CANADA

House of Commons Debates

VOLUME 138 • NUMBER 151 • 2nd SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Wednesday, November 5, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Wednesday, November 5, 2003

The House met at 2 p.m.

Prayers

● (1400)

[*English*]

The Speaker: As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Saint John.

[*Editor's Note: Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*English*]

ELLEN PORTCH

Mr. Stan Keyes (Hamilton West, Lib.): Mr. Speaker, the Hamilton and area political family lost a very special woman last night. Ellen Portch passed away in her sleep. She was 86, but we would not have known it. She led the life of a woman half her age.

Ellen was a Liberal. She was committed to the democratic process. She was always trying to help someone else. Municipally, provincially, federally, Ellen was an invaluable asset to any campaign.

In my four federal election campaigns she was the first at election headquarters and I was always greeted with the mandatory hug. Ellen was always there when I needed her. She worked hard. She had fun. I am privileged to have had her as a friend.

Outside of the political world, she associated herself with the Canadian Heart and Stroke Foundation, the Canadian Cancer Society and the Arthritis Society.

The proud mother of two, grandmother of six, great-grandmother of fourteen, on behalf of all who knew and loved her, we send our deepest sympathies. We will miss her. We ask God to bless Ellen.

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● (1405)

MEMBER FOR LASALLE—ÉMARD

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, the new Liberal leader has been promising everything to everyone. One day it is spending cuts and the next it is new programs. These add up to a $96.5 billion price tag.

If everyone wants to know what is in store from the new Liberal leader they need look no further than his record as finance minister when he wrote the cheques.

We have the HRDC billion dollar boondoggle, another billion for the gun registry, $100 million for executive jets, $40 million in federal sponsorships and $4 billion annually in corporate welfare and regional development. He devastated our military and cut $25 billion from health and education transfers.

The new Liberal leader raised or created taxes over 75 times. Canadians work harder for less money. Our competitiveness and net incomes have plummeted.

However he knows how to push the Prime Minister by staging a slow coup.

What we have is another tax and spend Liberal; a mirror image of the current occupant of 24 Sussex Drive. We are simply trading a 69 year old lawyer for a 65 year old lawyer.

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[*Translation*]

BROADBAND SERVICE

Mr. Gilbert Barrette (Témiscamingue, Lib.): Mr. Speaker, on October 24, in Rouyn-Noranda, I had the pleasure of announcing on behalf of the Minister of Industry financial assistance of $4.3 million for the broadband pilot program.

Broadband refers to high-capacity Internet connections that would bring service to unserved first nations, northern, rural and remote communities. It will greatly enhance health, education, and business communications throughout the entire Abitibi-Témiscamingue region.

With contributions from governments and the community, and the involvement and tenacity of partners, broadband service is attainable for a large number of communities and organizations in Abitibi-Témiscamingue, despite the distances and sparse population.

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[*English*]

HOCKEY CANADA WEEK

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, Hockey Canada Week is November 8 to 15 when hockey will be promoted and celebrated at the national, provincial, territorial and local levels.

Hockey is at the heart of our Canadian identity, forging a link between Canadians from sea to sea to sea.

Nineteenth century explorer, Sir John Franklin, saw ice hockey played as early as October 1825 on Grey Goose Lake on the outskirts of Deline in the Northwest Territories.

A small aboriginal community of 700, Deline currently boasts several hockey teams.

In Canada there are over four million amateur hockey volunteers teaching our youth important values like team work, perseverance and courage.

Hockey helps build communities.

Hockey Canada delivers hockey development programs in Canada aiming for an ongoing supply of amazing hockey players for Canadians to cheer and be proud of.

I ask everyone to enjoy Canada Hockey Week.

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THE ENVIRONMENT

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, I wonder how many members know that most of our provinces are leading the way on the recovery and recycling of empty beverage containers. In fact, almost every province recovers at least 73% of containers, saving municipalities millions of dollars per year.

However, in Ontario, Manitoba and for some containers in Quebec, recovery is much lower. In my own province of Ontario it is estimated that one billion aluminum pop cans end up in a landfill site; a huge cost to consumers, manufacturers and the environment.

As we move toward our Kyoto commitment, throwing away so much embodied energy is a wasted opportunity.

All provinces should be following the example of British Columbia, Alberta and New Brunswick where a unique version of deposit return is funded in part by the consumer who can choose not to redeem the container and forfeit the deposit.

I encourage all provinces to implement a similar deposit return program so that we can have a harmonized system.

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VETERANS WEEK

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, Veterans Week is November 5 to 11 and I rise today to pay tribute to Canada's veterans who fought so valiantly to preserve our rights and freedoms.

However it is a sad day for me because not all of our war widows can rejoice in that their sacrifices and the sacrifices of their spouses are not recognized by the government before Remembrance Day of this year. Not all war widows will be included in the veterans independence program before November 11.

I would encourage all members of the House to keep up the good fight to ensure that all widows are included in the veterans independence program.

I also encourage all members of the House to participate in their local Remembrance Day ceremonies to honour those who have given so much for this country.

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● (1410)

[*Translation*]

NURSING

Mr. André Harvey (Chicoutimi—Le Fjord, Lib.): Mr. Speaker, CIDA and the Canadian Nurses Association recently signed a contribution agreement for the joint initiative of Canadian and South African nurses in the fight against AIDS, which aims to support, over the next five years, the development and implementation of a national nursing strategy to fight this scourge. Nurses are the first to care for AIDS patients at all levels.

CIDA is also funding another five year program to support nurses and strengthen their associations so that they can meet their numerous challenges.

Further to the partnership on international health, we have with us today members of this esteemed profession hailing from Latin America, Asia and Africa. It is my pleasure to bid them a warm welcome.

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RADIO NORD COMMUNICATIONS

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, October 25 was a sad anniversary for the employees of Radio Nord Communications, who have been on strike for one year and have been watching strikebreakers steal their jobs.

As if that were not enough, the Liberal government refused to correct this injustice, voting against my anti-scab bill based on the progressive legislation Quebec has in this respect.

Members from Quebec, regardless of political affiliation, voted massively in favour of my bill, recognizing that such legislation is needed, especially as the former finance minister, who brought in strikebreakers at Voyageur and whose ships were the first to cross the picket lines at Cargill, is about to become the prime minister.

The result of this vote is one more illustration of the fact that it is impossible for Quebec to flourish within the current federal framework.

We understand the difficulties the workers at Radio Nord Communications are facing on a daily basis. That is why we are keeping up the fight for anti-scab legislation, both for them and with them.

[*English*]

BLUE WATER DUTY FREE SHOP

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, last week in Cannes, France, the Blue Water Duty Free Shop located at the Blue Water Bridge in Point Edward was named the worldwide duty free industry's retailer of the year.

Competing against duty free shops from Abu Dhabi, Bahrain, and Hong Kong, this Canadian store was judged by the industry review panel to be the best in the world. The judging panel noted that this store turns "browsers into buyers", creating a facility which is a "must stop".

Operated by the Lee family of Point Edward, the Blue Water Duty Free Shop is the world leader for both airports and land border facilities.

Canadians often believe retailing was perfected outside our country. I am pleased to draw the attention of members of the House to a Canadian family who has created a centre of retailing excellence for duty free stores throughout the world.

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HEALTH CARE

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, we have a medical manpower crisis in Canada. As we age, our need for nurses, technicians and physicians will increase.

However, for physicians in training, although enrolment in medical schools has increased somewhat, the number of residency positions has not. This is disastrous as it will worsen the shortage of fully trained doctors, especially specialists; waste money in training students who cannot practice; and will lead our medical students to move to the United States to complete their training where they too often remain after finishing their training, contributing to the southern brain drain.

We urgently need more residency positions in Canada to ensure that we will have an adequate number of physicians in the future.

Compounding this crisis is the fact that as we age so too does our physician population. Unless this situation is remedied now, Canadians will be unable to get the medical care they need in the future, and in this, we all lose.

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TEACHERS INSTITUTE

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, today I welcome participants from the Teachers Institute on Canadian Parliamentary Democracy to Ottawa.

Launched in 1996 by our former speaker, Gib Parent, the Teachers Institute is a unique professional development opportunity for teachers of social studies and related subjects from grades 4 through 12 at CEGEP.

Each November the program brings approximately 70 teachers from across the country together for an intensive week on Parliament Hill. The program is based on the principle that in order to successfully convey the issues and intricacies of modern Parliament to their students, teachers need opportunities to develop and sustain a creative, critically engaging curriculum.

I hope that as a result of this week participants will gain an insider's view on the workings of government and the legislative process, the key players, their functions and activities. We also hope that this opportunity to connect with other educators will produce creative ideas and useful tools for teaching young Canadians about citizenship and parliamentary democracy.

I am particularly proud this year that my daughter, Megan, is among the participants.

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● (1415)

SOFTWOOD LUMBER

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, the recent proposal by the U.S. lumber lobby is being turned down flatly by many members of the softwood lumber industry in Canada.

The Alberta Softwood Lumber Trade Council says there is no basis for continuing discussions. Atlantic Canada, sawmills in Ontario and the Canadian Lumber Remanufacturers Alliance are all against it.

Only after the minister has formal discussions with the entire industry should he continue with negotiations with a position that reflects all of Canada, not just one region or one province.

Yesterday the Minister for International Trade assured me that the Government of Canada would not move forward unless the Atlantic Canadian industry was comfortable with any proposal.

The current U.S. proposal eliminates the hard fought Atlantic Canadian exemption and does not acknowledge the plight of the lumber remanufacturers in Canada.

We will be holding the minister to his word that no agreement will go forward until there is a comfort level as promised.

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[*Translation*]

JEAN-BAPTISTE MEILLEUR

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, Jean-Baptiste Meilleur is recognized as one the main founders of Quebec's public education system.

Founded in 1963, the Jean Baptiste Meilleur high school in Repentigny was among the first public composite high schools established as part of the educational reform. Both were precursors in their own way, in their own time.

Thousands of young people had the privilege of studying in this leading institution of our region. To mark this 40th anniversary, staff and students of this educational institution are invited to a big reunion.

Organized by a dynamic team led by Gilles Bélisle, himself an institution within the institution, this event is overseen by the new director, Jacques Ménard.

As the honorary president of this reunion, it is with pride and pleasure that I extend to all former students of the school an invitation to attend this great celebration on Sunday, November 9.

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JUDITH LONGPRÉ AND SHAE ZUKIWSKY

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, I am very pleased to rise today in the House to acknowledge the success of Longpré and Zukiwsky in figure skating.

This young couple, Judith Longpré of the Laval skating club, Les Lames d'Argent, and her partner, Shae Zukiwsky, achieved eighth place ranking in senior ice dance at the Nebelhorn Trophy competition in Oberstdorf, Germany, thisSeptember.

On behalf of all the people of Laval, I wish to congratulate Judith Longpré and Shae Zukiwsky on their superb performance in Germany. I am sure that we will be hearing about their skating successes for many years to come.

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[*English*]

MONIA MAZIGH

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, yesterday, Canadians heard Maher Arar's heart wrenching testimony about his 374 days of torture and hardship. His ordeal would have been even more horrendous but for the efforts of his courageous loving wife, Monia Mazigh.

Today we pay tribute to this remarkable woman. She has inspired Canadians with her unrelenting efforts to raise awareness of what happens when the rights of citizens are trampled in the name of so-called national security.

In her typically humble way, she insists that the credit belongs to her mother and to Mr. Arar's loving family, calling them true heroes for their support while she struggled against incredible odds to bring Maher home to safety, to justice and to his family.

Monia Mazigh dared the unknown forces who violated the rights of her husband and for 374 days robbed her children of their father.

We are all deeply indebted to Monia Mazigh for her devotion in fighting for the rights and freedoms that her family should enjoy and that all Canadians prize so dearly.

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TOYOTA TRAINING AND DEVELOPMENT CENTRE

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, the HRDC minister, Conestoga College president Dr. John Tibbits and Toyota Motor Manufacturing president Ray Tanguay officially launched a new training and development centre in my riding of Cambridge.

Toyota's new 6,000 square foot centre introduces workers to TMMC's world famous production system and provides training in computer skills, vehicle functionality, core manufacturing skills, use of hand tools, safety training and other work related skills.

Conestoga College courses or any other accredited Canadian college or university course can also be taken.

To create an innovative country, we need to produce innovative approaches to training. The partnership between an industry leading company like Toyota and a world class educational institution like Conestoga College is a good example of efforts that all levels of government need to encourage in order to make Canada a leader in innovation.

ORAL QUESTION PERIOD

● (1420)

[*English*]

FOREIGN AFFAIRS

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, watching the Liberal caucus goings-on this morning, I thought the Prime Minister might not have a seat but I am glad to see he has found a place to put himself. However, I do have a serious question.

Maher Arar was imprisoned and tortured in a Syrian prison. Canadian officials may have been involved in his deportation. Yesterday in an all party committee of the House, members of all parties basically unanimously demanded that the government hold a public inquiry into this situation.

Why is the government refusing to have a public inquiry to lay to rest some of these allegations?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think it is completely unacceptable and deplorable what happened to this gentleman who is a Canadian and who was sent to Syria rather than to his country of Canada. We have protested. This morning I asked the Minister of Foreign Affairs and the Deputy Prime Minister to get in touch with their counterparts. A few minutes ago Secretary Powell said that he would try to find out if there is in reality one Canadian involved in that. The name will be given to Canada if there is one and we will act accordingly.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it is completely acceptable that we would get the facts from other countries but we should be getting the facts from our own government of its role in this case.

Consular officials visited Mr. Arar in New York and Syria, yet somehow the Prime Minister, the Minister of Foreign Affairs and the Solicitor General all refused to accept any responsibility. What is the government hiding? Why does the government refuse to disclose all of the facts of its role in this case?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have revealed all the facts that we know about it. There is nothing the government knows that has not been made public.

I find it very hypocritical from the opposition because on the 18th of November, 2002 the Leader of the Opposition criticized us for having "participated in high level consultations to defend a suspected terrorist". The same day the hon. member for Calgary—Nose Hill criticized us for "chastising the U.S. for sending Arar back to Syria". What a bunch of hypocrites.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, on this side we are prepared to have a public inquiry to get to the bottom of the truth. The government should be prepared to do exactly the same thing.

Mr. Arar, members of the opposition and members of the government are asking for a public inquiry. The Prime Minister's own whip says that no stone should be left unturned. I believe the Prime Minister's successor will hold a public inquiry if he does not, so will the Prime Minister, for the benefit of all of us—

The Speaker: The right hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is just another fishing expedition. The people who are responsible for the deportation of the gentleman to Syria are in the government of the United States, not the Government of Canada. I cannot understand why the opposition wants to blame the Government of Canada for the actions of the Americans. This gentleman should have come to Canada. He should not have been sent to Syria.

● (1425)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the investigations of allegations of wrongdoing and Canadian complacency in the Maher Arar case are very troubling. Evidence warrants a full and open public inquiry which would include the Department of Foreign Affairs, CSIS and the RCMP. A public complaints commission will not have a wide scope, nor will it be transparent, nor does it preclude a full public inquiry.

Given the widespread support on both sides of the House, before the Prime Minister steps out of public life, will he step in and initiate a full public inquiry into the Arar case?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am not one who would presume that some Canadians are guilty of something in that like the opposition. The fact is that this gentleman was deported from New York to Syria by the government of the United States, and the government of the United States should have informed Canada before acting.

We have complained to the government of the United States. We want to know the name of the Canadian person who might be involved. Secretary Powell said to the Minister of Foreign Affairs that if such a name exists, it will be given to Canada.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, that is fine, but there may be more than one name.

Authorities in the United States have admitted that the Arar case fits what CIA officials have termed extraordinary rendition, the practice of turning suspected terrorists over to foreign intelligence services which are known to torture prisoners.

Were the Minister of Foreign Affairs or the Solicitor General aware of this practice of extraordinary rendition? Has this happened in the Arar case? If the minister is aware of this practice, will he report on those findings to the House?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, to begin with, I completely reject the suggestion that we have not been active in bringing back Maher Arar. We worked on bringing back Maher Arar. I spent a great deal of time on it. As the Prime Minister pointed out, the party opposite criticized me and criticized the Prime Minister for the work we were doing on behalf of a Canadian citizen.

To say now that we are going to be responsible for the policies of another government and what it does is again an attempt by the opposition to blame the government for what another country does.

I have raised it with Mr. Powell. We have raised it with the American authorities. We have heard the American ambassador speak about this issue.

We act on behalf of Canadians and we will continue to do so.

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[*Translation*]

EQUALIZATION PAYMENTS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the cat is out of the bag. With one hand, the federal government will be paying Quebec and the provinces the promised $2 billion for health care, while with the other, it will be taking away $2.4 billion in equalization payments, something the Quebec finance minister has condemned.

With a shortfall of $400 million in federal funding for 2003-04, does the Prime Minister realize that, despite his promise, Quebec and the provinces will be even less well equipped to deliver quality health care to patients, although his government is trying to conceal this?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in the last budget we transferred billions of dollars, in accordance with our agreement with the Government of Quebec and the other governments.

We had made a conditional promise of $2 billion, and now we have changed the formula in order to ensure a greater chance of having that amount at year-end.

As for the equalization payments, these are covered by a federal law that has been in place a long time. We take a look at demographics and government revenues, and reach a conclusion. Some years, the provincial governments get more than expected and, other years, they get less, but this is governed by federal legislation.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Quebec finance minister Séguin says that this is terrible, because although the provinces together will receive $2 billion, they then are going to have $2.4 billion taken from them. They will end up with $400 million less.

While the provinces want to negotiate an increase of $15 billion over the next five years, what the federal government is proposing, with the present formula, will in fact leave them with $11 billion less.

Does the Prime Minister not realize that it is all very well to talk about helping them with health services, but in the long run the provinces are going to get a lot less money, which is why finance minister Séguin describes this whole business as terrible?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the hon. member is well aware that this is a long-standing formula. When the numbers change, the formula is affected.

I discussed this with Mr. Séguin yesterday. We are now trying to work on some improvements to the equalization formula.

Incidentally, I would really like to be able to make the equalization payments, something to which the Bloc Quebecois was opposed yesterday, when March 31 comes around.

● (1430)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, on the one hand, the federal government is committing $2 billion for health. On the other, it is asking us to pass legislation to extend equalization for another year, but it is hiding the fact that this will save it $2.4 billion. This is a shell game.

Will the government admit that by doing this, by passing this bill, it will manage to save $2.4 billion, but especially, that this will allow the government to avoid holding a debate on the cuts in transfers to the provinces, just prior to a general election?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, there are no cuts. There will be a problem if we do not have the authority to pay equalization in April. The Bloc has shown opposition to this.

However, it is important to understand that there is a formula, and as the Prime Minister said, sometimes the payments to the provinces are increased and sometimes they are decreased.

Without a formula, however, there is no way anyone can agree that the situation is completely balanced with regard to each province. Consequently, the formula works quite well.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the minister cannot deny that, if we did not pass legislation to extend equalization, negotiations would be underway as we speak. Everyone would know that the federal government intends to cut $11 billion from transfers to the provinces over the next five years. This would be inconvenient before a general election.

Will the minister admit that his strategy is a good one, because it postpones the $11 billion in cuts until after the election?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, we cannot say this because there is a formula. The situation changes from year to year, when the provinces post their economic performances. This year, there were changes in demographics and also in Ontario's economic performance. This narrowed the gap between Ontario and the other provinces.

I admit that this is a rather complicated formula. However, I believe there have been very few changes to the formula since its implementation, and it is working extremely well. We have proposed improvements, which we are currently discussing with the provinces.

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[*English*]

FOREIGN AFFAIRS

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, according to the Liberal member for Charleswood—St. James—Assiniboia, the Solicitor General may be a team player but has not been let in on the game plan.

Insinuations by his own colleague that the Solicitor General is a good boy but does not know much suggest that the Solicitor General has been kept in the dark about the RCMP's role in the deportation and detention of Maher Arar.

My question is for the Solicitor General. Was he kept in the dark as his own colleague suggests or was he privy to the RCMP's complicity with the United States authorities?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, let me be very clear. The allegations, as outlined by the member opposite, are indeed very wrong in terms of the complicity of the RCMP.

The fact of the matter is, and the hon. member knows it, I do not speak on the operational details of the RCMP, nor should I.

Let us put things into perspective. The Government of Canada has complained strenuously about what happened to Mr. Arar. The decision was made on foreign soil on the basis of information of which we do not know. Allegations were made against the RCMP and we have put a process in place to deal with those allegations.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, these are the allegations of his very own colleague.

The member for Charleswood—St. James—Assiniboia stated that he is not sure the Solicitor General has been told the truth by the RCMP and that in fact the RCMP has stonewalled the Solicitor General. Therefore, he knows no more than anyone else in the House regarding the Maher Arar case.

Perhaps the Solicitor General would like to set his own colleague straight. Was he fully apprised of the RCMP's involvement with the United States authorities in the Maher Arar case or has he lost control of his department, as his own colleague suggests?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, we have put in place a process.

The chair of the Commission for Public Complaints against the RCMP has compiled the allegations against the RCMP. That process is in place to find out whether the allegations made by that member and others are in fact true or not.

We want to, and I certainly want to, get to the bottom of this issue.

● (1435)

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the right hon. Prime Minister.

It appears to everyone, with the possible exception of the Solicitor General, the Minister of Foreign Affairs and now the Prime Minister, that there was some form of Canadian complicity in what happened to Maher Arar.

So I ask the Prime Minister, why does he want to spend the last few days as Prime Minister, someone associated with the Charter of Rights and Freedoms, defending the obviously disgusting role that the Canadian government played in this particular case?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think this is an accusation based on nothing. He has not proven anything.

The facts are that this gentleman was in New York and he was deported to Syria by the American government. The Canadian government had nothing to do with it.

When we heard about it, we protested and did everything we could to get him out of jail in Syria. We sent people there to talk with the government. We did everything until he was liberated by the Government of Syria.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the Canadian government knew that he was in New York and could have acted before he was deported to Syria. There is a Canadian role in this.

