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OFFICIAL REPORT
(HANSARD)

Tuesday, November 5, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 5, 2002

The House met at 10 a.m.

Prayers

● (1005)

[*English*]

POINTS OF ORDER

SUPPLY DAY MOTIONS—SPEAKER'S RULING

The Speaker: On October 30, 2002, the hon. Minister of State and government House leader raised a point of order concerning the interpretation of Standing Order 81(14)(a), a provision adopted pursuant to the report of the Special Committee on Modernization.

[*Translation*]

Standing Order 81 (14) (*a*) reads as follows:

> (14)(*a*) Written notice of an opposition motion on an allotted day shall be filed with the Clerk of the House not later than one hour prior to the opening of the sitting on the day preceding the allotted day, and the Speaker shall read the text of the motion at the opening of that sitting and shall indicate whether the motion is one that shall come to a vote pursuant to section (16) of this Standing Order.

[*English*]

The hon. government House leader contested the fact that the Speaker had read two notices of motion filed with the Clerk on the day preceding the allotted day scheduled for October 31. Let me now address those concerns.

While it is unusual for more than one notice of motion to be filed for debate on a supply day, the practice of submitting notice of more than one motion is certainly not without precedent.

In adopting the modernization committee report, the House appears to have opted for an orderliness and a certainty in its proceedings by requiring the Speaker, on the day before the debate is to take place, to inform the House of the text of the allotted day motion to be debated. The hon. government House leader argues that this would, in effect, prevent the Speaker from announcing notice of more than one motion.

The text of Standing Order 81(14)(a) refers to only one notice; however, our practice has never prevented consideration of more than one motion on an allotted day. I refer the House to the words of Mr. Speaker Fraser on December 7, 1989, in *Hansard* at page 6583-4:

[*Translation*]

> According to our rules and practice, the purpose of notice is to give warning to the House of an item of business that might be raised for debate. The notice does not necessarily mean that the item will actually be debated or that it will be debated any time soon.

The Order Paper contains numerous items for which notice has been given but which have not yet been debated. The parliamentary secretary suggested that proceedings on supply days are different.

While I agree that certain aspects of supply have a character distinct from other proceedings, it seems to me that unless the rules on supply are explicit, the usual practices should be followed. This is the case with notice.

[*English*]

When the House adopted the modernization report, it seems to me that we took a step away from the situation described by Mr. Speaker Fraser. There is now an expressed desire to have some certainty about what is to be debated on an upcoming allotted day. But, while the House has taken one step in that direction, it has not actually decided to prohibit notice of more than one motion. This may be an area that requires a second look.

Therefore, for the present, the Chair will accept that the procedural requirements of Standing Order 81(14)(a) have been met provided that the notice or notices of motion are duly filed with the Clerk so the Speaker can properly inform the House of their filing on the day before the allotted day on which they will be debated. When Orders of the Day are reached on the allotted day, if more than one motion remains on notice, then the Speaker will have to determine which motion will be called for debate.

Finally, let me just say that I recognize and accept the wisdom of my predecessors in this House in refusing to speculate on hypothetical situations. However, for those who fear that this uncertainty might be exploited to mischievous ends, may I say that, taken together, our practice and our Standing Orders seem clear enough to permit the Chair to intervene without hesitation, in the highly unlikely event of an exaggerated number of notices being filed.

Meanwhile, if members feel that this is not satisfactory or that they wish to create greater certainty, the Standing Committee on Procedure and House Affairs may wish to examine the matter further.

* * *

BUSINESS OF THE HOUSE

The Speaker: Having given that ruling, it is my duty, pursuant to Standing Order 81(14), to inform the House that the motion to be considered tomorrow during consideration of the business of supply is as follows:

That, in the opinion of this House, all Canadians are to be treated equally and fairly, and since Prairie wheat and barley producers are discriminated against solely because of their location and occupation, this House call on the government to take immediate action to end this discrimination and give Prairie farmers the same marketing choices that are available in the rest of Canada.

● (1010)

[*Translation*]

This motion standing in the name of the hon. member for Calgary Southeast is not votable. Copies of the motion are available at the Table.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 12 petitions.

* * *

CRIMINAL CODE

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP) moved for leave to introduce Bill C-297, an act to amend the Criminal Code (sale of intoxicating products).

She said: Mr. Speaker, I am pleased to introduce this bill which would make it an offence under the Criminal Code to sell inhalants and other sniff products for the purpose of intoxication.

This proposal seeks to stop those in our society who deliberately prey on our young people in times of vulnerability. It is an attempt to reverse a tragic increase in the number of young Canadians who inhale, sniff or drink a range of poisonous substances that have lasting side effects and cause permanent damage. It is the result of many years of work by activists in the Winnipeg community, and in particular members of the non-potable alcohol and inhalant abuse committee.

I would encourage all members to consider this legislation which is one measure we could take to promote and protect the health and well-being of Canadians.

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

* * *

PETITIONS

CANADA POST

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, I am honoured today to introduce a petition on the subject of the lack of collective bargaining rights for rural route mail carriers. The petition draws the attention of hon. members to the fact that rural route mail carriers are forbidden under subsection 13(5) of the Canada Post Corporation Act to bargain collectively.

The petitioners encourage Parliament to repeal subsection 13(5) of that act. They also point out, and this is a point strongly emphasized in the petition, that rural route mail carriers frequently earn less than the minimum wage when their pay is calculated on an hourly basis.

● (1015)

RIGHTS OF THE UNBORN

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, I have a number of names on a petition that draw attention of the House to the fact that modern science has unequivocally and irrefutably established that a human being begins at the moment of conception. They therefore request that the government bring in legislation defining a human fetus or embryo from the moment of conception, whether in the womb of the mother or not and whether conceived naturally or otherwise, as a human being, and making any and all consequential amendments to all Canadian laws as required.

STEM CELL RESEARCH

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, my second petition is from those wanting to draw attention of the House to the scientific fact that a human being exists from fertilization on and therefore it is unethical to harm or destroy some human beings to benefit others, in other words human beings being destroyed in the process of taking their stem cells.

The petitioners would want adult stem cells promoted in a great way in the country with funding. They request that the Parliament of Canada ban embryo research and direct the Canadian Institutes of Health Research to support and fund only promising ethical research that does not involve the destruction of human life.

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, I am pleased to stand to represent 89 constituents who want to be recorded as calling upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and diseases of suffering Canadians.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I am presenting a petition signed by about 100 people in the St. John's area who are making the point that non-embryonic stem cells, which are also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

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

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, pursuant to Standing Order 36 and on behalf of the constituents in Erie—Lincoln riding, I am pleased to present a petition that acknowledges that many Canadians suffer from debilitating diseases such as diabetes, Alzheimer's, muscular dystrophy, et cetera. They acknowledge that Canadians support ethical stem cell research and refer to non embryonic stem cells, known as adult stem cells, which have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

They call upon Parliament to concentrate its legislative support on adult stem cell research to find the cures and therapies necessary to cure the illnesses of our suffering Canadians.

CHILD PORNOGRAPHY

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have three petitions today signed by a number of Canadians, including my own riding of Mississauga South.

The first petition deals with child pornography. Petitioners would like to draw to the attention of the House that child pornography is condemned by a clear majority of Canadians. They call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pornographic activities involving children are outlawed.

● (1020)

FETAL ALCOHOL SYNDROME

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition relates to fetal alcohol syndrome, a matter near and dear to my heart. The petitioners from across Canada, including my own riding of Mississauga South, would like to draw to the attention of the House that the consumption of alcohol is harmful to Canadians and particularly that the consumption may cause health problems to the fetus.

They point out that fetal alcohol syndrome and other alcohol related birth defects are 100% preventable. The petitioners call upon Parliament to mandate health warning labels on the containers of alcoholic beverages to caution expectant mothers and others of the risks associated with alcohol consumption.

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the final petition relates to stem cell research. The petitioners would like to draw to the attention of the House that the majority of Canadians support ethical stem cell research and that particularly non-embryonic stem cells, known as adult stem cells, have shown great promise without the immune rejection or ethical problems associated with embryonic stem cells.

