done absolutely nothing to prevent child killers and other violent criminals from voting, even in the last byelections.

Because of Liberal inaction, the Canadian Alliance brought forward the only motion that can be made, a motion to reverse the decision by a constitutional amendment. The government opposes it. Why does it support the rights of murderers?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, first the hon. member proposed an alleged solution that we should use the notwithstanding clause. Then he discovered that the notwithstanding clause did not even apply to that particular section. Now he wants to have another constitutional amendment that requires the consent of all the provinces and to do that before the next byelection.

The hon. member knows that this is a very serious issue. He should not trivialize it in the way that he is. There is a Supreme Court of Canada decision. He should also know about what the Government of Manitoba did with a similar issue at the time when he was a provincial minister many years ago.

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FINANCE

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, my question is for the Secretary of State for International Financial Institutions.

The central bank rate has been set at the lowest levels we have seen in decades, at around 3%. At the same time, interest rates for popular credit cards such as Visa and MasterCard are hovering at 18%, six times the bank rate. Traditionally, credit cards have moved up and down with the bank rate and the spread has been around 10%, but not since 1995. The spread is now more than 16% at a time when consumer credit debt has achieved levels that are unsurpassed.

My question for the minister is, what is the Government of Canada doing to protect Canadian consumers from the avarice of our credit—

The Speaker: The hon. Secretary of State for International Financial Institutions.

● (1455)

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Actually, Mr. Speaker, real assets have grown faster than real debt in Canada, which means that Canadians are worth a lot more today than ever.

Second, on the issue of credit cards, our responsibility as a government is to create vibrant competition in the sector. Over 600 products exist in that sector, including low interest credit cards. It is clear to me that Canadians have choice, and they will always act in their best economic interests for themselves and for their families, but to help we have created the Financial Consumer Agency of Canada to make them wise consumers.

* * *

CHILD PORNOGRAPHY

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, we now know that Project Snowball uncovered 2,329 suspected pedophiles living in Canada. With the few police officers we have working around the clock, they were able to arrest between 50 and 100 people.

When it comes to the safety of children, does the Solicitor General consider a 4.2% arrest ratio a success?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, child pornography is a terrible crime. It is unacceptable to Canadians and it is unacceptable to the government.

On the specific point the member raised, the government has been moving forward. We have increased the penalties and we have increased the funding for police. I am pleased to announce today that the RCMP, working with the Ontario Provincial Police, will create a joint steering committee to develop a national strategy on Internet based child pornography. This group will include representatives from CISC and other large police services.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, an Alliance government would immediately put into place a national strategy to stamp out child pornography in its entirety and give the police the tools to accomplish that goal. As well, an Alliance Party would develop a zero tolerance of child pornography, implement it immediately and not wait with their silly games.

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, there is a big difference, certainly, between the Canadian Alliance policies and the government's. This government believes in the Charter of Rights and Freedoms and we believe in discussing solutions with people. That is why we are setting up the steering committee to develop the national strategy with police forces across the country.

In addition, the RCMP's national missing children's service will be expanded to provide a high level, strategic approach to child exploitation, including child pornography. We are doing our job on this side of the House.

* * *

[*Translation*]

POVERTY

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, poverty is al around us. Sad cases are on the rise. There is an increase in homelessness; more and more children do not eat three meals a day; families live in unsanitary dwellings or dwellings that are too expensive. The situation has become unbearable and requires solutions and resources as soon as possible.

The government is preparing to spend large sums of money on a possible war against Iraq, but does it feel that it is just as important to provide means to fight—

The Speaker: The hon. Minister of Human Resources Development.

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I draw the hon. member's attention to the progress that has been made in reducing child poverty in Canada. It has been and will continue to be a priority for our government.

The hon. member need only read the Speech from the Throne to see the continued commitment from the government in supporting low income families through the national child benefit and in working with the provinces and territories to create and increase the services available to our children, our very important youngest citizens. We have made investments in homelessness projects right across the country, and we will continue to do so because poverty must be beaten.

* * *

ABORIGINAL AFFAIRS

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, despite all the rhetoric about wanting stronger partnerships with first nations and Métis people, the Liberal government refuses to work cooperatively with first nations governments. The government refuses aboriginal leaders their rightful place at the table with first ministers deciding the fate of health services in Canada.

Will the government put an end to this shameful disrespect for the aboriginal people and their leaders and give them their rightful place at the first ministers meeting on health?

● (1500)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the first ministers meeting is for first ministers. Ministers are consulting with the aboriginal leaders, but when we have a meeting of first ministers we mean by that the leaders of the provinces and the territories.

* * *

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, after last fall's announcement of the closing of the asbestos mine in Asbestos and the loss of 350 jobs, we learn today that Noranda is announcing the closing of the Magnola plant, which is also in Asbestos. This closing for at least one year, which will lead to the loss of 380 more jobs, is due to the impact Chinese production has had on the drop in the price of magnesium. All of this puts the town and the area in a catastrophic situation.

I ask the Secretary of State for the Economic Development Agency of Canada for the Regions of Quebec the following. When will there be concrete action, when will a special emergency fund be created to diversify the Asbestos economy?

Hon. Claude Drouin (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, like my colleague, I am saddened by the recent bad news, which along with the news from last fall has devastated the town and the area.

We have already initiated a process with socio-economic leaders to assist in diversification. I can assure the House that we will speed up the process to work toward finding solutions for the area.

* * *

[*English*]

POINTS OF ORDER

ORAL QUESTION PERIOD

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, very briefly, I think members in the House should be able to rise and ask a question of the government, of a cabinet minister, without fear of having what they are wearing referred to in the answer. The Minister of National Defence should rise and apologize to the hon. member for Saint John.

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, in fact I was trying myself to rise on a point of order because I know the hon. member is a great friend of the Canadian Forces. I know she asked a serious question and I said that I would report to her with a serious answer. However in the excitement of the moment I used inappropriate language and for that I would like to apologize to the hon. member for Saint John.

The Speaker: I thank the minister and the hon. member for Winnipeg—Transcona for drawing this matter to the attention of the House.

GOVERNMENT ORDERS

[*English*]

CANADA PENSION PLAN

The House resumed from December 13, 2002, consideration of Bill C-3, an act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act, as reported (without amendment) from the committee, and of Motion No. 1.

The Speaker: It being 3.03 p.m. the House will now proceed to the taking of the deferred division on the report stage of Bill C-3.

Call in the members.

● (1515)

(The House divided on Motion No. 1, which was negatived on the following division:)

(Division No. 34)

YEAS

Members

Abbott
Anders
Bachand (Richmond—Arthabaska)
Barnes (Gander—Grand Falls)
Borotsik
Brison
Casey
Chatters
Cummins
Doyle
Elley
Fitzpatrick
Gallant
Gouk
Grey
Harris
Herron
Hill (Macleod)
Jaffer
Keddy (South Shore)
Lunn (Saanich—Gulf Islands)
Martin (Esquimalt—Juan de Fuca)
Merrifield
Moore
Pallister
Reynolds
Schmidt
Solberg
Spencer
Strahl
Toews
Wayne
Williams
Ablonczy
Anderson (Cypress Hills—Grasslands)
Bailey
Benoit
Breitkreuz
Cadman
Casson
Clark
Day
Duncan
Epp
Forseth
Goldring
Grewal
Hanger
Hearn
Hill (Prince George—Peace River)
Hinton
Johnston
Kenney (Calgary Southeast)
Lunney (Nanaimo—Alberni)
Mayfield
Mills (Red Deer)
Obhrai
Rajotte
Ritz
Skelton
Sorenson
Stinson
Thompson (Wild Rose)
Vellacott
White (Langley—Abbotsford)
Yelich– — 66

NAYS

Members

Adams
Allard
Assadourian
Augustine
Bagnell
Beaumier
Bellemare
Bergeron
Bigras
Blaikie
Bonin
Boudria
Bradshaw
Bryden
Byrne
Calder
Alcock
Anderson (Victoria)
Asselin
Bachand (Saint-Jean)
Barnes (London West)
Bélanger
Bennett
Bevilacqua
Binet
Blondin-Andrew
Bonwick
Bourgeois
Brown
Bulte
Caccia
Cannis
Caplan
Carignan
Catterall
Chrétien
Collenette
Comuzzi
Crête
Cuzner
Davies
Desrochers
Dion
Drouin
Duceppe
Easter
Farrah
Frulla
Gagnon (Québec)
Gagnon (Champlain)
Gaudet
Girard-Bujold
Godin
Graham
Guay
Harb
Harvey
Ianno
Jennings
Karetak-Lindell
Kilgour (Edmonton Southeast)
Kraft Sloan
Laliberte
Lastewka
LeBlanc
Lill
Longfield
MacAulay
Malhi
Manley
Marleau
Masse
McCallum
McGuire
McLellan
Ménard
Mitchell
Myers
Neville
Nystrom
Owen
Pagtakhan
Parrish
Péric
Peschisolido
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Proulx
Reed (Halton)
Robillard
Rocheleau
Roy
Sauvageau
Scherrer
Serré
Shepherd
Speller
St-Jacques
St. Denis
Stoffer
Telegdi
Thibeault (Saint-Lambert)
Tonks
Tremblay
Vanclief
Volpe
Wasylycia-Leis
Wilfert
Cardin
Castonguay
Cauchon
Coderre
Comartin
Copps
Cullen
Dalphond-Guiral
Desjarlais
DeVillers
Dromisky
Dubé
Duplain
Eggleton
Folco
Fry
Gagnon (Lac-Saint-Jean—Saguenay)
Gallaway
Gauthier
Godfrey
Goodale
Grose
Guimond
Harvard
Hubbard
Jackson
Jordan
Keyes
Knutson
Laframboise
Lanctôt
Lebel
Lee
Lincoln
Loubier
Mahoney
Maloney
Marceau
Martin (Winnipeg Centre)
Matthews
McDonough
McKay (Scarborough East)
McTeague
Mills (Toronto—Danforth)
Murphy
Nault
Normand
O'Reilly
Pacetti
Paradis
Patry
Perron
Peterson
Phinney
Plamondon
Proctor
Redman
Regan
Robinson
Rock
Saada
Savoy
Scott
Sgro
Simard
St-Hilaire
St-Julien
Stewart
Szabo
Thibault (West Nova)
Tirabassi
Torsney
Ur
Venne
Wappel
Whelan
Wood– — 186

PAIRED

Members

Carroll
Fournier
Dhaliwal
Lalonde

Macklin
Paquette
McCormick
Picard (Drummond)– — 8

The Speaker: I declare the motion lost.

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.) moved that the bill be concurred in at report stage.

[*Translation*]

Ms. Marlene Catterall: Mr. Speaker, if you seek it you would obtain unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with the Liberal members voting in favour.

The Speaker: Does the House give its unanimous consent to proceed in such a fashion?

Some hon. members: Agreed.

[*English*]

Mr. Dale Johnston: Mr. Speaker, Canadian Alliance members oppose this motion.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Quebecois support this motion.

Mr. Yvon Godin: Mr. Speaker, the members of the NDP vote against this motion.

Mr. Rick Borotsik: Mr. Speaker, the members of the Progressive Conservative Party are voting for this motion.

Mr. Jean-Guy Carignan: Mr. Speaker, I vote in favour of this motion.

Mr. Ghislain Lebel: Mr. Speaker, the independent member for Chambly votes yes on this motion.

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

(Division No. 35)

YEAS

Members

Adams
Allard
Assadourian
Augustine
Bachand (Richmond—Arthabaska)
Barnes (London West)
Beaumier
Bellemare
Bergeron
Bigras
Blondin-Andrew
Bonwick
Boudria
Bradshaw
Brown
Bulte
Caccia
Cannis
Cardin
Casey
Catterall
Chrétien
Coderre
Comuzzi
Crête
Cuzner
Desrochers
Dion
Alcock
Anderson (Victoria)
Asselin
Bachand (Saint-Jean)
Bagnell
Barnes (Gander—Grand Falls)
Bélanger
Bennett
Bevilacqua
Binet
Bonin
Borotsik
Bourgeois
Brison
Bryden
Byrne
Calder
Caplan
Carignan
Castonguay
Cauchon
Clark
Collenette
Copps
Cullen
Dalphond-Guiral
DeVillers
Doyle
Dromisky
Dubé
Duplain
Eggleton
Folco
Fry
Gagnon (Champlain)
Gallaway
Gauthier
Godfrey
Graham
Guay
Harb
Harvey
Herron
Ianno
Jennings
Karetak-Lindell
Keyes
Knutson
Laframboise
Lanctôt
Lebel
Lee
Longfield
MacAulay
Malhi
Manley
Marleau
McCallum
McKay (Scarborough East)
McTeague
Mills (Toronto—Danforth)
Murphy
Nault
Normand
Owen
Pagtakhan
Parrish
Péric
Peschisolido
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Redman
Regan
Rocheleau
Roy
Sauvageau
Scherrer
Serré
Shepherd
Speller
St-Jacques
St. Denis
Szabo
Thibault (West Nova)
Tirabassi
Torsney
Ur
Venne
Wappel
Whelan
Wood– — 183
Drouin
Duceppe
Easter
Farrah
Frulla
Gagnon (Québec)
Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet
Girard-Bujold
Goodale
Grose
Guimond
Harvard
Hearn
Hubbard
Jackson
Jordan
Keddy (South Shore)
Kilgour (Edmonton Southeast)
Kraft Sloan
Laliberte
Lastewka
LeBlanc
Lincoln
Loubier
Mahoney
Maloney
Marceau
Matthews
McGuire
McLellan
Ménard
Mitchell
Myers
Neville
O'Reilly
Pacetti
Paradis
Patry
Perron
Peterson
Phinney
Plamondon
Proulx
Reed (Halton)
Robillard
Rock
Saada
Savoy
Scott
Sgro
Simard
St-Hilaire
St-Julien
Stewart
Telegdi
Thibeault (Saint-Lambert)
Tonks
Tremblay
Vanclief
Volpe
Wayne
Wilfert

NAYS

Members

Abbott
Anders
Bailey
Blaikie
Cadman
Chatters
Cummins
Day
Duncan
Epp
Forseth
Godin
Gouk
Grey
Harris
Ablonczy
Anderson (Cypress Hills—Grasslands)
Benoit
Breitkreuz
Casson
Comartin
Davies
Desjarlais
Elley
Fitzpatrick
Gallant
Goldring
Grewal
Hanger
Hill (Macleod)

Hill (Prince George—Peace River)	Hinton
Jaffer	Johnston
Kenney (Calgary Southeast)	Lill
Lunn (Saanich—Gulf Islands)	Lunney (Nanaimo—Alberni)
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Masse	Mayfield
McDonough	Merrifield
Mills (Red Deer)	Moore
Nystrom	Obhrai
Pallister	Proctor
Rajotte	Reynolds
Ritz	Robinson
Schmidt	Skelton
Solberg	Sorenson
Spencer	Stinson
Stoffer	Strahl
Thompson (Wild Rose)	Toews
Vellacott	Wasylycia-Leis
White (Langley—Abbotsford)	Williams
Yelich– — 69	

PAIRED

Members

Carroll	Dhaliwal
Fournier	Lalonde
Macklin	McCormick
Paquette	Picard (Drummond)– — 8

The Speaker: I declare the motion carried.

* * *

[*English*]

PRIVILEGE

ELLEN FAIRCLOUGH

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, this is a very unusual matter and I do not want to breach the privileges of the House, however today is the 98th birthday of the Hon. Ellen Fairclough, who was a distinguished and active member of the House of Commons and holds the honour of being the first woman ever named to the federal cabinet in Canada.

I am sure the House would want to extend their very best wishes and congratulations to the Hon. Ellen Fairclough.

Some hon. members: Hear, hear.

The Speaker: I wish to inform the House that because of the deferred recorded divisions, government orders will be extended by 14 minutes.

GOVERNMENT ORDERS

ASSISTED HUMAN REPRODUCTION ACT

The House resumed consideration of Bill C-13, an act respecting assisted human reproduction, as reported (with amendment) from the committee, and of the motions in Group No. 3.

[*English*]

SPEAKER'S RULING

The Speaker: I am now ready to rule on the points of order raised earlier today by the hon. member for Mississauga South concerning report stage of Bill C-13, an act respecting assisted human reproduction.

The first point of order concerns Motion No. 5 standing in the name of the hon. member for Mississauga South. The hon. member has said that the text of this motion is not the text he intended to submit.

Having checked with my officials, I understand that while this might not be the text the hon. member intended, it is indeed the text that was submitted to the Journals Branch, duly signed by him. Accordingly, I do not find any irregularity in the matter and will therefore have to put the question to the House.

MOTIONS IN AMENDMENT

Mr. Paul Szabo (Mississauga South, Lib.) moved:

Motion No. 5

That Bill C-13, in Clause 3, be amended by replacing lines 25 to 28 on page 2 with the following:

"introduced;

(b) an embryo that consists of cells of more than one embryo, foetus or human being; or

(c) a non-human embryo into which any cell of a human embryo, human foetus or human being has been introduced."

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: The recorded division on the motion stands deferred.

SPEAKER'S RULING

The Speaker: The second point of order concerns motions in Group No. 2.

The hon. member for Mississauga South contends that 10 minutes is insufficient for him to speak to the 19 motions he has in that group.

In this, he is supported by the hon. member for Oakville who argues that the 27 motions in Group No. 2, relating as they do to "prohibited and controlled activities", go to the very heart of the debate on assisted human reproduction. She contends that 10 minutes per speaker to address the full gamut of motions is insufficient.