Will the Prime Minister call a public inquiry so we can know what it did or did not do in order to prevent Mr. Maher Arar from becoming the object of this so-called rendition, or as I called it yesterday, contracting out of torture? Shame on Canada.

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as usual, the hon. member has let his emotional rhetoric get ahead of the facts and common sense.

As we note, and as Mr. Arar personally testified to, a consular official did meet with Mr. Arar.

Our consular officials in New York were working hard to deal with Mr. Arar's case. Our consular officials were in touch with Mr. Arar's American lawyer to appear before immigration authorities. Our consular officials were surprised to find that Mr. Arar had been deported to Syria.

The hon. member cannot allege that we did not do everything in our power in New York to see him and protect him.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, the Solicitor General repeatedly said in this House that the RCMP was not involved with the decision to deport Maher Arar.

On the contrary, it appears that the single piece of evidence that caused Mr. Arar to be jailed and tortured for a year is a copy of a 1997 lease from Ottawa provided by a Canadian agency.

If it was not the RCMP that was involved in supplying this document, which agency was it?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, the member knows full well that is what we are trying to do with the processes that are in place. We are dealing with the allegations, such as that one, which have been alleged against the RCMP.

That process and that body were put in place by the House of Commons itself, by Parliament. We need to allow that process to do its work so that we can indeed get to the bottom of this issue and see what is fact and what is not.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, Mr. Arar was tortured and jailed for a year. He is entitled to know who gave the U.S. authorities a copy of his lease from Ottawa in 1997.

The Solicitor General must know how that copy of the lease got to the United States authorities. Will he tell us who gave it to the Americans?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, the hon. member really seems to love to get into rumour and conjecture. We are trying to get to the facts in this case, and the process has been set up to find the facts.

In fact, the CPC is doing an investigation on that very matter right now. We operate in this country, and maybe the hon. member does not know this, on the presumption of innocence as it affects Mr. Arar.

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Prime Minister refuses to initiate a public inquiry into the Arar case, because the Commission for Public Complaints against the RCMP is already looking into the affair. This commission has no power to investigate the role played by the Department of Foreign Affairs or CSIS in the deportation of Maher Arar to Syria.

Is the Prime Minister aware that only a public inquiry will make it possible to bring all the facts to light, and that if he refuses, the logical conclusion is that his government has something to hide?

● (1440)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, my party's whip raised the issue, for example. We have been in the forefront to make sure that Mr. Arar could return to Canada.

However, people are demanding a public inquiry into the activities of the U.S. government. To hear the opposition talk, it is as if this gentleman had been deported to Syria directly from Montreal. He was deported to Syria by the U.S. authorities. Therefore, it is the U. S. government that owes an explanation to all Canadians because it was the one that deported him.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, what Mr. Arar has been through is the direct consequence of the events of September 11, 2001. Since then, it is easier and easier for the Americans to obtain private information about Canadian citizens.

Is the Prime Minister aware that this case illustrates what we were afraid of, that is, that the government will sacrifice freedom to the cause of so-called security?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have passed laws here in this House to ensure that the security of Canadians is safeguarded. Since September 11, 2001, the world has changed. I think that the hon. member does not want to admit that.

Terrorism is a problem that must be taken very seriously. Here, we have passed laws that have passed the charter test and that ensure the security of Canadians and combat international terrorism. This is an obligation we have, and we are shouldering our responsibilities.

* * *

[*English*]

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, an important vote on human cloning will be held tomorrow at the United Nations. There are 65 countries that will be supporting a resolution that would ban all forms of cloning. However, there are 23 countries, including Canada, that will back a weaker proposal that would allow therapeutic cloning.

It is strange that the government would be supporting therapeutic cloning at the United Nations, even though Bill C-13 aims to ban human cloning.

Why would the government be supporting a resolution that does not reflect its own legislation?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, to the best of my knowledge, my department has been working with the Department of Foreign Affairs. We will be supporting a resolution that bans all forms of cloning, be it therapeutic or reproductive.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, that is certainly a change from what she answered on October 6, when I asked that same question.

Let us call human cloning what it is. It is an affront to human dignity, individuality and rights. Human life should not be created to harvest spare parts.

What led the minister to change her mind?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, we did not change our mind. Hon. members may recall that we indicated supporting a total ban on cloning. Unfortunately, it appeared in late September that we would not be able to get sufficient support at the United Nations to move that resolution forward.

However, because of work that has taken place over the past number of weeks, I understand Costa Rica is currently proposing a comprehensive mandate to negotiate a convention that would ban human cloning. It is my understanding that we will be supporting Costa Rica.

* * *

[*Translation*]

CANADA CUSTOMS AND REVENUE AGENCY

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, the Canada Customs and Revenue Agency recently hit a new high in efficiency.

Two cases of wine valued at $20,000 were seized, and it took only 10 days for the owner to be able to get his wine back. Usually this process takes 90 days and seized alcohol is almost never returned.

Are we to understand that the speed with which Canada Customs and Revenue Agency released the seized wine is due to the fact that the wine was for the Prime Minister's son-in-law?

[*English*]

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, not at all.

I want to be absolutely clear on this. I will not permit anyone to hurt the integrity of the customs program.

I also want to be clear that nobody gets a free ride. The seizure of goods, whether it be wine or anything else, is reversed if an error has occurred.

We make every effort to ensure that when individual rights or customs procedures are not followed, that the reversal happens expeditiously if we know we are not going to be successful through the adjudication process. If the seizure is reversed, the individual still has to pay taxes and duties.

● (1445)

[*Translation*]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, what assurance can the minister responsible for customs and revenue give us that, even though this case involves the Prime Minister's son-in-law, a full and impartial investigation will be done to determine what really happened with this wine?

[*English*]

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the member knows that customs legislation and privacy legislation do not permit me to speak to any individual case.

But in all cases, for all Canadians, if proper procedures are not followed, then the agency has the authority, at the local level, to reverse a seizure decision that is in the interest of saving time and expense for the agency, and also for the individual; however, nobody gets a free ride. Taxes and duties must always be paid.

* * *

JUSTICE

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, since the beginning of October there have been seven gang-related slayings in Toronto. This past weekend alone, there were three murders, 28 robberies and five home invasions, including one where a baby had a gun pointed at its head. Toronto police say the gangs are out of control.

Why will the government not provide effective anti-gang laws and police resources to protect the people in Toronto?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the member knows very well that the government has been involved in legislation that started some years ago. That is when we decided to proceed with special legislation regarding the question of organized crime.

The legislation has been tested across Canada and has been proven to be efficient. Lately, at the last federal-provincial meeting, we discussed the question of mega trials with colleagues from across Canada. There is a special working group working on that. We intend to come back as soon as we can to make the justice system even more efficient.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the only thing this government has to show for its efforts is a billion dollar gun registry that has been an absolute failure.

The increase in gang activities across Canada reflects years of neglect by the government. One expert recently stated, “The government and society are afraid of the gangs, but the gangs are not afraid of our government”.

Why has the Minister of Justice failed to take any effective legislative measures to stop the expansion of violent gang activities?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): First of all, Mr. Speaker, the hon. member knows very well that the gun registry and gun control system in Canada has been very effective. I advise the member to have a look at the stats that we have seen lately.

Second, with regard to organized crime, we have been very effective in moving ahead with a new piece of legislation that is now part of the Criminal Code. With regard to the mega trial, as I said, we will come forward following the work which is taking place with the provinces and territories at the beginning of next year in order to make sure that we will improve the system and, to be more precise, the question of the mega trial.

* * *

VETERANS AFFAIRS

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, next week the people of Canada will stand in remembrance to honour our veterans, yet this government has already dishonoured our veterans by creating two separate classes of war widows. Some will get extended coverage under the VIP for life, while others will be helpless.

Given the surplus announced by the finance minister earlier this week, how can this government claim that it does not have the money to treat all war widows equally? This government will leave the worst legacy ever left in Canada if it does not treat all war widows equally.

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, as I have said several times in this chamber, it was not for lack of heart nor for lack of will that we were not able to move last May when we added and improved the program for other widows. We will continue to work hard for our widows and I hope that we will succeed.

* * *

● (1450)

ATLANTIC CANADA OPPORTUNITIES AGENCY

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, in 2001 when the present minister of ACOA was upset over the amount of ACOA funding going to his riding, he had this to say, "If the minister of ACOA is going to act responsible, then he'd also list off for the *Telegram* exactly what goes in every other riding. Then we will have a yardstick on which to gauge it".

Why should we be denied today exactly what the minister felt he deserved then? Will the minister lay out riding by riding all the dollar amounts and projects funded in Newfoundland and Labrador?

Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, for the third time, the hon. member is very consistent, I will give him that, on certain things, but where he is inconsistent is on the fact that I have explained to him on numerous occasions, again and again, that certain projects do not fall within a geographic constituency. They fall within a pan-provincial basis. They sometimes encompass the entire Atlantic region.

If he goes to the website, he can provide himself with some very valuable information. If he does not quite get it right, let me help him out in the process. No, Mr. Speaker, do not cut me off—

The Speaker: The hon. minister knows the rules, but perhaps he will get another question another day.

* * *

CANADA-U.S. BORDER

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, when I asked about an American customs inspection facility being built on Canadian soil, the revenue minister assured us that "the actions that are being taken are both appropriate and well considered." Yesterday she changed her tune, saying, "I can tell the House that no project has been approved". Within minutes, her colleague from Essex told the media that the minister was surprised to hear where the facility was being built.

Meanwhile, CP Rail tells us the site was picked by the American Office of Homeland Security and it was told by the government to just do it. The bulldozers just rolled in.

Could the minister tell us how she could possibly not know that this facility was being built on Canadian soil? And if she did not, who approved it? Has she handed our sovereignty over to the Office of Homeland Security?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): No, Mr. Speaker. In fact, it is not intended that any security measures would seriously have an impact on traffic in Windsor. The original site that was discussed was the Windsor Walkerville site. We have now been informed that the other site has been looked at. We have been very clear that any solutions to the pre-clearance issue must not have a negative impact by blocking intersections or a negative impact on traffic. The matter is under review by all parties.

* * *

HEALTH

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Minister of Health. It has been almost a year since Roy Romanow tabled his bold report with recommendations on the future of our public health care system, and over a year since the report of the Canadian nursing advisory committee.

This minister has ignored all of these key recommendations while our public health care system weakens, privatization increases and nursing shortages grow. When will this minister finally listen to Romanow and Decter, listen to the voices of Canadians, and act on these vitally important recommendations? When at last will she stand up for Canada's public health care system?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, this government, in the health accord of February of this year, put $34.8 billion in new dollars into our publicly funded health care system. In fact, if the hon. member read the health accord of February 2003, he would see that all the major structural reforms called for by Mr. Romanow are in fact included in one way or another in that very important document.

I can in fact reassure the hon. member that all health ministers, provincial, territorial and federal, are working very hard to ensure that we have a publicly funded, high quality, sustainable health care system for the future.

* * *

AGRICULTURE

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the new safety net program requires farmers to deposit $26,000 cash into an account in order to have full coverage of a production margin of $100,000.

The Minister of Agriculture and Agri-Food does not deposit any government money up front. This is a double standard.

Farmers cannot afford to have $26,000 cash tied up all year in a low interest account. If the government cannot afford to put the money into the account, why would it expect a farmer to?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the way the program is developed at the present time is that we are asking farmers to make a deposit. It is not an annual payment, as the old program was. In order to build support there in the past in the older program, they had to continue putting money into the account every year to build it up. If they used that at any time, they went back to zero, and if they had a call on it in the next year, there was nothing there for them.

The new program is designed so that, as the opposition and other industry people out there asked for and as my own caucus encouraged, it makes sure it is there for beginning farmers and for back to back situations. That is the way it is designed.

● (1455)

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the provinces have not even signed on to the program yet, so there is still time to change it.

This minister should understand that farmers, like any other business people, have to build or manage their cash in a manner that reduces their yearly expenses. By having to deposit large sums of cash just to access the APF safety net program, the minister is ensuring that any losses on the farm will be even larger.

Why will the minister not remove the requirement for a cash deposit that is nothing but a hardship for Canadian farmers?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I do not know how the hon. member can stand there and say that this program is a hardship. This is a program that provides Canadian farmers the surety that the support of the federal government and the provincial governments will be able to provide to them when serious situations take place.

Yes, the farmers are asked to participate in that themselves, as they have in the past. When we look at the work that has been done by the third party review, it has said very clearly that this program is better than the combinations of programs we have had in the past for farmers, and I think being better is what we are looking for.

[*Translation*]

BIOCHEM PHARMA

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, besides Shire's investments in the manufacturing of vaccines, the Bloc Quebecois has learned that, on the issue of revitalizing the BioChem Pharma research laboratory, there is a comprehensive proposal on the table, which has been accepted by both Shire and the Quebec investors financing the revitalization.

However, the Minister of Industry has yet to give his approval. Will the minister reassure us that his approval is forthcoming, because time is of the essence to prevent the exodus of the researchers, who will be forced to leave if the minister does not act quickly?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, my primary concern is to ensure that the commitments made by Shire are honoured.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, Shire's commitment is very important, but will the minister assure us that he will do everything in his power to ensure that the draft agreement between Shire and the Quebec backers will be approved and finalized?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, we are working together with the Government of Quebec and all stakeholders to ensure that the best interests of Canada are served.

* * *

[*English*]

THE ECONOMY

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, yesterday the Auditor General accused the government of cooking the books, again, and she is right, again. Without the EI overcharge, the government is actually in the red this year. This year's pseudo-surplus comes at the expense of working Canadians, again.

Will the minister admit that without the EI overcharge the government is actually running a deficit?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, we run a surplus or a deficit based on revenues minus expenditures. We are the only country in the G-7 that can say we are running a surplus and, this year, for the seventh year in a row.

I know that the hon. member likes to make light of this, but it is a very important achievement. It is an achievement of all Canadians. Canadians should be proud of what they have accomplished.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, I do not know who the minister thinks he is fooling. The Auditor General is on to him. We are on to him. The Canadian people are on to him.

According to the minister's own budget numbers, he predicts a surplus this year which is less than the amount he is overcharging working Canadians on their EI premiums. By all definitions, that is a deficit.

Will the minister admit to every working Canadian that his imaginary surplus is the result of a very real overcharge on their EI premiums?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, when we were elected we found that the then UI fund was in deficit. It was left that way by the Progressive Conservative Party. We also found the general accounts of the country in a $38 billion deficit, left that way by the Progressive Conservative Party.

Just a couple of weeks ago, a new Liberal government was elected in the province of Ontario, succeeding a Conservative government that claimed a balanced budget, and the new government found a $5.6 billion deficit.

I do not need to take lessons from those people about what a surplus is and what a deficit is.

* * *

● (1500)

NATURAL RESOURCES

Mr. David Chatters (Athabasca, Canadian Alliance): Mr. Speaker, the Minister of Natural Resources now has had 24 hours to review the invitation to proponents for the ethanol expansion program.

Could the minister confirm to the House that constituents can consult with their member of Parliament without fear that their application will be disqualified from the ethanol expansion program?

Ms. Nancy Karetak-Lindell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, the ethanol expansion program does not in any way restrict the right of ethanol proponents to discuss their ethanol projects with their members of Parliament, nor from discussing current or future government funding for ethanol with members of Parliament.

Mr. David Chatters (Athabasca, Canadian Alliance): Mr. Speaker, despite any legal definition, Canadians believe that members of Parliament are government officials. As of noon today, the application form on the government website had not been changed. When will the application form be amended to ensure that there is no confusion in this regard?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I think what the hon. member may be misunderstanding is the fact that this is a formal request for proposal process. It does have some legal requirements around it. The language that is used is the typical language that is used when we are soliciting proposals from the public which will then have to be adjudicated upon in a competitive fashion.

There is certainly no intention and no requirement to restrict people from talking with their members of Parliament.

[*Translation*]

THE ECONOMY

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, in last Monday's economic statement, we learned that 87% of the $2.3 billion surplus for 2003-04 will have been taken from the employment insurance fund. That is real highway robbery.

How can the government accept the fact that the surplus funds it pockets year after year are taken not only from the pockets of the workers who contribute to the EI fund, but also from the unemployed, who have been brutally denied access to EI benefits?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the unemployed do not pay into the fund, they receive benefits from it. So it is not a tax on the unemployed.

As hon. members are well aware, we are currently engaged in public consultations on the employment insurance fund. There will be changes for 2005, and revenue will more or less offset benefits paid out.

* * *

CINAR

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, on Monday, the Solicitor General replied to a question about CINAR, saying, and I quote:

> —I cannot comment on this matter. I will take it under advisement and get back to the member.

I am asking the Solicitor General if he is ready to get back to me today.

[*English*]

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, as I informed the member the other day, I will take the question under advisement and report back when I have the information. I do not have that information yet.

* * *

HEALTH

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, under the new natural health products directorate, the minister has committed a mere $1 million a year for research on non-patentable NHPs, products which could greatly improve the health outcomes of Canadians. That is a whopping one-tenth of one per cent of what the government commits to medical research through the CIHR and other agencies.

Does the Minister of Health really think that $1 million is sufficient funding to advance health care avenues that hold such great promise? Does she really believe that such research should only be done by medical doctors and dentists?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, the government spends a significant amount of money on all forms of health and medical research. The allocation of those dollars obviously is done in consultation with those in my department and key stakeholders who perform that research.

I am sorry if the hon. member does not think that amount is enough. If he would like to talk to me about it, I would be more than willing to listen to his concerns.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, a public servant in the Government of New Brunswick, Simone Godin, states that the Bennett Environmental project at Belledune is based on the absence of regulations in New Brunswick governing dangerous waste. The province is very vulnerable, because there is no legislation dealing specifically with the management of toxic waste.

Under the Canadian Environmental Protection Act, the Minister of the Environment may refuse entry to dangerous wastes, if they will not be managed in a manner that will protect the environment and human health.

Will the Minister of the Environment intervene at Belledune because the province has no regulations governing toxic waste?

● (1505)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, so far, there have been no requests for permits to import toxic waste or other material to Belledune. When such a request is made, I shall, of course, be ready to examine all aspects of the situation and make a decision based upon the facts.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members, on the occasion of Veterans Week, to the presence in the gallery of distinguished Canadians.

[*Translation*]

First, there is Mr. Paul Métivier, a veteran of World War I.

[*English*]

In addition, present are veteran of World War II Nursing Sister Hallie Sloan; Korean war veteran, Mr. Harold True; and retired peacekeeper, Mr. Ernest Boutillier.

Some hon. members: Hear, hear.

The Speaker: I also draw the attention of hon. members to the presence in the gallery of Mr. Ryan Malcolm, from Kingston, Ontario, winner of the Canadian Idol competition. I invite all hon. members to meet Mr. Malcolm at a reception at 3:15 p.m. in room 216-N.

Some hon. members: Hear, hear.

The Speaker: Order, please. The Chair has received notice from the hon. government House leader that he wishes to raise a point of order with respect to the matter we heard yesterday.

POINTS OF ORDER

FORMER PRIVACY COMMISSIONER

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise today to address the matter of privilege raised yesterday by the hon. member for Scarborough—Rouge River.

I regret that yesterday I was not available to make comments because of the preparation work necessary in order to say what I am about to say today. I do not wish to dispute, of course, in any way the substance or the gravity of the matter raised by the hon. member, but I wish to make a few points that arise from the very importance and gravity of the issues at hand in the hope that it might assist the Chair on making a decision at some point.

The matter involves the finding of a committee of this House that a witness intentionally misinformed it. I suggest it is essential that in your ruling, Mr. Speaker, you should make it very clear to every citizen who may come before a committee of the House the responsibilities that he or she has for providing that committee, and therefore by extension this House, with full and truthful information and the consequences that may follow from a failure by anyone to uphold those responsibilities.

It is not sufficient for us, as a legislative body, merely to take action in an individual case. It should be made clear to all citizens what standards must be maintained by providing information to the House and its committees. I believe that in your ruling, whenever Mr. Speaker is available to make it, that you should endeavour to provide the citizens with a clear statement of these responsibilities. I do believe that we would then have a document that would greatly assist us in the future.

I also hope that in your ruling, Mr. Speaker, you will also attempt to provide the House with an outline of its options should you find a prima facie case of contempt with the issue that is brought before Your Honour. That is the second issue before us. Many of us recall the instance of December 22, 1976 when the House chose to declare a newspaper editorial to be a contempt, but did not pursue the matter further.

We are also familiar with the usual response of the House to prima facie findings by the Speaker, which is to refer the matter to the Standing Committee on Procedure and House Affairs for thorough investigation and recommendation as to subsequent action. In other words, that committee, should that be Your Honour's finding to refer it there, would deal strictly with that issue of contempt as opposed to other issues generally.

I have seen, however, some speculation in the media that it may be proposed, should a prima facie case be found, to summon a private citizen to the Bar of the House to be questioned and possibly punished. Such an event has not occurred for many years, perhaps almost a century. I believe that before it is proposed the House should follow such a course, it is essential that members understand in detail what this would involved with regard to: first, the summoning of the citizen and what would happen if he or she could not be found or refused to attend; second, how questions are posed to a person at the Bar, including the need for a debatable motion—and perhaps the Chair could indicate to us whether the motion is debatable— to approve such a question; and third, the options that are available to the House should it deem punishment required.

I do believe that all these elements would be necessary to hear from in Mr. Speaker's ruling in that regard. That is really the purpose of my intervention today.

The reason I believe such an exposition from the Chair is necessary at this time is precisely because of the gravity of the issues and because it has been so many years since the House has pursued some of these options.

● (1510)

We must remember that a citizen has no appeal from a decision of this House. That is a further issue I invite your honour to consider. It is therefore incumbent upon the House to ensure that it maintains the constitutional dignity of the House and that it is careful to ensure that citizens at large perceive it to be doing precisely that, to be acting on the highest grounds according to the principles of natural justice, more particularly, not to be acting at the improper expense of an individual citizen's rights and freedoms.