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

JUSTICE

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, on behalf of many citizens from the Niagara and surrounding area I have a petition signed by individuals that believe that an injustice was done to Stephen Truscott and urge that the Hon. Fred Kaufman examine the facts of the case. The petitioners call upon Parliament to ask the Minister of Justice to undertake a thorough re-examination of the case.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

PUBLIC SAFETY ACT, 2002

Hon. Ethel Blondin-Andrew (for the Minister of Transport) moved that Bill C-17, An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee.

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, on behalf of the Minister of Transport, I am happy to rise once again to speak about public safety. Over the last few months, my colleague, the minister, had several opportunities to talk about safety and security.

Naturally, since September 11, the subject of public safety is unavoidable in various areas of human activity, especially those involving the Department of Transport.

I want to draw attention to the exceptional work accomplished by the minister who, within seconds of the September 11 attacks, assumed leadership for continental safety and security, if I can put it that way. At that time, our minister became responsible for all air traffic and, with the help of the whole department, operating in all areas of activities and especially air transportation, he helped thousands and thousands of people of various regions of the world. These people benefited from immediate action by the Minister of Transport, and everybody agrees that we should pay tribute to him for what he accomplished in those extremely difficult moments.

Obviously, as elected officials, it is our responsibility to discuss safety in all areas. This morning, I would like to talk more about development in resource-based communities, and health and research in key sectors, where the government has a fantastic agenda for sectors that are fundamental to the future of every region in the country.

I would also like to refute certain statements made by my Bloc Quebecois colleagues, who make a lot of noise here in the House. The statements refer to health care, to the federal share, and regional development. In all, there are initiatives that will be very productive for the regions and that we would like to highlight and perhaps seek to improve.

However, the reality of the situation is that any responsible government must also respond to the challenge of immediate needs as they arise. Safety is one such challenge that has become an undeniable reality in the last 13 or 14 months. Governments around the world, but particularly western governments, that are able to assume the costs related to safety in all fields, are now required to invest absolutely astronomical amounts to ensure the safety of citizens. This is an undeniable reality and we have no choice.

While I do believe that this expenditure of billions and billions of dollars for security is necessary, allow me to say that I would much prefer it if all of this support, all of this money invested in safety programs, were spent in sectors such as the environment, where there are some incredible challenges to be met, and in the area of health and medical research to help those who are coping with illness.

In summary, we must invest in safety, but I obviously would have preferred it if we had not had to deal with the attacks of September 11, which had the effect of radically changing the agenda for all countries around the world, or almost, for every western country, which forced all of our allies to invest an incredible portion of the financial resources at our disposal in safety.

The government has been fulfilling its responsibilities for several months now. Several billions of dollars have been invested. Several departments have done their part to help build a wall against international terrorism, as it were, and this work will not stop in the near future. Right now, there is a battle of civilizations. This is an everyday challenge.

Our government has assumed its responsibilities, particularly under the leadership of the transport minister, who went into action in a matter of seconds after the terrorist attacks to assume leadership and take all the measures required. He also coordinated the operations of all the departments involved in safety and security matters, with the assistance of course of all its partners, the other countries, which are very much concerned.

● (1025)

I would be remiss if I failed to mention what the International Civil Aviation Organization always said about the safety and security measures put in place by our government before and after the attacks. It is an example on the world scale.

This morning, I am pleased to say that, to deal with the situation, we face a huge challenge, and we must live up to that challenge. I will make a few comments about Bill C-17, a revised version of Bill C-55, which was introduced a few months ago and of course died on the Order Paper because of the prorogation of Parliament, last September.

This new bill is a definite improvement. The government took into account the views of both our colleagues in the House of Commons and of key players across the country. Moreover, it took into account the views of all the provinces and territories. It is and will be easy to show that the government has worked hard on this matter.

A government is like an individual. An individual or a government cannot lay claim to perfection. This is true about one's individual behaviour as well as the bills introduced in the House of Commons.

In connection with this issue, there is the whole aspect of the controlled access military zones. Among politicians, we tend to show some degree of partisanship. We must live with that. In my region, I am used to living with partisanship, and it is an everyday challenge.

The government took that reality into account because, had the debate on controlled access military zones gone on much longer, all of Canada would have become a controlled access military zone. That was not the government's intention. It is worth mentioning, concerning the concept established in the now defunct Bill C-55, that the government has designated three specific zones as coming under this definition, namely Halifax harbour, Esquimalt harbour and Nanoose Bay, British Columbia.

Obviously, our armed forces must have the tools needed to deal with emergency situations. In this case, I stress that the government quickly sided with all those who told us this was leading to a difficult and complicated debate, in spite of the fact that, at the time, we had made it clear that the purpose was strictly to preserve the equipment of our armed forces and of foreign forces sometimes involved in helping to resolve major crises. In the end, the government decided to take these concerns into account.

There is also the reality of upholding interim orders and the underlying principle. September 11 was a lesson for all; sometimes, the government, in cooperation with all the parties in the House and all the departments concerned, must respond rapidly to totally unpredictable events.

Governments have no choice but to equip themselves with important tools, to deal with emergencies. Extreme threats may arise completely out of the blue. We have experienced this and continue to experience it on a daily basis since September 11. We need only think of all the attacks occurring around the world.

Governments now have a priority in their agenda called the safety and security of all nationals. Any responsible government has no choice but to equip itself with the tools it needs to be able to respond rapidly.

With respect to interim orders, the government amended some important elements, namely the deadlines prescribed in previous Bill C-55. Bill C-17 amends those aspects. In some cases, the deadlines for interim orders have been shortened.

Deadlines are as follows: the interim order ceases to be in effect 14 days after having been made, unless approved by the Governor in Council. This is a new reference we are giving ourselves through this bill.

Within 15 days after the interim order has been made, a copy of the said order must be tabled in each of the Houses of Parliament. If one of the Houses is not sitting, the order will be filed with the Clerk of that House.

● (1030)

Also, within 23 days of the making of an interim order, a copy of the order will be published in the *Canada Gazette*. Except for the interim orders made under the Canadian Environmental Protection Act, for which there is a two-year deadline, an interim order approved by the Governor in Council will cease to have effect within one year following its making.

As can be seen from the comments I just made on the chronology of interim orders, and as is implicit in the bill, an interim order can only have provisions which can be found in a regulation and which are immediately necessary to deal with a significant risk, direct or indirect, to health, security, safety or the environment.

In order to clarify a misconception that interim orders will not be made in the two official languages and will be authorized in violation of the Charter, I wish to say that under the Official Languages Act an interim order must be made in both two official languages. This confusion, which is being deliberately promoted, is absolutely false.

Furthermore, I would point out that the Charter applies to all government measures. In other words, the protection given by the Charter applies to emergency orders. Emergency orders must comply with the Official Languages Act and the Charter. I believe you will find that we have taken into account previous comments and that we have tried, if the power to make an emergency order is ever used, to ensure that it would be under close and transparent control.

I wish to call your attention to three new parts that were added to the bill. The first two, parts 5 and 11, were added in order to allow the sharing of information in situations arising under the Department of Citizenship and Immigration Act and the Immigration and Refugee Protection Act.

The third new part, part 17, amends the Personal Information Protection and Electronic Documents Act in order to allow for the operation of the data sharing system established by proposed sections 4.82 and 4.83 pertaining to the Aeronautics Act.

The information sharing system provides that an authorized person could ask for the communication of information on someone in particular. The air carrier or the operator of a reservation system for air carriers could answer without asking for the consent of the individual in question.

Unfortunately, in reality, the air carrier or the operator of a reservation system for air carriers would not be able to follow up on the request, since it could not accept the name or list of names submitted, because this list would not be authorized under the Personal Information Protection and Electronic Documents Act.

Part 17 corrects this minor yet very important problem, while ensuring compliance with the global objective of the Personal Information Protection and Electronic Documents Act.

Finally, I want to comment on the concerns raised by the warrants mentioned in clause 4.82 of the Aeronautics Act. The power to request information from airlines to identify a person for whom a warrant has been issued has been eliminated. This power, which raised a great deal of concern, has been deleted from Bill C-17.

Moreover, the definition of warrant has been changed to apply to serious offences, to be specified by regulations, that are punishable by imprisonment for a term of five years or more. This will guarantee that the information on passengers that is obtained from airline carriers cannot be used to help execute a warrant—and this is extremely important—except in the case of the most serious offences, such as murder or kidnapping.