● (1520)

[*Translation*]

The Chair is aware of the limits that members have to deal with at report stage; until now, I have based my decisions on report stage on the note to Standing Order 76.1(5) and I have tried to abide by the guidelines set out in my statement of March 21, 2001.

[*English*]

However, it cannot be denied that there is always an element of subjectivity in making these decisions.

[*Translation*]

As Marleau and Montpetit specifies, "Motions are grouped according to content if they could form the subject of a single debate".

[*English*]

In reviewing the motions now in Group No. 2, I have concluded that the group can be split into two groups: the first relating to motions respecting activities that members seek to prohibit; and the second relating to motions respecting activities that members seek to control.

Accordingly, the debate at report stage of Bill C-13 will proceed with the motions originally placed in Group No. 2, regrouped as follows: in new Group No. 2, motions relating to the prohibition of activities: Motions numbered 13, 14, 16, 17, 18, 20 to 24, 26, 27, 40 and 47; in new Group No. 3, motions relating to controlling activities: Motions numbered 28, 29, 30, 32, 33, 36, 39, 44, 45, 46, 49, 51 and 95.

Subsequent groups are re-numbered accordingly. Thus, the House is now debating, ipso facto, Group No. 4, with new Groups Nos. 5 and 6 to come.

A revised voting table will shortly be available with the Clerk.

I thank hon. members for their representations on this subject.

Mr. Paul Szabo: Mr. Speaker, I want to thank you for your ruling. I believe this will be very helpful to members of the House.

At the end of your comments though, I think you mentioned being on Group No. 4. It is my understanding that we are still on Group No. 3 report stage motions.

The Speaker: Yes, but the number changed. That is what I explained in the ruling. The number changed because I split the other group so we have another number. That group has been re-numbered and is now Group No. 4. I said ipso facto. It is just one of those marvellous things. It is not quite high tech but it is close. It was Group No. 3 but because Group No. 2 was split and now we have a new Group No. 3 all the other numbers were bumped. It is very confusing, especially for your simple Speaker, but he is doing his best. That is why we are now on Group No. 4. Do not panic.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, your ruling has given rise to quite an uproar. Perhaps, with your friendly leadership, we could go over the motions again and you could explain to us your ruling.

With respect to Group No. 3, which was debated prior to oral question period, the Bloc Quebecois wanted to vote on a certain number of motions.

I would like to know the exact makeup of the groups based on your ruling, so that all members will know when they may vote on a motion.

● (1525)

The Speaker: Former Group No. 3, which was debated before oral question period, has not been changed. It is exactly the same group, the same motions, with no change, except that it is now Group No. 4.

I have created another group, dividing Group No. 2 in two. Now there is the former Group No. 2 and a new group, No. 3. The former Groups Nos. 3, 4 and 5 have been renamed 4, 5 and 6. Terrible, but there you are.

So there are no changes to the divisions in the House, except for the one on the new group, Group No. 3. Details are now available at the Table.

Mr. Réal Ménard: Mr. Speaker, when we have run out of speakers on the group that was debated before oral question period, are you going to do as usual, that is call on the House to indicate which motions we wish to see agreed to on division or by a vote?

The Speaker: Yes, I understand. I was not present in the House for the entire debate, but the vote on Group No. 1, which was put to the House before oral question period, was deferred. The question on Group No. 2 has not been put. The debate on it will therefore continue later.

The motions before the House now are Group No. 4, which was formerly Group No. 3. We can continue the debate under more or less the same conditions as if I had not ruled on this point.

Mr. Réal Ménard: We are debating Group No. 4?

The Speaker: Yes, it is now Group No. 4, but is the same group that was being debated before oral question period.

[*English*]

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I am pleased to rise in debate on old Group No. 3 which is now Group No. 4. You are, as always, ingenious in the Chair, sir, to have resolved this problem in such a fashion.

I would like to commend my colleague from Mississauga South for having raised this matter so that we can address the very substantive amendments before the House in Groups Nos. 2 and 3.

Group No. 4 deals with the agency created by Bill C-13, the agency created by Parliament, which would report to the Minister of Health in implementing the bill. Because the bill is such a matter of great importance, the agency would be endowed with very significant powers, powers over life and death and how they define and apply the statutory principles of Bill C-13.

For that reason, the Standing Committee on Health sought, I believe through unanimous consensus, in its report to the draft bill which preceded this legislation, to have that agency report, not to the minister but rather to Parliament.

Let me quote from the submission made recently to the Standing Committee on Health on Bill C-56, now Bill C-13, presented by the Canadian Conference of Catholic Bishops. They say in their submission that:

> The Committee's recommendations for a Regulatory Body that is a "semi-independent agency, directed by a Board that reports directly to the Minister of Health, and with mechanisms that ensure accountability to Parliament" seems to achieve a good balance between independence and accountability. In establishing the Agency, the Bill appears to have overlooked reporting to Parliament, or is it assumed that the Minister will report to Parliament? Given what is at stake in the assisted reproductive technologies and related research, accountability to Parliament would seem essential.

I concur with the Conference of Catholic Bishops and with the Standing Committee on Health in its full report. These powers are too great simply to be endowed to an agency which reports to the minister and not to Parliament. I regret that amendments to this effect were not accepted by government members when put by my colleague from Yellowhead at clause by clause at committee. I further regret that such amendments have not been deemed acceptable by the Chair at report stage here. However we in the official opposition will continue to work for greater accountability on the part of the agency.

Let me address some of the specific motions that are before the House in this group.

First, the minister has brought forward Motion No. 52 which seeks to undo amendments made at committee making mandatory counselling with respect to surrogacy. Clause 14(2) of the bill, as currently worded, states:

> Before accepting a donation of human reproductive material or of an *in vitro* embryo from a person or accepting health reporting information respecting a person, a licensee shall
>
> (a) inform the person in writing of the requirements of this Act respecting, as the case may be,
>
> (i) the retention, use, provision to other persons and destruction of the human reproductive material or *in vitro* embryo, or
>
> (ii) the retention, use, disclosure and destruction of the health reporting information;
>
> (b) ensure that the person [that is to say, the surrogate] receives professional counselling services in accordance with the regulations;

● (1530)

Motion No. 52, in the name of the health minister, seeks to eliminate this provision which would ensure informed consent. I cannot understand why the minister would be against a statutory requirement that potential surrogate mothers must be informed of all risks associated with the procedure by the licensee. It makes no sense to me at all, particularly when one reads in the preamble of the bill that one of its objectives is indeed at subsection 2(d) of the bill, which states:

> the principle of free and informed consent must be promoted and applied as a fundamental condition of the use of human reproductive technologies;

If parliament is saying that informed consent must be promoted in the preamble then we ought to be consistent and require licensees to provide that information before surrogates can offer their consent.

There are number of technical motions in this grouping, Motions Nos. 53, 55 and 60, with which I have no objection. Motion No. 61 seeks application of the Official Languages Act, which of course is a standard statutory measure. Motion No. 64 has minor wording which I do not oppose.

I support Motion No. 71 in the name of the health minister which seeks to eliminate an amendment by the committee which says that, at clause 26(2.1):

> The membership of the board of directors [of the agency] shall be appointed in such a manner as to maintain a minimum of 50 per cent representation by women.

On liberal bases, I find offensive the idea of assigning gender quotas or quotas of any other nature in a bill. I believe, and I think most Canadians would agree, that people should be appointed based solely on merit and their competence and not on what their gender or ethnicity happens to be. I believe my colleagues in the official opposition will support the minister's amendment to say that appointments should be based not on arbitrary criteria like that but in fact on merit. It would be a very dangerous precedent if this motion found its way into the bill because it would then become a Trojan horse for all sorts of other quotas, very brazen gender quotas, in bills. It would undermine the principle of merit in government appointments.

I want to dwell on Motion No. 72 that would undo the requirement of board members of the agency to come under conflict of interest rules. This is very interesting. My colleague for Haliburton—Victoria—Brock spoke to this. He said he could not understand why the government would be opposed to a provision preventing agency appointees who have a conflict of interest such as an ownership for instance in perhaps a laboratory that performs technologies regulated by the agency or perhaps a pharmaceutical company that produces material used by practitioners who are regulated by the agency. It makes very little sense to me. The current provision which the Minister of Health seeks to eliminate can be found at clause 26(8) of the bill. It states:

> No member of the board of directors shall, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, have any pecuniary or proprietary interest in any business which operates in industries whose products or services are used in the reproductive technologies regulated or controlled by this Act.

That seems fairly straightforward and sensible. I believe it was an all party consensus to include the conflict of interest provision. I believe my colleagues in the official opposition will vote against elimination of this provision prohibiting conflict of interest.

● (1535)

Let me turn finally to some of the measures which ought to have been included in this section on the agency but were not because the government voted against such amendments put forward by the official opposition at committee stage.

For instance, we believe that the mandate of the agency should include the protection of life. It is very peculiar that at clause 22 of the bill we sought an amendment to say—

The Acting Speaker (Ms. Bakopanos): I am sorry, the hon. member has run out of time. Resuming debate, the hon. member for Ancaster—Dundas—Flamborough—Aldershot.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Madam Speaker, I will come straight to the point. In this legislation the government has moved an amendment, Motion No. 72, which eliminates a change that the committee in its wisdom put in the bill. The committee in its wisdom inserted in the bill a clause related to the Assisted Human Reproduction Agency of Canada, which is the key agency created by the bill. The committee in its wisdom wanted to ensure that the board of directors would be free of any kind of conflict. Therefore the committee inserted a clause, section 26(8) which says:

> No member of the board of directors shall, directly or indirectly, as owner, shareholder, director, officer, partner, or otherwise, have any pecuniary or proprietary interest in any business which operates in industries whose products or services are used in the reproductive technologies regulated or controlled by this Act.

I would submit that this is a very necessary amendment that the committee has inserted because I would point out that section 24(1)(a) and (b) describes the role of the Assisted Human Reproduction Agency of Canada. Subclause 24(1)(a) states:

> exercise the powers in relation to licences under this Act;

Subclause 24(1)(b) states:

> provide advice to the Minister on assisted reproduction and other matters to which this Act applies;

These are two powers and duties of this agency that would create an atmosphere of conflict of interest if there were persons on the board of directors who have a pecuniary interest.

It is very clear I think that a lot is at stake in the new technologies that are being dealt with by this legislation and the licences that may be permitted by this legislation. In other words, money will be involved, lots of money. It was prudent on the part of the committee to insert a clause that basically stated that the board of directors of the agency should not have any potential conflict. It was a very good clause.

I am at a loss as to why the minister should have taken that clause out. I am totally at a loss. I suggest the minister should review that clause. She should put it in or we should vote that clause down.

● (1540)

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Madam Speaker, it has been an interesting day so far but, my goodness, I have to protest the confusion related to these amendments. We started this morning with 107 proposed amendments. We were not allowed to see them until the very first thing this morning. Then the Speaker ruled a bunch of them out of order and so on. Then they were grouped and regrouped. Frankly, for members to debate intelligently on some of these amendments, it takes a bit of time to read and understand what is the intent of each amendment. Surely there has to be a better way of conducting business in the House rather than leaving members to scramble, as we have had to.

Having said that, we are now involved in debate on what was Group No. 3 of these amendments which now has been renamed Group No. 4, and indeed there are some important amendments to be considered here. The majority of them deal with the regulatory agency.

For those just tuning in to this debate, Bill C-13 is the bill relating to reproductive technology. It is a very broad bill and contains a lot of areas of concern to Canadians, such as the cloning of human beings, which most Canadians agree is not a way they want to go, therapeutic cloning, chimera and the importing and exporting of human gametes.

When we talk about chimera, what on earth do we mean by that? We are talking about the mixing of human and animal reproductive materials or the mixing of human and animal genes. We might ask why anybody would want to go there.

There are a lot of very important issues related to this bill. The Raelians are now claiming to have cloned I think three or four human beings. One wonders where on earth they are going with this. Obviously most Canadians are concerned about this and we want to see appropriate legislation brought in to prevent this kind of thing happening, but we also want to ensure that we get the legislation right.

With Canada dealing with this matter later than other nations, we have the opportunity to do it right. We have information that other nations did not have and the obligation is on us to ensure we use that information to create the best law to protect Canadians and to ensure that the offspring of this reproductive technology are the focus and not just a consequence of the act.

One of the first amendments in the renamed Group No. 4 is Motion No. 55 brought forward by the member for Mississauga South. The motion deals with the forms that the regulatory agency shall use. It also deals with detailed information. I will quote part of it. Subclause (2) of the motion reads:

> The information referred to in subsection (1) shall specifically include
>
> (a) details on the option to give embryos up for adoption; and
>
> (b) the facts related to what percentage of embryos donated for embryonic stem cell research are likely to produce stem cell lines that would meet the research quality requirements.

This raises the question of embryonic stem cells and how these will be used in research. The motion raises one of the fundamental concerns that many of us on committee had, which I want to address briefly.

The purpose of this bill is to help people who have failed reproduction and have gone through the agonizing ordeal of trying to produce the family they want so desperately. Many of us are concerned that we are asking people who are most vulnerable, because of their desire to produce a family, to also be the ones to make a decision on the so-called surplus embryos or embryos that have been conceived from their bodies and intended to produce children. They are asked to be produced or donate the spare embryos for research purposes.

Although the bill purports to say that we shall not create embryos for research, I am concerned that there is an incentive for industry to do exactly that, to create surplus embryos so they can be used for research purposes.

● (1545)

Although the bill says that we shall not do research on embryos over 14 days old is to forget that those cells were destined to become a human being. Some researchers have said that when we kill an embryo to extract the stem cells and then use those cells they will have a measure of immortality because they can be frozen and cells drawn out of them could be used repeatedly for research purposes,

Today we have options available to us. We know that adult cells taken from our own bodies have the potential to produce the cures many people with serious illnesses are looking for. We can tap into those either from our own bodies or in cases where that is not possible from umbilical cord cells for example.

I am concerned that the bill would put the most vulnerable people, those desperately trying to produce children, in the position of having to release their intended offspring for research purposes. If we were to make informed decisions in the House based on the scientific information available we could avoid putting them in that position.

Motion No. 64 talks about risk factors associated with infertility. This amendment was debated in committee and states:

> "the professions respecting assisted human reproduction and other matters to which this Act applies, and their regulation under this Act, and respecting risk factors associated with infertility;"

We feel it would be incumbent upon the agency that would be created to inform Canadians of the risks associated with infertility and that should not be forgotten. This agency, like a good doctor, should be trying to work itself out of business by creating a healthy patient that does not need its services. Risk factors associated with infertility should be a focus for this agency and they should be articulated. This agency should be advancing public knowledge on how to avoid infertility in the first place.

My colleague from Calgary who spoke earlier addressed Motion No. 71. This motion would delete a motion put in at committee specifying the gender of members qualified to serve on committee. I agree with his comments that this is inappropriate. Members should be selected for this committee based on merit and not on their gender or ethnicity et cetera.

My colleague from Calgary and the member for Ancaster—Dundas—Flamborough—Aldershot rightly addressed the issue dealing with conflict of interest in Motion No. 72. The committee was quite concerned about this agency. It felt this agency should not be composed of people related to the industry itself, but rather people from society who have demonstrated an ability to deal with complex issues and who are not necessarily from the industry. The last thing the committee wanted was a club of people with vested interests in the industry to be the ones regulating it and reporting back to the minister and not to Parliament on such important issues to Canadians, and issues that have such profound ethical implications.

Subclause 26(8) that the minister wants to strike says:

> No member of the board of directors shall, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, have any pecuniary or proprietary interest in any business which operates in industries whose products or services are used in the reproductive technologies regulated or controlled by this Act.

That was debated in committee. It is important for Canadians that we do not have a conflict of interest set up by people serving on this regulatory agency with the powers it would have. I am puzzled why the minister wants to take that subclause out. We wonder where she is going with that. I am pleased to hear that members on the other side of the House agree with us that this is not acceptable. We also feel that this agency should report to Parliament not just to the minister.

We also note in this section that the minister would be able to change regulations without reporting to Parliament and make recommendations to the agency.

● (1550)

Therefore we have this relationship between agency and minister and minister and agency where changes to regulations could take place without consulting Parliament, and therefore without even consulting Canadians who might be concerned about the implications of such decisions.

I hope that members will consider seriously that there are amendments here that should be rejected and there are others that should be supported. I hope members will think beyond perhaps what the whip tells them to do and take these matters seriously.

Hon. Hedy Fry (Vancouver Centre, Lib.): Madam Speaker, I want to speak to some of the amendments in this group that I think are worthy of support and some that I think would set a dangerous precedent. Some may in fact harm the bill and harm the cause and rights of a lot of people who are involved in using reproductive technologies as well as their children.

I want to speak specifically to the concern that a lot of people have that was mentioned by one of the members earlier, and that is the amendment that refers to mandating the donor's identity whether it be for ova, sperm or embryos. The member made some good points. He said that we need to know the genetic history of those donors so that the child born of such a technology would know its medical and genetic history. This is important and I fully agree with the hon. member.

Mr. Jim Gouk: Madam Speaker, I rise on a point of order. Given the importance of this subject, and I am sure that the member who is now speaking has something worthy to add to this, I would suggest that it is appropriate that the government have sufficient people to form quorum and it does not.

The Acting Speaker (Ms. Bakopanos): I believe that quorum is every member of the House and not just the government side. However, there is no quorum. Call in the members.

And the bells having rung:

The Acting Speaker (Ms. Bakopanos): I now see a quorum. Resuming debate.

● (1555)

Hon. Hedy Fry: Madam Speaker, as I was saying, I do understand the concern that this child would know nothing of his or her medical history. However, the bill in fact does pay attention to that issue and does have clear guidelines on this. The bill as it stands proposes to ensure that the donors give solid medical history. Without agreeing to do that their donations would not be accepted. That is the first piece.