For this reason, Mr. Speaker, I ask that your ruling be as comprehensive as possible in order to provide the clear guidance that I believe the House requires and indeed that all Canadians would no doubt want to hear.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, I am quite surprised at the response from the House leader. I would have thought that in these kinds of cases there would have been some advance notice and discussion. I detect some angling for a moving away from the House being able to deal with this issue in a proper manner.

I was very guarded in my comments yesterday by outlining just the last page words in the report itself where it talked about the gravity of the offence.

The House leader is talking in some respects about general deterrence. That is my point: we cannot merely get to a situation where the House says that something is very grave and should not be done, but then fail to act.

I have asked this question. How bad do things have to be before democracy will be defended? In the contents of the report itself it very clearly outlines how Parliament has been offended. Here is the test case for the government and for members of this House as a whole to ensure that democracy itself is defended.

We are coming into Remembrance Week, and I wonder why we have graves of brave Canadians around the world. For what were they fighting? At some point Parliament has to defend its independent role. Parliament is not the government, and in the face of Parliament, the highest court of the land, this House has to defend itself, not only for its own convenience but for future generations. That is why 20 or 30 years from now, when perhaps a similar circumstance is looked at, it will be said, "What was done?"

I bring my comments back to the last page of the committee report to emphasize in the strongest terms that indeed, as has been expressed in the media, I have expressed my opinions that we should push this to the full extent of redress that is available to the House and that has never been lost. We should speak in the 21st century and not rely on 19th century remedies.

● (1515)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I think the House understands the predicament we are in, in this matter. However, there have been discussions and, based on the ninth report of the standing committee, the basis for the opinion of the committee that there is prima facie contempt is clear and understandable.

There were discussions yesterday among all parties that it was the intent of all parties not to extend the process to the fullest extent and indeed waive questions and simply deal with the question of contempt.

If the suggestion of the hon. House leader is followed, this matter goes into some sort of limbo. I want to assure you, Mr. Speaker, the committee was very concerned that this matter be disposed of in an expeditious manner, because employees are in a state of limbo themselves, wondering whether there are any further consequences here.

The committee is clear that there must be some expeditious closure. Consequently, I would move, and seek the unanimous consent of the House, that this House do find Mr. George Radwanski in contempt of Parliament, without debate.

The Speaker: I was ready to rule on a question of privilege raised yesterday by the hon. member for Scarborough—Rouge River but then I was notified that the government House leader wished to intervene. He has done so and I want some time to take the suggestions he has made to the Chair under consideration before I make my ruling on this matter.

I understand that some hon. members—and the hon. member for Mississauga South has expressed this—wish to move expeditiously. I propose dealing with the matter as quickly as I reasonably can and I hope to come back to the House tomorrow with an answer to the issues raised by the government House leader. I think it is important that they be dealt with at least in part or whatever parts I think reasonable when I come around to making the ruling on this, but I will move expeditiously.

I think that disposes of the question of privilege.

Now, is there unanimous consent for the member for Mississauga South to move his motion?

Some hon. members: Agreed.

Some hon. members: No.

Points of Order

MESSAGE FROM THE SENATE

The Speaker: I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed the following bill, to which the concurrence of this House is desired, Bill S-10, an act concerning personal watercraft in navigable waters.

Pursuant to Standing Order 135(2), the bill is deemed to have been read the first time in order for a second reading at the next sitting of the House.

(Motion agreed to and read the first time)

* * *

● (1520)

POINTS OF ORDER

ORAL QUESTION PERIOD

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I want to raise a point of order on answers I have received from the Minister of National Revenue over the last three days.

One of the primary reasons question period exists is so that elected representatives can bring the concerns of their constituents to the attention of the government and ministers of the Crown, and so the government, through ministers, can respond to those concerns. Canadians ought to have the right to expect those responses to be given in good faith and that they can trust the response is the position of their government.

We can all accept from time to time that there will be mistakes or that the information required is not available. This why we on this side of the House understand and respect it when a minister says that he or she does not have the answer but that he or she will look into the matter.

On Monday, I asked a question on a matter of very great concern to my community dealing with a facility already under construction in my riding for the inspection of U.S.-bound trains. This facility would require trains to slow down substantially, causing further traffic tie-ups in my community, as well as security risk issues. The minister told the House, and I will quote from *Hansard*:

> I can assure the member opposite the actions that are being taken are both appropriate and well considered.

The very next day on the same subject, the minister told the House, and again I quote from *Hansard*:

> I can tell the House that no project has been approved—

After that question I asked one of my staff to go immediately down to the site. They took pictures of the actual construction equipment that is operating and continues to operate today on that site, and somebody has approved that work.

The Speaker: That sounds to me like a debate. The hon. member for Windsor West clearly has a disagreement with the answers he has received but he knows he has wonderful remedies under the standing orders for this and that he can ask for a late show debate on the evening of his choice.

I am afraid that to get into an argument about whether or not a question or an answer is accurate is something that he cannot do under the guise of a point of order. He has to have some procedural problem here and, on the face of anything I have heard so far, there does not seem to be one.

I would invite him to submit a question for a late show debate at the earliest opportunity. I think he asked a question today, if I am not mistaken, so maybe he can do one before 4 p.m. which I believe is the deadline. I think that is the appropriate way to deal with this matter.

On another point of order, the hon. member for St. John's West.

AUDITOR GENERAL'S REPORT

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, there is a real possibility that the House of Commons will be in the state of suspension after this week. It is widely rumoured that the Prime Minister will stop the House from meeting with the use of prorogation of the session.

We all know that the Auditor General has in preparation a major report covering a number of matters. If Parliament is prorogued the report would remain secret until a new session is convened. Under the Constitution that could be a year from now.

Each of the sections of the Auditor General Act governing the reporting of the Auditor General to the House contains the instruction for the conveyance of the report from the Auditor General to the Speaker and from the Speaker to the House of Commons.

It is what the Speaker does with the report that should concern each of us.

In various sections of the act it states:

> —the Speaker of the House of Commons shall lay each such report before the House of Commons forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.

There is an obligation on the part of the Speaker to table any report. It is a matter of practice rather than statute that a report is kept confidential until it is actually tabled.

On numerous occasions we on this side of the House have argued that the House should be the first recipient of such reports in order to protect the rights of members to see the reports and to be able to respond to them inside or outside the House.

I stress that this is a matter of practice and this has been reinforced by many assertions that premature disclosure of such a document is contemptuous to the House.

However we know that the House has the ability to waive any claim if it wishes and, in this case, I think most Canadians would agree there is greater public interest to be served by getting this report into the hands of the members and the wider community, including the public servants and departments touched by the Auditor General's report.

Simply put, it is not in the public interest to have this report remain secret because of a claim that the House of Commons requires to see it first.

Certainly the House will want—and the act requires—the report be tabled and be received officially into the records of the House. That action triggers certain things, including the referral of the report to the Standing Committee on Public Accounts under the authority of the Standing Orders.

However it is only practice that keeps the report secret between the time it is received by the Speaker and the moment the Speaker tables it.

I am not prepared to argue that the Speaker should unilaterally release the anticipated report. I do argue that the House should give an instruction to the Speaker to make the report public if Parliament has been prorogued.

While there is an assumption that there will be a new session of this Parliament, this is only conjecture. The election could be called at any time and this report would remain secret from Canadians until after an election. This is not in the public interest.

There is a remedy, Mr. Speaker. Without altering the Speaker's statutory duty to table the report in any new session and this is important the report should be tabled in the new session so that the automatic reference to the public accounts committee is not compromised or laid open to question. Without altering the duty to table, the House could waive its claim to the right of first access and the Speaker could be empowered to make the report available to members and the public when it is received.

Therefore, Mr. Speaker, I ask for unanimous consent to move that notwithstanding any practice of the House, when the Speaker receives the report from the Auditor General during a period when Parliament has been prorogued, the Speaker shall cause the report to be made available to members and the public immediately; and that the House, in this instance, hereby waives its undoubted right to confidentiality of the report until it is laid before the House.

● (1525)

The Speaker: The hon. member for St. John's West has, frankly, pulled a fast one. He has made a speech in support of a consent motion that he said was a point of order. I thought he was going to suggest a point of order that required some kind of ruling from the Chair, but clearly he did not. He came up with a motion at the end instead.

While I enjoyed the hon. member's argument, I thought he was going to make some cogent argument that dealt with the rules of the House and invite a ruling from the Chair but he did not.

Therefore this is not a point of order at all. However is there unanimous consent for the hon. member to move his motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: I am afraid there is no consent. I hope the next time he will tell us that is what he is going to do at the beginning and face the consequences rather than make a speech.

Routine Proceedings

ROUTINE PROCEEDINGS

[*English*]

NATIONAL DEFENCE ACT

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, pursuant to section 96 of the Statutes of Canada, 1998, chapter 35, I have the pleasure to table, in both official languages, the first independent review by the Right Hon. Antonio Lamer, PC, CC, CD, of the provisions and operation of Bill C-25, an act to amend the National Defence Act, and to make consequential amendments to other acts.

[*Translation*]

I also have the honour to table, in both official languages, a second document on the comments by the Minister of National Defence with respect to the first independent review of Bill C-25, an act to amend the National Defence Act, and to make consequential amendments to other acts.

* * *

[*English*]

INTERNATIONAL LABOUR ORGANIZATION

Mr. Gurbax Malhi (Parliamentary Secretary to the Minister of Labour, Lib.): Mr. Speaker, pursuant to article 19 of the International Labour Organization constitution, member states are required to introduced new ILO conventions and recommendations to the competent authorities.

I am pleased to submit to the House, in both official languages, two copies of the Canadian position with respect to recommendation 193, a protocol to convention 155, and recommendation 194 adopted by the International Labour Organization conference in June 2002.

* * *

● (1530)

WESTBANK FIRST NATION SELF-GOVERNMENT AGREEMENT

Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, today I have the honour to present to the House, in both official languages, the Westbank First Nation self-government agreement signed October 3, 2003.

* * *

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 26 petitions.

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. Joe Comuzzi (Thunder Bay—Superior North, Lib.): Mr. Speaker, I have the honour today, pursuant to Standing Order 34(1), to present, in both official languages, the report of the 44th annual meeting of the Canada-United States InterParliamentary Group which was held in Niagara-on-the-Lake from May 15-19.

Routine Proceedings

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have the honour to present the 53rd report of the Standing Committee on Procedure and House Affairs regarding the Standing Orders relating to delegated legislation.

If the House gives its consent, I intend to move concurrence in the 53rd report later this day

[*Translation*]

NATIONAL DEFENCE AND VETERANS AFFAIRS

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on National Defence and Veterans Affairs.

[*English*]

Pursuant to Standing Order 108(2) your committee, as a result of the briefing received from the National Defence and Canadian Forces ombudsman concerning his report, "Unfair Deductions From SISIP Payments to Former CF Members", dated October 30, 2003, unanimously adopted a motion that urges the defence minister and government to accept this report and enact the recommendations forthwith.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Foreign Affairs and International Trade.

The committee has considered the issue of cases involving the detention of Canadian citizens in certain foreign countries and calls upon the Government of Canada to initiate an independent public inquiry into the Maher Arar case, including the examination of the role that government departments and agencies may have played in his deportation by the United States and his subsequent incarceration in Syria.

* * *

BUSINESS OF THE HOUSE

BILL C-459—HOLOCAUST MEMORIAL DAY ACT

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been consultations and negotiations among all parties in the House and I would seek unanimous consent for the following motion. I move:

> That the amendment made by the Senate to Bill C-459, an act to establish Holocaust Memorial Day, be now read a second time and concurred in.

This would be forthwith without debate. To clarify, it is to add one word referring to both Houses of Parliament.

The Speaker: Does the hon. government House leader have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, amendments read the second time and concurred in)

* * *

CRIMINAL CODE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC) moved for leave to introduce Bill C-466, an act to amend the Criminal Code (interference with a peace officer's equipment).

He said: Mr. Speaker, it is with pleasure that I rise to table, in both official languages, a bill which, as stated, would amend the Criminal Code of Canada with respect to attempts to disarm a police officer. I thank my colleague from St. John's East for seconding the motion.

The bill in essence would make it an indictable offence for any individual to attempt to or successfully disarm a police officer or peace officer or interfere with his or her protective equipment. This bill has received broad support from those within the policing community, individuals like Anthony Thomas, Duane Ruttledge, Kevin Scott and others in the policing community, as well as members of the Canadian Police Association.

I would urge all members to support this amendment to the Criminal Code.

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

* * *

● (1535)

RADIOCOMMUNICATION ACT

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance) moved for leave to introduce Bill C-467, an act to amend the Radiocommunication Act.

He said: Mr. Speaker, I am pleased to introduce a bill to amend the Radiocommunication Act with respect to antenna tower policy review. Radio tower placement is becoming an increasing problem across Canada. Striking a balance between the many competing interests in this field is not easy.

This bill would do three things. It would require radio tower proponents to commit to shared usage whenever possible. Exceptions would apply for amateur operators for whom shared usage is simply not possible. It would increase the ability of local land use authorities like municipalities to decide what is approved within their jurisdictions. Finally and most important, it would streamline the approval process and allow swift action by Industry Canada to stop those who contravene the conditions of their licences.

The lack of legislative clarity in this area is obvious. It is time for the government to act. We need fair regulations that are enforceable. My bill would provide this. I ask all hon. members to support it.

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

* * *

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, if the House gives its consent, I move that the 53rd report of the Standing Committee on Procedure and House Affairs presented to the House earlier this day be concurred in.

The Speaker: Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. member: Agreed.

(Motion agreed to)

* * *

PETITIONS

MARRIAGE

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, pursuant to Standing Order 36, I would like to present several bundles of petitions on behalf of the constituents of my riding of York West and from the greater Toronto area.

The petitioners call upon Parliament to pass legislation to recognize the institution of marriage as a union between one man and one woman to the exclusion of all others.

DATE RAPE DRUGS

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I am pleased to present a petition signed by a number of Canadians, including from my riding of Port Moody—Coquitlam—Port Coquitlam. The petition recognizes date rape drugs GHB and rohypnol as weapons and should be recognized as such in the Criminal Code.

The petitioners call upon Parliament to amend the Criminal Code to treat these drugs as weapons, establish a national initiative to educate women on the dangers of date rape drugs and establish a national task force to develop new guidelines on the collection and documentation of evidence with regard to sexual assault investigations.

ABORTION

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I have quite a large number of petitions to present today and I have put them into two groups.

The first group of petitions comes mainly from Alberta and British Columbia and contains hundreds of names.

The petitioners draw the attention of the House to private member's Motion No. M-83 and request that the Standing Committee on Health fully examine, study, and report to Parliament on whether or not abortions are medically necessary for the purpose of maintaining health, preventing disease, or diagnosing or treating an injury, illness, or disability in accordance with the Canada Health Act, and on the health risks for women undergoing abortions compared to women carrying their babies to full term.

● (1540)

MARRIAGE

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, the second group of petitions comes mainly from Saskatchewan and again contain hundreds of names.

The petitioners point out that Parliament voted in 1999 to preserve the traditional definition of marriage. Because of recent court decisions that have redefined it, they are calling upon Parliament to immediately hold a renewed debate on the definition of marriage and to reaffirm as it did in 1999 its commitment to take all necessary steps to preserve marriage as the union of one man and one woman to the exclusion of all others.

Mr. Joe Comuzzi (Thunder Bay—Superior North, Lib.): Mr. Speaker, I also have the honour to present a petition signed by many people from northwest Ontario, from Kenora to as far as Manitouwadge, and particularly Thunder Bay.

It states that it is necessary, in light of public debate around recent court decisions, that marriage is and should remain the union of one man and one woman to the exclusion of all others and that Parliament take the necessary steps within its jurisdiction, which is the proper jurisdiction of the Parliament of Canada, to preserve the definition of marriage in Canada.

I heartily endorse the petition.

The Speaker: The hon. member knows that the expression of his views in respect of a petition is contrary to the rules and practices of the House. He would not want to set a bad example for any other hon. member in that regard.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, I have three petitions to present, all of which deal with the same issue. One of them has 48 signatures, another has 150 signatures and the other has 443 signatures. All of them come from the good citizens of southern Alberta.

They petition Parliament to immediately hold a renewed debate on the definition of marriage and to reaffirm as it did in 1999 its commitment to take all necessary steps to preserve marriage as the union of one man and one woman to the exclusion of all others.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I am honoured to rise on behalf of the constituents of Surrey Central to present 14 petitions signed by hundreds of people residing in the lower mainland of British Columbia.

The petitioners call upon Parliament to immediately hold a renewed debate on the definition of marriage and to reaffirm as it did in June 1999 its commitment to take all necessary steps to preserve marriage as the union of one man and one woman to the exclusion of all others.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have a petition to present on behalf of 200 people in St. John's East. They call upon Parliament to use all possible legislative and administrative measures, including invoking section 33 of the charter if necessary, to preserve and protect the current definition of marriage as between one man and one woman.

Mr. Bob Wood (Nipissing, Lib.): Mr. Speaker, I have the honour to present a number of petitions pursuant to Standing Order 36 signed by hundreds of residents of northern Ontario.

The petitioners call upon Parliament to take all necessary means to maintain and support the definition of marriage in Canada as affirmed on June 8, 1999.

CHILD PORNOGRAPHY

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, I have several petitions to present and I have grouped them into series.

In the first series of petitions, 1,538 petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

PEDOPHILES

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): The second series of petitions deals with the protection of children from all sexual predators. The petitioners ask that Parliament pass legislation that would incarcerate indefinitely those offenders designated as dangerous sexual child predators and child rapists who have committed more than one violent offence against a child or children, also known as a Carrie's guardian angel initiative.

AGE OF CONSENT

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, the third series of petitions deals with raising the age of sexual consent from 14 to the age of 16. The petitioners call upon the government and Parliament to immediately raise the age from 14 to 16.

MARRIAGE

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, the fourth series of petitions deals with marriage.

The petitioners call upon Parliament to immediately hold a renewed debate on the definition of marriage and to reaffirm as it did in 1999 its commitment to take all necessary steps to preserve marriage as a union between one man and one woman to the exclusion of all others.

Three hundred and seventy-eight petitioners signed this series of petitions.

RELIGIOUS FREEDOM

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, finally, 321 petitioners call upon Parliament to protect the rights of Canadians to be free to share their religious beliefs without fear of prosecution.

MARRIAGE

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, it is my privilege to present a significant number of names of petitioners who call upon Parliament to immediately hold a renewed debate on the definition of marriage, reaffirming as it did in 1999 that marriage is and should remain the union of one man and one woman to the exclusion of all others and that Parliament should take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage.

● (1545)

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I have several petitions to table. I have a series of three, two of which are signed by some 250 residents of the city of Calgary and another consisting of some 150 signatures from residents in the Ottawa area.

The petitioners call upon Parliament to take all necessary means to protect the institution of marriage and to define it as a union between one man and one woman to the exclusion of all others.

CHILD PORNOGRAPHY

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I also have a petition with the signatures of some 400 residents of Calgary who call on the House to do whatever is necessary to protect children from materials which promote or glorify pedophilia and to ensure that such materials are outlawed.

IRAQ

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, finally, I table a petition from some 300 residents of the Toronto region calling on Canada to support our U.S. allies in their effort to bring peace, stability and democracy to Iraq.

MARRIAGE

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, fulfilling our number one responsibility of representing constituents in this place, I am glad to present a petition with over 2,600 signatures, the vast majority of which were collected in my constituency.

The petitioners remind the House that in 1999 Parliament voted to preserve the traditional definition of marriage and call on Parliament to pass legislation to recognize the institution of marriage in federal law as being the lifelong union of one man and one woman to the exclusion of all others.

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition on behalf of the constituents of Lambton—Kent—Middlesex who call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

POST-SECONDARY EDUCATION

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I present a petition wherein the petitioners call upon Parliament to increase financing for post-secondary education and to restore the role of government in administering the loans and grants program. They state that the program must reflect the reality of the middle class family so that every student has access to post-secondary education without being heavily in debt.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I have the honour to present another petition signed by thousands of individuals asking that Parliament call upon the government to make changes to the employment insurance program so that Canadian workers and the unemployed have greater access to it.

[*English*]

MARRIAGE

Mr. Gurbax Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, I have a number of petitions signed by hundreds of people asking Parliament to protect the definition of marriage. Marriage is a lifelong union of one man and one woman to the exclusion of all others.

* * *

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. 262 and 267.

[*Text*]

Question No. 262—**Mr. John Williams**:

> For all government departments, what was the list of regional ministerial offices on January 1, 1994, including the address of each, the number of staff working in each, and its budget in that fiscal year and what is the comparable list and budget in this fiscal year?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): In regard to the Ministers' Regional Offices, MRO, Program, as of January 1, 1994, there were seven offices with two PWGSC employees in each, a manager and an administrative assistant. All other staff is resident staff that is either federal government employees other than PWGSC, but in most cases, exempt staff from the ministers' offices.

	1993-94 fiscal year budget
Vancouver, British Columbia Suite 1750 400 Burrard Street V6C 3A6	$285,000.00
Edmonton, Alberta 3rd Floor 9777-102 Avenue T5J 4G9	$148,300.00
Saskatoon, Saskatchewan Suite 901 119-4th Avenue South S7K 5X2	$177,000.00
Winnipeg, Manitoba Ground Floor 500 Portage Avenue R3C 3X1	$146,000.00
Toronto, Ontario 17th Floor 95 Wellington Street West M5J 2N7	$243,000.00
Montreal, Quebec Suite 601 425 de Maisonneuve West H3A 3G5	$131,000.00
Halifax, Nova Scotia 12th Floor 1801 Hollis Street B3J 3N4	$138,000.00

As of October 2, 2003, there were eleven offices with two PWGSC employees in each, a manager and an administrative assistant. All other staff is resident staff that is either federal government employees other than PWGSC, but in most cases, exempt staff from the ministers' offices.