I think that these changes concerning warrants help protect the public, while respecting the privacy of individual passengers except, as I pointed out, in the case of very serious offences. I am convinced that the debate will be interesting and that we will properly review all these provisions in committee.

● (1035)

I am very pleased to have had the opportunity to say a few words on this bill, a much improved version of Bill C-55, which had raised some concerns, particularly with respect to controlled access military zones, which are now limited to three strategic areas. There is also the whole issue of interim orders, which are also limited to extremely serious cases.

We will be very pleased to hear all members of the House of Commons, so that they can possibly make a contribution and help us continue to improve this legislation.

[*English*]

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I rise to address Bill C-17, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, otherwise known as the public safety act.

In baseball there is a rule “Three strikes and you're out”. This is the third time since September 11, 2001 that the government has essentially introduced the same bill. In each case the bill's short title has been the public safety act and each bill has tried to implement the biological and toxin weapons convention. When one realizes that the convention, which the bill proposes to implement, was signed by Canada on September 18, 1972, four years before I was born, during Prime Minister Pierre Trudeau's first term, and only now is being implemented over 30 years later during the current Prime Minister's third term, one gets a true sense of the glacial pace that the government takes when it comes to public security. Even the process that led to Bill C-17 speaks to the incompetence and bumbling.

On September 11 a terrorist plot of unprecedented proportions shook the western world to the core. In the United States, 10 days later, South Carolina Democratic Senator Ernest Hollings was on his feet to introduce America's response, S.1447, a bill to improve aviation security and for other purposes. With lightening speed and despite an anthrax scare on Capitol Hill, both the House of Representatives and the U.S. Senate quickly passed the legislation and President Bush signed it into law on November 19, 2001. I ask hon. members to think of that. From the time the first airplane hit the first tower to the moment President Bush signed and adopted the legislation, just 10 weeks had passed.

During that same 10 weeks, the Liberal government slept. In fact, it was a full three days after President Bush had signed the U.S. law before the Liberal government even tabled the first version of the public safety act, called Bill C-42, on November 22. Since then the Canadian process has been a case study in how not to inspire public confidence in a government's ability to fight terrorism.

Just two days after Bill C-42 was introduced, it was pulled back and a clause dealing with giving airline passenger information to the United States government was hived off into a separate bill, Bill C-44. Apparently the Canadian airline industry was aware of the fact that a clause in the U.S. law just signed by President Bush required airlines flying to the United States to give passenger lists to the U.S. government starting on January 18, 2002.

It is interesting that the U.S. government sat the day after the September 11 attacks happened. The U.S. Congress was reconvened. The U.S. Senate was reconvened. President Bush got to work. They introduced legislation and they passed it inside of 10 weeks. This government took longer to introduce a bill than it took them to go through the entire process. On January 18, 2002, the reason the House had not been reconvened was that it was dismissed by the Liberals for a Christmas vacation when the U.S. Congress was at work the entire time.

Those same airlines were also presumably aware of the super slow motion pace of addressing national security that the Liberals had shown. They were wise.

Bill C-44 received royal assent on December 18, 2001 and Bill C-42 was withdrawn by the Liberal government roughly four months later on April 24, 2002. Five days after that, the Liberals introduced Bill C-42's replacement, Bill C-55.

Right there one has to wonder about the competence of the Liberal government. The normal process when a bill has flaws is to make amendments, and for this government, that should be a relatively easy process. Any one of the 150 backbenchers is usually more than willing to sponsor an amendment, either in the House or at the appropriate committee, and should those voting machines show an unprecedented degree of backbone, the Liberal dominated Senate can be counted on to propose a government backed amendment as part of its sober second thought.

For the government to withdraw a bill only to reintroduce essentially the exact same bill with a different number shows that even within the depths of the Liberal government, there are people who have said that this legislation is beyond redemption.

In any event, Bill C-55 contained many of the flaws of its predecessor. It affected nearly two dozen different statutes in nearly a dozen ministries. It was a real hodgepodge of missed opportunities and power grabs by various cabinet ministers. It was so complex and affected so many different aspects of government that it was quickly agreed to send the bill, not to the transport committee as originally planned, but to a special legislative committee which was struck on May 9 solely for the purpose of studying Bill C-55. That committee, of which I agreed to be a member, never met. The bill died on the Order Paper on September 16, 2002 when Parliament was prorogued.

Canadians need to understand this. Twice the Liberal government dropped the ball on major legislation dealing with public safety. First it tabled Bill C-42 which was so filled with flaws that it had to be withdrawn. Then it tabled a replacement bill only to let it die on the Order Paper so that the Liberals could present a new throne speech and lay out a legacy for a nine year Prime Minister for whom the words “What, me worry?” no longer suffice.

● (1040)

I have news for my Liberal friends opposite. For many Canadians, a strong response to a terrorist threat could be, and I think should be, the government's legacy; certainly the Prime Minister's legacy. In the United States President George W. Bush's place in history will largely be shaped by how he responds to the events of September 11; just as FDR's legacy was more a response and more a fact of Pearl Harbor and his reaction to Pearl Harbor than his domestic great society plans as a response to the great depression.

The current Prime Minister could have done the same. It seems that our Prime Minister is perhaps so concerned about leaving a legacy on domestic policy that he is forgetting to do the simple things, like keeping the country safe which would in fact give him a legacy which he so desperately seeks.

Beyond the legacy factor, there is a simple fact of political science that is a truism which has to be considered in public life. Abraham Maslow, a famous public theorist and a political scientist, had a theory, Abraham Maslow's hierarchy of needs, which said definitively that the primary role of the state ahead of all else, ahead of balancing budgets, ahead of creating infrastructure and ahead of setting up a court system, was to secure citizens. Public safety is the number one responsibility of the state.

This government seems to have not learned that basic concept of public philosophy which goes beyond Abraham Maslow's hierarchy of needs. It goes back to *The Origin of Species*, the famous book outlining the concept of evolution, where the first responsibility and the first instinct for people is to make themselves safe from threats.

If we look at the legislation that the government has tabled, the $24 air tax, nickel and dime legislation, nonsensical legislation that really does not go anywhere, it has put all this stuff in place, yet Liberal backbenchers put in laws and private members' bills that have now passed to create a Canadian horse. This sort of legislation has come ahead of the natural and normal instinct of human behaviour, which was first outlined in the famous book, *The Origin of Species* and then synthesized by Abraham Maslow and his theory of the hierarchy of needs. The government does not seem to understand the simple needs of citizens to feel safe from those who are threatening them.

The third attempt at the public safety act, Bill C-17, which we are debating today, still was not ready when we came back. The throne speech for the 2nd session of the 37th Parliament was delivered by the Governor General on September 30. The speech contained the vague promise that "the government will continue to work with its allies to ensure the safety and security of Canadians". In fact the proposed legislation, Bill C-17, was not tabled in the House until October 31, fully 13 months after the September 11 attacks and nearly 11 months after President Bush had signed America's aviation and transportation security act into legislation as public law 107-71.

Therefore the following question poses itself. Was the 11 month wait worth it, or to put it another way, did the Liberals learn anything in the 13 months between September 11, 2001 and October 31, 2002 which led this government to table a better bill? The answer at best is maybe.

When one reads the U.S. legislation, one is immediately struck by the stunning contrast between U.S. and Canadian legislation drafted as a response to September 11. Both statutes deal with giving passenger manifests to various government authorities. The Canadian proposed legislation, Bill C-17, introduces a new section 4.81 of the Aeronautics Act. The proposed section reads:

> 4.81(1) The Minister, or any officer of the Department of Transport authorized by the Minister for the purposes of this section, may, for the purposes of transportation security, require any air carrier or operator of an aviation reservation system to provide the Minister or officer, as the case may be, within the time and in the manner specified by the Minister or officer, with information set out in the schedule
>
> (a) that is in the air carrier's or operator's control concerning the persons on board or expected to be on board an aircraft for any flight specified by the Minister or officer if the Minister or officer is of the opinion that there is an immediate threat to that flight; or
>
> (b) that is in the air carrier's or operator's control, or that comes into their control within 30 days after the requirement is imposed on them, concerning any particular person specified by the Minister or officer
>
> (2) Information provided under subsection (1) may be disclosed by persons in the Department of Transport to other persons in that department only for the purposes of transportation security.