The second piece is that the solid medical history would not only be given at the time of the donation—genetic history, medical history, past history, social history et cetera—but it would also be followed up by some manner that would be devised later on so that as time goes on over the donor's lifespan, if new diseases or new genetic issues come up, that would also be known and relayed to the child or to the family whose child is born of that donation. Since there would be no payment associated with donation any more, it would ensure that the actual identity of the donor would not be known.

People would know that the person who donated, person *x*, had such a history and had such a problem, and that they should be careful about that in their own life and in their own medical history. However it would not be known that the person's name was Mr. or Mrs. Jones or whatever.

First, contacting the biological donor later on would have to be dealt with at the provincial level. Second, when a donor donates sperm or an egg when they are young, they may not believe that they would have someone come to them 25 years later to claim parentage, or for that matter, five people come later on in their lives to claim parentage.

This is a way of protecting the rights of all, especially and most important the right of children to know their own history and to be safeguarded in terms of how they live their lives and what treatment they need, and how they need to be assured that whatever genetic problems would not come back to haunt them. This finds that clear ethical balance that we have been seeking in the bill. I would like to speak strongly against those who would want to move further than that.

I also want to speak in support of Motion No. 72 which seeks to remove the whole paragraph that deals with who can and who cannot sit on the board or the agency. I understand the concern of many people that we do not want conflict of interest issues raised by people who sit on the board. But by removing these two sections, we still have that conflict of interest guideline in the very next clause.

This is too prescriptive. I know the committee debated this at great length, but when the committee put forward its amendment that stands in the bill right now, that amendment was so prescriptive and restrictive. I will give an example. Let us imagine a person who is well known in her community. She is well known for her good work and for her ethics. She is a member of the church. She has shown wisdom and kindness in the past. She has certain knowledge and is asked to sit on the board. However it turns out that her husband happens to work for a medical company. Medical companies would be exempt although the medical company her husband works for does not necessarily create any equipment to be used in these particular technologies, but other medical and pharmaceutical companies do. That person could not then sit on the board because of that indirect relationship.

We would be removing anybody at all who was in any way close to a person who was working in a profession that may or may not be involved in reproductive technologies but in a generic profession. Certainly, one of the problems is that we would leave ourselves with a board of people who have absolutely no expertise on this issue whatsoever. It is clear that we cannot do that. This is a very important technology. It is state of the art. It is moving constantly. There is new research coming about. We need people who have some understanding of the work, but who are not directly linked to having a licence or who own a facility, and would benefit fiscally from making decisions on the board.

● (1600)

We can do that with the amendments that were brought forward by the minister, by deleting certain sections but leaving very clear the sections which say that people who stand to gain financially or who are involved with doing reproductive technologies at that time should not sit on the agency. We do need people who are ethicists. We need people who are physicians. We need nurses. We need people who know somethings about these things on the full board. We need a broad spectrum of people. At this rate, we are limiting the people who can sit on the board to fur traders, I think, to people who have nothing whatsoever to do with pharmacology, medicine or science. This is a real problem.

Mr. Rick Borotsik: What's wrong with fur traders?

Hon. Hedy Fry: This has nothing to do with fur traders. It is that they are the only people I know of off the top of my head who have nothing to do with knowledge about medicine, or reproductive technologies, as it is stated in the old bill. I am just saying that we cannot do that. We cannot remove expertise from a board of people that is set up to clearly set the guidelines that in the bill we want them to set. I wanted to speak strongly for the amendments which would ensure that we have this balance of people but that we have conflict of interest guidelines without so totally restricting most of the Canadian population.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Madam Speaker, it is a pleasure for me to speak today on Bill C-13 and these particular groupings of amendments.

I do think, though, that it is necessary to at least tell the House why I have a set of principles that I like to apply to a bill like this to try to help me get my head around it and get a principled approach to what is a very difficult subject, one we are all struggling with. The ethical questions raised by accelerating knowledge in this area are enormous. Just because we are now able to do something in reproductive technology does not necessarily mean we should do it. Clearly there are ethical limits to our activities, and our answers to these ethical questions help to define our society. They expose our deepest beliefs about our world, our beliefs about our own existence and our beliefs about the value of human life.

That is the scope of the types of issues here before us. I would like to talk about the criteria I mentioned earlier. The first is that we have to have a profound sense of compassion, a compassion for those not yet born and for others involved in the reproductive process. This will require a careful balancing of the interests of the various stakeholders.

The second of these criteria is clearly the particular interest of children, simply because the bill deals throughout with pre-born children. Almost every clause addresses embryos and unborn children in various progressive stages of development. There are other interests to be considered, but the interests of children are an important part of and an important criteria in this debate.

The third is an acknowledgement of the dignity of human life as opposed to other forms of life. Animal and vegetable life are wonderful, beautiful, valuable and necessary forms of life, but human life shares something different. Human life is more. It is distinct. It is different. That is why we have such a problem with human and animal cloning or combinations thereof or genetic manipulation. Human life is special.

Because I am a Christian I believe that life is a gift from God. As Václav Havel told the House during his memorable address several years ago, "Government may be an invention of man, and a necessary one, but humanity is an invention of God". It is special. It is something different. It follows, therefore, that at all stages human life must be treated with special dignity. To be human is to be noble, something of honour, something valuable. We are not worthy of this dignity because of something we can do; we are valuable because of what we are. We are humans. All humans, at whatever stage, are important. Humanity is and of itself a priceless identity and a valuable thing.

It follows, therefore, that we have to treat the dignity of the human life in the human body, which is what we are dealing with here today. Human life, all of it, and all parts of the body have to be given special dignity and special care, which is why not just today's debate on reproductive technology but the debate on health care in general have such important issues for Canadians. They deal with humans. They deal with people. The human body is important.

The next of the criteria is the important checks and balances in our society. In our own Constitution, for example, the judiciary acts as a check and balance on the power of the legislature. In the same way, wise Canadian legislators have historically allowed the private and public sectors in Canada to balance each other, acting to ensure that the powers of both the state and the marketplace are restrained for the sake of public interest. I would like to repeat that. We want to make sure that the marketplace is respected but that it is restrained for the sake of public interest.

I would like to explain that briefly and get to these motions. We can all agree, for example, that commercial trafficking in human life is abhorrent. One only has to look at the practices of history, to the slave trade, to the selling and buying of human bodies, which is repelling to all of us. To this day we find that repugnant. By extension, I would argue that the purchase and sale of human sperm, eggs, zygotes, embryos and so on is something that we cannot leave solely to the impersonal forces of the marketplace. We have an obligation as wise legislators to put our stamp on this, to ask how far we can go. What are the limits? This is not just a free trade zone on human bodies and parts of bodies. We need some regulation. We need to control it. We need to be wise. The laws of supply and demand do not take into account ethical considerations of dignity, of compassion, of human hurt and so on. We need to protect humans from the untrammelled forces of the marketplace.

● (1605)

On the other hand, before I get to these amendments, let me say that the state, including our own state of Canada and the provinces, does not have a perfect track record on protecting humans. The destructive forces that were in place in the early part of the last century are not something we are proud of. There was genetic manipulation and genetic decisions were made, both on this continent and others, which we look back on and condemn and rightfully so.

The answer in all of this, as we consider these amendments, is balance. How do we take the criteria I mentioned earlier and apply them to clauses of this bill, on some of the most important issues of reproductive technology, which touch all of us and will touch us even more in the years to come?

On the first grouping, for example, in Motion No. 52 we are talking about surrogate motherhood or surrogate parenting. We believe that this again is a profound arrangement, a profound departure from what we used to consider normal reproductive behaviour. Men and women got married and had kids. That was what was possible and what was done. It was a sad case when someone could not have children, but there was not much they could do about it. Those were the old days. Now of course we know that much can be done. Much technology can be brought to bear. Childless couples will go to any lengths to have a child of their own because it means so much to them. In one sense they have a unique understanding of how valuable life is, because they are not able to have children of their own in a normal, natural way.

On Motion No. 52, we suggest that counselling for surrogacy, which is part of the bill, not be just an ad hoc, take it or leave it part of the bill, but that it be mandatory. Surrogacy is a huge step, both for the husband and for the wife who may be thinking of that sort of an arrangement, and also for the expectant mother. It brings huge, tremendous pressures to bear on relationships, on the long term stability of those relationships, on what it is going to mean to them and how they are going to handle it. This is not something where we can step up to a window, slap down $10,000 and think that the problems are solved. In many ways, the problems are just beginning.

We think that counselling for surrogacy should be mandatory. It is not something that is hit and miss. This is a big step. This is not a marketplace issue. This is not something that people can do only if they can afford it. This is something to which we as legislators have to bring a balance. The marketplace alone is not enough. We want to ensure that the best interests of the child are maintained and enhanced. One of the ways we can do that is to oppose the idea that a person can take it or leave it. We think that counselling should be mandatory. It is in the best long term interests of everyone.

Motion No. 55 talks about standardized forms and information disclosure on the use and disposal of human reproductive material. Using all the reasons I listed earlier in my criteria, if we just think for a moment, let us ask ourselves, is human life important, is it special, do we need special protection, do we want to make sure it is handled with care? Of course, and that means we want to make sure that it is not cavalier, that there are not unregistered clinics, that there are not embryos created and then tossed aside at the whim of someone in an agency somewhere. We want to make sure it is done properly. This means that we need standardized forms and procedures. We need to make sure that human life, at whatever stage, is treated with dignity. In other words, fertility clinics, which are a growing marketplace business in the country, should have standardized forms. They should have to make certain information available to users of those clinics. We want to make sure that there is proper record keeping and that proper forms are kept. This is an easy amendment to support.

Motion No. 71 is a more technical one on the makeup of the committee. Should it be fifty-fifty women and men or should it just be the most qualified? Of course we want the most qualified people to look after this. Finally, we want to make sure the people who are involved in administering these types of important life-giving and life-taking decisions do not have a conflict of interest.

● (1610)

We want to make sure that the marketplace alone does not drive this. One of the ways to do that is to make sure that conflict of interest guidelines are strengthened. For example, we want to make sure that people who are in charge of reproductive tissue or reproductive clinics do not also have a foot in the door on the regulations. We want to make sure that respect is given to all people.

[*Translation*]

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Madam Speaker, I will comment on one amendment in particular, but before that, I would like to join my colleagues who have congratulated the Standing Committee on Health for the work it has done. It was given a particularly complex and difficult task. When one is dealing with a technical and scientific subject such as this, in the context of morals, it is difficult to prevent discussions from becoming very complex and emotionally charged. I would like to congratulate the members of the committee for their work.

I had an opportunity to speak to this bill during the last session, when it was known as Bill C-56. My comments today are essentially the same as they were then. I will keep them very broad, and then come back to amendment number 61, which is a new amendment.

I had expressed the hope, like some colleagues opposite, and from this side of the House, that the bill would establish a certain balance when it comes to legislating or developing a legislative framework in a very complex field, assisted reproduction, without necessarily closing every door. I had expressed some concern that, while wanting to do the right thing, I hoped that the bill was not too restrictive and that it did not prohibit everything.

We are in a situation where science and knowledge about genomes, particularly the human genome, may some day allow us to improve the situation. We may not be able to do so right now, but as a race, we will certainly try to do so. For example, we should not forgo the possibility of eliminating one of the 4,000 existing genetic diseases if it requires genetic treatment.

This was the type of concern I voiced at the time. I also recognized that since the legislation was to be reviewed periodically, we would be able to make adjustments based on scientific progress.

What I would like to comment on now is amendment number 61, moved by the member for Mississauga South. He is proposing that Bill C-13 be amended so as to add a provision that would add that, and I quote:

The Official Languages Act applies to the Agency.

I am a member of the Standing Committee on Official Languages. I currently chair the committee, and it is as Chair that I would like to address this issue. This is an amendment that I hope will be approved by all of the members of the House, with the exception, perhaps, of the member for Saskatoon—Humboldt. He seems to systematically attack anything that has to do with official languages. I think it is important to comment on this amendment.

First, I think it is important to indicate the legislator's intent during debates on amendments to bills. There have been times when I have had to re-read past debates to find out the legislator's intent because it was not clear in the legislation. I think it should be said loud and clear that the legislator's intent, if I have understood it correctly, is to ensure that the agency be considered a federal institution within the meaning of the Official Languages Act. This agency would be subject ipso facto to the Official Languages Act, and everything that entails.

I would like this noted so that in years to come, if there is disagreement or uncertainty, Hansard can be consulted and the intent known.

I talked to one of the members on the committee, the member for Saint-Lambert , who also moved an amendment, Motion No. 12. It was rejected by the committee members. I preferred what she proposed because it was explicit. She proposed that the agency be considered a federal institution within the meaning of the Official Languages Act.

I think this is important. Some may think it is not necessary. I would like to take a moment to examine this because I hold the opposite view. I think it is necessary.

● (1615)

Over the past few years we have seen restructuring in the institution, in the federal body, with the result that some of the Government of Canada's duties are delegated to other levels of government, namely the provinces and in some cases, the municipalities.

In Ontario we saw a classic example where the two Houses of the Canadian Parliament had passed legislation handing over the administration of contraventions to provincial organizations and institutions. The Province of Ontario in turn handed it over to the municipalities.

There was a case where a legal decision was rendered by Judge Blais, where the Government of Canada had not complied with the Official Languages Act because we had delegated too many of our responsibilities in terms of respecting the Act. The Department of Justice is currently putting this right. In fact, it asked for an extension until the spring to do so. We will see that this is put right.

A study was also conducted by Mr. Fontaine, president of the Université de Moncton, entitled the Fontaine Report. The eight members of the task force did an extraordinary job, so good that the government, through the president of the Treasury Board, has now created and implemented a new policy regarding the devolution of responsibilities with regard to the enforcement of the Official Languages Act.

This was to show that there is perhaps a need, in the minds of some people, to state the rights they had already acquired. But I think that, sometimes, being explicit is not a bad thing.

This was the case, during the previous session, in the bill to amend the Immigration Act. At first, there was some reluctance about amending this legislation. The Official Languages Commissioner appeared before the Standing Committee, suggested some amendments that were finally adopted and incorporated into the act. Already, significant progress can be seen with regard to complying with the principle of the linguistic duality of Canada in relation to the Immigration Act and its implementation.

This is another example of the benefit of referring to this principle in bills such as this one. When a new agency is created, it should be subject to the Official Languages Act.

I think that we should not ignore these things, and this is why I wanted to rise and take a few minutes of my hon. colleagues' and the House's time to make this explicit.

I will summarize, if I may. I sincerely hope that the government will agree to Motion No. 61. I certainly intend to vote in favour of this amendment. I urge all my hon. colleagues to do the same because this way, legislators—meaning us, here today in the House—will clearly express their commitment to ensuring that this new agency, which will be created when this bill is passed and receives royal assent, will be considered a federal institution, subject to the Official Languages Act, with all the associated obligations, when it is called upon to serve the Canadian public by fulfilling the functions and responsibilities assigned it by the Parliament of Canada.

● (1620)

[*English*]

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Madam Speaker, I am pleased to address Bill C-13 and the amendments in Group No. 4.

There is no question that the unfolding events in reproductive technologies and some of the problems they pose are moving ahead at an alarming rate. We have seen in some of the recent newscasts that groups, cults or sects have claimed to be able to reproduce or to clone people. Such claims will probably increase as time goes on. As the technology spreads and becomes more understandable to different groups of individuals outside the medical world, there will be all kinds of violations.

I commend the committee that crafted Bill C-13 for recognizing there is a grave danger. The opening words of the bill's summary are as follows:

> This enactment prohibits assisted reproduction procedures that are considered to be ethically unacceptable.

Those are the words in the bill. There are people outside the House, and maybe some might even sit in here, who might not realize what could happen, that there are people outside this environment who would do things that are ethically unacceptable. There are people who would use reproductive technologies that would not be acceptable in any way, shape or form and they would use people who were reproduced in such a fashion with this technology in an unacceptable way. There are people who would do that. I would suggest that is even happening today.

I commend the crafters of the bill for recognizing this very significant danger. The summary goes on to say:

> Other types of assisted reproduction procedures are prohibited unless carried out in accordance with a licence and the regulations,

There is some control. I commend the crafters of the bill for limiting the powers of those who would fall under some sort of licence to carry out some reproductive procedures.

The creation and use of embryos for research purposes is also addressed in the bill and a privacy regime governs the collection, use and disclosure of health reporting information. Given that, we can step on to the next paragraph in the summary of the bill. It talks about the agency that will control all reproductive technology in the country.

Herein lies the importance of the agency. The agency would be granted significant powers. There is no question about it. As stated in the bill, the people who will sit on the board of directors of the agency will be selected through orders in council. That could be a concern in itself. Any time there is a selection of people for an agency that is completed by or falls within the framework of orders in council, it should be subject to some form of scrutiny.

Another agency which may not be very similar but which certainly has the same imprint as to its formulation and as far as the people who sit on the board is the Immigration and Refugee Board. Those appointments are done through orders in council.

● (1625)

Unfortunately, I do not see anywhere in the bill where there is a higher level of scrutiny as to who sits on the board, other than that they are appointed through orders in council. If there is, I would like someone to point it out to me. The scrutiny is through order in council. Even the individuals on the Immigration and Refugee Board are subject to a scrutiny by the immigration committee. There should be a higher level of scrutiny for everyone who sits on that board.