	2003-04 fiscal year budget
Vancouver, British Columbia 8th Floor, 300 West Georgia Street V6B 6B4	$292,100.00
Calgary, Alberta 5th Floor, 220-4th Avenue S.E. T2G 4X3	$162,900.00
Edmonton, Alberta 3rd Floor, 9777-102 Avenue T5J 4G9	$184,400.00
Regina, Saskatchewan 8th Floor, 1800 Hamilton Street S4P 4K7	$183,900.00
Winnipeg, Manitoba 8th Floor, 240 Graham Avenue R3C 0J7	$225,900.00
Toronto, Ontario 17th Floor, 95 Wellington Street West M5J 2N7	$305,050.00
Montreal, Quebec 6th Floor, 400 Place d'Youville H2Y 3N4	$193,425.00
Sillery, Quebec 3rd Floor, 1040 Belvedere Street G1S 3G3	$203,000.00
Moncton, New Brunswick 2nd Floor, 777 Main Street E1C 1E9	$187,950.00
Halifax, Nova Scotia 12th Floor, 1801 Hollis Street B3J 3N4	$168,050.00
St. John's, Newfoundland 8th Floor, 10 Fort William Place A1C 1K4	$183,320.00

Question No. 267—**Mr. Loyola Hearn**:

> Is it the policy of the Department of Fisheries and Oceans that harvesters must land at least $5,000 worth of urchins using divers only in order to have their licences renewed, and if so, does the responsibility to ensure that the divers involved in this activity remain in constant visual contact with each other remain with the divers themselves or with the holder of the licences?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): The requirement for $5,000 in commercial sales was put in place in 1996 as a participation requirement following consultations that resulted in full support by fishers, the Fish, Food and Allied Workers Union, FFAW, the Newfoundland and Labrador Department of Fisheries and Aquaculture and other stakeholders.

This landing requirement was waived following the 2003 industry consultations due to new diving regulations introduced by the provincial Department of Labour. Until the uncertainty associated with these new regulations is clarified, this waiver will remain in place.

The requirement for divers to remain in constant visual contact has been imposed by the Province of Newfoundland and Labrador. Accordingly, the Department of Fisheries and Oceans is unable to confirm whether this requirement remains with the divers or the holders of the licence.

* * *

[*English*]

STARRED QUESTIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, would you be so kind as to call Starred Question No. 259.

[*Text*]

*Question No. 259—**Mr. John Herron**:

> With respect to Canada's vote on April 22, 2002, during a meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, can the government explain why Canada voted "no" to the question about whether it should be a human right to have access to clean drinking water, and how the decision was arrived at?

[*English*]

Mr. Geoff Regan: Mr. Speaker, Canada strongly believes that countries have an obligation to provide access to safe drinking water for their residents. However, Canada had a number of serious concerns with the resolution on the promotion and the realization of the right to drinking water and sanitation, which was introduced at the UN Commission on Human Rights in 2002.

Canada's main concern was the introduction of language in the resolution on an international dimension to the "human right to water", which could lead to the interpretation that states do not have the sovereign right to manage their own resources.

When the right to water is discussed internationally, Canada works to ensure that there is no encroachment on Canada's ability to control the water within its own territory and that other states do not have a claim on that water.

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

● (1550)

The Speaker: Is that agreed?

Some hon. members: Agreed.

MOTIONS FOR PAPERS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would ask you to be so kind as to call Notices of Motions for the Production of Papers No. P-43, in the name of the right hon. member for Calgary Centre and No. P-44, in the name of the hon. member for Rosemont—Petite-Patrie.

Motion P-43

That an Order of the House do issue for copies of all documentation, including reports, minutes of meeting, notes, e-mails, memos and correspondence since January 1, 2003 within the Canadian International Development Agency that relates to any infectious desease outbreak in China.

Motion P-44

That an Order of this House do issue for copies of all documents, memorandums, e-mails and other correspondence among or by Environment Canada, Communications Canada and Public Works and Government Services Canada leading to the awarding of one or more contracts to Acart Communications Inc. for "Clean Air Day 2003".

Mr. Geoff Regan: Mr. Speaker, I would ask that both of these Notices of Motions for the Production of Papers be transferred for debate. I think you might find the agreement of the Minister of Labour to that idea.

Hon. Claudette Bradshaw (Minister of Labour, Lib.): I would ask that both Notices of Motions for the Production of Papers be transferred for debate.

The Speaker: The motions are transferred for debate pursuant to Standing Order 97(1).

Mr. Geoff Regan: Mr. Speaker, I ask that all other Notices of Motions for the Production of Papers be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

REQUEST FOR EMERGENCY DEBATE

FOREIGN AFFAIRS

The Speaker: The hon. member for Cumberland—Colchester has given the Chair a notice of a request for an emergency debate.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, this is an application for an emergency debate concerning the allegations surrounding the arrest, deportation and imprisonment of Mr. Maher Arar, a Canadian citizen who was held without charge and tortured in a Syrian prison for one year.

There is ample evidence that officials of the Government of Canada were involved in his arrest and in the decision by the United States to deport Mr. Arar to Syria and not to Canada.

In deciding the merits of this application, the Speaker I know is required to take into account several criteria found in Standing Order 52. I would like to address those.

First, it must be a specific and an important matter requiring urgent consideration. I would argue that it is urgent because just days ago leaks came from certain government agencies, unnamed agencies, that actually put Mr. Arar and his family at risk now.

Speaker's Ruling

It is also urgent because there is another Canadian in the same prison. We have learned from Mr. Arar's presentation that there is another Canadian in prison by the name of Mr. Abdullah Almalki. He could be being tortured right now as we speak.

Yesterday, Mr. Arar spoke publicly for the first time since his release from prison and his return to Canada. What requires immediate attention by the Parliament of Canada is the suggestion that Canadian officials, or rogue elements in the employ of Canada, were complicit in his deportation to Syria for torture.

There are now indications that information that was leaked by Canadian officials, while Mr. Arar was in prison, points to the fact that Canada was receiving intelligence reports based on confessions that were extracted by the torture of a Canadian citizen. This requires immediate consideration by the members of the House. The responsible ministers of the crown should make full and complete statement on this issue. It cannot be defended by a scrum and sound bites.

Second, consideration should be given to the degree to which the matter comes within the scope of ministerial responsibility.

It is evident that ministers are responsible and answerable for the actions of all agents of the Government of Canada, including officers of the RCMP and CSIS and other intelligence agencies. The Minister of Foreign Affairs is answerable for the actions of Canada's diplomatic and consular services that were involved in this case in New York, Syria and elsewhere. The Prime Minister has told the House that he made representations to the Syrians.

Third, the Speaker is to consider if there are other opportunities to raise this issue. Just a few minutes ago the foreign affairs committee tabled a motion that was passed in committee asking the government to hold an inquiry.

There are no allotted days available to members until the new supply cycle begins in 2004. I believe the Speaker has also noticed that there are certain political activities afoot that could lead to a prorogation of the House. In any event, it is clear that the ministers who were in office during this incident may not be in place much longer. The House needs to hear from them while they are still in office.

The Speaker may note that this case has been the subject of examination in committee. Mr. Arar's statements of yesterday are such that the entire House should be seized with the issue, rather than just a few members who are participants in the committee.

I respectfully request, Mr. Speaker, that you allow this emergency debate because it is an urgent situation.

SPEAKER'S RULING

The Speaker: The Chair thanks the hon. member for Cumberland —Colchester for the arguments he has put forward in advance of this case.

I point out that one item that he left out of his list of considerations that might make the matter urgent is the possibility for other debates in the House on the same subject.

I note that today a report was tabled in the House dealing with this very matter. A motion for concurrence in that committee report could be moved at the next sitting or two of the House, but very shortly. In my view that would provide ample opportunity for a debate on the very subject that the hon. member is seeking to have raised by way of an emergency debate.

Accordingly, I do not find that his request meets the exigencies of the standing order at this time.

GOVERNMENT ORDERS

● (1555)

[*Translation*]

CRIMINAL CODE

The House resumed from November 3, consideration of the motion that Bill C-46, an act to amend the Criminal Code (capital markets fraud and evidence-gathering), be read the third time and passed.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, it is a pleasure for me to speak today on Bill C-46, which, as you know, establishes new offences under the Criminal Code with regard to capital markets fraud, particularly when it concerns employee pension funds.

People tend to think that only large investors will be affected by the kind of legislation before the House today.

However, when it comes to investment interest rates, those investing the most in the stock markets and even banks are often big companies investing their employee pension funds.

On a daily basis, public sector funds even undergo a certain number of operations to leverage the savings of both private and public sector employees. As a result, when they retire, these people will get a decent pension. So it is extremely important for us to ensure that we protect these small investors.

Recently, there have been major scandals that Quebec and Canada have so far managed to escape. However, it is feared that what has happened in the United States might happen here.

Everyone remembers the infamous Enron scandal. Several U.S. companies had misappropriated funds, but Enron, in particular, truly created a crisis in the retirement fund of its own employees, who had been convinced to invest their retirement money in Enron shares or the like.

Consequently, when Enron started to take on water and sink, the entire employee retirement fund sank with it. People who had worked there for several years are now without a pension.

I have here some data on Canadian trusteed pension funds. For instance, Canadian trusteed pension funds have over $500 billion in assets. It is easy to understand the importance of the bill before the House today.

It must be said that $500 billion is a lot of money. Some day, these funds will be used for retirement; they are already being used for that purpose today. Indeed, when people retire and stop working today, they are often at retirement age and want the company they have worked for to pay their pension beneifts.

It is the same thing in the public sector in Quebec and in Ottawa. There are procedures. People are entitled to a retirement pension. They apply and receive their pension; in the public sector it is no different. However, the public sector is somewhat protected by the government.

In the private sector, the Criminal Code must be very clear on punishing people, especially people who commit fraud, which can have extremely harmful consequences for private sector pension funds. It is important to tighten up the Criminal Code to try to prevent such a thing from happening.

There is also the example of Singer, in my riding. Not only did the company not pay into the fund, but it took off with the rest of the fund. Instead of improving this fund over the years, it stopped paying premiums, often without the workers' knowledge. Some former employees in Saint-Jean receive a pension of roughly $20 a month.

This goes to show that it would be very useful to tighten up criteria and warn fraudsters and inside traders—I will explain what insider traders are in a moment—that they will have to answer for their actions, probably face severe fines and even a prison sentence.

Out of the $500 billion I mentioned earlier, $115 billion is invested in Canadian stocks. Once again, if a group of companies tampers with or benefits from specific information to make money or sell stocks before their price declines, we can see how this can affect the little guy.

● (1600)

The little guy goes to work every day. He relies on his employer, his union and his pension fund to see to it that his money is invested properly. We must be confident that the companies in which the funds invest are protected against such fraud.

Also, $57 billion is invested in foreign stocks. More than 4 million workers contribute to these funds. Clearly, when 4 million Canadian workers are affected by these kinds of funds, it is important that the lawmaker step in to ensure that everything is above board.

I want to congratulate my colleague from Charlesbourg—Jacques-Cartier on the excellent work he has done. I must admit, however, that we are not happy with the bill as it stands. Several of our recommendations and amendments have been incorporated into the bill, but the main one, with respect to duplication or interference by the federal government in Quebec's areas of responsibility—once again—was not. For that reason, we will not be supporting the bill.

Nevertheless, we did win on some points. We should be proud of that and recognize that it was thanks to the Bloc Quebecois that the amendments were accepted. We have improved the bill. Even though, on the whole, we are not in favour of this bill, some of the provisions we have suggested have been accepted.

Among others, there is the whole issue of insider trading. What is insider trading? One hears or reads this term often in the business and financial press. For example, we see that someone is going to be sentenced by a court for insider trading. It is not complicated. Insider trading is a situation where someone is in a position to give friends and family an unfair advantage. Having received privileged information, this insider will pass it on to someone else, who will become richer because of this privileged information.

For example, the chairman of a large company might see in the financial statements he receives that there is a serious operating deficit for the current year. He will also realize that, as soon as this information becomes public, it may have a negative impact on the value of the company's shares on the stock market. Therefore, he might say to people he knows, who have many shares—often family members and friends—that there is a report forecasting a serious operating deficit in the quarter. He warns them in advance that it would be wise to sell their shares because when the news comes out, they will drop in value by 20, 30 or 50%. That is insider trading.

The opposite is also true. If the president of a different company sees in the statements that earnings are very high and that the stock will probably rise in value, once again, he may engage in insider trading. He may say to his friends and family that perhaps they should—say, tomorrow morning—buy some company stock. He has an excellent financial statement and he believes that the value of the stock will rise as soon as the news is known.

Currently, Quebec legislation prohibits this. The securities commission prohibits this kind of behaviour. In Quebec, such acts carry consequences.

It is also understandable that such behaviour often has a negative impact on the funds. This is important. If I am a former employee of the Quebec government, I know I am entitled to the government and public employees pension plan. I am entitled to a pension at age 65, based on my years of service. My pension will be 2% per year of service based on my best five-year average salary. I know that the Quebec government has money and this means I am sure of getting paid.

However, if the government or governments do not take an interest in capital market fraud in relation to the funds that have been invested, there could be a negative impact on the overall amount in the fund, meaning that it could decrease.

● (1605)

There is also the danger of retired workers being told, "Sorry, you were entitled to certain benefits, but we can no longer maintain them, because the fund is no longer able to pay and so we are going to impose restrictions".

As a result, it is important for us to be able to control this, throughout the business world, and ensure that those guilty of insider trading realize that, from now on, they will be subject to prosecution and heavy fines and even prison time, if convicted.

Thanks to the Bloc Quebecois, we managed to improve protection for whistle blowers in this bill. This occurs more and more frequentlty. We also asked the President of the Treasury Board to apply this to the federal public service. When a federal government employee, a Quebec government employee or a company employee learns of insider trading, they should be entitled to protection.

It is a difficult situation for an executive secretary, for instance, who attends a company board meeting and finds out the CEO is guilty of insider trading, telling those present at the meeting to buy or sell shares because they are going to increase in value. This secretary is often bound by confidentiality, but could perhaps give a warning by saying that some people are considering insider trading.

All those who currently work in business know that there are many pressure tactics that can be used on employees or officials. They can be asked to keep quiet, and warned that otherwise their lives could be made difficult.

I think it is important to provide some protection in the bill for what I would call the guardian angels, those who are not necessarily involved in the scam, but are witness to it and could, at some point, say they do not accept what is happening and denounce it to the appropriate people.

That is not what is happening; the code of silence applies. People have to live with a situation that they know poses a problem and they cannot say anything about it because they would become victims of repressive measures.

Again, I must commend my colleague from Charlesbourg—Jacques-Cartier, who insisted that this measure be included in the bill. The problem is what happens when the case goes to court.

The major problem with this bill—and there have already been indications of this—is that the federal government wants to interfere in the entire securities issue, while it is very clear in the Canadian constitution that this comes under the jurisdiction of Quebec and the provinces.

The same is true for administering the law. The administration of justice is Quebec's responsibility. Yet, this bill would allow federal prosecutors to take cases to court. I wish to point out that there already are provisions in Quebec's legislation and the provinces' legislation with respect to insider trading.

In fact, we did put forward amendments to prevent the government from interfering in fields of provincial jurisdiction. I mentioned the index. I was elected in 1993. Quebec has a securities commission, which does a fine job and checks, in a very proper fashion, any propsectus put out by a company. Before investors buy stocks, the companies should normally provide them with a prospectus. There had been abuse in the past, and Quebec's securities commission corrected this abuse.

I remember that in 1993-94, the federal government wanted to create a Canadian securities agency. Once again, this was in direct contradiction with the jurisdictions of the provinces and of Quebec, of course. Nation building had probably started, but that may not have been evident at the time. Today, it is increasingly evident, with massive intrusions in Quebec's jurisdictions.

In those days, the Bloc Quebecois was already the guardian of the jurisdictions of Quebec and the provinces; we had formally opposed the creation of this Canadian securities agency, which would have overseen the provincial commissions, including the Commission des valeurs mobilières du Québec.

● (1610)

Such an agency would have had some control over Quebec's commission. Again, it would not have minded its own business and would very obviously have intruded in an area of responsibility that belongs to Quebec.

From now on, federal prosecutors will be allowed to prosecute, to lay charges, and to do so under national terms and conditions. We are familiar with these kinds of national terms, which are often in contradiction with the ones in Quebec. Often, whatever program is developed in Ottawa will be imposed on Quebec.

In Quebec, we see things differently. We have a very distinctive way of doing things within our own jurisdictions. We often hear that federal legislation takes precedence over provincial legislation. We have seen what that led to in the case of the Young Offenders Act, which is probably the best example we have seen in this House. In Quebec, we had a very good rehabilitation rate. Our young offenders policy was based on reintegration into society, while the government's bill sought to break the young people, to send them to them to crime school and even to lock them up before they were adults. That is one example.

The bill we have before us is more or less the same. They want federal prosecutors to take to court cases that fall within an area of jurisdiction that does not belong to them. We have asked for many amendments, but unfortunately to no avail. Consequently, we will be forced to vote against the bill.

Overall, I believe the Quebec securities commission works well. It is equipped with the means to correct situations in its area of jurisdiction, and so there are fewer insider trading offences. There are fewer in Canada than in the U.S., but likely even fewer in Quebec than in the rest of Canada.

I feel it is important for governments to get involved, but the problem here is that the federal government is getting involved in something that is not its own business but that of Quebec. This is the fundamental reason for the Bloc Quebecois' opposition to this bill.

Even though it is likelihood that this bill will be passed, because as usual the Liberal majority will side with the minister who is sponsoring the bill, we will at least have the consolation of knowing that there have been improvements made as far as insider trading and whistle blower protection are concerned. This is a very important measure which, incidentally, ought to be extended to the entire federal structure, the entire federal public service. That way, by providing protection to people who witness abuse, a system that is cannot readily be improved could eventually be improved.

Overall, given federal interference in areas of Quebec jurisdiction, the Bloc Quebecois will be forced to oppose this bill. We will at least have the consolation of having improved certain aspects of it.

Mr. Marcel Gagnon (Champlain, BQ): Madam Speaker, I want to thank the hon. member for Saint-Jean and congratulate him. Whenever he speaks, no matter what the subject, I am impressed by his abilities, and not only as the defence critic.

He just spoke on a bill I am somewhat familiar with, because I worked on the stock market. I was also a bit disappointed to see that the federal government is still trying to interfere in an area under provincial jurisdiction; Quebec's securities commission does an excellent job.

The hon. member talked about a number of important issues, like insider trading. At one point, he also mentioned capital markets fraud or tax evasion. I do not know if my question relates to how this term is defined in the bill, but when we talk about it and realize that the government wants to interfere in such matters, I wonder if the bill has anything to do, for example, with individuals doing business in Canada but flying foreign flags.

Could we amend the legislation so that people working in Canada have to pay taxes in Canada, particularly those who own companies, get rich here and, to a certain extent, destroy our resources. I am thinking, for example, of a particular shipping company. The St. Lawrence River is important to me because I live close to it. When I see a shipping company belonging to Canadians fly a foreign flag, pay taxes abroad and refuse to repair the shores it has ruined, this might come under the broader meaning of tax evasion.

I would like the hon. member to tell me a bit more about this kind of fraud; when I came in, he was talking about it and unfortunately, I missed some of what he said.

I would also like him to talk again about insider trading. This is extremely important. He has touched on it. We see that bad or dishonest decisions have led to the almost total disappearance of a certain pension fund over the past few years.

I ask the hon. member to explain this in greater detail.

● (1615)

Mr. Claude Bachand: Madam Speaker, I thank my colleague from Champlain for his question.

If the bill before us were passed, there would be the whole whistle blower aspect. It would be interesting, for instance, if someone on the board of a company like CSL were to inform us of an insider trading offence. That might be important. As we speak, no one can do such a thing because there is no protection in place. Perhaps this bill will make it possible.

When I speak of tax fraud, there are many ways of committing this. In the bill of concern to us here, there is the whole issue of insider trading. There are many other ways, though, but I will not go into them here.

As for insider trading, I think it is indeed important for workers everywhere to know there are laws to protect them, to reassure them, when part of their salaries is invested in a pension fund.

If they know that governments have made a commitment and are on top of the situation, they will be reassured. We must ensure that there are no more horror stories like the one in my own riding, at Singer in Saint-Jean. For years the government was in charge. The federal government was the trustee of their pension fund, and unbeknownst to the workers, allowed the employer a break from contributions. Thanks to that contribution holiday, people are now receiving pensions of $20 a month.

I feel that the government has a responsibility. This certainly looks good, but once again we are obliged to object to the bill because of its interference in areas of provincial jurisdiction. My colleague from Champlain has already said so. At the time, we had no idea they wanted to create a Canadian securities agency with control over securities in Quebec and in the other provinces.

Today we can see the direction in which the government is headed. Nation building has been going on for a long time. One need only look at the interference in health, education, justice, and now securities, all of which fall under Quebec's jurisdiction. In light of all these inconsistencies from government, along with its insistence on interfering in areas under Quebec's jurisdiction, we must oppose this bill.

As for Canada Steamship Lines, I hope that we will one day hear from some executive secretary who knows she is now protected. It would be most fascinating to learn that the company president had committed an insider trading offence. For the moment we do not know that, so we have to give him the benefit of the doubt.

● (1620)

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Madam Speaker, I realize I do not have much time left for questions and comments. In fact, I only have three minutes left.

I simply want to tell my hon. colleague that he has all my admiration for his speech, and also for his conclusion speaking of nation building, this infamous steamroller set in motion following the 1995 referendum to give the federal government visibility in all jurisdictions. It is rolling over everything, in provincial jurisdictions and federal jurisdictions alike. Nothing stands in its way. Step aside, the government is rolling in. Quebec and the other provinces can skip their turn.

There are many examples of this, like the ones given by the hon. member. Is he not surprised, however, by the attitude of the Liberal members from Quebec who sit in this place and say absolutely nothing?