As members can see the proposed section is vague. The minister may or may not require the information; the carrier has up to 30 days to provide the information. Further, the privacy commissioner has raised concerns that, by virtue of another section of Bill C-17, some of the passenger information could be used by either CSIS or the RCMP for purposes other than national security.

● (1045)

I am on the record as strongly supporting anything that will allow intelligence agencies to identify the presence of terrorists in our skies. I strongly supported requiring Canada's airlines to provide passport related information to the U.S. customs service as required by U.S. law. Therefore, the Canadian Alliance voted to fast track Bill C-44 in the last session. I am also on the record as being in favour of having the government conduct similar terrorist identification activities here as I strongly believe that an independent nation should be able to defend itself.

At the same time I have read the U.S. legislation and I believe that it ensures that the U.S. customs office has both the information and the tools to identify terrorism. As well local FBI are not using airline files to look for common criminals. The U.S. system has checks and balances and it is my intention to call Mr. George Radwanski, Canada's privacy commissioner, to appear as a witness when Bill C-17 goes to committee so that we can more carefully examine whether the Canadian law has similar checks and balances to its U.S. counterpart.

Let us look at the clauses in the U.S. aviation and transportation security act that deal with passenger lists. Section 115 of America's aviation and transportation security act states:

> (1) Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of Customs by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.
>
> (2) INFORMATION—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:
>
> (A) The full name of each passenger and crew member.
>
> (B) The date of birth and citizenship of each passenger and crew member.
>
> (C) The sex of each passenger and crew member.
>
> (D) The passport number and country of issuance of each passenger and crew member if required for travel.
>
> (E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.
>
> (F) Such other information as the Under Secretary, in consultation with the Commissioner of Customs, determines is reasonably necessary to ensure aviation safety.
>
> (3) PASSENGER NAME RECORDS—The carriers shall make passenger name record information available to the Customs Service upon request.
>
> (4) TRANSMISSION OF MANIFEST—Subject to paragraph (5), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time and form as the Customs Service prescribes.
>
> (5) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES—Upon request, information provided to the Under Secretary or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.

The clauses in the U.S. legislation are clear and well written. They lay out the responsibilities. They differentiate between two types of data. APIS, advanced passenger information system information, provides date of birth, citizenship, passport number, gender and is only collected for flights that cross international borders. PNR or passenger name record is the information that the airline collects when the reservation is made.

The U.S. law requires airlines to send APIS information to the U.S. customs service before the plane lands. This lets U.S. authorities know who is coming into the U.S. before they arrive in the United States. The U.S. law requires airlines to provide information from their reservation systems only when requested. Further, the customs service may only have to share the information with other agencies for the purpose of protecting national security.

The U.S. legislation is crystal clear. We know exactly what kind of information the airlines must provide, to whom, by what deadline and for what purpose. The U.S. legislation was drafted in 10 days. Bill C-17, which is what we are debating today, is the third attempt in 13 months to deal with similar issues, and the sections dealing with passenger manifests are the legislative definition of grey fog. In fact even whether the new subsections 4.81 to 4.83 of the Aeronautics Act are truly necessary is debatable.

First, there is the question as to whether Canada has the facilities to process the information, the same sort of information that the Americans have been collecting since they passed their legislation. For example, information which is sent to the U.S. customs service is processed in Newington, Maryland where it is input into the Computer-Assisted Passenger Prescreening System, CAPPS, to create a passenger profile. Canada has no system comparable to plug the information into.

Second, on October 7 the Canada Customs and Revenue Agency implemented its advance passenger information-passenger name record program that authorized airlines and passenger reservation systems to share information with various government agencies. In various statements the CCRA has justified the advanced passenger information-passenger name record program saying that it is fully authorized by the recent amendments to the Customs Act, Bill S-23, and by saying that the use of API-PNR data is now covered under section 107 of the Customs Act.

● (1050)

If in fact the CCRA already has these powers, the new sections 4.81 to 4.83 will require careful scrutiny to ensure that we are not only considering international flights, that the data is being used only for the purposes of national security and that we have facilities to actually process the information. We must ensure that this is not just some show; that we are collecting the information to say that we are collecting information so that we can say that we have a parallel system to the United States, but the information just goes into a vacuum and we do not have a computer with the appropriate software with the appropriate mechanisms, to make any of this worthwhile.

I hope these issues can be considered when the bill does go to committee.

A very significant portion of Bill C-17 deals with interim orders. It was the most controversial section of Bill C-55, interim orders in a reduced format, as was mentioned by my colleague from Chicoutimi, the Parliamentary Secretary to the Minister of Transport. They have been changed but they are still there.

A very detailed legislative summary prepared by the Library of Parliament for Bill C-55 on May 21, 2002, nearly a month after the second reading of the bill began, contained four pages of analysis on interim orders.

There is no similar analysis of Bill C-17 and the briefing that was promised last week so that all members of Parliament could have comparable data on which to have a functional debate on this bill never materialized.

Nonetheless, based on comparisons between Bill C-55 of the last session and Bill C-17 in this session, it is possible to make the following conclusions.

Ten parts of the bill amend various statutes to provide a new or expanded power permitting the responsible minister to make interim orders in situations where immediate action is required.

The interim order provisions follow a similar pattern: The minister may make an interim order on a matter that would otherwise be required to be made, in a regulation or otherwise, by the governor in council or cabinet.

An interim order may be made if the minister believes that immediate action is required to deal with a significant risk, direct or indirect, to human life, health, safety, security, or the environment, depending on the statute.

An interim order must be published in the *Canada Gazette* within 23 days.

An interim order ceases to have effect after 14 days unless it has been, variously, confirmed by the governor in council, repealed or has lapsed, or been replaced by an identical regulation; even if approved by the governor in council, the maximum time an interim order may remain in effect is one calendar year.

A copy of each interim order must be tabled in Parliament within 15 days after it has been made. This has been reduced, as the minister said, from the previous bill.

A person who contravenes an interim order that has not yet been published in the *Canada Gazette* cannot be convicted of an offence unless the person has been notified of the order, or unless reasonable steps have been taken to inform those likely to be affected by it.

Interim orders are exempt from certain requirements of the Statutory Instruments Act, among the most important of which is the requirement for lawyers in the regulations section of the Legislative Services Branch of the Department of Justice to examine proposed regulations to see if they are authorized by statute, are not an unusual or unexpected use of statutory authority, do not trespass unduly on existing rights and freedoms and are not inconsistent with either the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights.

I want to acknowledge that in terms of interim orders the government's position has evolved considerably since Bill C-42 was first introduced nearly a year ago. The length of time required for the minister to seek cabinet approval of an interim order has dropped from 90 days to 14 days.

It must be noted that in Bill C-55, the government first said that cabinet ministers, on a variety issues, in a variety of portfolios and in a variety of ways, could invoke interim orders to have 90 days, What that means is that usually when legislation is passed, every single piece of legislation has at the end of it that the governor in council, cabinet, has the capacity to invoke whatever regulations are necessary so that the full cut and thrust of that given piece of legislation can come to its full fruition and meaning for Canadians, as has been prescribed.

Interim orders basically gives an individual cabinet minister the capacity, through an interim order, to invoke whatever regulatory measures he or she prescribes to address either the legislation or an unseen aspect of national security, or so on, as the area may be seen fit, but 90 days is what was first proposed.

In essence we are giving cabinet ministers unilateral power to invoke regulations that in many places could be seen as taking away some people's civil rights, invoking on their freedoms and invoking on natural law. We have written it into constitutional law but there is also natural law. There are lot of the concerns. However 90 days is an extraordinarily long time.

● (1055)

Today a majority vote of the quorum of cabinet, which I believe is five people, is required to get a regulation passed outside of an interim order. If this cabinet cannot get five people together inside of 90 days it is a pretty pathetic standard. Given video conferencing, teleconferencing, proxy ballots and the way that cabinet meetings can be put together, to say that a cabinet minister has the capacity to invoke an interim order within 90 days without having a majority of quorum of cabinet together to decide these things is a very dangerous precedent.