There will be people who will use reproductive technologies in an unacceptable and unethical fashion. There will be people who will use individuals that are reproduced in an unethical manner. We can be assured of that. I think the bill was drafted to counter any abuse that may happen and believe me, there will be abuse. There will be a strong need for enforcement.

In that sense, for those sitting on the board I would like to see further checks and balances. That agency is ultra important. Not only is the board of directors appointed in this fashion, but so is the president of the agency.

Again, where is the oversight as to the philosophical point of view of those two particular people, specifically the president and the chairperson of that board? It is very important. It is one to which Parliament should pay particular attention.

A Liberal member stood in the House and declared that the board of directors, which would also include the chairperson of the board, should be able to involve themselves in a business or maybe even hold a licence. I do not know what her total comments were, but certainly conflict of interest was not an issue for her.

Conflict of interest is a significant factor as to who sits on the board. There will be judgments made by the board. There will be directions to the inspectors to enforce certain aspects of the legislation when it becomes law. We cannot fall to that kind of argument and accept no oversight of the board of directors when it comes to the agency. This is a concern we will watch on this side of the House.

On order in council appointments and conflict of interest, no one should be tied to any business arrangement when it comes to reproductive technology and still have a position of influence as a board member or as the chairman of the board.

There is no question that we along with so many others are breaking new ground with this legislation. There is a need for reporting and in this case it is to the Minister of Health. It would be very astute of the House if that authority were placed on Parliament itself as opposed to a person who may or may not, as it was pointed out, have to report to Parliament about the procedures and the gathering of information by the agency itself.

I see some shortfalls in the legislation as it is written. However, I do agree strongly that those who crafted the bill were very much aware that there will be abusers who will attempt to capitalize not only on the reproductive technology, but also on those individuals who may grow up or come from the reproductive techniques.

● (1630)

[*Translation*]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Madam Speaker, I appreciate the very interesting discussion we are having today. I think that parliamentarians are expressing very important opinions. I believe that this debate is important in itself. I want to thank everyone who is taking part.

Now, with regard to Motion No. 72, there is a point that seems to be the subject of some confusion. I will try my best to shed a little light on this issue.

First, the government understands the concerns that led the members of the standing committee to vote in favour of what is now subsection 26(8). However, there is a tendency to stop at subsection 26(8) and to forget about subsection 26(9). I will come back to this.

This is why the government proposed an amendment that was adopted in committee, in order to ensure that members of the board of directors would not be in a conflict of interest.

This is also why we have always insisted on the need for the board of directors and its members to act with transparency and accountability.

However, the amendment proposed in committee by the government, which is now subsection 26(9), places certain requirements on all potential and current members of the board of directors.

A person is not eligible to be a member of the board of directors if they hold a licence or are an applicant for a licence or a director, officer, shareholder or partner of a licensee or applicant for a licence. These requirements are very strict and appropriate.

The members will be examining a certain number of complex and delicate issues, we all agree. Canadians must be certain that the members' work will not be affected by conflicts of interest.

However, subsection 26(8) goes too far when it excludes potential members for reasons that go well beyond real conflicts of interest. I would say that they even risk undermining the important provisions in subsection 26(2), which stipulates that "the membership of the board of directors must reflect a range of backgrounds and disciplines relevant to the Agency's objectives".

So, the wording of subsection 26(8) remains such that it excludes complete categories of people from certain areas or fields from sitting on the board of directors. It likely excludes doctors, scientists, nurses, counsellors, ethicists, and their spouses, even if they, personally, have nothing to do with assisted reproduction. This provision would undermine the credibility of the board of directors.

The consequences of the clause in question would even be absurd. It stipulates that a person may not have any direct or indirect interest in any business that operates in industries whose products or services are used in the reproductive technologies. This would exclude lawyers, insurance agents, plumbers, electricians, accountants, paper suppliers and so on. These people would be excluded simply because their business is part of an industry that provides products or services for assisted reproduction, even if they personally do not. This restriction would exclude people who have no imaginable conflict of interest with their duties on the board of directors.

Allow me to describe a situation for members of the House and for members of the public who are listening. Imagine if the government wanted to appoint a woman to the board of directors who is not a specialist, who has been active in her area for many years. She has earned respect based on her wisdom, her good judgment, her common sense and her great knowledge. However, there is a problem. Her husband works for a company that produces medical equipment. This company does not make equipment that is used in assisted reproduction, but, obviously, other companies in the same industry do.

The candidate in question would have to be rejected, not because she is not qualified and not because she stands to benefit financially from the agency's activities. She would be rejected because she has an indirect interest in a business that is part of an industry that provides products to in vitro fertilization clinics.

This case clearly illustrates the flaws in clause 26(8). The amendment proposed would guarantee that advisers and other health care professionals in addition to scientists, ethics counsellors and their spouses could sit as directors, as long as they meet the rigorous requirements regarding conflicts of interest, which are set out in clause 26(9).

Their skills would complement those of other directors representing a variety of areas and disciplines, including lay people. This conflict of interest provision is in addition to the rigorous conflict of interest and post-employment code by which all governor in council appointees are already bound.

● (1635)

That is how we can be sure to have the strongest possible board of directors and it is in the interest of all Canadians and anyone who uses fertility clinics.

I hope to have shed light on this section, which seems to have caused a great deal of confusion. Once again, I would like to stress that section 9, which follows section 8, is extremely important under the circumstances.

In terms of Motion No. 52, with regard to professional counselling services, there are few circumstances in Canada where legislation, particularly federal legislation, requires people to obtain psychosocial counselling.

However, the current wording of subsection 14(2)*(b)* would make it mandatory not only for all donors of gametes or embryos, but also for anyone who uses any type of assisted reproduction techniques to seek professional counselling.

Many in this House are of the opinion that counselling is useful, desirable even, in all situations, but that is not what we are dealing with here. Instead, it is a matter of determining whether it is appropriate to use legislation to force people to seek counselling. I would respectfully submit that this is not appropriate.

I also feel that it would expose the legislation to challenges under the Canadian Charter of Rights and Freedoms, on the grounds that the State was trampling on people's freedom. If such a challenge were successful, it might put an end to all obligations to seek counselling services, which would leave no legal obligation in this area.

The amendment proposed by the government is not aimed at perpetuating the status quo. At the present time, there are a variety of approaches to counselling services in the country's clinics. Some provide them, some do not. The amendment in question would impose upon the clinics the legal obligation to make professional counselling services available.

I would like to say a few words on Motion No. 71, which might raise some questions. It deals with the composition of the board of directors of the regulatory agency. Are 50% of the board members of the Assisted Human Reproduction Agency required to be women? I do not believe so. I shall try to explain.

What is important is for the most competent people to be appointed to the board of directors and to do a good job. This could mean that at one point the majority of board members could be women, but the situation could change. Let us focus on having members selected for their competency. Let us focus on the choice of competent men and women.

The Acting Speaker (Ms. Bakopanos): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Saskatoon—Humboldt, Royal Canadian Mounted Police; the hon. member for Ottawa—Vanier, U.S. Embassy.

[*English*]

Mr. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, the whole issue of human life, in fact of any life, is intriguing. When I was at university I carried on after high school with the study of biology. I took first year biology in university even though I was a math physics major. I always was intrigued with the idea that chemicals and minerals can come together and somehow by a divine infusion can spring into life, growth and existence.

When we think of human life there is an additional dimension to that life because of our ability to think, to feel, to anticipate and to have a whole range of emotions, to love, hate and everything in between. We have genuine affection for our children and for our parents.

Several weeks ago we had the occasion of realizing that the essence of life was more than just the molecules that form the body when we stood beside the casket of my father who passed away before Christmas. We were suddenly confronted with the reality that what was Dad's body was now no longer Dad because life had now escaped from it.

We are dealing here with a very important and, I would venture to add, sacred subject when we deal with issues of human life.

Over the last number of years, perhaps the last five decades, there have been tremendous changes in how we view human life. As a matter of fact, when I was at university I remember a young man who, unfortunately, as a medical student performed the procedure called abortion. He actually lost his ability to ever get his medical licence because he did that. That was well within my lifetime. I was in my late teens when that happened. My goodness, I cannot believe it but it was about 45 years ago. That is incredible.

At that time the Criminal Code stated very clearly that to end the life of what we now call dispassionately a fetus was a Criminal Code conviction and, if I remember correctly, it would land the practitioner in jail for a minimum of 13 years. It was a very serious thing.

As I said, in the last five decades we have undergone a massive shift in our thinking about human life. It is now almost, to some, a commodity. In this case we are dealing with the issue of improving the probability of parenthood for those who want to be parents but who cannot have children.

I often think too that if our country were a person we could properly designate it as a schizophrenic person, because I find such huge inconsistencies in the way we deal with issues of life.

I took note of the fact, being in the hospital, where on one side there is a neonatal unit in which extraordinary procedures are taken to protect and preserve the life of a newborn who perhaps was born prematurely or with some other life-threatening situation, and the nurses, the doctors and the technology were all geared toward preserving that life. In the bill and with these amendments we are talking about the technologies that are used to create that life in the first place if the normal process does not work for a couple.

● (1640)

However, right across the hall from that same neonatal unit is another unit where we euphemistically speak of terminating the life. We say terminating the pregnancy but it is really terminating the life. To me that is a schizophrenic reaction. On one hand we say that we will do everything possible to preserve a life and then, on the other hand, we have no compunction whatsoever of taking that same human life. That inconsistency is a huge one. I really do not know how people who work in this area can reconcile those two competing points of view.

There is another very important issue that we must address when we deal with this technology, as it is called. Mention has been made of the donors. I venture to guess that a person who has come to be simply by the technological bringing together of certain components by two donors must long for that sense of parentage. We all need to know where we come from.

There is a huge issue involved when we use technology to create human beings by bringing together anonymous donors. That question must be answered in a way that does not produce future conflict. If the legislation provides that the donors, so to speak, I call them the mom and the dad, are to be kept anonymous, then how will that individual so created ever find out their roots?

I believe adults have the right to know the source of their parentage. We must make sure that the donors who are participating in the project now recognize that 18 years down the road, say, they would be required to become known. I believe there is a very strong possibility of that. I think that withholding that information from the person who is born of these technological processes is harmful. We need to give some very careful thought to that.

Another issue that is of great importance is to control the parentage. It used to be that this was done automatically. We are not permitted by law and by convention to marry our brothers, sisters or close relatives. That was a wise decision in terms of a biological approach because of the genetics involved. If we have anonymous donors, then hopefully the young people who are falling in love and seeking to marry would know whether or not they share a genetic parentage. This is something that has to be determined.

How are we going to do that? Will we require all young people, 18 years from now, before they proceed to marriage and have children of their own, to go to an anonymous government registry? We hope it is more efficient than the gun registry. Will they be required to go to a registry to find out their actual genetic parentage and whether or not they will be permitted to marry? That is an important question and one which must be answered when we deal with these issues.

What I have done in the little time that I have had here is raise some questions. I have not offered any answers but I think these are questions that demand an answer. We must be very careful, in proceeding along this line, to know exactly what we are doing so as to preserve the genetic strength of the next generation, otherwise we run risks which are almost beyond comprehension.

● (1645)

Ms. Bonnie Brown (Oakville, Lib.): Madam Speaker, there seems to be quite a bit of debate on Motions Nos. 71 and 72 proposed by the Minister of Health or her officials.

I think the confusion that arises is based upon long discussions we held at the committee. Some people seem to feel that we made some kind of mistake by putting in the fact that we did not want the board of directors to be peopled by those who might have a direct or indirect pecuniary interest. Nothing could be further from the point. We put that in for a specific reason.

I have to go back to the idea of the formation of a board of directors. There are two ways to form a board of directors. The typical way, particularly typical in Ottawa, is to form a board of directors of people who are experts in the field wherein the membership reflects the stakeholders. With such a board of directors, in this particular case, one would have scientists doing this kind of research; one would have physicians who had, at some point or another, been part of fertility clinics; and perhaps nurses who had assisted in those clinics. We would probably have infertile couples or individuals from infertility groups. There are a variety of people who could be called stakeholders and who have a certain degree of expertise.

The Government of Canada has a history of putting together that kind of oversight board. On that kind of board, my experience on such a board suggests that those people are always fighting for the advantage.

In the middle of those experts, the other person who is often nominated to such a board is the ethicist. If there were one or two ethicists among 20 other people with vested interests, how many times would the ethicist's view prevail when other people have a possibility of pecuniary gain if they get their own way at the board table? My feeling is that the ethicists often become, despite their very best efforts and their wonderful training, the apologists for the board decision, which does not reflect the ethical position they presented to the board.

We ran into this problem when we were discussing the make-up of the board of directors but we were lucky enough to have on our committee at that time a man called Preston Manning. Most members will know that I personally, as a Liberal, did not agree with Preston Manning about many issues of government. As a matter of fact, I disagreed with most of his stances at election time. However, in all honesty to my colleagues in the House, I must say that having Preston Manning on the committee was a terrific asset. When we faced the possibility of people seeking pecuniary gain through assisted human reproduction and related research, he came up with the suggestion that we strike a new kind of board of directors, one that is not familiar to Parliament Hill.

When he did that of course all the officials who would defend the status quo around here rose up and said that it would never work. They tried to dissuade us of that. However one official, who shall remain nameless, encouraged us. That was the one official we heard from the Auditor General's department who felt that our idea, or Preston's idea which we adopted, was one sure way of preventing the misuse of the licensing function, the research funding function and the fertility clinics by all the associated professionals who are making a lot of money through those clinics today.

Our first thought was to have a panel of retired judges. They would have the age, the wisdom and sufficient education to understand most of the scientific matters, but the important thing would be that they would have a history of understanding the acceptable mores and ethics that most Canadians could accept. They would have a vision going forward. They would understand how Canada is different from its large southern neighbour. We felt their decisions guiding this agency would be excellent.

● (1650)

Later we broadened that idea. What about retired deans from universities? What about a retired dean of sociology, for example? What about a retired dean of history? What about a retired head of science at a university? The expertise would be around the table but no one who had one cent to gain. That is why we put that clause in. We were challenging the status quo with these boards of directors filled with so-called expertise, but are people driving for their institutions, clinics or points of view to win, diminishing often the input of ethicists.

We wanted people on our board, perhaps a retired professor of ethics, perhaps a retired historian who could see the history of Canada and the understanding Canadians have of themselves, sociology, social work, medicine, but no one who was actively in the field. They would have neither a direct nor an indirect pecuniary interest.

I am asking the House to go with the new idea of a new type of board of directors because the nuances, ethical, religious, scientific, the past, the future, all the things that have to be considered require a very special board of directors and not the typical one that we have been structuring around here. We are asking everyone to take that leap and to create something new because this subject is new. There has never been a board of directors about this subject and we think it takes a particular kind of person or group of people to steer this clearly. I would ask the House to defeat Motion No. 72.

In Motion No. 71 everyone will notice that the preamble and the statement at the beginning of the bill talk about the fact that no matter how one slices it, no matter what wonderful fathers we have present in this chamber or what wonderful children they have produced, a lot of the procedures that are involved with assisted human reproduction affect the bodies of women far more. Some of them are very invasive. Even the bodies of so-called ova donors are affected very seriously.

The biological mother, the ova donor, all these women, who often take a whole bunch of drugs prior to the collection of ova, are very severely affected. That is why we put in the fact that their interests must be protected and, therefore, 50% of the board should be women. It does not seem to me to be too restrictive an idea. After all, even in our political conventions 50% of the delegates from any riding association have to be women.

Surely we think that women can sit on a board of directors for an issue of such magnitude and one that affects them so deeply and not be afraid to put that in the bill. It does not say more than 50%. It does not say 50% have to be men. I do not know how it would work out, but the fact of the matter is women are affected and their viewpoints must be heard at this board table. Therefore, I would also ask the House to defeat Motion No. 71.

This is the kind of issue that leads one to look forward into the future. If this is not dealt with extremely carefully, we put at risk the Canadian gene pool: for example. What kind of a society do we want or the integrity of the human genome? These are huge concepts and to me it takes extremely wise, well educated people who are totally free of any direct or indirect pecuniary interest.

● (1655)

It is a different kind of board we are looking for, half women and half men, and one that is totally divorced from any personal gain of any type as it goes about making its decisions.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Madam Speaker, I appreciate the opportunity to speak to the motions in Group 4. I commend the member who just spoke for her comments on Motion No. 72. I am certainly willing to consider her comments on Motion No. 71, although it is important to remember that men are also affected by reproductive technology, but she has done that. I appreciate her reminder and recognition of the fact that Preston Manning, who was for some time the leader of the Reform Party, played a key role in helping to craft this legislation.

I do not think there has been anything this exciting in medical research for some time as the whole issue of assisted human reproduction, and from listening to the speakers today we can tell that. There is excitement. There is actually a renewed interest in science on the part of many of our younger people because of the potential. They are already receiving benefits from stem cell research.

There are very few issues surrounded by more concern and controversy than this issue. For this reason it is the responsibility of all of us in the House of Commons to deal carefully and thoughtfully with this important legislation which regulates stem cell research activities and assisted human reproduction. That is what we are doing as we go through these amendments and move on to debate on this issue at third reading stage.

The Group 4 motions deal with a fairly wide range of issues in the legislation. Some of these have been discussed already, and I have heard some excellent debate on these issues. When considering these issues, it is important that we look at some of the base issues and the basic facts about stem cell research and the issue of adult stem cell research as compared to embryonic stem cell research.

I will to take a bit of time in considering the Group 4 motions to compare and contrast the benefits and the pitfalls of these two sources of hope, and they truly are sources of hope. As I go along, the House will see that certain conclusions can be reached about adult stem cell research as compared to embryonic stem cell research. I will start from foundation comments on these two different sources of hope.