The Acting Speaker (Ms. Bakopanos): Order please. I am sorry to interrupt the hon. member for Bas-Richelieu—Nicolet—Bécancour, but I want to remind hon. members that cell phones are not allowed in the House.

I would ask that members currently on their phones please step outside. This is unfortunately not the first time this has happened.

The hon. member for Bas-Richelieu—Nicolet—Bécancour.

Mr. Louis Plamondon: Madam Speaker, the Liberal member you quite rightly asked to take his call outside the chamber should have paid closer attention to the remarks of my colleague from Saint-Jean.

I was asking my hon. colleague if he did not find surprising this attitude of Liberal federal members from Quebec who are allowing themselves to be manipulated and stay silent in the face of all these bills steamrolling over provincial jurisdictions and, thus, their own identity, since they are steamrolling over Quebec's jurisdictions. They are watching in silence.

The fact is that no member of that party ever stands up for the interests of Quebec. What would we do, in Quebec, if the Bloc Quebecois were not there to at least speak out, even if many a good battle often ends with a negative vote?

Does the hon. member for Saint-Jean not find it somewhat surprising that the Liberal members from Quebec would go along with this kind of thing?

The Acting Speaker (Ms. Bakopanos): The hon. member for Saint-Jean has one minute and a few seconds to answer the question.

Mr. Claude Bachand: Madam Speaker, it is not that I am surprised, but disappointed.

For the ten years that I have been here, I have noticed a type of syndrome on the government side. I have always referred to it as the keys to the limousine syndrome. Backbenchers will have to pay close attention to the actions of the Prime Minister and the ministers if they want to be in the spotlight one day.

My colleague from Bas-Richelieu—Nicolet—Bécancour is right to say that this syndrome does not affect the Bloc Quebecois. Everyone knows we will never form a government. It is not possible because our candidates are only in Quebec. That is what allows us to defend Quebec and take a position on this type of bill and state whether we are for or against it. At least we are presenting Quebec's vision.

For us, it is not a question of being in power, but of faithfully defending the interests and principles of Quebec. I hope the voters in Quebec will realize that in the next election.

[*English*]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Madam Speaker, it gives me great pleasure to rise on behalf of the federal New Democratic Party to discuss Bill C-46, capital markets fraud and evidence gathering.

I admit this file is not my area of expertise, but I have been following it quite closely because of media events around the world and what is going on in our own country.

The reality is that we are a market based economy. We do have government assistance in that regard, but the markets will be tainted if there is any perception of insider trading through white collar crime.

These corporations and businesses hire many thousands of employees throughout the entire country. That is good because it assists our economy; however, we must ensure that these companies are on the up and up and are not siphoning off, for example, profits and investments, and employee pension funds from within. A classic example of that is what happened at WorldCom, ImClone and Enron in the United States.

They were apparently going well, life was good and the next thing we know they crashed. Thousands of employees lost their savings and pension funds. What do these people do now? There are thousands of people who invested in the companies, had pension funds and their life savings with these companies. What do they get to do now? They are out on the lam. They will have to turn to government assistance. All the other taxpayers in the country will have to assist them.

We saw what happened in our own country with Bre-X. It was the darling of the stock market. A lot of people made a lot of money on Bre-X and what happened? It is that old adage, if it is too good to be true, it probably is, and thousands of people lost an awful lot of money being scammed on that particular issue.

That is something that the bill should address. I sure hope my hon. colleague for Lethbridge did not lose too much money on that particular issue.

By the way, Madam Speaker, just for the record, Saskatchewan will defeat Edmonton in the final game on the weekend and go on to win the Grey Cup because even though I am from Nova Scotia, I do have Rider pride. So, go Saskatchewan go.

My colleague from Regina—Qu'Appelle moved a couple of amendments forward which were not adopted because the bill was fast tracked through the committee. In fact, it was presented so quickly that no witnesses from outside the House were heard on the bill.

This is extremely important. Regardless of our viewpoints on particular legislation, we must include the viewpoint of Canadians. We must, in fairness, even afford those corporate directors and businesses the opportunity to speak before a parliamentary committee to address their concerns, whether they support or disagree with the bill. They do have a right in a democracy to present their concerns in person to a standing committee of the House of Commons.

It should not be fast tracked. The legislation is too important to rush through. Eventually, what will happen is that somebody will take it before the courts and it will be tied up for years and years. In the end, nothing will get done.

If we are going to present legislation of this nature, let us take our time with it and see that it is the best legislation that we can bring forth with input from all stakeholders, not only those in the business community but employee groups, and people within the bureaucratic world as well.

Among the biggest things that the New Democratic Party has pushed for over the years is the protection of pensions and whistleblower legislation. We honestly believe, and we stand by it as a party, that if employees of a particular company or agency feel that something is drastically wrong within a corporation, business or government department, and they feel they have no other choice, they should be able to express their concerns.

It may be on a serious health issue. I forget the name right now, but there was an individual in the United States who blew the whistle on the tobacco companies. He was ostracized, threatened and everything else. However, that man showed a lot of bravery and in the end, he probably saved many lives down the road by exposing the tobacco companies in the United States for what they really were.

● (1625)

In Canada, when four scientists, I believe, in our Department of Health expressed serious concerns about the goings-on within the Department of Health, they too were ostracized and shunted to the side. These people are professionals. They have every right to do this. If they feel that in their professional judgment something is seriously wrong and they cannot mitigate the concerns through the proper channels within their own department, they should have the right to be able to express those opinions freely, either to the media or to other members of Parliament for that matter. They should be able to express the serious concerns they have.

They may be saving lives in the end. They should not be threatened with losing their jobs or the loss of the future enhancement of their careers or anything of that nature. If they are wrong, they will be proven wrong, but if they are right, then they will have done justice not only to their employment but also to their bureaucratic concerns as well.

We in the NDP support the proposed legislation, although with reservations. We do wish that the government had accepted the amendments we proposed on insider trading and of course on whistleblower protection.

There is also one concern I have on a personal level. If we set out maximum sentences of 10 years or 14 years, that really means maximum. A judge can offer the minimum, which could be anywhere from no time in jail to a fine or house arrest. The judge has that leniency.

I believe that if we want to send a strong signal to these people we should tell them what minimum sentence they are going to get, similar to the outrage we expressed in the House a couple of weeks ago when we discussed concerns about child pornography or pedophilia. There is no sense in stating a maximum sentence if we are never going to do it. We should make it a minimum sentence of 10, 15, 20 or 25 years and make sure the offenders serve every single day of that sentence. There should be none of this good behaviour nonsense.

A classic example of that is a person in my riding—and I refuse to use the word gentleman—who had eight previous impaired convictions. On the ninth impaired charge, he got it right: he killed a young girl of 18 years of age. He was sentenced to eight years in jail. He served only two years and was released.

What signal are we sending people when a person who has nine impaired convictions kills a young 18 year old girl on the ninth conviction, only gets an eight year sentence and serves just two years of that sentence? What are we telling the victim and the victim's family? It is an outrage.

There is no difference in terms of corporate crime. If we are going to send people to jail, we must send them to jail for the length of their time and ensure that they serve every single day so they know that if they commit this white collar crime they indeed will face serious consequences if they are caught.

I have another concern. We have to ensure that our government, our police forces and all the agencies have the manpower and the financial resources to follow up on the investigations and tips they receive. Many times our police forces and the RCMP are underfunded and undermanned. They simply do not have the resources to do the job effectively.

The proposed legislation sounds good. We can put it into law and on paper, but if we do not provide the tools and the teeth to back it up, it means absolutely nothing.

With that, we give cautious support for the bill. We wish that members on both sides would have the opportunity to speak to it. We would like to see further dialogue happening when it gets to the Senate. We are definitely in support of the proposed legislation, although it is not as strong as we would like it to be.

● (1630)

[*Translation*]

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 Renfrew—Nipissing—Pembroke, Research and development; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, Softwood lumber; the hon. member for Davenport, Agriculture.

Mr. Marcel Gagnon (Champlain, BQ): Madam Speaker, once again, I have heard a colleague give an excellent speech explaining what this bill is all about.

I will return to the issue I was discussing a little earlier with the hon. member for Saint-Jean. Why does the federal government, yet again, feel obliged to interfere in areas of provincial jurisdiction? Why do they operate this way, always complicating matters? Instead of improving things, the federal government is always trying to take over fields of jurisdiction that do not belong to it.

My colleague mentioned the example of Bre-X. He is perfectly right. Something quite serious happened: a company sold stock under false pretences. I will note here that Bre-X stocks were also sold in Quebec, but such sales were not governed by the Quebec securities commission.

In passing, I should say that I think the Quebec securities commission does the best work in all of Canada. As the hon. member for Saint-Jean said, it is certainly better than what is done in the United States. We have seen the Enron case, in the United States, which was quite an incredible scandal.

I would like the hon. member to answer my question. How can he explain that the government does not look after its own jurisdictions? For an example, look no farther than the environment. At home on Friday, I listened to a televised debate during which they showed that there is an incredible amount of work to be done in Lake Saint-Pierre.

This government has the jurisdiction. Why does it not work within its own jurisdiction? Why is it always meddling in areas of jurisdiction that are none of its business?

Beyond that, there is no doubt that a law that makes investing safer is a good law. What is bad about this legislation is that it is no business of the federal government. I would like to hear my hon. friend's ideas on this.

● (1635)

[*English*]

Mr. Peter Stoffer: Madam Speaker, the member asks why the Liberal government feels it has the right to move into areas of provincial jurisdiction and gives Quebec as an example. One reason is that the government thinks it can. There are 35 members from Quebec sitting on the Liberal side.

Being in the fifth party of the House of Commons and sitting on the backbench, I can only assume that the government feels that what it is doing is absolutely correct.

In areas of provincial jurisdiction, I would propose that the federal government should work with provincial governments to ensure that they meet all provincial and federal obligations together. Both governments should work together. To impose something on another is always a bit of a challenge and certain provincial premiers will get up on their hind legs and oppose it.

Yesterday at finance committee hearings in Halifax we heard about 35 presentations from a wide range of groups. We heard from the mayor of the city, the chamber of commerce, literacy groups, groups for the mentally challenged, homelessness groups and so on. When I asked those representatives what the federal government should do, representatives from each and every group said it should show leadership on these issues. When we informed them that these were areas of provincial jurisdiction, they said they did not care, they want the federal government to show some leadership.

I do not know if the same would happen at certain meetings in Quebec. I would prefer that any federal government work with a provincial government in areas of jurisdiction that concern one another, that they work together for the betterment of the people living in that particular province. The much better way to go would be to work with provincial premiers, not set them aside, for the betterment of all people in that particular province.

Hon. David Anderson (Minister of the Environment, Lib.): Madam Speaker, I am very intrigued by the comments made by the hon. member representing the NDP and the question that came from the Bloc, because I have stood up in the House time after time to tell critics and questioners from both those parties that the federal government should not interfere in the area of provincial jurisdiction and the issue of the Belledune incinerator. Both parties have insisted that the federal government should intervene in the area of provincial jurisdiction even if the province does not approve and even if the province will not work with us.

I find it curious that both parties are now talking in a way that is totally contradictory to the way that members of their parties have questioned me in the House. I wonder how the hon. member from the NDP can possibly square the position that he has put forward with the questioning from his own colleague from New Brunswick.

Mr. Peter Stoffer: Madam Speaker, one of the first things I learned in the House was from a former colleague, Nelson Riis, formerly of Kamloops, who said, "Never lead with your chin because someone is going to bat that one out of the park".

The hon. Minister of the Environment from the west coast of Canada, whom I respect greatly, knows very well that the federal government has legislative responsibilities when it comes to the Port of Belledune and that incinerator. There is the Fisheries Act and the federal environment act. He does have some responsibility.

What we have said very clearly, in questioning from the member for Acadie—Bathurst, is that we want the federal government to exercise its jurisdiction, not to intrude on New Brunswick, but its jurisdiction, and to work with the province of New Brunswick in this regard. That is what we have been saying.

● (1640)

[*Translation*]

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

Some hon. members: Question.

The Acting Speaker (Ms. Bakopanos): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

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

And the bells having rung:

Mrs. Marlene Jennings: Madam Speaker, I think you would find unanimous consent that the vote be deferred until 5:29 p.m.

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

Some hon. members: Agreed.

* * *

[*English*]

SEX OFFENDER INFORMATION REGISTRATION ACT

The House proceeded to the consideration of Bill C-23, an act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other acts, as reported (with amendment) from the committee.

Hon. David Anderson (for the Solicitor General of Canada) moved that the bill, as amended, be concurred in.

(Motion agreed to)

The Acting Speaker (Ms. Bakopanos): When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. David Anderson (for the Solicitor General of Canada) moved that the bill be read the third time and passed.

[*Translation*]

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Madam Speaker, it is an honour for me to rise in the House to take part in the debate on Bill C-23.

[*English*]

I am pleased to rise at third reading to speak in support of the government's Bill C-23. The bill would create a new act of Parliament, the sex offender information registration act, and would make important amendments to the Criminal Code of Canada.

Together, these provisions would bring into place a national sex offender registry for use by all our provincial and territorial partners. As many of my colleagues in the House will know, provincial premiers have unanimously called upon the federal government to assist them in creating a seamless registration system. A system that includes every jurisdiction would ensure a consistent approach across the country. This is so important.

The national sex offender registry that I am referring to would have three key separate components, the first one being the legislation that I speak about today. It properly should emanate from the Parliament of Canada so that the system will be a truly national system in scope and consistent from place to place across the country.

The second component is a national database that will be operated by the RCMP on behalf of all police agencies for their use.

The third component will be the administration and enforcement of the registration system by law enforcement agencies everywhere across Canada.

These elements combine to create an important new tool to assist police in the investigation of sexual offences committed by unknown persons. It would allow police to quickly consult the registry, to search its contents using established criteria and to develop possible suspects in the vicinity of the crime, or to eliminate potential suspects.

I say "quickly" quite purposefully because this is the essence of the system. Police have always recognized that when children are abducted, usually for a sexual purpose, and then murdered, that tragic ending usually happens within the first hours of the abduction.

Unfortunately, all is lost even when the crime is eventually solved, unless police can move quickly. The sex offender information registration act would allow our police to move rapidly to determine whether convicted sex offenders reside in the vicinity of the offence, to determine who they are, where they reside and to quickly decide if further investigation is warranted or if those individuals can be eliminated as suspects.

In brief, here is how the system would work. Following conviction and sentencing for one of the designated offences listed in the Criminal Code amendments, such as sexual assault, child pornography or sexual exploitation, the crown would be able apply to the court for a registration order. Registration would occur for sexual offences. For other offences where there is clearly a sexual component, registration would occur when the crown proves beyond a reasonable doubt that the act was committed with the intent to commit one of the designated sexual offences. The offender would have the right to appeal the order.

Once a court has ordered registration, notice would be provided to the offender requiring him or her to register in person at a designated registration centre with 15 days after the order is made or release from custody. The registration period would begin on the day the order was made and re-registration would be required once per year, as well as within 15 days of a change of name or residence. If the offender were absent from his home address for more than 15 continuous days, the registration centre would have to be notified.

Sex offenders would be required to remain registered for one of three periods. These periods would be geared to the maximum penalty available for the offence for which they were convicted: 10 years registration for summary conviction offences and offences with two and five year maximums; 20 years registration for offences carrying a 10 or 14 year maximum sentence; and finally, lifetime registration for offences with a maximum life sentence or when there is a prior conviction for a sex offence.

● (1645)

If the offender were to receive more than one registration order, the most recent order would determine the reporting date and would override previous orders. However the review period eligibility would be calculated from the date of the first order if it is still active.

Offenders would be required to provide local police and to keep current certain information, such as addresses, telephone numbers, date of birth, given name, surname, alias or aliases, and identifying marks and tattoos. And on subsequent occasions, when they attend at the registration centre, they would be obligated to update any of the information about themselves that is contained on the registry.

Under the proposed legislation, persons authorized to register information must collect only the information pertaining to the offence and resulting order. Information should be registered in the sex offender database without delay and treated confidentially. The sex offender would be able to request correction of information in the case of an error or omission.

Sex offender information would remain on the database indefinitely, except for final acquittal on appeal or free pardon under the Royal Prerogative of Mercy or the Criminal Code. In these cases, information is permanently removed.

The government is aware that this new police tool could be life saving but it is also an extreme intrusion into the lives of those who would be subject to the registration. Most will remain registered long after they have completed the sentence of the court and most, in fact 65% after 30 years, will not again be convicted of a similar offence. For those who are making a sincere effort to lead a law-abiding life, their efforts should not be cancelled out by the stigma of registration. Consequently, there is no provision in the legislation for public access to the registry.

Access to registry data, except by authorized persons for sanctioned purposes, would be prohibited and criminal penalties are provided for misuse of the data. Public protection, which is the central purpose of the registration scheme, would be provided by police through their strategic use of the information. In other jurisdictions, particularly to the south of us, public access has often led to misuse and misunderstanding that mistakenly alarms the public, sometimes even resulting in acts of vigilantism.

In those states south of the border that allow public access to sex offender registry information, more than 20 have been ordered by the courts to either cease operation or to introduce elaborate safeguards to prevent abuse. In a number of cases south of the border, boards or tribunals have been ordered established by the courts by which each case must be individually assessed to justify inclusion on the registry.

Here in Canada, we do things differently. We have a Charter of Rights and Freedoms and when we put in place national schemes we attempt to ensure that those schemes are based on those rights and that those rights are protected.

We and our provincial and territorial partners unanimously agreed to avoid such disruption by providing a judicial process and procedural safeguards, and by strictly limiting those persons and the purposes for which access to registry information would be allowed under the legislation.

● (1650)

The safeguards that are provided in Bill C-23 have been carefully crafted in collaboration with our provincial and territorial governments. They provide for a fair and equitable system, while at the same time, an effective and efficient system. They will help prevent a successful court challenge that would reduce or eliminate the scheme due to its undue impact on the rights and liberties of these registrants without compromising the registry's effectiveness.

Persons whose convictions would normally lead to registration would have an opportunity to defend themselves against this presumption in court. Upon application by a crown attorney, the individual would be able to argue that placing his or her information on a registry would be "grossly disproportionate to the public interest in protecting society through the effective investigation of crimes of a sexual nature". Moreover, these same persons would be given further opportunities to make out this defence after 5, 10 or 20 years of registration have elapsed. They would also have the entitlement to apply for a termination order after receiving a pardon under the Criminal Records Act.

These safeguards would not only protect the rights of these persons against unreasonable inclusion in the registry, they would prevent the Canadian Charter of Rights and Freedoms from being used as a device to have the whole scheme set aside by the courts.

The important thing about this legislation is that it would set into place a national registration scheme that all the provincial and territorial governments agreed to in the fall of 2002. However there was not consensus as to those individuals who should be included on the sex offender registry. Therefore, at the time that the government originally tabled the bill in the House in December 2002, it would have only included those sex offenders who were convicted after royal assent and proclamation of the legislation.

However the federal government committed to continue to work with its provincial and territorial partners to determine if a consensus and a scheme could be built to bring retroactivity. In June the government announced that it had found consensus to include the Ontario sex offender registry information, which was partial retroactivity.

The government's commitment was such that it continued discussions with the provincial and territorial governments through their ministers, and happily, early this fall there was unanimous agreement to include any sex offenders who were still serving a sentence, whether in penitentiaries or prisons or in the larger community. If their warrants have not expired when this bill comes into force, they will be included. I am really pleased about that. I think many Canadians will be pleased with that and I think my colleague across the way are pleased with that.

I ask and I hope all my colleagues in the House will support Bill C-23, the sex offender information registration act, when votes are called.

● (1655)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Madam Speaker, I am pleased to speak this afternoon on Bill C-23.

Before getting into the bill itself, I must congratulate my colleague, the hon. member for Châteauguay, for his excellent work throughout the entire study of Bill C-23. He is laid up at home today, but I want to tip my hat to him and thank him for defending this bill so vigorously on behalf of the Bloc Quebecois.

The Bloc Quebecois is in favour of this bill in principle, given our conviction that a sex offender registry is necessary. We feel it is important to facilitate police investigations into sex crimes, and this is the purpose of the registry.

Two years ago, I introduced a bill here in the House on sexual offences committed by pedophiles on children under the age of 14. At that time I was calling for changes to be made to the Criminal Code with respect to these offences. I introduced a bill again in February 2003 which called for the establishment of a national registry of sex offenders and amendments to the Criminal Code with respect to sex offences against children under the age of 14.

This bill responds in part to what mine was calling for, and I am very pleased to see that. I received a great deal of input from people in my riding whose children had been sexually abused by pedophiles. As well, I heard repeatedly from police officers calling for just such a registry.

We sometimes hear that opposition MPs cannot get any improvements put through on anything. Yet I see my bill has borne fruit, because here we are with Bill C-23.

We do wonder, however, whether this registry, as set out in this bill, is the best way to go about things. We are therefore committed to paying particular attention to the following points.

First, the data must be confidential so that they are sent to police services only for the purpose of investigating crimes of a sexual nature.

Second, we are disappointed by the fact that gravity of the offence and risk of recidivism were not retained as assessment criteria before making registration obligatory, as the Bloc Quebecois had suggested.

Also, we wonder about the cost assessment that was done with respect to implementing such a registry. We are going to monitor this carefully.

Finally, we are going to closely monitor the legal mechanisms used to guarantee the registration of offenders. We have many questions about this.

For the information of the listening public, I would like to say that this bill has 26 clauses. The primary objective of this bill is to help police services investigate crimes of a sexual nature. That is clause 2. This will be accomplished by the sex offender information registry.

According to clause 2 of the bill, the objective can only be attained by complying with certain principles. Information can only be collected for the purpose of investigating crimes of a sexual nature.

Three major principles must be respected and they are found in clauses 2(*a*), 2(*b*), and 2(*c*). Information must be rapidly accessible and reliable, and its collection must strike a balance between the privacy interests of the sex offender and the public interest.

These principles must also take into account respect for the confidentiality of the information collected.