Ninety days is an extraordinarily long time. It has been reduced to 14 days, but my concern is that in the foreseeable future, should something like 90 days be put in place, or even the 14 days as is recommended by Bill C-17, we could have an extraordinarily arrogant cabinet minister—and I do not mean any particular cabinet minister—who believes that he or she knows all the solutions to a given problem and through interim orders would have the unilateral power to invoke regulations against Canadian citizens. That could be an extraordinarily dangerous power in the hands of an individual cabinet minister.

Conversely, what is of equal danger is a cabinet minister who is new to his or her portfolio, we have a terrorist attack like September 11 or a biological attack of some sort and that cabinet minister is not fully versed in what he or she is doing, and we have people in the bureaucracy and within the system underneath that minister who push that minister in a direction where he or she is not fully comfortable being for or against. The capacity of ministers to make mistakes, either out of arrogance or incompetence, through interim orders is an extraordinarily dangerous thing.

What I fear could happen is that an individual minister could make mistakes through one of those two mechanisms and then, therefore, the government could say that the minister was acting out of interim orders. What the government is doing is isolating the political responsibility and the political fallout of a dumb or dangerous decision to one cabinet minister and dumping that one cabinet minister without the full government having to take full responsibility for actions taken by the full government. That is the danger of interim orders.

On top of that, some of the concerns that have been raised by some of my colleagues in all parties, including the government side, is just the general nature of representative democracy and the ability of citizens to know the laws that are being imposed on them and the capacity for cabinet ministers to invoke regulations and changes in statutes in an ad hoc way that could impugn their civil liberties.

I also think the government has taken significant steps forward. As I said, reducing the time from 90 days to 14 days is a step in the right direction. Moving up the time of the publication of the *Canada Gazette* is a step in the right direction. The official opposition applauds the government for listening but we still want to have a thorough conversation on the committee side with the minister responsible for this and with all minister who will have these new interim order powers in their possession. Even if the government is not open to amendment on this side, it has gone from 90 to 14 days, and if it took another redraft of it of course it would get a swift kick in the shins from everyone in the country including us in the official opposition for having to take a fourth run at a piece of legislation.

However it is important for all cabinet ministers who will be handed these new interim order powers to understand the dynamic I described, of the dangers of having rogue cabinet ministers, and/or incapable cabinet ministers, not necessarily this cabinet but future cabinets as we go forward.

It is also probably fair to suggest that the interim orders can be summarized in just two words, "trust me".

By contrast, the U.S. aviation and transportation security act is specific. It delegates power but it also assigns responsibilities. It contains deadlines. It specifies the amount of money that may be spent on particular initiatives. It sets management objectives and requires regular evaluations as well as audits. There is a clear understanding of who does what, why, when and with what authority. Checks and balances are present. The U.S. aviation and transportation security act is a planned strategic response by a superpower to a defined threat. The U.S. bill was drafted in the 10 days following September 11 and already in that short time the American legislators knew that "trust me" would not cut it with the American public.

It is now almost 14 months after September 11. I am not opposed to interim orders where they are necessary to deal with previously unforeseen threats. At the same time, if cabinet members want more power they should also accept more defined responsibility and we should know how much a particular initiative costs, as well as have the ability to be able to audit organizations such as the Canadian Air Transport Security Authority. We should also have an annual budget so that Canadians know whether we are getting value for money. Frankly it is past time that we as a country evolve past the "trust me" ethic of the Liberal government.

One of the paragraphs that was deleted in the evolution from Bill C-42 to the current Bill C-17 was a clause which would have introduced a new section 4.75 to the Aeronautics Act giving the Minister of Transport the ability to:

> —apportion the costs of any security measure between the persons to whom it is directed, or by whom it is carried out, and any person or persons who, in the opinion of the Minister, would reasonably be expected to benefit from the security measure. As part of the apportionment of the costs, the Minister may specify to whom the costs are payable.

● (1100)

I believe that section reflects the unanimous philosophy of the Standing Committee on Transport, which was expressed in our December 7, 2001 report, "Building a Transportation Security Culture: Aviation as the Starting Point", as follows:

> All stakeholders—including airports, air carriers, airline passengers and/or residents of Canada—contribute to the cost of improved aviation security.

Given that this clause was originally in Bill C-42 and expressed the government's philosophy then and continues to reflect the philosophy of the Standing Committee on Transport, I will be proposing an amendment to re-include this paragraph when Bill C-17 goes to committee.

This is a very important. Bill C-42 came in and there was a specific provision in it respecting the Standing Committee on Transport. We will have a big vote today at 3 o'clock that respects the independence of committees to elect their own chairs by secret ballot. It is an important step in the right direction. The Alliance has been on record advocating this for over a decade. It is about time that it comes to fruition.

Another way the government could respect committees is not just by allowing them to elect their own masters and to elect the people who will be presiding over their bi-weekly committee meetings, but also respecting decisions by the committees themselves.

The transport committee was reconvened after the September 11 attacks and told to go across the country, down to Washington, D.C. and to New York City, visit with lots of people, spend thousands and thousands of taxpayer dollars and bring in the experts and anyone else we wanted to talk to. We were to find out what was wrong with airport and aviation security, to find out how to pay for it and to give some recommendations on what should be done.

The transport committee agreed to do that. We travelled to Washington, D.C. and spent thousands and thousands of taxpayer dollars, not only in the cost of bringing in witnesses and meeting rooms and everything else but also in the cost of MPs' salaries. Members of Parliament earn $135,000 a year. We focused on this project for well over two months trying to find out new and better ways for improving aviation security. That time and money could have been spent doing other things but we did not. We focused on security because it was the dominant responsibility after the September 11 attacks.

We tabled a report and the report was unanimously supported. I do not think a single party offered a single dissenting opinion on the report that was tabled. In that report every member of the committee said that improved aviation costs should be spread out and that not one faction of the air industry should have to pay for all improvements in aviation security. We said that the cost should be spread out among the airlines, air carriers, passengers, the general public and general revenues so that the terrorists do not totally warp, distort and retard the economy of an aviation industry for the sake of increased security. That was supported by every political party at the committee, the Alliance, the Bloc, the Tories, the NDP and the Liberals. Every Liberal on the committee supported that sentiment, including the Parliamentary Secretary to the Minister of Transport, the member for Chicoutimi—Le Fjord, who is sitting opposite.

The government is finally saying that it will respect committees and respect that we should be able to elect our chairs by secret ballot, which is good, but an even greater measure of respect would be for the government to say to the adult legislators who are on committees, "When you do quality work, when you spend all this time and money and you arrive at a unanimous view on a complicated and difficult section of public policy, airport and aviation security, which rarely ever happens, a unanimous opinion, we will listen to you. We will implement some of what you guys had in mind".

I believe there were 13 recommendations in that report and every one of them were thrown into the wind and dismissed by the Minister of Transport. It is pathetic. Now the government says "Here is 10¢. We will let you elect your committee chairs and now that shows that we respect committees".

How about taking some of our ideas? We are legislators. We are of equal value in the legislative process as any of the other members of the House and our views need to be listened to, particularly when they are arrived at through a long and difficult process. We arrived at a unanimous opinion among political parties with different regional perspectives, with different ideological perspectives and different policy pushes. The government should listen to our views.

● (1105)

I conclude my speech by calling on the government to divide Bill C-17, to split it up so that the appropriate standing committees may give the bill proper examination.

Therefore I would like to move that the motion be amended by replacing all the words after the word "that" with the following: "This House declines to give second reading to Bill C-17, an act to amend certain acts of Canada and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, since the bill reflects several principles unrelated to transport and government operations, rendering it impractical for the Standing Committee on Transport and Government Operations to properly consider it".

The Deputy Speaker: The Chair will take the amendment under advisement and will come back to the House on it as quickly as possible. In the meantime we will continue with the debate.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ) Mr. Speaker, I am pleased to take part on behalf of the Bloc Quebecois in the debate on Bill C-17, formerly Bill C-42 and Bill C-55.

I am pleased because, as parliamentarians and representatives of those who paid us the honour of electing us, we have a duty always to cast light on the bills tabled in this House. There is a whole history behind this bill we are addressing today, Bill C-17. It began, of course, the day following the events of September 11. The first bill, Bill C-42, was introduced on November 22, 2001, and the second, Bill C-55, in June 2002.