First, adult stem cells are easily accessible, which is a huge advantage. Another huge advantage is the fact that they are not subject to tissue rejection and pose minimal ethical concerns. Ethical concerns are important in the debate on stem cell research.

On the other hand with regard to embryonic stem cell research, cells are derived from embryos and implanted in a recipient. They are foreign tissue and thus very much subject to immune rejection. In most cases that leads to years and years anti-rejection drug therapy which is a very expensive and very dangerous kind of therapy. That is the difference between adult stem cell research and embryonic stem cell research.

Second, adult stem cells are being used already to treat Parkinson's disease, multiple sclerosis and spinal injuries, while research using human embryos has not yet lead to any healing therapies. We should focus our energy and scarce resources on research that is now already making a difference. That is important to know.

If we look in contrast to stem cells taken from embryos, rats that were injected grew brain tumours in 20% of the cases. When there is that kind of response to early research, we have to wonder how long it would take to get any kind of situation where these could actually be used in the treatment of some of the serious diseases which are being tackled by stem cell research.

● (1700)

I just want to quote a researcher from Cambridge University on this issue. He said “I don't think this will be a treatment in humans for quite some time”. That was from BBC News on January 8, 2002.

What a thing to do to a person. Someone who is looking for a miracle cure and the hope that stem cell research can provide ends up with something like a brain tumour. There is the hope and then the terrible, bitter reality in finding that one has a brain tumour resulting from something that was hoped would be a miracle cure. There is a long way to go when it comes to embryonic research. As I have said, there already have been a lot of very positive results from adult stem cell research.

The standing committee said, “in the past year, there have been tremendous gains in adult stem cell research in humans”. We also heard that after many years of embryonic cell research with animal models, the results had not provided the expected advances.

We have heard, and I have certainly heard, from many of the companies that have invested millions and billions of dollars into stem cell research. They have placed all or most of their hope on embryonic stem cell research. Quite frankly they have been bitterly disappointed in the results, but those companies that have focused more on adult stem cell research already have had tremendous results which are very encouraging. The standing committee recognized that fact and that situation.

On the other hand, medical therapies developed using human embryos may be refused by people who do not believe they are ethically derived. Why require people who find this morally objectionable and who are extremely ill and in a very difficult situation violate their consciences to be made well if adult stem cells show at least as much promise? That seems to be the case and I will go through some of the evidence to demonstrate that.

Before I get into some of the examples, I want to point this out. In its presentation the CHIR said this that research using adult stem cells would also be eligible for funding under specific conditions, making it seem that maybe adult stem cell research has some promise as well so it will make it eligible. In fact the reality is that it seems that most of the hope is with adult stem cell research.

Canada is already the leader in adult stem cell research. For example, by supercharging adult blood stem cells with a gene that allowed them to rapidly reproduce, the team of Canadian researchers at the University of British Columbia healed mice with depleted blood systems. Someday these adult stem cells could replace bone marrow transplants in humans. What an advance and what an exciting thought that is, when it comes to people with the diseases which involve bone marrow. It would be a huge advance for them.

There are other examples. There are numerous examples of recent advances in adult stem cell research as well as the ones I have mentioned already. Researchers have found evidence that stem cells circulating in the blood stream can grow new tissue in the liver, gut and skin. Adult stem cells are therefore more versatile than previously thought. This is something that was totally unexpected by the researchers who dealt with stem cell research in the early phases. They believed that embryonic stem cells would be the cells that would be able to adapt better. Instead they found that some of the adaptation from embryonic stem cells led to some very unstable situations and some serious problems.

The University of Minnesota Stem Cell Research Institute has shown that adult bone marrow stem cells can become blood vessels. Will that not be an advancement when it can be fully developed? The researchers said, “The findings suggest that these adult stem cells may be an ideal source of cells for clinical therapy”. That was from the University of Minnesota press release of January 30, 2002.

At the Duke University Medical Centre, researchers turned stem cells from knee fat into cartilage, bones and fat cells. The researchers said, “Different clinical problems could be addressed by using adult cells taken from different spots throughout the body, without the same ethical concerns associated with embryonic stem cells”. That is very important because we could then avoid the ethical questions that result from embryonic stem cells.

● (1705)

I would like to conclude that on this issue the official opposition minority report calls for a three year prohibition on the experimentation with human embryos. Let us give adult stem cells a better chance. We have seen some wonderful results and we will see exciting results into the future.

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Madam Speaker, we are here to discuss a very important issue, the pros and cons of human reproduction. There are those of us who are blessed with families. Some of us have larger families than others.

There is nothing more enjoyable than growing kids. There is nothing more enjoyable than having little ones running around the house, turning it upside down and making it a mess. There is nothing more enjoyable than hearing little feet pitter-patter around the house and seeing them grow up to be young boys and girls. There is nothing more enjoyable than attending parent-teacher interviews and learning how the children are progressing in school. There is nothing more enjoyable than attending a school play and watching children belt out in tune or out of tune their poem or their song.

I am sure that there is no more pride than watching one's children graduate from high school and/or university. Growing children are the most enjoyable pleasures of life. There are those who say "Let me see my children grow and then God you can take me away". Therefore, there is nothing more sacred than the protection of life in all stages of development.

When does life begin? Does it begin at birth? Does it begin a few minutes before birth? Does it begin a few months before birth? Does it begin at the first trimester? I am of the view that life begins at conception. It should be nurtured and protected right from the first second that life is formed.

There are however couples who are not blessed with the pleasure of watching their children grow. There are couples who are not blessed with having a child. Yet the medical field has made strides to assist those individuals in enjoying the pleasures of parenthood. Just today in the news there was an item where a daughter gave her mother, a 55-year old lady, her ovum. She had a child with her second husband. To that family, that was an enjoyable event. There was nothing more enjoyable than the pleasure of seeing the father and the mother hold their young one.

We have surrogate mothers and male sperm donors. We have come a long way in accepting most of this new technology. However, we have entered in recent years a new phase called cloning. We have animal cloning and most recently perhaps even human cloning.

I for one say that we must proceed with caution. At this particular time I personally have concerns about that avenue that we are talking about. Technology is indeed a wonderful thing. If we did not have technology we would not have cars, we would not be able to go to space, and we would probably be stuck in the middles ages. However, when we talk about cloning there is the ethical matter. There is the matter of where do we start cloning. When we start talking about the pros and the cons of human reproduction we must proceed with caution.

I would like to add my voice that we proceed with caution. We must be careful of what we are doing in order not to hurt either a mother or a father. At this point I cannot bring myself to support human cloning or any other kind of cloning.

● (1710)

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Madam Speaker, earlier this afternoon a colleague in a private conversation reminded us that this is to be a deliberative process. It is somewhat difficult, and it has been alluded to by other members already, when we have amendments thrown in at the midnight hour so to speak. They are embargoed actually until this morning, then on the floor, and we are talking on them right away.

I am not sure if this requires a change in the House orders some day down the road so that with a little adjustment we can all be aware well in advance of all these changes that go on in the course of a day and do not catch us by surprise.

The mandate of the agency in clause 21 of the bill would be to promote the human dignity and human rights of Canadians, yet this does not seem to be reflected in the preamble of the bill. The contradiction can be resolved by including the following statement in the preamble. It is taken almost word for word from the majority report of the health committee which stated:

> It is hereby recognized and declared that assisted human reproduction and related research must be governed by principles and practices that respect human individuality, dignity, and integrity;

By putting that in as an outset statement would go a long way to making clear the intent of the bill.

The assisted human reproduction agency of Canada, as things stand in the bill unless it has been changed, would not be reporting to Parliament, but only to the minister. That causes concern for many of us here and members across the way have even alluded to that. We believe as a party and as individuals that it should be made an independent agency, so that we have accurate reporting to the Parliament of Canada representing the people of the nation.

Clause 25 would allow the minister to give any policy direction she likes to the agency. The agency must follow it without question. It must do the minister's bidding. The clause would ensure that in fact that direction or instruction that she gives the agency should remain secret and that it remain privy information.

The Canadian Alliance says that if it were an independent agency answerable to Parliament, a report being tabled annually to Parliament, that such political direction without the proper scrutiny would be more difficult to do. We say that the clause should be eliminated entirely.

We also notice here and others have made mention of this that members of the board should have fixed twice renewable terms of three years to ensure that the minister could not simply get rid of a non-compliant board member or, on the other hand, keep a compliant board member there forever. That was a recommendation of the majority health committee report.

We believe this could be fixed up and improved by appointing the chair of the agency for a five year term, rather than a three year period. The span of that person's chairmanship would then surpass the electoral cycle. That would minimize some of the political pressure that such a person would be in and the pressure on the agency as well.

The performance of the agency should be evaluated by the Auditor General, that august person in our democracy, rather than the agency itself. That review should be made public. Our Auditor General performs a stellar task for our country by way of shaming or commanding the government in terms of programs that it is responsible for. The Auditor General could play an important role in respect to the evaluation and the performance of this particular agency which has some major life and death issues that it deals with. The review could be made public on an annual basis.

There has been some talk by members about the licensing process. We do not want one member of this body having all the rights to determine who will have these licences. It should be a transparent and a public process. We could improve the bill by way of an insertion of that particular aspect.

The bill allows for the creation of advisory panels. We believe the bill should mandate that they include key stakeholders. Obviously it makes a lot of sense. The users of assisted human reproductive technology should be part of that. Children who are born with AHR technologies, people with disabilities, people from the medical community, and people from the faith communities could provide good ethics and good input on the whole thing.

The board should include professional ethicists and representatives of research ethics boards, private sector providers of services and private research firms, taxpayers and their representatives namely provincial and territorial governments.

● (1715)

That list is completely in accord with the majority and minority reports of the Standing Committee on Health.

I will now turn to the records that would be kept by this particular agency. We must keep a constant watch and monitor the agency which is moving in some new and unchartered territory. Records are crucial in terms of monitoring what happens. As it is, there are no proper reporting requirements and no reporting requirements in the bill at all. At the very least we have talked about an annual report that must be mandated to come to Parliament.

That report must summarize the activities of the agency and must include the statistics on the numbers of individual donors, the types of donations, the embryos created and destroyed, persons who undergo assisted reproduction procedures and persons conceived as a result, as well as any research projects undertaken using human embryos.

We have a suggestion that a new clause should be inserted which would specify that all embryos produced and destroyed by licensees be maintained in the registry of the agency and be identified by name rather than some vague, cloaked number but rather by name using a standard formulae, a combination of both donors names.

We believe that would accord some value, respect and dignity to the human embryo and would help to ensure that thousands of anonymous embryos are not routinely created and destroyed. That is the concern of many members of all parties in the House. It is a matter of respect and sanctity of life. We must be cautious and careful.

My remarks are hopefully instructive and may be something that members across the way on the government side in particular would take to heart as well as the minister of this particular department with respect to the structure of the agency, and also with respect to the crucial records that would be kept, such that we monitor and see what is developing with this new and important agency that is being created.

● (1720)

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Madam Speaker, I am pleased to speak to this group of amendments pertaining to Bill C-13.

At the outset, let me say that I have never seen such a disregard for democracy in this place and such an arbitrary, reactionary initiative on the part of the government. We are dealing with a set of amendments that include an attempt by the federal government and the Minister of Health to negate the work of the committee.

Our committee, the Standing Committee on Health, worked very hard to try to achieve consensus, to try to build the best possible legislation and to ensure that the issues pertaining to women, children and families were all raised front and centre and given the full protection of the law. On two very fundamental issues the government has decided to negate the work of the committee. I want to reference those two issues.

The first pertains to the matter of gender parity for the new agency to be created under the legislation. It has been our assumption in the New Democratic Party, and we had thought the belief of the Liberal Party, that gender parity on all boards, commissions and agencies of government was a reasonable goal and an important initiative to reflect the role of women in our society today and to ensure that women were able to participate equally in all decisions pertaining to public policy matters in general. We had assumed that the government took that principle seriously and was prepared to ensure gender parity wherever an opportunity presented itself.

We are not dealing with just any ordinary board, commission or agency. We are dealing with an agency that will make important decisions pertaining to a very important issue facing the women of this country. Even on that score when it comes to matters pertaining directly to women's health and well-being, the government has had the gall to deny that fundamental principle and to nullify the work of the committee in terms of requesting that there be gender parity on this new agency pertaining to reproductive technologies. It is an affront, a travesty of justice and democracy in this place.

The parliamentary secretary had the gall to stand in his place today and defend the minister's amendment to nullify our proposition to ensure gender parity, forgetting and denying the fact that he participated at the committee and supported the recommendation for gender parity. What kind of democracy is at play in this place? What kind of hypocrisy is here among us?

We are talking about women's health issues. Lest anyone forget, we are talking about reproductive technologies that happen to provide ways for women to circumvent the biological causes of their infertility. We are talking about what is clearly a women's issue. It affects all of us. It affects children and families, but first and foremost we must address this matter from the point of view of women's health and well-being.

For the government to deny the possibility of ensuring that the body which will regulate in this area and make important decisions in terms of the lives of women in years to come has 50% representation of women is a disgrace. It is an archaic move on the part of the government. It is going backward in time, not forward. It is not applying the notion of full equality in our society today. It is denying this fundamental notion of gender parity in terms of decision making bodies of this nation. When it comes to an issue pertaining directly to women's health and well-being, the government has decided it is not a principle that should be upheld.

● (1725)

We must join together in the House to oppose that amendment by the health minister. We must hold the parliamentary secretary to task for his commitment at the committee for this fundamental principle and now his about-face move in the House today.

The motion was presented to the health committee on behalf of the New Democratic Party as a fundamental issue of concern for us and one that was respected by all members of all other parties. The Alliance may not have given it wholehearted support but I think it would not get in the way of a basic initiative on our part to ensure equal representation by women in this agency. That is an affront. That is wrong. The good faith that was built up around the bill and the support that was tendered in terms of developing a consensus has been squashed and shattered.

The support of the New Democratic Party for the bill and the kind of unilateral, arbitrary move on the part of the Liberal government and the dictatorial, insensitive, callous initiative on the part of the Minister of Health are concerns that I have today.

The other concern has to do with another fundamental issue for which we found agreement at the committee. It has to do with ensuring that the new agency dealing with reproductive technologies is not open to any possible conflict of interest.

We presented a motion that is actually a standard provision in many pieces of legislation requiring that anyone sitting as a member on the board of this new agency has no pecuniary or proprietary interest in terms of the whole area of reproductive technologies. That is a reasonable request one would think given the kinds of issues we are dealing with, given the kinds of decisions that will be made in the future that will have an impact on women, children and families everywhere.

One would think above all else we would want to ensure that there is no hint of a conflict of interest, that there is no chance for vested interests to make decisions pertaining to the lives of women and children in our country. What has the government done? It has unilaterally and arbitrarily nullified that good work and those important recommendations. After all of the work done by the health committee with the draft bill, after the clause by clause analysis of Bill C-13 and after reaching a consensus, we made important inroads and the government has denied, rescinded it and nullified that good work. It is hard to imagine any greater disregard for members' rights and privileges in the House.

As long as the government intends to disregard the majority decisions taken by members of the Standing Committee on Health and refuses to recognize the democratic process, we will not support the government on this bill. These are fundamental issues. We are talking about women's health and well-being which demand there be gender parity on the new agency dealing with reproductive technologies. We would expect that the government would be more interested than anyone else with regard to ensuring that the appearance of any kind of conflict in terms of the decision making process is not present.

In conclusion, I am very concerned about the process, the disregard of the government for democracy in this place and its disregard for the hard work of the Standing Committee on Health. I want to say in substantive terms the government has done a great disservice to ensuring the best possible legislation with the greatest possible protections for women, children and families. It has done a great disservice by not respecting fundamental issues in terms of women's health and well-being and ensuring that vested interests will not be able to fundamentally alter the course of decision making in this field.

● (1730)

Ms. Raymonde Folco (Laval West, Lib.): Madam Speaker, I would like to speak to Bill C-13 and the Group No. 4 report stage amendments and specifically submit my comments on Motion No. 61 which reads:

> That Bill C-13, in Clause 21, be amended by adding after line 3 on page 15 the following:
>
> "(3) The Official Languages Act applies to the Agency."

[*Translation*]

All Government of Canada agencies must and should comply with the Official Languages Act. In this debate, I would like to voice my opinion on a number of sections that appear in Bill C-13 and show why and where the Official Languages Act should be observed.

One of the objectives of the Assisted Human Reproduction Agency of Canada is to protect and promote the health and safety, and the human dignity and human rights, of Canadians. Therefore it is an agency that represents the Canadian public and speaks to the public. Any agency which represents the public and speaks to the public on behalf of the government must speak in both official languages and must be able to be understood in both official languages by the public it is consulting.

With respect to its powers, section 24 provides that the agency may:

> (*d*) consult persons and organizations within Canada and internationally.

Across Canada there are communities which speak English and others which speak French. It makes perfect sense to me to require people who will be consulting French and English speaking communities to be able to do so in the language of those communities.

The agency may:

(*e*) collect, analyse and manage health reporting information relating to controlled activities;

Again, to collect, analyse and manage information, one must be able to do so with the consent of the public and with information provided by the public.

Paragraph 24(*f*) provides that the agency will:

(*f*) provide information to the public and to the professions—

Again, I am repeating myself a fair bit, but to provide information to the public requires that the public be informed in the official language of its choice, either French or English, one of the two official languages of this country. Further on, we read:

(*g*) designate inspectors and analysts for the enforcement of this Act;

Again, inspectors and analysts must also represent both publics, who speak both official languages of this country.