● (1700)

Under clause 2(2)(*c*)(i), the information may be collected only if there are reasonable grounds to suspect that the crimes are of a sexual nature.

Clause 2(2)(*c*)(ii) restricts access to the registry, and the use and disclosure of information.

The government has decided to amend its own bill to replace "reasonable grounds to believe" with "reasonable grounds to suspect".

We are categorically opposed to this change, which gives unlimited powers by substantially lightening the burden of proof.

Clauses 4 and 7 of this bill deal with the obligations of sex offenders. Clause 4(2) states that they shall report by themselves within 15 days. These are rules that sex offenders will have to comply with; it is very important to set them out because this will have to be part of the registration process.

Under clause 4(2)(*a*), offenders have to report within 15 days after the order is made, if they are convicted of the offence but are not given a custodial sentence.

Under clause 4(2)(*b*), offenders have to report within 15 days after they receive an absolute or conditional discharge, if they are found not criminally responsible on account of mental disorder; under clause 4(2)(*c*), after they are released from custody pending the determination of an appeal; and under clause 4(2)(*d*), after they are released from custody.

Clause 4.1 provides for subsequent registration after a change in residence. That is normal practice. This way, if an offender moves to another part of Quebec or Canada, he or she can be located.

Officers have told me that, often, when there was a sex offender in a specific jurisdiction whom the police recognized, the offender moved out of their jurisdiction and they lost track of him because there was no registry.

The offender could then commit offences and not be located quickly. This clause will avoid that. It will also give the police faster tools to better protect the public and those who have been sexually assaulted, be they young people or adults. I think that clause 4(1) raises a very important point.

Clause 5 sets out the information to be provided by sex offenders: their given name and surname, date of birth and gender, address of residence and work, as well as telephone, cell phone or pager number.

The sex offender must also provide the person collecting information with a description of any identifying physical characteristics; if he has a mole somewhere, it must be recorded. He must disclose the facts. If he has a physical handicap, that too must be recorded. The more details that are provided, the more quickly the police will be able to arrest him if need be.

Clause 6 covers notice to the authorities if the sex offender leaves the area in which his main residence is located, and how that notice is to be given.

The duties of the person who collects and registers information are described in clauses 8 to 12 of Bill C-23.

The person will enter the sex offender's information into the database without delay, while ensuring confidentiality of the data.

That is very important. The offender has the right to obtain a copy of the information about him in the registry. This will all be quite transparent. That is only right because, after all, the offender is making disclosures, and one is normally entitled to a copy of the information one discloses.

Thus, he has the right to obtain a copy of the information about him in the registry free of charge, or to be sent a copy in the mail, in accordance with clause 12(1).

In addition, the person who receives information must make appropriate corrections. As I was saying, if the offender moves to a different area, region or province, he must inform the registry office to have the appropriate changes made.

I would have liked to provide our listeners with more information. However, I shall simply sum up the Bloc's position.

As I said at the beginning, the Bloc Quebecois is in favour of this bill in principle.

● (1705)

We are convinced of the importance of establishing a registry of sex offenders. Still, there are points we shall be watching very closely when this bill becomes law. I want to emphasize this, in order to ensure that this registry meets the need for which it was created.

Also, there are costs. We know what happened with the firearms registry. It was supposed to cost several million and now it is up to nearly a billion dollars.

The Bloc Quebecois will be watching the enforcement and cost very closely. In addition, the Bloc Quebecois wants to ensure that confidentiality is respected, and that the Charter of Rights and Freedoms is respected.

[*English*]

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, there are some acknowledgements that should be made for the bill. First, we as the official opposition, will be agreeing to the bill. It has been a long battle and there are some acknowledgements that have to be made.

This bill was not conceived in the House of Commons. It derived from the Ontario legislature and the efforts of Jim and Ann Stephenson whose son Christopher was murdered by a sex offender. Many years have gone by and Jim and Ann have lobbied the Ontario government successfully enough to get legislation in place. From there I took over and wrote the legislation and tabled it as Bill C-333 on April 4, 2001. At that time it was very difficult to convince the government quite frankly, that there was a need for a sex offender registry. Thanks to the police, Jim and Ann Stephenson, the solicitors general of the country, and many, many other people, the government was convinced that there had to be a registry and here it is today.

I do not think the government should stand here and say, "Look what we have done for you folks". It is a majority government and yes it does take the Liberals to implement important sex offender registry legislation like this bill, but it has to be clearly understood that it was the efforts of many people in this country that got it here.

One of the big issues of this legislation was whether or not it was going to be retroactive. That took a lot of work as well. I am pleased to see that at least the government reacted to this and we do have it. There are several things within the legislation that are undone and although they are not as complete as we would like them to be and they are basically not complete as I had originally written them in 2002, that is okay because we can fix it. We can either form the government and fix it, or convince the government that it needs to be fixed and accommodate that.

Some of those changes follow. For instance, young offenders are not in the registry. Those who are convicted in youth court will not show up in the registry. We feel that has to occur because many of those young offenders will likely go on to be adult sex offenders. It is important to get them on the registry so that we have some idea of what is coming up.

I know the feelings with the government in particular that young offenders are a different group and should be handled differently. When it comes to sex offences, members should know that sex offenders have a very high recidivism rate. It is not just a problem that is created and goes away. In many cases they are likely to reoffend. That is why they should be included in the registry.

Another problem is that the entry on the registry is by application from the crown counsel. This is a particular problem that the government should listen to. One day we are going to have to change this. Whether it is our government or the Liberal government, we are going to have to change this because it creates inequities in the registry.

For instance, someone who was charged and convicted of sexual assault in Halifax would only enter on the registry if the crown applied. If that same offence occurred perhaps in Edmonton and the crown applied there and it went ahead, then the individual in Edmonton would be on the registry and the one in Halifax would not be on the registry.

Those people are portable; they will go from province to province. Eventually as the crown does not make application to enter them on the registry, we will find that there are many inequities and gaps in the system. People will ask why a fellow who had committed sexual assault two or three times was not on the registry. Well, the crown did not apply.

● (1710)

My experience is that in many cases crown counsel does not make application. I have seen it with dangerous sex offenders and dangerous offender applications. They do not apply because they are too busy, the courts are tied up and it is more work, or they just do not feel that a particular person should be on the list for one reason or another.

There is a schedule of sex offences. Once someone is convicted of a sex offence on the schedule, it should be automatic. The person should be on the registry and stay on the registry until the person is withdrawn, not on application from the crown.

The other issue we are concerned about is that the offender has the right to appeal. There goes more court cases. What offender would not appeal being on the sex offender registry? My office just had a call from a sex offender a few hours ago who said, "I do not like these sex offender ideas". We asked him why. He said, "I am on it. I do not like this. It is not a good idea". Every one of them will be appealing it. If a person is convicted of a sex offence which already exists on the schedule, there should be no appeal. That person is a sex offender and should be on it, therefore there should be no appeal and no application from crown counsel.

The other area we are concerned about is that the judge has discretion. The crown has discretion, the offender has the right to appeal and after all of this, now the judge comes into it and says, "I have particular concerns about privacy. The person should not be on the registry because it is an affront to his livelihood". The judge can say, "No, even though you apply and even if you appeal, I do not want you on the registry".

There is far too much discretion throughout the system for the system to work well. We should take out that discretion. We should eliminate the crown's application ability, eliminate the appeal process and eliminate the judge's discretion. That is the way it has to be.

The other area we are concerned about is that sex offenders on prisoner exchanges are exempt. That means if a person is a Canadian sex offender who has committed a crime, a serious sex offence in the United States and that person is brought back to Canada to serve the time, that person is not entered on the sex offender registry. That is absurd. It has been explained to us that there is a big difficulty in perhaps matching a certain crime in the United States to the same type of crime in Canada, but a sex offence basically is a sex offence. Therefore, prisoners on prisoner exchanges should be included on the registry.

The final area with which we are having difficulty is that if a person does not register on the sex offender registry, that person can get up to two years imprisonment. A person who does not register on the gun registry can get up to 10 years imprisonment. What does that say to law-abiding gun owners in Canada? A person gets 10 years for not registering a gun, but a person gets two years for not registering as a sex offender. That is completely absurd. That kind of thought process does not even make sense.

There are six items about which we have some very deep concerns. To the people watching and listening to what I am saying, yes, we will go along with the sex offender registry and yes, it will be retroactive to include all those who are currently incarcerated, but there is work to be done. Much like the victims rights legislation that we put through the House of Commons, we are still looking for changes on that to assist victims of crime in their dealings with the courts.

I will stop there. I have registered our concerns. I have also indicated that it is not only the Liberal government that can stand up and say, "Look what we are doing for Canadians". It is really the effort of many Canadians. Jim and Ann Stephenson in particular should take a bow for this one. They have done a great deal. That is why I originally wrote the legislation.

● (1715)

The police, the solicitors general, the Liberal government and the official opposition should all take a bow on this one. Canada is a better place for having a sex offender registry.

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, I am pleased to add my comments regarding the very important bill on the sex offender registry. The Progressive Conservative Party supports Bill C-23, but not because it came from the Liberal government. Like many other bills, it seems that we have had to wait forever.

In 1996 President Clinton signed Megan's law which requires notification of sex offenders in neighbourhoods. Following his signature on that law, all 50 states had the authority to implement their own registration requirements for such offenders.

Those whose families or friends have experienced a tragedy of this nature understand why it is important that we keep track of convicted pedophiles. Everyone agrees that our children are very precious to us.

The provinces have been pushing for a registry for a long time. In 1995 my own province of Manitoba created the community notification advisory committee to review cases of convicted sex offenders thought to be at high risk to reoffend. That was eight years ago and it has taken all this time for the federal government to put together a bill dealing with the issue.

There is no doubt that the province of Ontario took the lead in this matter. It set up its own sex offender registry three years ago under a bill dubbed Christopher's law. The bill was named after 11 year old Christopher Stephenson who was murdered by a convicted pedophile who was out on parole.

Statistics show that a vast majority of sex offenders commit their crimes within a two kilometre radius of where they live or work. Many abducted children are killed within 24 hours of being abducted.

Members of Parliament have a duty to ensure that the most vulnerable in our society and their families are protected. That is the biggest concern that has been raised by provincial governments. They want the legislation that comes from the House of Commons to have some teeth.

One of the criticisms about this legislation is the lack of retroactivity. Gord Mackintosh, the minister of justice of my own province, said:

> The provinces agree the proposed registry, which is now before Parliament, will be useless for 10 to 20 years because it will be restricted to people who are not sentenced until after the registry becomes law.

He has a point. Are people who have already been convicted not considered a risk to the safety, health and welfare of our children? They certainly are.

Some concerns have been raised by attorneys general from across the country. One concern is about limiting conditional sentences in which offenders serve time at home instead of in jail. They are worried about that. They are worried about who is going to monitor those individuals. Some of them may already be convicted pedophiles. Another concern is about imposing automatic first degree murder charges on suspected child killers. That should take place. Tightening the terms for people to be released on bail is another concern which we have heard many times over. Tougher penalties are also needed for those who kill peace officers. The last concern is about ending preliminary inquiries in court proceedings.

Bill C-23 is a step in the right direction. The Progressive Conservative Party supports the legislation.

● (1720)

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I rise today in support of Bill C-23 on behalf of my federal NDP colleagues. I would like to mention the great work that my hon. colleague from Churchill, Manitoba has done on this. Also, the long serving member for Regina—Qu'Appelle has done yeoman's work on the proposed legislation. In fact his amendment will ensure that the registry will be reviewed in two years.

After the disaster of the gun registry, we want to ensure that this registry will work in the way it is intended.

I cannot see how anyone can object to this type of legislation when the essence of the bill is to protect children and protect the interests of their families.

Being a family man myself, with two young girls, I know the importance of doing everything we can to ensure that we, as legislators, invoke legislation that has stiff penalties and deterrents in place, but not only on a piece of paper. We have to ensure that our law enforcement officers have the resources, finances and manpower to do the job that we ask them to do.

The House may know that I have a private member's bill in the House of Commons dealing with child Internet pornography. This is a new medium that is luring unsuspecting children to various sites. In terms of Internet pornography, we need to do all that we can to ensure that the most dastardly of dastardly people, these pedophiles, are apprehended and put away so they cannot cause us any more concerns.

It is not just members of Parliament who support this proposed legislation. The great province and the Government of Manitoba, under Gary Doer, support it. In fact I am sure all provincial governments, including territorial representatives and probably aboriginal representatives as well would be very supportive of the bill.

We want the government have the teeth behind the law to ensure the registry does what it is supposed to do. It does no good for me to stand up in the House of Commons and say that these are the great things it will do and then have someone defeat it in a court of law or challenge it. We have to ensure that the law is ironclad. We have to ensure that all those people who have had various concerns with the bill have been heard. We also want to ensure that the bill does not end up on the dead list, as we say, through prorogation. We want to ensure that the Senate has the capability to deal with this and get it passed immediately.

I see the hon. House leader, a gentleman who I respect greatly, although we disagree on many things, nodding his head and telling me to get on with the speech, so I will.

I say quite clearly that we in the NDP support the bill. In two years we will be asking for a review of the legislation to ensure that it has done what it was intended to do, not like the gun registry, Bill C-68. We will not let the government forget that one.

However, we will ensure that this registry does what it is supposed to do, which is to protect children and their families from coast to coast to coast.

● (1725)

The Acting Speaker (Mr. Bélair): Is the House ready for the question?

Some hon. members: Question

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

Some hon. members: Agreed.

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

(Motion agreed to, bill read the third time and passed)

* * *

[*Translation*]

CRIMINAL CODE

The House resumed consideration of the motion: that Bill C-46, an act to amend the Criminal Code (capital markets fraud and evidence-gathering)be read the third time and passed.

The Acting Speaker (Mr. Bélair): It being 5:29 p.m., the House will now proceed to the taking of the deferred division at third reading stage of Bill C-46.

Call in the members.

● (1755)

[*English*]

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

(Division No. 276)

YEAS

Members

Abbott	Alcock
Allard	Anderson (Victoria)
Anderson (Cypress Hills—Grasslands)	Assadourian
Augustine	Bagnell
Bailey	Bakopanos
Barrette	Beaumier
Bélanger	Bellemare
Bennett	Benoit
Bertrand	Bevilacqua
Binet	Blaikie
Blondin-Andrew	Bonin
Borotsik	Boudria
Bradshaw	Breitkreuz
Brown	Bryden
Bulte	Byrne
Caccia	Cadman
Calder	Cannis
Caplan	Carroll
Castonguay	Catterall
Cauchon	Chamberlain
Charbonneau	Chatters
Coderre	Comartin
Comuzzi	Cotler
Cummins	Cuzner
Day	Desjarlais
DeVillers	Dion
Discepola	Doyle
Dromisky	Drouin
Duncan	Duplain
Easter	Eggleton
Elley	Epp
Eyking	Farrah
Finlay	Folco
Fontana	Fry
Gallant	Gallaway
Godfrey	Godin
Goldring	Goodale
Gouk	Graham
Grewal	Grey
Grose	Guarnieri
Hanger	Harper
Harvard	Harvey
Hearn	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hinton
Hubbard	Jennings
Jobin	Johnston
Jordan	Karetak-Lindell
Keddy (South Shore)	Kenney (Calgary Southeast)
Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	LeBlanc
Lee	Leung
Lill	Lincoln
Lunn (Saanich—Gulf Islands)	Lunney (Nanaimo—Alberni)
MacAulay	MacKay (Pictou—Antigonish—Guysborough)
Macklin	Mahoney
Malhi	Maloney
Manley	Marcil
Mark	Marleau
Martin (Winnipeg Centre)	Masse
McCallum	McCormick
McGuire	McKay (Scarborough East)

McLellan
Meredith
Mills (Red Deer)
Moore
Nault
O'Reilly
Owen
Pagtakhan
Paradis
Patry
Peschisolido
Pettigrew
Price
Provenzano
Redman
Regan
Ritz
Rock
Savoy
Schmidt
Shepherd
Sorenson
Spencer
St. Denis
Stewart
Strahl
Telegdi
Thibeault (Saint-Lambert)
Toews
Torsney
Valeri
Vellacott
Wayne
Wood
McNally
Merrifield
Mitchell
Myers
Neville
Obhrai
Pacetti
Pallister
Parrish
Perić
Peterson
Pratt
Proctor
Rajotte
Reed (Halton)
Reynolds
Robillard
Saada
Schellenberger
Sgro
Simard
Speller
St-Julien
Steckle
Stoffer
Szabo
Thibault (West Nova)
Thompson (New Brunswick Southwest)
Tonks
Ur
Vanclief
Volpe
Whelan
Yelich– — 194

NAYS

Members

Bachand (Saint-Jean)
Bigras
Cardin
Dalphond-Guiral
Duceppe
Gagnon (Champlain)
Gaudet
Guay
Laframboise
Ménard
Rocheleau
Sauvageau
Bergeron
Bourgeois
Crête
Desrochers
Gagnon (Québec)
Gagnon (Lac-Saint-Jean—Saguenay)
Girard-Bujold
Guimond
Marceau
Plamondon
Roy
Tremblay– — 24

PAIRED

Members

Barnes (Gander—Grand Falls)
Fournier
Lalonde
Longfield
Murphy
Picard (Drummond)
St-Hilaire
Cullen
Gauthier
Lanctôt
McTeague
Paquette
Scherrer
Wilfert– — 14

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

(Bill read the third time and passed)

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL CODE

The House resumed from October 30 consideration of the motion that Bill C-338, an act to amend the Criminal Code (street racing), be read the second time and referred to a committee.

Private Members' Business

The Acting Speaker (Mr. Bélair): The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-338 under private members' business.

● (1810)

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

(Division No. 277)

YEAS

Members

Abbott
Anderson (Cypress Hills—Grasslands)
Bachand (Saint-Jean)
Bélanger
Benoit
Bigras
Bonin
Bourgeois
Caccia
Cannis
Chamberlain
Comartin
Crête
Dalphond-Guiral
Desjarlais
Discepola
Duceppe
Elley
Fontana
Gagnon (Québec)
Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet
Godin
Gouk
Grey
Guay
Hanger
Hearn
Hill (Macleod)
Hilstrom
Johnston
Kenney (Calgary Southeast)
Lastewka
Lill
Lunn (Saanich—Gulf Islands)
MacKay (Pictou—Antigonish—Guysborough)
Marceau
Martin (Winnipeg Centre)
McCormick
McGuire
Ménard
Merrifield
Moore
Obhrai
Pallister
Perić
Plamondon
Rajotte
Reynolds
Rocheleau
Sauvageau
Schmidt
Speller
Steckle
Strahl
Thompson (New Brunswick Southwest)
Tonks
Ur
Volpe
White (Langley—Abbotsford)
Yelich– — 121
Anders
Assadourian
Bailey
Bellemare
Bergeron
Blaikie
Borotsik
Breitkreuz
Cadman
Cardin
Chatters
Comuzzi
Cummins
Day
Desrochers
Doyle
Duncan
Epp
Fry
Gagnon (Champlain)
Gallant
Girard-Bujold
Goldring
Grewal
Guarnieri
Guimond
Harper
Herron
Hill (Prince George—Peace River)
Hinton
Keddy (South Shore)
Laframboise
Leung
Lincoln
Lunney (Nanaimo—Alberni)
Maloney
Mark
Masse
McDonough
McNally
Meredith
Mills (Red Deer)
O'Reilly
Pacetti
Parrish
Peschisolido
Proctor
Reed (Halton)
Ritz
Roy
Schellenberger
Sorenson
Spencer
Stoffer
Szabo
Toews
Tremblay
Vellacott
Wayne
Wood

NAYS

Members

Alcock
Anderson (Victoria)
Allard
Bagnell

Bakopanos	Barrette
Beaumier	Bennett
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Boudria	Bradshaw
Brown	Bryden
Bulte	Byrne
Calder	Caplan
Carroll	Castonguay
Catterall	Cauchon
Coderre	Cuzner
DeVillers	Dion
Dromisky	Drouin
Duplain	Easter
Eggleton	Eyking
Farrah	Finlay
Gallaway	Godfrey
Goodale	Graham
Grose	Harvard
Harvey	Hubbard
Jennings	Jobin
Karetak-Lindell	Keyes
Knutson	Kraft Sloan
LeBlanc	Lee
Macklin	Mahoney
Malhi	Manley
Marcil	Marleau
McCallum	McLellan
Mitchell	Myers
Nault	Neville
Owen	Pagtakhan
Paradis	Patry
Peterson	Pettigrew
Pratt	Price
Redman	Regan
Robillard	Rock
Saada	Savoy
Sgro	Shepherd
Simard	St. Denis
Stewart	Thibault (West Nova)
Torsney	Valeri
Vanclief	Whelan– — 88

PAIRED

Members

Barnes (Gander—Grand Falls)	Cullen
Fournier	Gauthier
Lalonde	Lanctôt
Longfield	McTeague
Murphy	Paquette
Picard (Drummond)	Scherrer
St-Hilaire	Wilfert– — 14

The Acting Speaker (Mr. Bélair): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

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

The Acting Speaker (Mr. Bélair): I have received notice from the hon. member for Wetaskiwin that he is unable to move his motion during private members' hour on Thursday, November 6, 2003. It has not been possible to arrange an exchange of positions in the order of precedence.

Accordingly, I am directing the table officers to drop that item of business to the bottom of the order of precedence. Private members' hour will thus be cancelled and the House will continue with the business before it prior to private members' hour.

[*Translation*]

It being 6:11 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

[*English*]

CRIMINAL CODE

Mr. Leon Benoit (Lakeland, Canadian Alliance) moved that Bill C-452, an act to amend the Criminal Code (proceedings under section 258), be read the second time and referred to a committee.

He said: Mr. Speaker, it is an honour for me to rise today to speak to my private member's bill, Bill C-452, which is an act to amend the criminal code to make it effective in convicting drunk drivers.

I look forward to discussing the contents of my bill in the House today and as it moves through the House in the future. I think Bill C-452 is a true example of a non-partisan bill.