This is, of course, the fourth time, since there was an attempt to introduce a Bill C-16, but that one did not get to the House for a very simple reason. Government boondoggle. An information meeting was organized but the bill ended up being introduced before the meeting, so the leader of the government in the House withdrew the bill. Today, here we are discussing Bill C-17.

For your benefit, Mr. Speaker, and that of those listening to us, the men and women of Quebec and of Canada, we need to review the background a bit. When the famous briefing session took place—and not for the first time, but the third, for three bills means three briefing sessions—I asked the same question of the government representatives.

When such a session is held, since this bill comprises more than 100 pages, 102 in fact, and involves 22 pieces of enabling legislation, amending them and impacting on ten or so departments, there is always a multitude of departmental officials who come and explain to us the reason behind the bill. These include, of course, people from the Department of Transport, since this bill comes under the auspices of the Minister of Transport and then, of course, there were some from DND, who were there to defend the indefensible. There were people from the various other departments as well.

During this briefing, I asked the same question the Prime Minister and the Minister of Transport had been asked in the House during debate on the last two bills, which is, "What could you not do on September 11 that Bill C-17 would allow you to do?" That question was so appropriate that both Bill C-42 and Bill C-55, as well as two other previous bills, died on the Order Paper. Bill C-17 is being debated today.

Of course, each time another bill is reintroduced, major changes are included, because the opposition has made major gains. I was listening earlier the Parliamentary Secretary to the Minister of Transport explaining, in his non-partisan way, as he says, how a large part of the two bills, dealing with controlled access military zones, had been dropped from the bill.

This is very much a gain as far as the Bloc Quebecois is concerned. This must be stated emphatically. And why is this so? Because the controlled access military zones constituted interference with provincial powers, an encroachment on Quebec territory. Even in the time of Robert Bourassa and of the War Measures Act, during the October crisis, it was at the request of the Province of Quebec that the War Measures Act was applied to Quebec.

We have always argued that controlled access military zones in Quebec should be designated only with the consent of the provincial government. Their designation should be requested by the Province of Quebec. We have always stood for that. But the government would never accept. In Bills C-42 and C-55, things were quite simple, because only the defence minister could designate military zones in Quebec to protect all sorts of things.

Our position has always been the same, as a result of the FTAA summit in Quebec City. With this bill, the federal government could have designated a controlled access military zone for this summit. It could then have controlled all points of entry and everybody. The bill was also outrageous in that it provided for no compensation for problems resulting from this designation. This whole section on controlled access military zones has been withdrawn.

Bill C-17 does not mention controlled access military zones. The government's spokesperson, the parliamentary secretary, has mentioned three zones. But that is not provided for in the bill. The government has issued a special order to protect certain ports, maritime equipment and military assets in ports in the maritime provinces. None of these zones are in Quebec.

● (1110)

Members may rest assured that we will be the great champions of the interests of Quebecers. We will never accept the federal government encroaching on our territory without the consent of the provincial government. No matter the political allegiances of those who are control of the destiny of the province of Quebec, it is not normal that the federal government should be able to move onto our lands, or control part of our territory without the consent of the province. We will never accept this. I say once again that the Bloc Quebecois will defend on all fronts the interests of Quebecers and of decision makers of the province of Quebec.

You have understood that all these controlled access military areas have been withdrawn. Bill C-17 is a product of Bill C-42 and Bill C-55. We cannot answer the question, "With this bill, what could you have done before September 11 that you could not do?"

This means that this bill is what is called an omnibus bill in which the wish lists of several departments were found. In the name of the all-important public safety and with the events of September 11, several departments managed to convince their spineless minister that they had been seeking certain powers for several decades. Some public servants would like to see their minister get the authority to introduce several measures without going through this House, without going through Parliament or the other House, without the government's authorization. We must be careful with this.

The men and women of Quebec and Canada who are listening must understand that we must be very vigilant when legislation establishing national security measures like the ones contained in this 102-page bill amending 22 acts and one convention is introduced.

We are told that it is a matter of national urgency, but this is not a national emergency bill. Witness the fact that this is the third version since the events of September 11. This is the reality. This is not a national emergency bill. Separate bills were introduced to deal with urgent matters. I am thinking in particular of the one passed so that Canadian aircraft could fly over American territory, because the Americans required certain personal information. We passed completely separate legislation whereby airlines must provide certain information to the Americans when they fly to American destinations. On that, an agreement was reached very quickly, and the Bloc Quebecois was in favour of the bill.

The bill before us has been cleaned up, and we are basically left with the wish list of officials. When it comes to the wishes of the organization known as the federal government, we must be very vigilant.

Often, the government resorts to omnibus bills to get us to pass very significant amendments by hiding them among numerous others changes in a bill like this 102-page one.

The second element found in the previous bills, Bill C-42 and Bill C-55, had to do with the proposed amendments concerning personal information. To ensure our personal safety, there is information we must provide to this public organization, the government, through its departments and officials, but there are things in our lives that we need not disclose, that are our own business. This what makes us a free and democratic society. Again, this is being done in spite of the very serious reservations expressed by the privacy commissioner.

● (1115)

The privacy commissioner manages an office. I have with me the last press release issued by the commissioner. It is the Office of the Privacy Commissioner of Canada. As we know, this body was created so that Quebecers and Canadians would be assured that the government would not, by gathering information, invade their privacy.

In Bill C-42, the initial legislation introduced in November, this information or this request was not as important. The government improved the bill, which was reintroduced in June 2002. It went further to try to compel us to provide information and, in Bill C-55, got CSIS and the RCMP involved. The government used the bill that was passed to please the Americans, who wanted information on travellers, and to say, "Now that we are providing certain information to the Americans, perhaps we ought to make use of it, perhaps the RCMP and CSIS ought to make use of it".

However, let us not forget that, in all the bills that were introduced, the lists of information to be provided to the Department of Transport, which in turn it can transmit to the RCMP or to CSIS, contain 18 elements more than what the Americans were demanding. Once again, public servants, the government bureaucracy under Liberal control, decided that if checks were required, they might as well ask everything they could, because they would never get a second chance to do so.

Once the new data bank is set up by CSIS and the RCMP, the information provided by airline companies on travellers will allow these organizations to track all Canadian airline passengers.

Also, if people like to travel, they, unfortunately, might be considered a flight risk. Their names will obviously be entered into the permanent database so we can keep track of them. People have to realize that the information required is quite detailed.

Let me go over some of the information required, which is different from what the Americans asked. Travellers will be asked to indicate their birthdate, the travel agency they dealt with, their phone number, how they paid for the plane ticket, if someone else paid for the ticket—just imagine no longer being able to give gifts to our children—if parts of the planned itinerary will be covered by another undetermined mean of transportation.

They want to track people's whereabouts. If they like to travel, they will be considered a risk. They want to know where you are going and keep tabs on everyone. That is a fact. The information will be kept for seven days or more if people are considered a risk. It is quite serious. For seven days, the RCMP or CSIS can track anyone. Who can be considered a risk?

Let us say that someone boards a plane with a member of organized crime. Because the person is travelling alone or may seem to be the friend of someone who is under surveillance, the person will be considered a risk just because on the plane you boarded there happens to be a member of organized crime whose name appears in a database. People may also be considered a risk because they travel a lot. They may be involved in some criminal activities.

The way the legislation is drafted makes so little sense that, as I said earlier, the privacy commissioner saw fit to issue a press release as early as May 15, 2002. I will read from it because I think it is important that citizens who are listening to us understand what I am talking about. The privacy commissioner is in charge of an office created by Parliament to protect the rights of private citizens. It is as simple as that. It has a nice name. It is the Office of the Privacy Commissioner of Canada. We have a privacy commissioner. This commissioner, George Radwanski, issued a statement on May 15, 2002, and another one on November 1, 2002. I will quote from what he said on May 15.

Today, the Parliamentary Secretary to the Minister of Transport and member for Chicoutimi—Le Fjord told us that there are big changes. As far as privacy is concerned, I will explain what the privacy commissioner thinks of these big changes made by the Liberal government since last June when Bill C-55 died on the Order Paper.