Subsection 26(1) provides that:

There shall be a board of directors of the Agency consisting of not more than 13 members—

It seems to me imperative that the board of directors consist of people who speak French or English. Again, these people must be able not only to communicate with people who speak these languages, but also to understand the reality and culture behind the French and English languages across Canada.

In subsection 26(2.1)—and I would like to make a major point off topic, if I may—it is stated that:

The membership of the board of directors shall be appointed in such a manner as to maintain a minimum of 50 per cent representation by women.

I have just heard the Parliamentary Secretary to the Minister of Health say that he, and the minister, want this withdrawn. I am opposed to that. This is far off topic for me, since my topic is official languages. In the preamble, there is reference to the principles of this bill. It is stated in 2(*c*) that:

while all persons are affected by these technologies, women more than men are directly and significantly affected by their application and the health and well-being of women must be protected—

It strikes me as totally obvious that at least half of this board must be female, since women—I will point this out despite how obvious it strikes me—will have experienced or could experience the consequences of this bill.

In my opinion, not only must at least half of the board of directors be women, they must also represent the culture and language of the two peoples of Canada.

If these people speak both languages, they will be able to hold consultations and meetings in accordance with clause 27, which are to be held throughout Canada. They will be able to readily meet with people, whether in Quebec, British Columbia or Manitoba, and whether they speak English or French. They will be able to hold meetings and consultations with these people in both official languages.

● (1735)

Clause 28 of the bill asks that the provincial deputy ministers of health be entitled to attend meetings of the board of directors. Once again, in the province that I represent here, the administration speaks French. I fully expect that the deputy minister of health from my province will be able to participate in the meetings of the board in the language of his or her choice.

I could continue on other clauses found in the bill, on advisory panels for example, on the vice chair of the board and on the membership of the advisory panel. I think my point is clear: the agency must reflect Canada. The Assisted Human Reproduction Agency of Canada must reflect the bilingual reality of our country, a reality for which we have fought hard. It has become a reality today. This agency must respect the founding people of this country, who spoke English and French, and it must also respect the Canadian tradition that was translated into the Constitution and this country's Charter or Rights and Freedoms.

[*English*]

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Madam Speaker, I rise on behalf of the constituents of Surrey Central to participate in debate on the amendments in Group No. 3 at report stage of Bill C-13, an act respecting assisted human reproduction technologies and related research. We oppose the bill unless it is amended.

Before I begin my remarks, I would like to commend the work done by our caucus members on the bill, especially our former leader, Mr. Preston Manning, who worked very hard and diligently on this issue. He worked with a passion on this issue and we recognize that.

The Canadian Alliance minority report recommended that the final legislation clearly recognize the human embryo as human life and that the statutory declaration include the phrase “respect for human life”. Human embryos are early human lives that deserve respect and protection. All human beings possess the fundamental human rights of life and freedom. I will repeat the call, as per our minority report, for a three year prohibition on embryonic research to impose a three year moratorium on experiments on human embryos until the potential of adult stem cells can be fully developed. There is nothing wrong with doing that.

I strongly support and encourage health sciences research and development. I studied science when I was a student and I value the benefits of research done scientifically. However, I want to make it clear that I support stem cell research. We are calling for more funding of adult stem cell research. I will ask that the conditions of research be narrowed by requiring permission of both parents to destroy an embryo, by ensuring that creation of embryos for reproductive purposes is limited, and by identifying and reporting annually on numbers of embryos created and destroyed, et cetera.

Why do I want to limit it? Because for the benefits we would receive from embryonic research, similar benefits could be received from stem cell research. So why not give science or the scientific community a chance to develop stem cell research? That is why we need to provide a lot of funding for stem cell research: so that the same benefits can be obtained without causing any loss to human life.

I support provisions against human or therapeutic cloning, animal-human hybrids, sex selection, germ-line alterations, buying or selling embryos, and paid surrogacy.

Issues on which there is broad agreement are prohibitions like that on human cloning, issues of process such as the government sitting on the issue and failing to act for nine years, and the structure and accountability of the agency that is being created. Those are the issues where there is agreement.

Assisted human reproduction should be more tightly regulated, making it safer and more effective for prospective parents. I support an agency to regulate the sector. Assisted human reproduction clinics will have to be licensed and regulated by an agency created by the bill.

There are no provisions for regular reports to Parliament. This would be in Motion No. 78, which we oppose. An amendment would require the health minister to table an annual report to Parliament. We support an annual report. There must be transparency and accountability around the regulation of assisted human reproduction and its related research, but we would prefer that the agency itself produce such a report. We want an independent agency, not one directed by the health minister to produce such a report. If this amendment is amended with a subamendment replacing "the health minister" with "the agency", I do not have any difficulty in supporting it.

The report to Parliament is important. All regulations must be laid before Parliament and automatically referred to the health committee, with the minister obligated to consider standing committee's recommendations.

● (1740)

I have been chairing the House and Senate Standing Joint Committee on the Scrutiny of Regulations. My observation has been that the government tables legislation which is usually very vague and shows only the intent of the government to do something. There is no substance. The substance to that legislation comes through the back door by way of regulations. About 80% of the law that we see in our country is brought in through the back door, so it would be appropriate to say that the government does not govern but rules through the back door.

In this case, the regulations are very important and must be submitted along with the legislation. They must be viewed and debated in this Parliament and then sent to committee for consideration.

Children conceived by AHR will have no right to know the identity of their parents without their written consent to reveal it. It is in the best interests of every child to know who his or her parents are. Sperm or egg donors should not be anonymous. A donor is not analogous to a parent giving up a child for adoption, because a sperm or ovum donation is intentional, with opportunity for a clear choice before the fact, whereas a choice on adoption is made after the fact, for example when an unintentional pregnancy is already in progress.

Commercial surrogacy is banned—

● (1745)

The Acting Speaker (Ms. Bakopanos): I apologize to the hon. member, but his time is up.

[*Translation*]

It being 5:44 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

YOUTH CRIMINAL JUSTICE ACT

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance) moved that Bill C-204, an act to amend the Youth Criminal Justice Act, be read the second time and referred to a committee.

He said: Madam Speaker, I rise today to debate my private member's Bill C-204, an act to amend the Youth Criminal Justice Act.

I have been pursuing this bill for over four years and today I have mixed emotions. On one hand I am pleased to finally bring these important amendments to the Youth Criminal Justice Act to Parliament for discussion. On the other hand I am dismayed that the lack of democracy in this place makes the bill non-votable. An hour from now, barring a miracle, the debate will collapse. There will not even be a vote on the bill so that Canadians can hear where members stand on this issue. This is shameful.

It is more shameful that hundreds have come before me and said the same about legislation they have advocated, and hundreds more will come after. Why should we be afraid of a simple vote in our own Parliament?

Bill C-204 will amend the Youth Criminal Justice Act in four meaningful ways. First, it defines home invasion in the Youth Criminal Justice Act. Second, it imposes mandatory curfews on young offenders found guilty of home invasion or break and enter offences. Third, it creates a mandatory imprisonment for repeat offenders of a minimum of 30 days. Finally and most important, it makes parents and legal guardians responsible for reporting any known breaches of a young offender's parole conditions and imposes fines and penalties of those who fail to do so.

Apart from murder and sexual assault, there is no more psychologically damaging crime than a property crime. Once a person's home has been invaded either by force of by stealth, it is hard to ever relax and feel safe again.

Most young offenders do not pursue a life of crime if they receive correct guidance early. Longer probationary periods allow for this guidance without incarceration. However, repeat offenders must be shown that their actions have consequences. Property crime, particularly home invasion, takes a terrible psychological toll on its victims. We need to put these victims first.

I would like to speak a little about the minimum sentencing requirements of the bill. Bill C-204 recognizes the fact that any youth convicted of a home invasion offence would be forced to comply with probation which shall include a curfew for a period of one year or when the youth turns 18, whichever is greater. A youth found guilty of a subsequent home invasion would face a minimum 30 day jail term.

Imposing curfews and probation is one way to help keep troubled kids off the streets. Imposing jail time for repeat offenders underscores the seriousness with which we treat these offences as a society, but punishment is not enough. At a deeper level, we do this so that we can get the youth guidance, to take them out of a negative environment and get them working on something positive.

The second step is not possible if probation conditions are not enforced. Sadly, troubled kids often come from troubled homes. Releasing them back into these bad environments often does them more harm than good. The Youth Criminal Justice Act currently allows guardians to sign an undertaking that they will report any breaches of probation to the proper authorities. Occasionally this is done but usually it is not.

As a defence attorney who worked with young offenders, it was heartbreaking to send the kids back into these very troubling environments knowing they would be back through the courts like revolving doors, and it would go on and on. If they had had these probation conditions, it is possible they could have gotten the help they needed through the courts and we could have ended the terrible cycle. That is why Bill C-204 defines the failure to report a breach as an offence and allows authorities to pursue fines of up to $2,000 and jail terms of up to six months if this occurs.

● (1750)

Some of my critics have asked why I would want to impose fines on the parents or guardians because some of them may not be able to control their children. I acknowledge that, but what we are saying is that it is their duty to report the breaches to the authorities. As long as they know that if the child under their care and control is in violation of a probation order and they do not report that breach, they themselves could face criminal prosecution.

There are some horrific consequences that happen as a result. One of my colleagues who is very close to this issue, the member for Surrey North, has worked tirelessly on this issue. His own son was murdered. Had this been law, it likely would have saved his son's life because the offender was out in violation of a probation order. He had breached the probation orders numerous times and nobody was reporting him.

To emphasize the necessity and importance of this bill and why I believe it needs to become law I want to tell a real life story. I would like to quote from a report of the B.C. Children's Commission. This story is a terrible one and is all too common under our current justice system.

On Vancouver Island in 1997 a 16-year-old youth with a history of violence stabbed a 17-year-old girl to death. Since 1993 the perpetrator had been before the courts 11 times. He had been given probation 11 times. The conditions of probation in almost every case included curfew, counselling and regular school attendance. Here are some of the quotes from the Children's Commission inquiry following the murder:

> Subsequent to the murder... the perpetrator told the probation officer that during the Summer of 1996 he used crack cocaine heavily for a three week period with his mother—

This is another quote:

> It appeared both parents contributed to the youth's criminal activities, the mother by actively encouraging him to steal for her and abetting his non-compliance with Court Orders and the father by his tacit acceptance of these transgressions.

In March 2000 the report found the following:

> Great deficiencies in both the youth justice system and the child protection services left this youth at great risk of harm. Adequate intervention and treatment failed to occur. It is noted that at the time of the murder, he was simultaneously serving three sentences of probation.

I have to ask, who failed here? Was it the youth? Certainly like all of us he was ultimately responsible for his actions, but can we lay all the blame on this extremely troubled 17-year-old?

In 1990 the principal of the youth's school when he was 10 years old forwarded the following to his social worker:

> This youth is one little guy that could be “saved”, given some consistent love and attention. I hope legalities and bureaucratic BS don't take precedence over what's right for him.

No one listened to that principal who was desperately trying to get this youth help. The youth's parents never gave him the help he needed. While this youth serves a sentence for murder, what penalty will these parents pay? What would other parents do if they were held criminally responsible for failure to report?

Social workers care about these kids. Police officers care about these kids. The judges at sentencing, the lawyers, probation officers all care. I have witnessed it first hand. They want to do what is right for these kids.

Although the example I have given is severe, it is important to note that most parents do care. If we get these children the help they need, maybe we can get them out of the revolving cycle of crime.

Parliament should provide the tools to punish wilful blindness to their delinquency, but also the tools to help them get their kids the guidance they need before they go completely astray.

My party is often accused of believing in only harsh justice. This is not so. We believe in fair justice. Kids who invade homes should suffer the consequences. The consequences should be fair and severe, as the situation warrants. My bill deliberately does not spell out specific curfew conditions because I recognize the judge needs to vary them in various circumstances.

Maybe we will not save all of these kids. Maybe in the example above there was simply nothing that could be done. However the vast majority of kids can be set straight on the right path.

This bill improves this in three critical ways. One, it sends a clear signal that punishment for serious crimes is necessary to protect society. Two, it demonstrates that we can tailor the punishment of young offenders to provide them long term guidance in putting their lives back together. Finally, it provides a simple but effective mechanism to the legal system to hold parents and guardians to account for failing to be active participants in the rehabilitation of their sons and daughters.

● (1755)

In short, it could have helped to save the lives of young offenders as well as the lives of their victims.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I rise today to address Bill C-204, an act to amend the Youth Criminal Justice Act.

Bill C-204 addresses the issue of home invasion. The government agrees that home invasion by young persons is a serious issue. However the government opposes Bill C-204 because the issue has already been addressed effectively by Parliament.

Bill C-204 would amend the Youth Criminal Justice Act to create the criminal offence of home invasion.

Under the bill, the offence of home invasion would occur when a young person committed certain offences, such as break and enter, in relation to a dwelling house, when the house was occupied and the young person knew or was reckless about whether the house was occupied, and the young person used violence or threats of violence.

The bill sets out a minimum sentence of probation with a mandatory curfew for a period of one year or until the young person becomes 18 years old, whichever period is greater, to a maximum of three years.

Bill C-204 further provides that if a court makes a second or subsequent finding of guilt for home invasion and imposes a youth sentence, the court shall, in addition to any other punishment imposed, order the young person to serve a minimum sentence of 30 days in custody.

In addition, the bill provides that a responsible person, such as a parent or any person responsible for supervising the young person's probation, who fails to report a curfew breach would be liable to a fine of up to $2,000 and/or imprisonment of up to six months.

Members may recall that Parliament recently addressed both home invasion and youth justice legislation. Parliament recently amended the Criminal Code to include section 348.1, which has been in force since July 23, 2002. This amendment reflects Parliament's recognition that home invasion is a serious issue and that Canadians are entitled to feel safe and secure in their own homes. It requires courts to consider certain offences to be more serious if there is a home invasion aspect to the offence.

Section 348.1 of the Criminal Code requires a court to consider as an aggravating circumstance that a house was occupied and that the person knew it was, or was reckless about whether the house was occupied, and used violence or threats of violence.

● (1800)

This consideration by the court is required for offences of forcible confinement under subsection 279(2), robbery under section 343, extortion under section 346 and break and enter under section 348. These offence provisions are the same offence provisions referred to in Bill C-204.

This new provision of the Criminal Code applies not only to adults but also young persons. Young persons are subject to the provision because the Young Offenders Act and the new Youth Criminal Justice Act incorporate the offence provisions of the Criminal Code, including section 348.1.

There is no need to create a new separate offence in the Youth Criminal Justice Act. It was not long ago that the House and the Senate completed a comprehensive reform of Canada's youth justice legislation. Parliament passed the new Youth Criminal Justice Act which will replace the Young Offenders Act.

The Youth Criminal Justice Act will come into force on April 1, 2003.

As a preliminary comment, it seems to me premature at this juncture to embark upon revision of the Youth Criminal Justice Act before it has even come into force, legislation that was the subject of intense scrutiny and debate prior to its passage, without the benefit of practical experience under the legislation.

This amendment is not only premature, it is, as I have explained, also unnecessary because the issue has already been addressed by the recent addition of section 348.1 of the Criminal Code.

It is clear that Canadians want to and are entitled to feel safe and secure in their homes and communities. They want a youth justice system that protects society and responds to offences by young persons with sentences that are fair and proportionate to the seriousness of the offence.

In replacing the Young Offenders Act with the Youth Criminal Justice Act, Parliament has established the legislative framework for this type of youth justice system.

A youth court imposing a youth sentence must be guided by the purpose and principles of sentencing and other factors set out in section 38 of the Youth Criminal Justice Act.

A fundamental principle of the act is that a sentence must be proportionate to the seriousness of the offence and the degree of responsibility of the young person for that offence. In brief, this basic principle of fairness means that less serious cases should result in less severe sentences and more serious cases should result in more severe sentences.

In determining the seriousness of the offence and the degree of responsibility of the young person, the court must, in relevant cases involving a dwelling house, consider the aggravating circumstances referred to in section 348.1, such as knowing that the house that was entered was occupied and using violence or threats of violence. These factors, if present, make an offence, such as break and enter, more serious and the Youth Criminal Justice Act requires that the sentence must be more severe to be proportionate to the seriousness of the offence.

The sentencing provisions of the Youth Criminal Justice Act also reflect Parliament's view that judges should retain considerable discretion in determining an appropriate sentence for an individual young person.

Parliament has decided that, unlike Bill C-204, youth court judges should not be required to impose minimum sentences of probation or custody on young persons.

There is no question that home invasion by young persons is a serious issue. Parliament has recognized the seriousness of the issue and effectively addressed it.

By enacting section 348.1 of the Criminal Code, Parliament has required that if an offence involves home invasion circumstances, the court must consider the offence to be more serious and the sentences should reflect the increased seriousness of the offence.

By passing the Youth Criminal Justice Act, Parliament has made it clear that section 348.1 of the Criminal Code applies to young persons. In addition, Parliament has set out in the Youth Criminal Justice Act sentencing provisions that require judges to impose sentences that include meaningful consequences that are proportionate to the seriousness of the offence and that reflect the aggravating circumstances of the offence.

The combined effect of these recent legislative reforms is that the issue of home invasion by young persons has already been addressed effectively by Parliament. For these reasons the Minister of Justice does not support Bill C-204.

● (1805)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Madam Speaker, the debate on Bill C-204 introduced by my colleague for Saanich—Gulf Islands will provide me with an opportunity to give a bit of an overview of the whole debate surrounding the Young Offenders Act.