Today I would like to explain to the House why I decided to put this particular bill forward. I intend to outline the contents of my bill, both in specific and general terms, and provide members with some information which will help them in making their decision to support this proposed legislation.

My intent with regard to Bill C-452 is simple. I want to keep drunk drivers off our roads. I want to stop the death and destruction caused by impaired driving. I want to ensure that when people make the decision to drive drunk, they can no longer be protected by the current loopholes in the Criminal Code.

I want to outline how Bill C-452 would prevent impaired drivers from getting off on technicalities.

Bill C-452 would require the courts to use sample test results as proof of the accused's blood alcohol content at the time of the alleged offence. If the accused were to dispute those results, this bill would then place the evidential burden on the accused to establish factors that affect the reliability of those results based on a balance of probabilities.

Bill C-452 would increase the time allowed for the taking of breath samples from an accused to three hours from the current two. I will explain why that is necessary.

The legislation states that it is illegal to operate a motor vehicle with a blood alcohol content of .08% or more. That is the current Criminal Code. In order to ensure that this law is enforced effectively, Parliament enacted two statutory presumptions.

First, the presumption of accuracy is that the breath or blood tests accurately reflect the driver's blood alcohol content at the time of testing.

Second, the presumption of identity is that the driver's blood alcohol level at the time of testing is evidence of his or her BAC at the time of driving, providing the samples were taken within two hours of the alleged offence.

While Parliament extended the time limit for police to demand breath samples from suspects to three hours in 1999, we failed to make the corresponding changes to the presumption of identity. This means that the Crown has to call a toxicologist to testify in each case that samples are taken more than two hours after the alleged offence.

This is time-consuming and expensive, and often prosecutors will simply choose to drop the charges rather than to spend the time and money it would require to take these cases to court. So, the timeframe for the presumption of identity should be extended to three hours, and my bill would do that.

Once again, I want to be clear about the intention of my bill. The issue of drunk driving, and the pain and destruction caused by drunk driving, has been a concern to me for some time. I want to make Canada's roads safer for all us, for our families and loved ones.

Earlier this year, I met with representatives from Mothers Against Drunk Driving, or MADD Canada. They reminded me that drunk driving is still the number one criminal cause of death in Canada.

On average, we lose four Canadians each and every day due to an impaired driver and another 200 are injured each and every day. Those numbers represent hundreds of families who are left to deal with the grief and trauma of having their loved ones killed, or hurt, by a drunk driver. As legislators, we owe it to these Canadians to help reduce this devastation, if possible.

MADD Canada has told me it is possible. It has outlined several areas where our laws are lacking.

● (1815)

When I met with its national president, Louise Knox, several months back, she told me that one major problem stemmed from the fact that the courts have interpreted the Criminal Code in such a manner that breath or blood tests are often thrown out solely on the accused's own testimony, which contradicts the science based test results.

Without these test results being accepted as accurate, the charges are usually dropped or the accused is acquitted. What kind of system is this? What kind of system do we have when an accused's testimony overrides the scientifically tested procedures?

I want to tell the House about the two main defences being used by those accused of drunk driving to avoid punishment. They are exploiting the loopholes in the Criminal Code, which my bill will close.

The first defence is called the Carter defence where the accused testifies that he or she only had a small amount to drink prior to the offence. The defence then calls a toxicologist to confirm that, in fact, the accused's blood alcohol content would definitely have been below the legal limit if such a small amount were consumed.

If the court accepts the accused's evidence, the test results are completely disregarded in the whole process, even if they are consistent with the reading on the roadside screening device, and even if they are supported by the officer's evidence that the accused showed signs of intoxication.

I want to put this defence in perspective. An individual gets picked up due to erratic driving or after he or she has been in an accident. The police suspect impaired driving and do an initial test. It is positive for BAC and is above the legal limit. They then take the individual to the police station to perform another test and once again there is a positive result. So, the police have done their job, right?

Now, we arrive in court. The accused's defence is that he or she drank so little that the test simply must be wrong. That is the sole defence of the accused in many of these cases. The way the Criminal Code is currently written allows judges to throw out the test results which are scientifically based and which have proven to be very accurate.

If a person gets the right lawyer and the right judge, he or she is off the hook for a very serious crime which causes deaths and injuries every day across this country. Or, more accurately, a person gets the wrong lawyer and the wrong judge, and gets off the hook due to technicalities.

My bill would close that loophole and those accused of impaired driving would have to prove on the balance of probability that the test results were wrong.

The second defence that is commonly used, and people often use this technicality as well, is called the last drink defence. In this case, the accused testify that they consumed a large amount of alcohol but that it was consumed immediately before driving. They say that this alcohol would not as yet have been absorbed into the blood stream when stopped by the police. The accused argue that their blood alcohol content was below the legal limit while driving, and only rose above the limit in the interval between when they were stopped and tested.

Again, the breath results are rejected and the accused are acquitted, strictly on their word that they drank a lot, but it was just before they drove, therefore, they could not have been impaired.

These technicalities are simply not an acceptable way for people to get off the hook when they are driving drunk, and getting off the hook when they are killing four people and injuring more than 200 every day.

If this did actually happen, that people did drink too much booze just before getting behind the wheel and then drove, but were not technically over the legal limit when driving, is it unreasonable to change the law to send a clear message that they should simply not drink an amount which would cause them to be impaired and then drive? Better yet, simply do not drink and drive.

● (1820)

What has been the result of these two loopholes being allowed to remain? Despite an estimated 12.5 million impaired driving trips in Canada every year, the majority of offenders are not even stopped by police. We can understand why. Police cannot be everywhere. However even when they are stopped, officers often do not press charges. Police simply do not believe that their work will result in a conviction because the laws are simply not strong enough and there are too many loopholes. Police have told me that the bill would help close the most serious loopholes in the law.

I want to point out that in other countries we simply do not see theses types of questionable offences. For example, the impaired driving legislation in the United Kingdom states that breath and blood tests must be taken into account in all cases and assumes that the blood alcohol content of the accused at the time of driving was not less than that indicated by the test results. The only exception arises when the accused proves that he or she consumed alcohol after driving but before providing the breath or blood sample; and also proves, as a result of this consumption, his or her blood alcohol content would not have exceeded the limit at the time of driving. Obviously this places a much heavier onus on an accused who wishes to challenge the blood alcohol level results from the scientific based testing.

It is similar in the United States. It does not have this problem because the onus is placed on the offender to prove his or her evidence. I believe that Canada is actually the only democratic country that allows these type of defences, and it is absurd that it does. The bill would bring us in line with other democratic countries, and that is important.

Why is the bill important? What are we really talking about here? I want to briefly run through some statistics that will point out the stark realities of drunk driving in Canada. The Traffic Injury Research Foundation has done extensive research on this subject using information from Transport Canada, Statistics Canada and other credited sources.

The statistics are that 85% of Canadians say that they are very concerned about the problem of drinking and driving, and they have good reason. In fact, the death rate from impaired driving is two to three times the national murder rate.

Another statistic: 1,069 people were killed in alcohol related crashes in Canada in 2000 and approximately 75,000 Canadians are impacted by impaired drivers every year. Impaired drivers get behind the wheel of a car 12.5 million times every year but there are only about 70,000 charges laid per year. It is not a very good record. Why is that? The loopholes are a huge part of the problem.

Research has shown that the vast majority of impaired driving trips, 87%, are taken by just 5% of drivers. That partially is because they get a good lawyer, the right judge and they get off on a technicality. This private member's bill would close the loopholes that allow people to get off on a technicality.

In the year 2000, 36% of fatally injured drivers had been drinking prior to the collision. We should note that this reflects driver deaths only, not injuries, nor does it reflect those he or she may have killed or injured as a result of driving impaired.

Given all of that information, I was convinced that I had to do something to ensure that legislation is in place to effectively prosecute those guilty of drunk driving.

I would like to take this opportunity to thank MADD Canada for its dedication to this issue and for the help it provided to me personally in preparing this bill and bringing it to this stage. It has done excellent work in isolating some of the key areas that need to be addressed if we hope to eliminate or even reduce the number of Canadians killed or injured every year due to drunk driving.

I have outlined my bill to the House. I have explained why I have brought the bill forward. I have detailed the lapses in the Criminal Code that make Bill C-452 necessary and important legislation. I have briefly listed some of the statistics which indicate the seriousness of this issue.

● (1825)

I am not naive enough to believe that Bill C-452, on its own, would eliminate drunk driving but I firmly believe it would help. I ask members to join with me in taking the steps laid out in this private member's bill to save Canadian families the unbelievable grief caused through losses and injuries due to drunk driving.

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the hon. member for bringing forward and demonstrating his concern on an issue that concerns all of us. We certainly would like to do everything possible to deal with those who would drive impaired upon our roads.

However, with respect to the specific bill, I have to make certain comments. I understand that the member will maybe re-address the way in which he has approached this matter after my response to his speech.

First, the Criminal Code presently states that, absent evidence to the contrary, the blood alcohol concentration, or BAC as we are referring to it, at the time of driving equals the BAC from the breath test. The code creates a similar presumption relating to blood samples.

Bill C-452 would replace the current presumption but only for breath samples. The new wording would indicate that, absent evidence to the contrary, the BAC at the time of driving was not less than the BAC from the breath test. The presumption that the blood test result equals the BAC at the time of driving would be unchanged, which is inconsistent with the change that is proposed for a breath sample.

Currently, in order to obtain the presumption as it relates to a breath sample, the crown must prove that the first breath sample was taken within two hours of the demand for a breath sample. Bill C-452 would extend this time period to three hours.

Currently, in order to obtain the presumption as it relates to a blood sample, the crown must prove that the sample was taken within two hours of the demand for the blood sample. Inexplicably, Bill C-452 would not increase this time period to three hours in order to match the proposed increase in the time period for the presumption as it relates to breath samples.

Bill C-452 would impose a new and highly unusual requirement upon an accused person. In order to challenge the result of a breath or blood test, an accused would have to prove one of four things: first, the analysis was faulty; second, the equipment was faulty; third, the procedure was faulty; or, fourth, the accused drank alcohol after driving but before the testing. In weighing such a challenge, the bill would permit a court to consider the manner of driving, the behaviour or the result of a breath test or a blood test, including a breath test on an approved screening devise.

Under the charter, the crown must prove a criminal charge beyond a reasonable doubt. Once the crown leads certain evidence, legislation requiring an accused to raise a reasonable doubt is permissible. Bill C-452, however, goes too far because it would require the accused to go beyond raising a doubt and prove certain facts when the accused is challenging the accuracy of a breath or blood test result.

With respect to showing the equipment, procedure or analysis was faulty, I note that the police and prosecutors are in the best position to prove the equipment that was used was working properly. The accused is in no position to prove the contrary. Reversing the onus to the accused to prove these points is to relieve the crown of its burden to prove the charge beyond a reasonable doubt.

Even without this charter problem, I am surprised that the list from which an accused must prove a fact when challenging the accuracy of a breath or blood test result includes the fact of the accused's drinking after driving but before testing. Where there is credible evidence of such a fact, it goes to what the BAC was at the time of driving. It is evidence that rebuts the presumption that the result at the time of testing is the same as, or not less than, the BAC at the time of driving. Therefore the accused is not challenging the BAC at the time of testing at all.

● (1830)

The accused is simply saying that there is evidence to show that the BAC at the time of driving was not over the legal limit set out in the Criminal Code. It was only drinking after driving but before the test that put the accused over the legal limit by the time the test was taken. There is no challenge to the accuracy of the BAC result at the time of testing. It is just that it cannot be presumed to be the BAC at the time of driving.

Bill C-452 also says that in weighing the accused's evidence on a challenge to the test results, a court could consider the manner of driving and the accused's behaviour. While the manner of driving and the behaviour would be relevant to an impaired driving charge under section 253(a) , they are irrelevant to an "exceeds 80 milligrams percent" charge under section 253(b), for which the issue is straightforward: Was the accused's BAC "over 80" at the time of driving or not?

Bill C-452 has logical gaps when viewed in the light of the Criminal Code's presumption that relates to alcohol concentrations derived from blood samples. Even more problematic, in my view, is the bill's insistence upon changing the fundamental test for a criminal conviction. Where the accused challenges the accuracy of a test result, raising a reasonable doubt would no longer bring an acquittal. Bill C-452 would force the accused to prove a fact relating to equipment, operation and analysis of samples.

Although I started my speech today stating that the hon. member's goals were very laudable, and I commend him for that, I have pointed out a number of reasons why I think the way in which he has brought forward the bill is problematic. For those reasons, I am not able to support the proposed legislation.

Mr. John Bryden: Mr. Speaker, I rise on a point of order. I would like to move a motion seeking unanimous consent to move Bill C-462, a bill to amend the Access to Information Act, to committee forthwith.

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

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I am pleased to speak on this bill today, and congratulate the hon. member for Lakeland who has introduced it.

In our society, there has been a trend over the past few years. There was a time when it was almost admirable to drink and drive. When I was young, it was a rather macho thing to do, but then we came to realize this was not a good thing at all. Attitudes changed, as did behaviour. Today, fortunately, fewer and fewer people drive in that condition.

The problem lies with repeat offenders. I think that the contribution of the member for Lakeland needs to be emphasized. The Bloc Quebecois is therefore in favour of the principle of this bill to make it easier to prosecute drunk drivers.

We agree with the idea of increasing from two to three hours the time during which a sample can be taken to verify a person's state of intoxication. I think that all legislation pertaining to this issue must lead to zero tolerance, so that drunk driving becomes a thing of the past.

To achieve such a result, we must ensure that our legislation, which in the past was perhaps too permissive on these aspects, is reinforced and tightened up. The public also needs to know the conditions they must meet for driving their vehicles and the risks they run if they are ever caught drinking and driving, especially, unfortunately, if they have an accident with negative consequences.

The Bloc Quebecois intends to support this bill, which would facilitate proceedings. However, if the bill is referred to committee, we will examine certain aspects of it more closely. For instance, there is a clause in the bill stating that to reverse the presumption by which a sample taken corresponds to the true concentration of alcohol, there must be a preponderance of evidence. The Bloc Quebecois has some doubts as to the constitutionality of reversing this burden of proof. If that were the case, we would want to study this issue further in committee.

Therefore, we agree with the principle of the bill. We believe that it should proceed to the next stage. However, the committee will need to hear from witnesses, verify and perhaps obtain constitutional opinions to ensure that the bill will pass the constitutional test. It is essential that, one, two or three years after the legislation is passed, no one be able to contest it and win on a technicality. It would be better to see how best to improve this bill to ensure it is constitutional and able to achieve the desired results.

Although it appears as if my colleague from the Liberal majority, who just spoke, will vote against this bill, we hope that it will be referred to committee. Perhaps this debate will help convince enough members that it deserves support and referral to a committee. That is our hope.

Then, we could move various amendments, including ones on the reversal of the burden of proof and allowable defences.

For all these reasons, the Bloc Quebecois applauds the initiative of the hon. member for Lakeland. This adds to the many means used by society to prevent crime, including, when necessary, coercion. Such means must be reliable and able to produce the desired results so that, ultimately, once the bill has been passed—like all other bills—we see a distinct benefit and an even greater reduction in the number of drunk drivers.

Such behaviour is totally unacceptable in our society and the consequences are often horrific: deaths, accidents and permanent disabilities. Consequently, such behaviour must be prevented insofar as possible. Any initiative to improve this situation will be welcome. We intend to vote in favour of this bill.

● (1835)

[*English*]

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, it is a pleasure to take part in private member's business, Bill C-452.

Let me begin by congratulating the member for Lakeland for his bill. As we all know in the House, any time we can personally make a contribution to the country and to the safety of Canadians, it is certainly laudable. I know the intent of the member for Lakeland is to save lives. That is also the intent of his legislation, which would help to keep drunk drivers off our roads.

I also agree with the former speaker, the member from the Bloc, that the least we can do with the legislation is pass it, send it to committee, so the committee can do its work, do some research and debate it.

It is really unfair to private members' business. We have good ideas come into the House. The problem we had before we changed the rules for private members' business was we would have one hour of debate on a non-votable bill, then it would be squashed and that would be the end of it. All good ideas should have a clear hearing before the committee. That is my personal opinion. I will certainly say that it is supportable on the part of the Progressive Conservative Party.

I also want to congratulate MADD. Mothers Against Drunk Driving has led the charge in terms of keeping drunk drivers off our streets and highways. However, in spite of all the work Mothers Against Drunk Driving has done, very little change has occurred in terms of the rules and laws in dealing with drunk drivers.

We still lag far behind the world leaders in traffic safety in terms of the high percentage of alcohol related crash deaths and injuries, even though most of the leading countries have far higher per capita rates of alcohol consumption. These nations have succeeded to a far greater extent in inducing their populations to refrain from drinking and driving. Their laws are deterring impaired driving and protecting the public.

In contrast, our laws in this country are shielding impaired drivers from criminal sanctions and discouraging police and prosecutors from pursuing criminal charges. I believe that is the intent of Bill C-452. In fact the preface in the summary says:

> This enactment strengthens the laws surrounding the investigation and prosecution of impaired driving and related offences by

I would like to read the summary for the viewing audience. It states:

> (a) extending from two to three hours the time allowed for the taking of breath or blood samples from an accused in the investigation of an alleged offence;
>
> (b) allowing a court to use the results of the analyses of the samples, in the absence of evidence to the contrary, as proof that the concentration of alcohol in the accused's blood at the time of the alleged offence was not less than the concentration shown in the results;
>
> (c) where the accused challenges those results, placing the evidential burden on the accused to establish, on a balance of probabilities, factors that affect their reliability; and
>
> (d) requiring a court to consider other evidence in deciding whether the accused has discharged the burden of proof.

In other words, it tightens up the enforcement powers of the police, and that is where we need to go.

Other ideas for the government, in terms of keeping drunk drivers off the road, is to lower the current Criminal Code blood alcohol concentration to 0.05. That would contribute to reducing impaired driving and its tragic consequences. Moreover, MADD Canada believes that these traffic safety benefits could be greatly increased if Canadian police were given the powers they need to efficiently apprehend impaired drivers and gather the evidence necessary for laying criminal charges.

Although alcohol related traffic deaths have fallen from the record levels of the 1980s, impaired driving remains, by far, Canada's largest single criminal cause of death. Canada lags far behind the world leaders, as I indicated earlier, in traffic safety in terms of the high percentage of alcohol related deaths, even though most of the leading countries have much higher rates of per capita alcohol consumption, but their laws and their enforcement appear to be deterring drinking and driving.

● (1840)

Unfortunately, the same cannot be said in Canada. Millions of Canadians continue to drive after drinking, many on a routine basis at levels of impairment that pose substantial risk. Although the estimates vary from year to year, it would appear that there are tens of thousands of drinking drivers on Canadian roads each night.

Relatively few of these drivers ever come to police attention and an even smaller fraction are detained and investigated. Even if the police conclude that a driver is legally impaired, criminal charges may not be laid. The federal impaired driving law has become so technical, time consuming and unrewarding to enforce that many officers are deterred from pursuing criminal charges.

In a recent national survey, 42% of Canadian police officers admitted that they sometimes or frequently released impaired driving suspects with a short term provincial suspension rather than proceed with criminal charges. One-third of the officers indicated that they sometimes or frequently released suspects without any sanction and merely arrange for safe transportation home.

This police reaction is not surprising. The officers who were surveyed indicated that it took an average of 2.6 hours to process a simple impaired driving case to the point of laying the charge. Moreover, the task of gathering evidence against impaired driving suspects had become exceedingly exacting and frustrating. Indeed, three-quarters of the officers stated that they were discouraged because impaired drivers routinely escaped convictions on legal technicalities.

This problem of under-enforcement appears to be getting worse. A government study published in 2000 found that almost half of the police in British Columbia simply refused to lay criminal charges, even if they concluded that the driver was legally impaired. Forty per cent of those who did not lay charges indicated that their reasons included concern that the driver was unlikely to be convicted.

Despite their rhetoric about the toughness of the federal impaired driving laws, the reality is police officers are increasingly reluctant to lay criminal charges. In effect, these barriers to enforcement are resulting in the ad hoc decriminalization of impaired driving. The police must be given the power they need to stop vehicles, detect drinking drivers, gather evidence of alcohol and drug impairment and streamline the process of impaired driving cases.

Just imagine what will happen if we decriminalize marijuana. The House has been busy talking about Bill C-38 this last week. We do not even know how to deal with alcohol. We are still having a problem with drunk drivers on highways. If it gets to the point where we do not deal with drunk drivers on the highways, imagine what the country will be like if we have people high on drugs driving on our highways.

The police should be authorized to stop any vehicle to determine if there is evidence of a violation of the Criminal Code's impaired driving provisions. The police should be authorized to use passive alcohol sensors. If a police officer reasonably suspects that a driver has alcohol or drugs in his or her body, the officer should be authorized to demand a standardized field sobriety test and to videotape it. It should be an offence to refuse to comply with the officer's demands.

If a police officer reasonably suspects that a driver is impaired by drugs or a combination of alcohol and drugs, the officer should be authorized to demand that the driver participate in a test under the drug evaluation and classification program and videotape it. It should be an offence to refuse to comply with the officer's demands.

If a police officer has reasonable and probable grounds to believe that a driver is impaired by a drug, drugs or a combination of alcohol and drugs, the officer should be authorized to demand a saliva, blood or urine sample from the driver. It should be an offence to refuse to provide such a sample.

In closing, let me again praise the member for Lakeland for bringing forth this private member's bill. I know that if it makes it through the House, it will certainly keep drunk drivers off the highways.

● (1845)

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, it is my pleasure to rise tonight to speak to Bill C-452. I would like to thank the member for Lakeland for bringing the bill forward. Drinking and driving remains a scourge in this country and I hope the bill will be one way to put it to an end.

The BAC, blood alcohol content, has been a police tool to identify drunk drivers since 1969. Since that time, public awareness campaigns, legislative regulations and a commitment from the police have reduced the incidence of drunk driving. Now most reasonable people choose not to drink and drive, and I think we are all glad to see that working throughout the public to a great extent. People are doing their drinking at home or are certainly not getting behind the wheel, and that is what we are all striving for.