● (1120)

At the time, in May 2002, the previous bill had been introduced and it died in June on the Order Paper. Two weeks after it was introduced, the privacy commissioner issued a statement from which I will quote the following:

> Let me begin by reiterating, as I have consistently stated since September 11, that I have no intention as Privacy Commissioner of seeking to stand in the way of necessary and justifiable measures to enhance security against terrorism, even if they entail some encroachment on privacy rights. But I have equally made clear—and I wish to repeat on this occasion—that I consider it my duty, as the Officer of Parliament mandated to oversee and defend the privacy rights of Canadians, to object vigorously to any proposed privacy intrusion that cannot be clearly justified.

He goes on:

> As I detailed in my statement of May 1st, I am specifically concerned about two sets of provisions in section 4.82: those that permit the RCMP to use the personal information of all air travellers for the purpose of seeking out individuals who are subject to a warrant for any offence punishable by imprisonment for five years or more; and those that permit the RCMP and CSIS to retain the personal information of passengers for such purposes as searching for suspicious travel patterns.

And therefore he suggests the following amendments:

> I accordingly recommend the following specific amendments:
>
> 4.82(1): Delete the definition of "warrant".
>
> 4.82(4): Delete "or the identification of persons for whom a warrant has been issued".
>
> 4.82(11): Delete entirely this sub-section, which states: "A person designated under sub-section (2) may disclose information referred to in sub-section (7) to any peace officer if the designated person has reason to believe that the information would assist in the execution of a warrant."

He adds, regarding section 4.82(14):

> My first concern is that sub-section (14) would permit the personal information of all airline passengers to be kept by the RCMP and CSIS for up to 7 days before being destroyed unless it is of further interest to the state. This appears to be an inordinately long time for the RCMP and CSIS to keep the personal information of great numbers of law-abiding citizens.

He mentions in section 4.82(14):

> 4.82(14): Delete "7 days" and replace with "48 hours"—

He further adds:

> I am even more concerned about the latter part of sub-section (14) which empowers the RCMP or CSIS to keep the personal information of any passenger indefinitely if it is "reasonably required for the purposes of transportation security or the investigation of threats to the security of Canada—

It can therefore be seen that the privacy commissioner expressed serious reservations on May 15 2002. He referred to the consequences of the scope of section 4.82 and various paragraphs referred to. He said:

> In Canada, police forces cannot normally compel businesses to provide personal information about citizens unless they obtain a warrant.
>
> Section 4.82 would empower the RCMP, and CSIS, to obtain the personal information of all air travellers without a warrant.

He then added that the bill, when it comes to the RCMP:

> —overlooks the fact that giving the police access to this information in the first place can only be justified as an exceptional measure to combat terrorism.

Nowhere in the legislation does it mention that this information must only be used, or that surveillance must only be carried out to fight terrorism.

This was removed, this word was not added, nor was it put back in the new bill. In practical terms, this means that what the RCMP and CSIS want to control, what the Liberal Party wants to control, are people's movements. Regular travellers will now be listed in an electronic database that will allow them to follow travellers and, as I said earlier, even access their itinerary.

In May 2002, he added:

> If we accept the principle that air travellers within Canada can in effect be forced by law to identify themselves to police for scrutiny against lists of wanted suspects, then there is nothing to prevent the same logic from being applied in future to other modes of transportation.

It is important to note that only airlines and airline passengers are included in these measures. People who use other means of transportation, whether it be the car, bus, train or boat, are not subject to these requirements laid out in Bill C-17.

● (1125)

On May 15, 2002, the commissioner proposed further changes, which I will not read. As members can see, Bill C-17 does not address the privacy commissioner's concerns. If anyone is listening to us, I will mention that on November 1, 2002, the day after the bill was introduced in the House, the privacy commissioner issued a press release. I will read what he had to say:

> Since last May, I have expressed extremely grave concerns about one provision of what was then Bill C-55, the federal government's Public Safety Act. The same provision has now been reintroduced, with only minimal and unsatisfactory changes in the replacement legislation, Bill C-17.

I am not the one who said this. Neither is it the Bloc Quebecois, which is a staunch advocate of Quebecers' interests. It is the privacy commissioner. He said that the changes made to Bill C-17 as compared to Bill C-55 were "minimal and unsatisfactory".

He added:

> The provision in question, section 4.82 of both bills, would give the RCMP and CSIS unrestricted access to the personal information held by airlines about all Canadian air travellers on domestic as well as international flights.

This is serious. What the privacy commissioner said is what I have been saying over and over again this morning; it is what the Bloc Quebecois maintained with regard to Bill C-55, namely that it would give the RCMP and CSIS unrestricted access to personal information regarding all Canadians.

In this letter dated November 1, the privacy commissioner also said:

> I have raised no objection to the primary purpose of this provision, which is to enable the RCMP and CSIS to use this passenger information for anti-terrorist screening.

What he is saying is that he does not object to the war on terrorism and to anti-terrorist measures that have to do with transportation security and national security.

He goes on to say:

> But my concern is that the RCMP would also be expressly empowered to use this information to seek out persons wanted on warrants for Criminal Code offences that have nothing to do with terrorism, transportation security or national security.

Therefore, it is clear that this bill wants to go after all the other persons who have been sentenced for criminal activities which are in no way related to terrorism.

The news release also says:

> The implications of this are extraordinarily far-reaching.

The privacy commissioner says, in the same sentence, that the implications would be "extraordinarily far-reaching".

> In Canada, it is well established that we are not required to identify ourselves to police unless we are being arrested or we are carrying out a licensed activity such as driving. The right to anonymity with regard to the state is a crucial privacy right. Since we are required to identify ourselves to airlines as a condition of air travel and since section 4.82 would give the RCMP unrestricted access to the passenger information obtained by airlines, this would set the extraordinarily privacy-invasive precedent of effectively requiring compulsory self-identification to the police.

That is the harsh reality. The requirements in Bill C-17 would force those who travel by air to provide personal information and identify themselves. This means far more than just indicating one's address and destination. It is an obligation to provide the police with one's credit card number, one's itinerary and everything else that could be relevant.

The press release goes on:

> I am prepared, with some reluctance, to accept this as an exceptional measure that can be justified, in the wake of September 11, for the limited and specific purposes of aviation security and national security against terrorism. But I can find no reason why the use of this de facto self-identification to the police should be extended to searching for individuals who are of interest to the state because they are the subject of warrants for Criminal Code offences unrelated to terrorism. That has the same effect as requiring us to notify the police every time we travel, so that they can check whether we are wanted for something.

Right now, this only applies to air travel, but nothing would prevent the Liberal government, which has already started to encroach on our privacy, from requiring everyone who travels, whether it is by car, by train or by boat, to identify themselves.

● (1130)

All of this would be carried out by the RCMP and CSIS. So, we are setting up a database on air passengers that could also be applied to all those who travel by car, by boat and by train, which includes everyone.

In a huge country like Quebec, people cannot get everywhere they want to by foot because of the distances involved. It is the same in Canada. Eventually, all Canadians will have to identify themselves, and this goes against our freedom and our democratic principles.

Resuming the quotation from the privacy commissioner:

> If we accept the principle that air travellers within Canada can in effect be forced by law to identify themselves to police for scrutiny against lists of wanted suspects, then there is nothing to prevent the same logic from being applied in future to other modes of transportation. Particularly since this provision might well discourage wanted individuals from travelling by air, why not extend the same scrutiny to train travellers, bus passengers or anyone renting a car? Indeed, the precedent set by this provision could ultimately open the door to practices similar to those that exist in societies where police routinely board trains, establish roadblocks or stop people on the street to check identification papers in search of anyone of interest to the state.

We would end up with a police state, something we have never known in Canada. The quote continues:

> The place to draw the line in protecting the fundamental human right of privacy is at the very outset, at the first unjustifiable intrusion. In this instance, that means amending the bill to remove all reference to warrants and thus limit the police to matching passenger information against anti-terrorism and national security databases.
>
> The concerns that I have raised in this matter since last spring have been publicly endorsed by the Information and Privacy Commissioner of British Columbia and the Information and Privacy Commissioner of Ontario; by members of every party in the House of Commons, notably including a member of the government's own Liberal caucus who is an internationally recognized expert on human rights, Irwin Cotler; and by editorials in newspapers including the *Toronto Star*, the *Globe and Mail*, the *Vancouver Sun,* the *Vancouver Province*, the *Calgary Herald* and the *Edmonton Journal*.
>
> These concerns have now been ignored by the Government.
>
> The changes that have been made in this provision in the new bill do nothing to address the fundamental issues of principle that are at stake.