Listening to the Canadian Alliance member and the Liberal member, we finally get the picture that, when it comes to law and order, the two parties are very hard line, very right wing, and do not take into consideration the whole rehabilitative aspect of justice.

At the time, there was a debate in this House led by my former colleague for Berthier—Montcalm. This debate made it very clear that, when the accent is on rehabilitation rather than punitive measures, we get results.

With the adoption of the new young offender legislation—to which the Liberal speaker referred—we have seen that the way things were done in Quebec—the only place where the law was really being enforced properly—really gave results. The Liberal Party, with the support of the Canadian Alliance, which was urging it to go still further, wanted to shunt aside this approach, which was working.

You will recall the raucous debate in the House, in committee and off the Hill, when defence lawyers, crown prosecutors, judges, social workers, police officers and police commissioners said, "Do not touch the Young Offenders Act; it is working well".

However, carried by the right-wing wind being blown by the Canadian Alliance, the Liberal Party decided to impose one vision across the country and do away with Quebec's approach, which was working well, in order to impose a vision that was diametrically opposed to Quebec's. Bill C-204 goes along much the same lines. It seeks to toughen the treatment of young offenders even more. This falls in line completely with the Canadian Alliance's philosophy. I am not calling into question the importance of punishing and preventing crimes referred to as "breaking and entering in relation to a dwelling-house".

However, that said, I believe the approach of the member from the Canadian Alliance—whom I respect, incidentally—is wrong.

First, it duplicates existing legislation. Second, clause 2 of the member's bill, in respect to minimal sentencing, uses the word "shall", which is—in legal terms, as we know—imperative. Judges would be required to impose a curfew. This fails to take into consideration the circumstances and to provide any leeway for judges. This clause ignores the discretion of judges and imposes a uniform treatment without any possibility of varying it based on the circumstances.

However, it could very well happen that the circumstances would in no way justify the imposition of a curfew. In other cases, the circumstances would justify it, but it would be left to the discretion of a judge, who would base his decision on facts and law. In certain cases, an obligation to impose a curfew would very likely be counterproductive. However, what the member is trying to do here is to help young offenders put their lives back together. If this is passed, if there are such minimum mandatory sentences, the effect might be the opposite of the one desired.

The only advantage to this bill and this debate is the opportunity to set out a strict philosophy of law and order for young offenders. This philosophy, I repeat, comes from the Canadian Alliance and was imposed on Quebec by the Liberal Party. When it comes to young offenders, the Liberal Party is a watered down version of the Canadian Alliance. They share the same philosophy and the same basic principles. These basic principles, as I said earlier, are foreign to how Quebec does things.

In closing, I want to stress that this is a very good example of the fact that, in Canada today, when Quebec's values and way of doing things conflict with Canada's way, the Canadian steamroller goes over Quebec's uniqueness, Quebec's distinct character and the Quebec nation. We will not forget this when the time comes.

● (1810)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, it is a pleasure for me to rise in this debate and to see you back in the Chair.

[*English*]

This bill is one which I think I can fairly say most members of Parliament would embrace wholeheartedly given the idea of parental responsibility, given the necessity I would state to hold parents in most instances responsible for the supervision and the proper accounting as to where their children are and how they are behaving.

The difficulty that I have with it at the outset is the possible criminal ramifications for a parent. I understand the way in which the bill is presented. The intent is to have these probation orders in force so that they are enforced, that is, the parents themselves will be brought before the court to require them to ensure that their children, within the definition of the Youth Criminal Justice Act, formerly the Young Offenders Act, will in fact comply with curfews, with other conditions of non-association, with not drinking or using drugs.

I have had experience, as has the mover of the motion, with the practicalities. I listened to his remarks and I congratulate him on his intent. He has had the experience, as he said, of the frustration that is felt on the part of the court, both the crown and the defence, social workers, victims services and the police, all those involved in the justice system who see these probational orders routinely flouted, that is, conditions that are in place as a result of criminal conviction, as a result of the court's real attempts to hold young people to account and to control their behaviour. Let us be very frank about what the sentence is supposed to do. In meting out those conditions, what the court is suggesting is that the anti-social behaviour has to be controlled.

The difficulty is one of vicarious responsibility. There are a number of offences in the Criminal Code that deal with this very issue. It is a tricky issue, to say the least. For example, there are Criminal Code provisions that require persons, once they begin to render assistance, to continue to render assistance. This type of legislation is akin to that. There is a new creation of a criminal offence by virtue of the Firearms Act, which in essence creates a criminal offence for not doing something. Without getting into all the lack of merits that we find in the gun registry, we know that this flawed piece of legislation will eventually collapse under its own weight due to mismanagement and ineffectiveness.

However, this type of legislation in essence criminalizes a parent's behaviour for not doing something, for not enforcing or supervising an order of the court. It is worrisome in that regard. The act, if it were to be passed, in a sense would make mandatory the imposition of these probation orders, be it a curfew or other conditions, for any young person found guilty of a home invasion and holds the parent or those responsible for the child responsible directly in relation to the enforcement of the curfew, upon threat, I am quick to add, of a criminal conviction. Those who are responsible for the child but are not the parents is another area that has to be examined closely, because we know that there are foster parent situations, there are agencies occasionally involved in the enforcement, and there are siblings, grandparents or others who would fit that definition as the person responsible for that child. The act would hold that person or group of persons directly responsible.

I agree that there are innumerable areas of improvement in this new Youth Criminal Justice Act. This is probably one of the most cumbersome and confusing pieces of legislation ever passed through the Parliament of Canada. It is a bit like the Income Tax Act. That is how complicated it is. When we were examining this bill at committee, of which you were a member, Madam Speaker, you might recall that there were judges who had difficulty interpreting sections of the Youth Criminal Justice Act. It is unfortunate, because we had a chance to get it right.

I am sure, Madam Speaker, that as parents you and other members of the House would be ill at ease to know that you could be held criminally responsible for the actions of your child. As much as you love that child and try to foster the very best environment, there are occasions, sadly, and we have seen them, where despite the best efforts of a parent, young people, for reasons that may be related to their mental health or related to their propensity to be involved in drugs or alcohol or their involvement with another group of youths who are on the wrong track, find themselves in the justice system and find themselves under a probation order. Again, despite the very best legitimate efforts of the parent, they break those conditions.

Sometimes those conditions are broken by a very short margin. I can think of an instance where a young person confined by a curfew misses a bus and does not get home under the curfew. Because it would be the parent's responsibility to see that the young person was in the strict parameters of a court order, this scenario could result in a parent being charged criminally. I am uncomfortable with that. It is not a stretch to suggest that it might play out that way.

● (1815)

The first clause of Bill C-204 amends the Criminal Code and subsection 2(1) of the Youth Criminal Justice Act in this instance, involving break and enter and a list of offences that is outlined in the act. This clause is mainly a housekeeping amendment. It does specifically introduce a related offence into the act, which would be interpreted as adding more weight to the specific offence of home invasion, which again I am quick to embrace, but Parliament has to be extremely careful when prioritizing certain offences. In this vein we need to examine whether other offences might be considered as part of this envelope.

Second, the clause that amends subsection 42(2) is where we find the substance of the bill of the hon. member for Saanich—Gulf Islands. This clause would force the court to impose automatic probation on a young offender convicted of a crime as a condition of that probation. That is an automatic curfew. I have no difficulty with that because I believe that the offence of home invasion is so serious. I believe that the offence of home invasion often results in violent confrontations. We are going to hear in a short time from the hon. member from Surrey who, sadly, can speak from personal experience about what happened to his family in his home. This is a very real and substantive issue that is before the House.

The imposition of a curfew on a young person convicted is not necessarily a negative, by any means. In fact, it definitely would send this message of deterrence, which is one, I have found in my experience, that the government would like to stay away from. It does not like to use the word deterrent. It does not believe that this is the proper phraseology. I suggest that there is a common parlance, a common use of deterrents in courts of all levels across the country every day. The idea is that both the protection of the public and the sending of a message of general and specific deterrence are very much at the root of the bill.

The condition of probation would remain in effect for a period of at least one year, or at least until a person reaches the age of 18, to a maximum of three years. Again, this approach is a practical one. It amends the act, requiring those convicted of subsequent offences to spend a mandatory minimum of 30 days in custody. Arguably this takes away from the flexibility that currently exists for young offenders and again I suggest we would have to look at that in greater detail. It does put down firm parameters in the Youth Criminal Justice Act, where often those parameters are lacking.

The increase of a minimum of 30 days in custody for a second conviction also could be construed as a move that denotes the seriousness of this type of offence. This offence of going into a person's home is extremely detrimental and has extremely serious consequences.

However, to go back to my initial assessment, my main difficulty with the bill is the amendment that makes it mandatory for the parents reporting to a probation officer any violation of a young person's curfew. The difficulty I have is that the legislation that deals directly with the way in which the parent or guardian interacts with a child is what amounts to a disciplinary action against the parent. It seems to me to raise a question of morality.

This bill essentially is penalizing and criminalizing a type of parenting. I have great difficulty with that. It pains me to say that I could not support the bill for that reason, but unless this legislation were at least amended in such a fashion that it would make the parents' attendance at court mandatory and make it necessary for the parents to come and explain their actions or lack of actions in supervising the child, denoting where they were at the time of the offence, I cannot support the vicarious criminal liability that would flow to a parent.

I congratulate the member for bringing the matter forward. I think it is timely and important. It is an approach that is novel. I agree with the majority of the bill in substance, but that aspect of it causes me great difficulty. For that reason, until we get the bill in such a form that this clause is removed, I am afraid I cannot support the bill.

● (1820)

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Madam Speaker, I am pleased to rise in support of my colleague's private member's bill, Bill C-204, which proposes to amend our laws covering certain aspects of youth property crime. I also think it is important to repeat for the record that the last time the Prime Minister prorogued Parliament the hon. member's bill was left on the Order Paper.

Just briefly on the issue of private members' business, many worthy private member's bills face the same fate of being totally ignored by the government. The bill that my colleague has finally managed to bring to debate in the House today could be easily and quickly passed into law like many other short and simple bills that individual MPs introduce. It is unfortunate that the government does not take enough of the good ideas that individual members of this place bring forward.

As for Bill C-204, the bill would amend the Youth Criminal Justice Act in three meaningful ways. First, it would impose mandatory curfews on young offenders found guilty of home invasion or break and enter offences. Just for the record, my house was broken into on December 8, one week before I went home for Christmas.

Second, the bill would impose mandatory imprisonment for repeat offenders.

Third, the bill would make parents and legal guardians responsible for reporting any known breaches of a young offender's probation conditions and impose fines and penalties on those who fail to do so.

The bill would further efforts to ensure that young offenders, particularly repeat young offenders, are held responsible for their offences against persons and their property.

On the one hand, we are concerned that young offenders receive appropriate guidance and counselling once their behaviour has caused them to come into conflict with the law, but on the other hand, we need to ensure that they are held accountable for their behaviour.

The bill essentially parallels my private member's bill, Bill C-281, which proposes an amendment to the current Young Offenders Act that is in effect until April of this year.

Bill C-281 would establish stronger accountability for parents who sign undertakings to supervise court imposed conditions for the interim release of young offenders. Of course interim release is just another term for bail. Fortunately, the bill has been incorporated into the Youth Criminal Justice Act which will take effect on April 1.

I am sure members are aware of my reasons for bringing forth that particular bill. Ten years ago my family, and particularly my son, fell victim to a violent crime in 1992. It was only six months after the murder occurred that we found out that the offender, who was 17 at the time, was actually under conditions of bail. He had been released to his father under strict supervision and under a dusk to dawn curfew. The murder occurred at midnight in October. We later found out that for three months he had been consistently violating his curfew, which of course was his responsibility. He was criminally liable for that but, more than that, his father signed an undertaking before the court to supervise that curfew, which he never did. That is why I brought forth the bill that I did, and Bill C-204 parallels that because it deals with the probationary aspects.

As I said, my bill deals with the requirements for bail and reflects the measure that Bill C-204 is calling for on probation.

Holding young people accountable in the youth criminal justice system must include people, such as parents and guardians, who need to be responsible for their undertakings entered into during a period of court imposed probation. Far too often we hear of young lawbreakers violating their conditions over and over again.

Whenever our courts impose a curfew or another restriction that the young person is supposed to adhere to and a parent or guardian agrees to enforce it, there must be some recourse to hold the parents or guardians responsible for not enforcing what the court has ordered and what they have promised to do. The bill would provide the means to make these people accountable for the undertakings they have entered into with respect to the release of young offenders on probation.

The bill would establish that these guarantors would be liable to a fine of $2,000 and/or up to six months in jail if they knowingly fail to report a breach in probation conditions. This would not hold a parent criminally liable for the offence that the young person does. The criminal offence would be knowingly not living up to the conditions to which they agreed. In my view this is reasonable. In fact, I would go further and make it a hybrid offence such that the crown could proceed by way of indictment in the case of serious breaches.

If someone comes forward and guarantees a court that he or she will assist the court in ensuring that a young offender follows the court's orders and that person encounters a breach of what the court has ordered, then that person should have a legal, not just moral, obligation to report the infraction to the authorities.

● (1825)

In this way society is protected and the young person will receive more attention, the attention they have earned by failing to satisfy the court's orders. Hopefully the extra attention will turn the young offender around.

However if the person who pledged to the court to monitor the young offender's adherence to the court's orders fails to report the failings of the young offender, then the system breaks down because there will be no alarm sounded that the young offender is not changing his or her ways.

In conclusion, the bill will truly be of assistance in terms of protecting our citizens. It will provide a measure of deterrence to young people contemplating criminal activity. It will hold people responsible when they promise the court to supervise and fail to do so.

I urge the government to give the substance of the bill serious consideration.

● (1830)

Mr. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, I was not originally intending to speak on the bill but my interest was piqued by the speeches. I guess I could add, as a parenthetical phrase, that I would encourage members of Parliament occasionally to come to this place and listen to and engage in these debates. That is after all what the purpose of this place should be. Perhaps by the mental stimulation that these debates could provide, if there were a lot of members here, we might come up with some new rules, regulations and laws that could better our society.

In listening to the speeches on the bill, I am particularly impressed with the idea that we must address and focus on the issues of youth justice. Statistics tell us that the number of crimes committed by youth is certainly disproportionate to their numbers in the population. We would then justifiably ask why is that so.

The House has heard my line many times before and that is I believe very strongly that it is the role of families, of homes, of churches, of schools, of everyone to instil in young people and children as they are growing up a built in compass of morality that informs their actions. People of all ages do what they believe is correct and generally will not do what they believe is incorrect or what is wrong. Somehow we have a situation where young people nowadays increasingly are doing things that by all standards are wrong, yet there seems to be no way of getting through to them.

I guess in a way this is a common sense approach. Let us do more with young people when they are young and in their formative years to instil in them a built in sense of morality.

I had a discussion with a person not very long ago on the issue of capital punishment. I said that personally it made no difference to me if we had capital punishment for murder because I was not going to murder anybody anyway. It does not matter what the penalty is. It is not the penalty that tells me that I am will not take someone's life. It is a deeply held belief and a deeply held value of human life that prevents me from taking human life. Consequently I do not need the law in that area to restrain me.

Perhaps I need the law in the area of other things, perhaps traffic actions for example, although even there I made a commitment many years ago as a young person to go through life without ever getting a speeding ticket. I am over 60, I will not say how much over, but that is only my age where I am over 60. I have been able to restrain the speed of the vehicles I have driven. To this stage in my life, I have not yet had a speeding ticket, a stop sign violation, a red light violation or any other moving traffic violation simply because I decided to obey the rules. It was built into me.

I do not say that as a matter of pride. I say that as a way of encouraging people that when they decide what they will do, it is in fact doable. All actions begin in the mind. Whether it is a criminal act, a good act, an act of charity or whatever it is, I do not believe that any actions are taken by an individual without first having been practised in the mind.

When I think of young people who engage in various illegal acts, all the way from vandalism of bus shelters to other things, somehow they first get it into their minds. I will not go on a digression now of everything that the television has taught us. I will try to avoid that, but I will say just in passing that there is little doubt in my mind that the increasing and incessant images of violence and lack of respect for each other that we see from Hollywood productions have had a profound influence on the way we treat and respect each other or disrespect each other.

My hon. colleague from Saanich—Gulf Islands has brought forward a private member's bill. Of course I never speak on private members' bills without stating my jealousy of the fact that he was chosen and could bring his bill here. I have been a member now for over nine years and have never once won that lottery. Mathematically I am being discriminated against. I just want to put that on the record again. I greatly favour a system where no one would get second chances until everyone had firsts. Just like at the dinner table when we were youngsters at camp, no one got second helpings until everyone had firsts. I would like to see a method for private members' business where all the members are randomly put onto a list and do not come back until we have worked our way all the way to the bottom of the list. That is how it should be. We have an old, archaic system here.

Having gotten that off my chest, I urge all members who hear about this on the news, because this will be a clip on the news tonight, to promote the changes we are seeking for private members' business.

In this bill there is an increased emphasis on parental responsibility. I believe this is a very good principle. We have had some new youngsters born into our extended family recently. When youngsters are born, they are totally 100% dependent. Those little guys cannot even make decisions on when they eat or when they do the other things they do. All these decisions are either reflex decisions or they are made for them. A little two week old does not decide what to wear in the morning. All these decisions are made for them. However by the time that young person grown to be somewhere between age 12 to 20, all the decisions that affect their lives are made by them. I would hope it would not be at 12.

I remember having some really good discussions with my kids as they were growing up. I drummed into their little brains that as soon as they demonstrated that they could make wise decisions, I would allow them to make those decisions. They had to demonstrate it first though, and it varied. Our children were not all the same. That is not unusual at all.