However, a small group of Canadians continues to drive drunk. Over the years, some legal defences have been found that keep those drivers on the road without any penalties. Bill C-452 would close a couple of loopholes that allow those defences to be available to people. Those defences are the so-called Carter defence and the last drink defence. Both of these defences involve the accused arguing that, based on the amount of alcohol they remember consuming, they could not have been intoxicated at the time the police stopped them.

These defences ignore the scientific and evidentiary validity of the BAC, proven through empirical measures. It is because of the extensive testing of the BAC that there is a legislative presumption written into the Criminal Code that the BAC from both breath and blood samples, if tested within two hours of the offence, is evidence of the driver's BAC at the time of the driving offence.

Both the Carter defence and the last drink defence turn that presumption around by allowing a witness's recollection of the drinks they consumed to take precedence over evidentiary tests, even if the witness's testimony cannot be substantiated. I believe that is wrong. It is really quite astounding that this has managed to hold up in court.

The bill would place on the accused the responsibility of proving the evidentiary tests incorrect. Many years of scientific study have proven that these tests are accurate, so it would be up to the accused to prove that a technician administered the tests improperly or the equipment malfunctioned.

Bill C-452 would also give police more time to administer breath or blood sample tests to establish BAC. This would allow more time to monitor the fall in blood alcohol levels to confirm accused drivers' claims that their last drink had not entered their bloodstream at the time of the offence.

We can help to stop drinking and driving by giving police and prosecutors these two simple legislative changes. They build on the work that police and the courts have already done to establish the BAC as an accurate measure of a driver's intoxication at the time of an offence. I believe Bill C-452 deserves the support of the House.

Apparently there are other tricks that drunk drivers use to avoid prosecution, which we will need to address in the future. In urban areas such as my riding of Dartmouth, one trick used by people who refuse to stop drinking and driving is leaving the scene of an accident and going immediately to a bar to down a couple of drinks. Then they can claim that their blood alcohol count happened after the accident when they went to the bar to calm their nerves. I must admit the first time that I heard that argument I was astounded. I could not believe that anyone would try to use that as a defence, but the police say that is a claim they often hear.

That points to the pervasive problem with drinking and driving. It is only 5% of drivers on our roads who commit the majority of impaired driving offences. These people refuse to stop driving drunk even though it is a choice they do not have to make; they have often been stopped by the police before and have learned the defences available to them to avoid being charged by the police.

● (1850)

It is our duty as legislators to create laws that our enforcement arm, the police, can actually enforce. Instead, we have the unenviable situation of police officers believing that their work will not matter since the drunk drivers they stop will not be convicted with our present laws.

Research from Mothers Against Drunk Driving proves that legislative measures reduce driving and drinking. This bill would give police and prosecutors more tools to deal with driving and drinking and would send a message to drunk drivers that this House continues its battle to get them off Canadian roads.

I am very pleased to say that I will be supporting this bill. It is an advancement in our cause to stop drinking and driving in this country.

The Acting Speaker (Mr. Bélair): The hon. member for Lakeland has five minutes to conclude this debate.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I was not expecting to have my concluding five minutes today, but I do thank you for the opportunity.

I would like to start by commenting on the response to my bill given by the bureaucrats in the justice department and presented by the parliamentary secretary.

In fact, I am really quite shocked by the presentation given by the parliamentary secretary, because he seems quite satisfied, according to his presentation, to see people walk away when they are clearly guilty of impaired driving, even when they have caused death and injury. He seems satisfied. Granted, that is based on a report from justice department officials, but he should research the reports he presents before he presents them. He seems satisfied to just allow those guilty of impaired driving to walk away on a technicality.

Most people across the country see that as wrong. That is why I believe this bill should be supported by the House. I hope that it will be. A vote will determine that.

In his presentation, the parliamentary secretary said that there could be some charter problems, but the lawyers who have done the work on putting this bill together do not believe there would be a charter problem. It would be very unlikely. Anytime the government seems determined to stop good work, a good piece of legislation, it points to the charter right away, saying that it could be a charter problem.

I would like to remind the member that in fact Parliament is the top court in the land and it should be determined here in the House of Commons, by the members of the House of Commons, whether a piece of legislation passes or not. It should not be the courts. It should not be the government's first response to say that we have to go to the courts to get a ruling on the charter just in case, even when it is unlikely that the charter will interfere, yet that is the major excuse that the parliamentary secretary used to oppose this.

He knows—he has to know—that again and again across this country people walk free after clearly being guilty of drunk driving, with no doubt whatsoever. The tests show it. These tests are scientific tests. They are breath tests, which have been proven to be quite reliable, and they are blood tests, which have been proven to be extremely reliable.

Yet here is what the parliamentary secretary, or at least his justice department officials, are willing to allow in regard to these individuals. For example, Mr. Speaker, if you were guilty of driving impaired, you may well, so that you would not lose your licence, get the best lawyer you could and try to get off the hook. That is kind of understandable. A lot of people would do that. So when we have loopholes in legislation that allow people just on their own word to say they could not have been driving impaired and they will take it to the judge, this is what happens. Although the tests all show that they were impaired, although the police evidence shows that they certainly appeared to be impaired, in spite of that, due to this technicality or that technicality such as the Carter defence or the last drink defence that I talked about, their word overrides the evidence of these scientific tests.

It is absurd that the member would stand here in the House and say it is okay to allow only the word of the accused to override the scientific evidence. It is wrong. In fact, I hope members of the governing side will stand with opposition members to support this bill. Let us send it off to committee. The member can take that type of thinking to committee and members of the committee will determine whether there is validity to it or not. I am convinced and I know that there simply is not.

I would really encourage all members in the House to support this legislation, understanding that its sole purpose is to close these ridiculous loopholes that have allowed impaired drivers to get off the hook again and again.

● (1855)

The Acting Speaker (Mr. Bélair): Is the House ready for the question.

Some hon. members: Question.

The Acting Speaker (Mr. Bélair):

The question is on the motion. 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): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, November 19, 2003, immediately before the time provided for private members' business.

Adjournment Debate

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

* * *

● (1900)

[*English*]

AGRICULTURE

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, on October 21, I asked the Minister of Agriculture if he would turn down Monsanto's application to release genetically modified wheat in Canada given the growing opposition by farmers and agricultural groups.

The minister's reply was that another step in the process might be needed before any product is commercialized.

There are good reasons why Monsanto's application should be turned down.

First, three leading plant scientists at the University of Manitoba have concluded that the unconfined release of Monsanto's Roundup Ready wheat in western Canada poses a high level of environmental risk. I quote:

> The unconfined release of Roundup Ready wheat will negatively affect the environment and limit farmers' ability to conserve natural resources on farms in western Canada.

The authors, Dr. Rene Van Acker, Dr. Anita Brûlé-Babel and Lyle Friesen, went on to say in their report, which I will quote:

> Under current conditions, the release of Roundup Ready wheat in western Canada would be environmentally unsafe.

The three researchers are with the Department of Plant Science in the Faculty of Agricultural and Food Sciences at the University of Manitoba. They were asked by the Canadian Wheat Board to assess the impact of unconfined release. They concluded, and I quote:

> The unconfined release of this product will threaten the sustainability of reduced tillage cropping systems in western Canada and as such it will pose a risk to the environment and natural resource conservation on managed ecosystems (farms) in western Canada.

The second reason is that the Canadian Wheat Board does not favour genetically modified wheat for fear of losing exports worth about $4 billion. Apparently, 82% of wheat board customers do not want genetically modified wheat.

Third, health and scientific authorities have identified possible health risks associated with genetically modified food. We are told these possible health risks might be exacerbated with the introduction of genetically modified wheat into the food supply since wheat is so widely consumed.

Therefore, as the least precaution, all genetically modified food should be labelled so that consumers can make a choice and, if they wish, avoid food produced with genetically modified ingredients.

This evening I would like to urge the parliamentary secretary, as I did his minister, to adopt a prudent course of action and turn down Monsanto's application. In doing so, the minister will protect the economic well-being of Canadian farmers, he will take care of the economic interests of the Canadian Wheat Board and he will maintain a healthy and viable ecosystem in the public interest.

[*Translation*]

Mr. Claude Duplain (Parliamentary Secretary to the Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I am very pleased to reply to the question asked by the hon. member for Davenport on October 21, regarding Monsanto's application to release genetically modified wheat.

This new wheat developed by Monsanto is called Roundup Ready. The hon. member's question is based on the premise that Roundup Ready is a threat to the economy and to the environment.

As the hon. member must know, the government is concerned primarily with the product's safety, which is determined by scientific assessment. Before any new plant material such as Roundup Ready can be marketed, it must obtain a whole series of separate approvals. It must obtain approval from the Canadian Food Inspection Agency, the CFIA, regarding its environmental safety and its safety as animal feed. Moreover, Health Canada must approve it with regard to safety for human consumption.

A new type of plant must pass through all these assessments before it is approved for general cultivation. For example, it cannot be cultivated solely for animal feed if it has not also been approved for human consumption and with regard to environmental safety.

I wish to inform the House that Monsanto Inc. asked that Roundup Ready wheat be evaluated by Health Canada in July 2002, followed by an application for unconfined release into the environment in December of the same year.

In response to the hon. member's specific concern about the environmental risk, I would point out to the House that the CFIA is examining the issue from all angles.

It will determine whether this wheat will become more invasive or weedy than other strains of wheat, whether it can be crossed with wild relatives, whether it will become a plant pest, whether it will have a negative impact on non-target organisms, and whether it will have a negative impact on biodiversity.

The assessment also covers other aspects such as sustainable farming practices and the impact the new strain of wheat could have on agronomic practices. A new plant that changes agronomic practices in a way that is not consistent with sustainable farming is not approved.

These are important issues in connection with the effects on the environment of Roundup Ready wheat. I can assure the hon. member that the CFIA will carry out an indepth assessment of this wheat, make use of the recognized expertise of the Plant Biosafety Office and call on outside expertise, where necessary. I can also assure the hon. member that it will be just as rigorously assessed by Health Canada.

Another issue must be examined before GMOs may be introduced. As the hon. member indicated, this issue is the economic impact of the new strain. Will our trading partners close their borders to Canadian products for fear that they have been contaminated by GMOs that they have not approved?

That is an important issue; that is why we are looking into it with other stakeholders, such as our provincial and industry partners.

● (1905)

Hon. Charles Caccia: Mr. Speaker, I want to thank the parliamentary secretary for his answer.

I really appreciate what he has told us this evening; naturally, the decision-making process must be respected. At the same time, I want to emphasize that consumers must at least be given the choice, when it comes to genetically modified products.

That is why I want to inform the House once again of the need to introduce mandatory labelling so that consumers can make informed decisions and identify products without genetically modified ingredients.

● (1910)

Mr. Claude Duplain: Mr. Speaker, in fact, since I did not have enough time to do so earlier, there is one thing I want to clarify: we have not yet made a decision to develop additional approval measures based on anticipated impact on the economy. However, I can assure the House that we are very aware of the concerns raised by the hon. member.

Canada has a strong biotechnology surveillance program. The Canadian biotechnology strategy includes a wide range of activities and initiatives, in particular, the identification of common issues, risk management and the implementation of measures to ensure public confidence in how Canada reacts to the challenges of biotechnology.

This approach to biotechnology has constantly evolved to respond to new scientific advances. Clearly, if a novel food ever presented a serious risk for our business practices, the appropriate action would be taken.

However, we are still just assessing the future impact. Until we know the outcome of discussions between Monsanto and stakeholders on the marketing of Roundup Ready wheat, there is no point in changing our current practices.

SOFTWOOD LUMBER

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, this is the third time in a week that I have risen in this House to remind the government of the series of questions we asked in May 2003, calling upon the government to put in place an assistance plan for the softwood lumber industry.

We did get responses from the government, particularly through the Minister of Natural Resources. He explained what they were doing and stated, "If we need to do more, we have said right from day one that we will". The minister was under the impression that the dispute was going to be settled within days.

Six months later, there is still no settlement. We are still waiting for the government to come up with phase two of the assistance plan to help the softwood lumber industry and help the regions concerned to diversify their economy.

The Minister of Natural Resources also invited opposition members with any constructive ideas to put them on the table for discussion. I have some constructive ideas to contribute. I am asking the parliamentary secretary whether he is prepared to recommend that his government extend the regional economic diversification program, which has had some results in terms of helping businesses out, but that it also create a phase two for the assistance plan in order to help the companies directly.

Why not provide guarantees to companies that have paid more than $1 billion to the U.S. in compensation for the 27% tariffs? Why could the government not guarantee these companies that these fees will be reimbursed, if the U.S. does not reimburse them?

That would be an acceptable form of aide that would help them a great deal and allow them to borrow money from their creditors for other projects such as development projects or purchasing machinery in order to increase their productivity. At present, companies can no longer replace their equipment, because of the situation they are in.

Can we rely on this government, knowing that things will not be resolved tomorrow and that we will probably have to wait another year, to truly implement phase two of the assistance plan for the softwood lumber industry, for the sake of the industry and the workers and to diversify the regional economy?

[*English*]

Ms. Nancy Karetak-Lindell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, I would like to reassure the member that finding a permanent solution to this trade dispute remains without question a priority of the federal government.

There has been progress made on the legal challenges to the duties on Canadian softwood lumber imposed by the United States. The recently released final report by the WTO on the countervailing duty order found that the U.S. violated international trade rules in its determination that Canadian lumber producers are subsidized. In addition, on September 5, 2003 a NAFTA panel decision found that the United States failed to substantiate its claims that Canadian softwood lumber threatens to injure U.S. producers. If the U.S. cannot sustain its determination, there will be no basis for the imposition of duties against Canada's softwood lumber exports. This decision upholding Canada's position will help us find a long term durable solution to the dispute, one that is in Canada's interest.

As we wait for the United States to rescind its trade actions, the Government of Canada will continue to defend in every way possible Canadian industry, Canadian workers and Canadian communities.

We on this side have responded. To mitigate the various effects of this trade dispute on the entire industry and on workers who depend on the Canadian lumber industry, the Government of Canada announced in 2002 measures representing more than $355 million. Funds were targeted toward assisting workers through training and job sharing programs, investing in research to promote the long term competitiveness of the forest sector, opening new markets for Canadian wood products and helping to address the mountain pine beetle epidemic in British Columbia, to name a few.

I have already stated to the member examples of some very positive results that have been achieved in support of the wood products industry but I will state them again. Through our market development efforts a new wood frame construction code will soon be approved in China. This will enable Canadian wood products and technology to be used in residential housing construction in China. The impact of this is already being felt. Our latest statistics show an increase of approximately 60% from 2001 to 2002 in our wood exports to China. As well our work in Japan has influenced fire regulations to be amended allowing for increased use of wood in residential housing.

These are positive developments for our lumber industry as a result of the programs we announced last year. We continue to monitor the effectiveness of the other announced programs and will make modifications as necessary. We are following this file very closely and responding appropriately and we will continue to do that.

The forest industry has made a great contribution to the Canadian economy for more than a century. We value it. We will not abandon it. Working with the provinces, associations and industry, we will continue to assess the impact of tariff rates on the Canadian industry and on communities across the country.

● (1915)

[*Translation*]

Mr. Paul Crête: Mr. Speaker, I am saying to my colleague that we agree that a permanent solution is needed. However, again this week, the U.S. made a proposal that was turned down flat by the Canadian softwood lumber industry. It is clear that we have another year of this ahead of us. It is also clear that we must seek out new markets. At present, industries such as the small sawmills are barely staying afloat.They will not be able to survive the next year.

Is there going to be a second phase of the assistance plan for the softwood lumber industry? The Minister of Natural Resources had promised one; so did the Minister of International Trade. What is the government waiting for to implement this second phase, extend the economic diversification program, help companies by providing loan guarantees and help workers who are going to see their period of unemployment extend into the winter without any income?

[*English*]

Ms. Nancy Karetak-Lindell: Mr. Speaker, the Minister of Natural Resources has stated time and time again in the House that we are taking measures to help those people in need. Through the $355 million targeted for the communities, we feel we have been responsive. We said we would work with the communities and I feel we are doing that. We are working on this side through more than one department trying to address the serious conditions that the communities are in and we will continue to do so.

RESEARCH AND DEVELOPMENT

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, on October 23 I asked the Minister of Industry about the government's decision to give $15 million for neutron research to a foreign country. It is absolutely incredible to believe that the minister knew nothing about this decision in his response to my question, when on October 17 with much fanfare, he directed the member for Hamilton West to make the funding announcement on his behalf. In the press release the government issued on this announcement, the Minister of Industry's name was all over it, so for the minister to feign ignorance during question period about his government's decision to give Canadian money away is not credible.

Despite the government's decision not to provide funding for the cabinet decision supporting a Canadian neutron facility, Canada's neutron scattering scientific community continues to provide leadership and innovation in this key technology for materials research, building on the pioneering efforts of our Nobel laureate, Dr. Bertram Brockhouse.

Without a national neutron beam laboratory, the community of Canadian researchers will leave, as has been the experience in small European nations that eliminated their neutron laboratories on the grounds that they had access to big international centres, such as the Institut Laue-Langevin in Grenoble, France and the ISIS spallation source in the U.K.

In fact, shortly after I asked my question to the minister, I received this letter, which I will now read into the record:

> Dear Member of Parliament,
>
> I was pleased to see you were still tackling the government over a neutron source for Canada.
>
> I moved to Deep River in 1999 hoping for a bright future in Canadian neutron research.
>
> In my four years at the laboratory, no one can argue with my performance, publishing more papers in the scientific literature than most and the group went from strength to strength.
>
> This growth brought in both Canadian and foreign researchers.
>
> Sadly, I decided there was no future for a scientist in Canada and left the neutron group almost a year ago.
>
> I now have a position in two U.S. national laboratories, working for the physics department at Brookhaven on Long Island, New York and the National Institute for Standards and Technology in Maryland.
>
> The group was publishing a respectable 50-odd papers a year, but with this unclear future, several young, active scientists have left, me included.
>
> Canada has a great history in neutron research with the 1994 Nobel prize winner in physics, the recently deceased Professor Brockhouse, doing all of his research in Chalk River.
>
> Many foreigners trained in Canada have scattered around the world and as many Canadians have left for places like the U.S.A., including Thom Mason, the head of the $1.4 billion facility in Tennessee, where they can plan for a career in this field of science.
>
> I hope your fight can prove me wrong and Canada gets a new source soon.
>
> I look forward to the day when I read all about the government funding for a world class facility. I might even come back.

That letter, more than anything I could read into the record, demonstrates the misguided policies of the government when it comes to research and development and the brain drain that we all know exists. This is the proof that the brain drain is real and will continue to happen unless changes are made.

The facility run by Thom Mason that is referred to in that letter is the one to which the government just gave $15 million.

● (1920)

[*Translation*]

The Acting Speaker (Mr. Bélair): The hon. Parliamentary Secretary to the Minister of Industry has four minutes to reply.

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, first, the Government of Canada continues to support research on optical materials and advanced materials. It is committed to maintaining Canada's status as a leader in advanced materials research for many applications, particularly the physics of solids, energy technologies and medicine.

In her question, the hon. member referred to the recently announced $15 million international access fund of the Canada Foundation for Innovation. It was awarded to McMaster University for the construction and maintenance of a neutron beamline to be housed at the Spallation Neutron Source, scheduled to open in Oak Ridge, Tennessee in 2006.

As the members are aware, the Canada Foundation for Innovation is an independent agency that offers awards for infrastructure research based on peer reviews of proposals from universities on behalf of their researchers.

The $15 million approved by the foundation was proposed by McMaster University, on behalf of university researchers. It will give Canadian researchers full access to Canada's neutron beam and potential access to the 23 beams that will be built or maintained by other partners. This activity is an excellent complement to the types of research that can be conducted in Chalk River.

A Canadian, Professor Bruce Gaulin, of McMaster University, is leading this team of researchers. Professor Gaulin and other contributors to university research are and will continue to be key players in the field of neutron scattering in Canada. Their research is concentrated at the national neutron scattering facility located at the Chalk River laboratories and operated by the National Research Council.

This $15 million is a substantial investment. However, we want our Canadian researchers to have access to even more sophisticated laboratories.

[*English*]

Mrs. Cheryl Gallant: Mr. Speaker, a Canadian neutron facility would be a national centre where Canadians would build links between researchers and various disciplines to lay the ground for novel ideas and discovery. It would be a centre where new Canadian researchers would be educated in the practice of neutron scattering. Canadians could attempt truly novel experiments that are difficult to do at a production user facility. It would be a centre where neutron beam technology could be applied to meet the strategic needs of Canada with access policies and a mission outlook aligned with Canadian values.

It is totally unacceptable that the government should be proud that we are spending Canadian dollars to construct a neutron source in another country. It is time the federal government showed the vision and commitment necessary to build a neutron source for Canada, one with the power and the flexibility to meet the needs of Canadian science and engineering for the next 40 years, updating our capability to exploit cold neutron methods for research on the materials of the 21st century, such as polymers, membranes and proteins, electronic devices, nanotechnologies, foods and drugs—

● (1925)

The Acting Speaker (Mr. Bélair): I am sorry to interrupt the hon. member while she is on a roll, but the hon. Parliamentary Secretary to the Minister of Industry has the last minute to respond.

[*Translation*]

Mr. Serge Marcil: Mr. Speaker, in 1999, a funding proposal for a new Canadian neutron facility was submitted by Atomic Energy of Canada, in partnership with the National Research Council. This proposal was considered by the government. However, Atomic Energy of Canada withdrew its project.

It must be understood clearly that, for this type of research, it is essential that our Canadian researchers have access to high performance centres. Canada must therefore participate in space related activities here, together with other countries. Americans and Russians come to Canada to work.

It is somewhat along the same lines. We will continue to provide support to these research centres, and particularly to our universities and our Canadian researchers.

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:27 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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