One of my boys was very responsible at a young age. I actually suggested to him, when he was about 16 or so, that he should get some of his friends together, use the car, go out to the mountains for a weekend and have a little holiday. He was so proud that his dad trusted him. I said to him, "Son, I am doing this because you have earned that trust".

One of the critical aspects of having responsible young people is to have responsible parents and to build a mutual respect between the two of them. One of the reasons I could do that was not only because my son respected me, but also because I respected him.

I will not talk about my other son, who pushed the envelope a little more, but we had those same kinds of discussions. Numerous times I made the decision for him because he was making the wrong one. He said, "Dad, I am old enough. I can decide this for myself". I said, "Yes, but you are not deciding right. When you decide right then you can decide for yourself". He then said that he did not have freedom of choice. I told him that he did. He had the choice to choose correctly and when he did, I would set him free. It took a little longer for him, but he turned out just fine. I cannot believe it but just a couple of weeks ago my youngest son turned 30. Can anyone believe it? He is such a fine, young man and we are very proud of him.

● (1835)

Here we have an issue where parents are asked to take responsibility for their children and I concur wholeheartedly. As in many other areas, if they do not do that of their own accord, then we have to have the hammer of the law which encourages them to do so. The implications that the member has put into this bill, that parents would be held responsible to help enforce the conditions of the release of young people, is totally reasonable. I would urge all members to concur that this bill should be votable and we should all vote in favour of it.

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Madam Speaker, let me start by saying that I am pleased to see the member for Ottawa—Vanier. He had a very serious illness. Our thoughts and prayers were with him at the time and we are glad he is back with us. Hopefully all will go well.

Back to the issue at hand. I would like to touch on a few points raised by some of the other members. Again, I appreciate all the interventions. The member from the Bloc talked about the harshness and not the need for rehabilitation. That is the whole point of the bill. If young offenders are on probation, it allows the courts and the system to get them the help they need such as anger management, substance abuse programs, curfews and schools. It allows them to get the help they need as opposed to going back into a sometimes very troubling situation or whatever their surroundings. It gets them out of that. It is all about rehabilitation. We in the Canadian Alliance are trying to help these young offenders from going through the courts like a revolving door. We are trying to get them the help they need.

The member for Pictou—Antigonish—Guysborough made some very good points. One that troubled him was holding the parents vicariously criminally responsible for the actions of these young offenders. I want to emphasize that is not so. I agree that they need to be held accountable. If a young offender breaches curfew or whatever, those are the actions for which the young offender will be brought back before the courts and held accountable.

Where the parents could be held criminally responsible is for their own actions or their lack of actions in failing to report. I will put it in this situation. Two people are parents and, heaven forbid, their children are in this situation. They have been before the courts and have a probation order. The children say that they are not going to follow this. They break their curfew and do not come home until 11 o'clock tonight. The parents then say that they have no option but to inform their probation officer because they are legally bound by the courts to phone the probation officer and say, for example, that Johnny is not following his probation order or Johnny is not going to school. Then they ask the child if he wants to be picked up by the police in the next few days and brought back before the judge.

● (1840)

One can flip it around that the parents are actually being given a tool to help them with what may be a very troubled child. I throw that out. The goal is to help these children. I emphasize that.

I remember my discussions when I worked in the courts. The judge would often call the defence lawyer and the crown prosecutor back into his chambers and ask what could be done to help the child, or what could be done to ensure that he or she did not come back before these courts, or what programs did he or she need to go into. There is no question that is the goal.

I think mandatory curfews for home invasion are not harsh at all. I think that would be a very good thing particularly if they are enforced. There is even a provision in the bill that in very unusual circumstances, such as if it is a social worker, or for whatever reason the judge feels that it would not be proper to hold the parents to report, the judge can overrule that one provision. Again, this gives the judge that discretion.

This is about helping children, ensuring that we look after the victims, but ensuring that these children get the help and that the parents are held responsible if they fail to follow their undertakings.

In closing, I would ask for unanimous consent that Bill C-204 be made votable. It is very important that all members should have an opportunity to express their thoughts on this. Failing that, I would ask for unanimous consent of the House that at least the substance of the bill be referred to the Standing Committee on Justice and Human Rights for further consideration so it could be put into law. I do not care who gets credit, but it is time that we bring it into law.

I would like to thank the member for Surrey North for his contribution and the member for Elk Island for his real life stories. It is so important for all Canadians to hear their interventions.

● (1845)

The Acting Speaker (Ms. Bakopanos): Is there agreement to make the item votable?

Some hon. members: Agreed

Some hon. members: No

The Acting Speaker (Ms. Bakopanos): Is there agreement to refer this private member's bill to the Standing Committee on Justice and Human Rights?

Some hon. members: Agreed

Some hon. members: No

The Acting Speaker (Ms. Bakopanos): 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*]

ROYAL CANADIAN MOUNTED POLICE

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.): Madam Speaker, I previously raised this question with the Solicitor General but I did not receive a response. Well, I received a response, but his reply

was that he rejected the premise of the question which was based on an access to information request. Therefore, he was in essence rejecting the RCMP's own numbers.

I will first repeat the question that I posed to the Solicitor General:

> Despite public demands that equality of opportunity and merit replace race based hiring, Saskatoon Police Services is imposing a racist recruiting system. This mimics the RCMP.
>
> Access to information reveals that in order to meet racial quotas, the RCMP pass mark for target group recruits is 21 points lower than the non-target groups.
>
> How does the Solicitor General justify a racist hiring scheme to non-target group recruits, who are denied an RCMP career simply because they are the wrong skin colour?

That is a pretty simple, straightforward question to which I did not receive an adequate response from the Solicitor General, and is why I am now before the House again re-asking the question.

I realize the parliamentary secretary will be answering on behalf of the Solicitor General. I would like to point out for the parliamentary secretary that polls show that 86% of Canadians oppose race based quota hiring systems. They favour instead hiring people based on merit and a system that would respect their qualifications. The reason there is such high support for equal opportunity for everyone and racial discrimination against no one in the hiring process is because of a simple, fundamental, undeniable, and irrefutable fact. It is not possible to discriminate in favour of individuals because of their race without unfairly discriminating against somebody else because of their race or skin colour. To do so is racist.

The question could be posed in a slightly different way, so I will offer this to the parliamentary secretary for her consideration and response as well.

I would like to ask her what she proposes be said to the people whose careers, dreams and aspirations of being an RCMP officer are denied because they are the wrong skin colour, because they have been discriminated against by an artificial, arbitrary hiring policy that discriminates for and against people on the basis of skin colour.

What would she say to the people who are denied their dreams and aspirations of a career in the RCMP simply because they are the wrong skin colour? Conversely, I would also like to know what she proposes be said to the people who are discriminated in favour of and who have been granted an ability to have a career with the RCMP because of their skin colour, because it would seem to me that is very insulting and demeaning to the people who have been discriminated in favour of as well.

I realize she has probably been provided with a canned speech from the Solicitor General, but those are serious questions and they deserve a direct answer. I would like to remind the parliamentary secretary that her response to this will be permanently recorded in *Hansard*.

I have repeatedly called for an end to racial inventories, racial quotas, racial profiling and race based hiring. I wonder if she would be prepared to take that same stand on the permanent record or if she wants to be permanently recorded as having supported racist hiring programs.

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Madam Speaker, as my hon. colleagues in the House know very well, the RCMP is committed to diversity, sensitivity and professionalism.

As a national police service, the RCMP recruits its personnel on a national level to address the needs of specific communities across Canada. In order to meet the evolving needs of Canada's diverse and changing society, the RCMP must be representative of the communities it serves and the overwhelming majority of Canadians agree with that premise. This representation is crucial to community policing as it will provide the RCMP with the credibility, cooperation and the insight it requires to better serve those communities.

Recruiting policies and practices remain flexible to allow the force the ability to serve its client in an effective and efficient manner while meeting its strategic priorities for all Canadians and for Canada.

The RCMP is world renowned for its high training standards and I can assure members, and particularly the member for Saskatoon—Humboldt, that all RCMP applicants, including those from designated groups, must meet the same stringent entry requirements.

The RCMP police aptitude test, of which the member refers to, is only one of a number of selection tools used by the RCMP in determining the suitability of an applicant. Applicants for the cadet training program are not only chosen for their individual suitability, but also for their potential to contribute to the overall effectiveness of the organization, its community policing strategies, and its commitment to meet diverse community needs. It is the RCMP's practice to select a proportion of qualified candidates from the following groups: visible minorities, aboriginal peoples, women, and Caucasian males.

The member for Saskatoon—Humboldt is in one of those groups. I will leave it to him to define which group he belongs to.

I can assure members that the RCMP's recruiting policies allow for the selection of those individuals in Canada who possess the qualities necessary to provide the RCMP's high standard of policing services to the Canadian public.

The member talks about race based hiring. In so doing, the member defines the equity employment program and the designation under the Canadian Charter of Rights and Freedoms, section 15, as race based hiring. In fact it is not. Any equity employment program which is administered by the federal government or any federal government department is based on the premise that candidates who are selected must be qualified.

Once they have been qualified, the employer can hire or select a candidate from one of the designated groups. But those individuals, regardless whether they belong to a designated group or not, must qualify for the position. They must show that they have the academic and professional requirements as well as the aptitude. The selection process will use a variety of tools. One of the tools that the RCMP uses is the police aptitude test, but it is only one of them. When it comes to the actual hiring or selection, it uses the global result of each candidate.

● (1850)

Mr. Jim Pankiw: Madam Speaker, first, the member referred to section 15 of the constitution but in fact that section has two parts. The second part is what allows discriminatory hiring policies to be implemented and to be constitutional even though they discriminate against people on the basis of race; and we have Pierre Trudeau to thank for that.

She said that the RCMP wants its workforce to be representative of the community and that the majority of people support that. The majority of people do not support race based hiring programs. The majority of people, 86%, believe that our RCMP officers should be the most capable and most qualified people who are available to be hired for the job. The fact of the matter is that in the test to determine whether or not a person advances in the recruitment process of the RCMP, the target group recruits' average was 21 points lower than the non-target groups.

Therefore, racial discrimination is taking place in the hiring process of the RCMP—

The Acting Speaker (Ms. Bakopanos): The hon. Parliamentary Secretary to the Solicitor General.

Mrs. Marlene Jennings: Madam Speaker, there is no discrimination in terms of hiring by the RCMP. There is no race based hiring by the RCMP. There is an equity employment program and a whole process of selection that has been developed under the program.

The candidates who are selected, whether they be women, members of visible minorities or members of aboriginal communities or first nations, have qualified and proven through the entire selection process that they are qualified to be hired as RCMP agents or to be brought into the cadet program.

The hon. member for Saskatoon—Humboldt entirely misrepresents the situation. When he said that 86% of Canadians opposed race based hiring, that is probably the only thing he said that was true. However what he has not said is that when Canadians are asked if they agree with an equity employment program that will designate certain groups on the basis of previous obstacles but who have to be qualified for the jobs, they will support it and do support it.

U.S. EMBASSY

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Madam Speaker, I would like to speak to the current state of affairs as it pertains to the security measures that will be put in place on the streets of Ottawa adjacent to the U.S. embassy and its neighbours in the riding of Ottawa—Vanier.

I have asked the Solicitor General questions on a number of occasions. I am not totally satisfied with the responses.

I have some very serious reservations regarding the effectiveness of the security measures, the ones that are proposed, and whether or not the crux of the problem is actually being addressed. I repeat that I am not convinced that a buffer that can only be described as a widened sidewalk with 6,000 pound flower containers made of cement can safely deter any threat on the embassy and consequently provide an iota of additional safety to the constituents I represent in Ottawa—Vanier.

The RCMP has informed my office that in the event of a bomb blast, without the buffer the blast would seek the line of least resistance and create more damage across the street than if the bomb went off by the new extended sidewalk. I have also been told by the RCMP that in the event of a bomb blast, the collateral damage to the surrounding buildings would be enormous whether the buffer was there or not. The use of this buffer is tantamount therefore to using smoke and mirrors to disguise the real problem.

The U.S. embassy should never have been located in the core of our city. Everyone will agree that the embassy is a potential target. Whether it is a soft or a hard target as defined by the RCMP, it is still a target. We cannot ignore the vulnerability of its location on the neighbouring residences and businesses and the people who live and work there.

The security buffer that the city plans to put in place is supposed to be a temporary measure, but I believe we need to address the problem on a permanent basis, that being the miscalculated location of the embassy itself. I am not alone in these convictions. I would like to read some of the comments that were made at an open house hosted by the city of Ottawa on November 26.

The question put to the people was whether they agreed with the recommended solution, which is the buffer of 6,000 pound cement flowerpots and an extended sidewalk, removing a lane of traffic. Some of the responses were:

> No, I honestly feel that they are not necessary. The federal government should have thought of this before allowing the U.S. embassy to be built in such a confined central and potentially vulnerable location. I fail to see how the closure of one lane on each street adds any more protection to the building.
>
> No, any of these solutions provide only a perception of security. It would be impossible to provide total security to the embassy if it remains in that location. The measures that are proposed to increase the sense of security will have a negative impact on the aesthetic and traffic design of the area while doing little to actually increase the level of security.
>
> No, I seriously doubt that the third lane will ever be used again for traffic. The most powerful nation will continue to face threats. I believe the U.S. embassy should be relocated to a site which is not surrounded by roads to conform with U.S. policy on the location of embassies.

I would like to conclude by reading an excerpt from a letter by the chargé d'affaires for the embassy of the United States of America to the National Capital Commission dated December 10, 1984:

> The Department of State is re-examining its current chancery building plans in light of recent terrorist attacks against the U.S. facilities worldwide. The department has established more stringent security criteria which it is applying to all new building projects. After reviewing and applying these standards to our current plans, the department recently informed the embassy that the Sussex Drive site has very serious shortcomings from a security standpoint.

I and my colleagues voted in the House in the last budget billions of dollars to increase the security of Canadians. I believe that the residents of Ottawa—Vanier and of the national capital region are owed the same considerations as other Canadians. We need to seriously—

● (1855)

The Acting Speaker (Ms. Bakopanos): The hon. Parliamentary Secretary to the Solicitor General.

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Madam Speaker, I would like to thank my hon. colleague from Ottawa—Vanier for his comments and his very impassioned speech on the issue of whether or not the American embassy should be located where in fact it is located.

Unfortunately I will not be able to address that issue directly. I had prepared my response on behalf of the Solicitor General based on the member's previous question which is why we are here at the late show. It dealt specifically with the issue of the security of the residents in that area and the issue of the cement barriers.

I apologize to the member, but I will try to give a full and clear response to the question that the member for Ottawa—Vanier asked in the House previously.

First of all, I would like to assure the member that the RCMP takes the security of all Canadians very seriously. Its role is in fact to ensure the security and the safety of all internationally protected persons in Canada according to domestic and international obligations. As the member for Ottawa—Vanier well knows, this includes the national capital region.

I have been advised by the RCMP that the 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.

There are currently various security measures for the U.S. embassy which take into account the safety of the international community as well as the safety of the community at large. This includes measures in and around the area to control traffic.

I am also informed that the traffic rerouting on Clarence Street, as well as the barricades in question, those cement barricades that the member has referred to, provide maximum protection for this 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 in fact responsible for the traffic flow on city streets, did meet and consult with local members of Parliament, the city of Ottawa, and the business owners and residents of lowertown in Ottawa.

I also understand that the 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 maintain security around the embassy and impede in the least possible way the lives and the businesses in that area.

Senior officials of the RCMP continue to work with law enforcement officials of the U.S. embassy and of the city of Ottawa with regard to this matter. They and their law enforcement partners will continue to re-evaluate the perceived threat assessment and level of security in consultation with members of the community. They will also continue to monitor the impact of the security measures on the community.

Those security measures will continue to be adjusted in response to security requirements. As I mentioned at the beginning, it would be inappropriate for me to comment further on any specific security measures undertaken by the RCMP or its partners.

● (1900)

Mr. Mauril Bélanger: Madam Speaker, the difficulty I have with this approach is they are trying to give an impression that this is a temporary measure. I dare the government, and I understand it is not fair to the parliamentary secretary to the minister as she cannot give assurances today, that the Government of Canada help the city of Ottawa pay for these additional measures, the widened sidewalk, the 6,000 pound cement flowerpots and perhaps remove them in a year's time when the threat assessment should be reduced for whatever reason.

When talking about smoke and mirrors, it is not the case. We are not talking about something that is temporary. It is very much permanent.

It is a very serious question. At the time the decision was made to locate the embassy there, if the people of this city had been told that it would entail the massive security measures and the loss of two traffic lanes in the core of our city, never would they have agreed to have the embassy located where it is. It is time to move it.

Mrs. Marlene Jennings: Madam Speaker, the citizens of Ottawa—Vanier have a wonderful representative in Parliament. He is passionate and well-informed. If it is an issue that he does not know about, he makes sure he gets the information.

The member said it himself. I am not in a position to answer that. I was not here, nor was the present Solicitor General at the time the whole issue of the location of the U.S. embassy was decided upon. I am not even aware of what the process is for that kind of decision.

Obviously, if it did not involve consultation with the local community, it may be of interest to look at what process exists today, whether or not that has been corrected, so that at least in the future that kind of consultation on that issue and the issue of security can also take place.

[*Translation*]

The Acting Speaker (Ms. Bakopanos): The motion to adjourn the House is now deemed to have been adopted. The House stands adjourned until tomorrow, at 2 p.m., pursuant to Standing Order 24 (1).

(The House adjourned at 7:03 p.m.)

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