I am still quoting the privacy commissioner in his November 1, 2002 letter:

> The Government now proposes to have regulations limiting the Criminal Code offence warrants for which the RCMP will be searching. But this does nothing to address the fundamental point of principle that the police have no business using this extraordinary access to personal information to search for people wanted on warrants for any offences unrelated to terrorism.

Why is that? Quite simple. The police already have their ways of collecting information and of contacting criminals. What we want is antiterrorism legislation, not legislation that would allow for the verification of the identity of Canadians and Quebecers to subsequently use this information and enter it into a database, thereby making our country into a veritable police state, which has never been the case before in Quebec and in Canada.

Clearly the privacy commissioner is against this bill. In closing, I will quote the final paragraph of his letter.

> Since the original Bill C-55 was introduced, I have used every means at my disposal to make the crucially important privacy issues that are at stake known and understood by all the Ministers and top Government officials who are involved in this matter. I regret that I have not, to date, been successful in obtaining an appropriate response from them—.

Here is what he is saying, and this is the beauty of it. When this little committee briefing referred to by Liberal members or representatives of the Liberal government took place, I questioned the representative of the Department of Transport who presented this bill. He explained to us that this complicated bill does not contain any changes regarding personal information, which we in the Bloc Quebecois had noticed almost right away. He answered candidly that they had indeed discussed this with the privacy commissioner.

What the commissioner is telling us is that he had discussions with them but they did not listen. That is the Liberal government.

A more democratic process to elect the chairs and vice-chairs of committees is being called for. We will be voting on a motion this afternoon. A few weeks ago, in a speech delivered in Toronto, the hon. member for LaSalle—Émard said there would be more transparency in government and a new procedure for appointing or electing representatives sitting on committees across the country.

● (1135)

The privacy commissioner is a representative appointed by the Liberal government. The Liberals are not listening to the person they appointed. Imagine what it would be like if the appointment was made by Parliament. They would listen even less. That is the reality. This is a government that is letting its officials run the show and—

The Deputy Speaker: Order, please. I am sorry to interrupt the hon. member, but I am now ready to rule on the text of the amendment put forward by the hon. member from the Canadian Alliance.

[*English*]

I am ready to render a decision on the hon. member for Port Moody—Coquitlam—Port Coquitlam's proposed amendment to the second reading motion of Bill C-17.

The amendment states that second reading should not be given to the bill as it contains several principles unrelated to the transport and government operations committee. However, the second reading motion refers the bill to a legislative committee. Therefore I must rule that the amendment is inadmissible in its present form.

[*Translation*]

I am sorry to have interrupted the hon. member, but I wanted to report as soon as a decision was made. The hon. member for Argenteuil—Papineau—Mirabel.

Mr. Mario Laframboise: Mr. Speaker, allow me to repeat the last part of my speech for the benefit of the citizens, the men and women who are listening to us.

Before you made your learned statement, I was saying that the privacy commissioner is a civil servant appointed by the government and that he is one of the Prime Minister's appointees. This is something the member for LaSalle—Émard said he wants to rectify, in a speech he gave in Toronto. He said that in the future, when he is elected leader of the government, his government will be transparent and he will make sure that civil servants and senior executives of government bodies are appointed by this House.

In his press release to the media and Canadians, the privacy commissioner said openly:

> I regret that I have not, to date, been successful in obtaining an appropriate response from them,—

He was talking about government officials. This means that he had been discussing all his concerns with government officials since May 15, 2002, and that they did not listen to him.

The harsh reality is that if on top of that this person was appointed by Parliament, if opposition members could succeed in having people they respect appointed, people who are not vetted by the Liberal government, and knowing that the government ignores those it appoints, imagine how easily it would ignore the advice of representatives of public agencies such as the Office of the Privacy Commissioner, if that person was appointed by Parliament and if Parliament decided not to choose the Liberal government's nominee. Such is the harsh reality in the Canadian system. We are losing control.

Clearly it is much easier to play politics than to manage issues on a daily basis. There are never problems in the House, because once a problem is acknowledged, it has to be fixed. So, there is no problem, nor is there any fiscal imbalance. Nothing ever goes wrong in this House. Whatever the Liberals say is the gospel and no one is allowed to question it. The Liberals solve any problems well before they arise.

● (1140)

In the end, we are not the ones who said so, because we waged our battle against Bill C-55 when it came to controlled access military zones and privacy. We won a part of the battle, and the government scrapped the controlled access military zones. So, now the Bloc Quebecois will continue to fight to defend the interests of Quebeckers and Canadians.

The last interest that remains is that of our privacy. This is the harsh reality, and this comes from the privacy commissioner. This is the first large-scale attack on our identity, on our privacy, and we must not let it happen because it will not stop there.

When the RCMP and CSIS have created their permanent data base on regular travellers, they will want to create one on regular air passengers. They will want to create a data bank on those who travel by car, by train, by boat and so on.

What this government wants and what RCMP and CSIS officials want is to create a police state, and this is something that goes against all the values of the Quebeckers who elected Bloc Quebecois members to represent them in this House. It goes against the fundamental values of the free and democratic society that Quebeckers want for themselves. A police state is not what we want. We want to fight terrorism while protecting our interests and our privacy. This is what the Bloc Quebecois is fighting for in this House. This is why we will—as hon. members surely realize—strongly oppose Bill C-17.

We will not give our support to a document that is condemned by the privacy commissioner. We did not appoint the privacy commissioner. In the text, he does not once mention that the Bloc Quebecois has always supported him and he will probably not dare do so, for fear of losing his job.

But of course we have been his strongest supporters, because we are the strongest supporters of the respect of privacy for Quebeckers, among others. We are pleased to help Canadians, because here, in this House, we are working to promote policies all across Quebec, particularly when it can help Canadians. Bloc Quebecois members are pleased to take part in the shaping of the democratic and free system that we should have.

I will get the chance to complete my presentation on this point, since this bill still provides for interim orders. Remember the debate we had, and will continue to have, on interim orders and the authority being given to a minister to issue interim orders outside of the legislative process. The first step of this process is the Statutory Instruments Act, sections 3, 5 and 11 of which provide that any legislation must be presented, in both official languages, to the governor in council, that it must comply with its enabling legislation and, most of all, that it must be examined in light of the Canadian Charter of Rights and Freedoms and pass the test.

Once again, more than ten ministers will have the authority to issue interim orders. Let us not forget that, at first, the legislation said they could only come back before Parliament after 45 days. Today, thanks to our repeated efforts, we have managed to reduce this period to 15 days, and we will not stop there.

We have always given the same example about the Minister of Health, who could, at any time, issue an interim order to have the whole population vaccinated without checking first if this was in compliance with the Canadian Charter of Rights and Freedoms and the enabling legislation.

● (1145)

As a result of the events of September 11, the Minister of Health bought generic drugs, in violation of the Patent Act and the patent held by another company. Therefore, an interim order would allow the minister to make many decisions and issue a large number of orders. Of course, this particular minister cannot be held responsible under ministerial accountability, since he is no longer Minister of Health.

There are good reasons for this. Among them, he chose to purchase certain drugs after September 11, going against the provisions of the Patent Act. He bought drugs from a company, Apotex, that did not own the patent, when Bayer was capable of supplying the drugs. The department tried to give all kinds of explanations, but when it comes down to it, the minister did order the drugs. That is what happened. The minister then had to face up to the consequences, and is no longer the Minister of Health.

The purpose of Bill C-17 is, in the end, to enable ministers to make a multitude of decisions contrary to the very laws of Parliament, all in the name of national urgency. This is a serious matter.

When, in the name of national urgency, they even go as far as saying that they will not respect the filter of the Charter of Rights and Freedoms, imagine, like forcing a vaccination on people against their will, this needs to be debated in this House.

Once again, that is what this bill will mean; it will give permission to ministers, any minister. I have given the example of health, but I could give others.

During the lengthy debates on Bill C-17 I will have an opportunity to explain to those listening to us the reason why the Bloc Quebecois members, who are proud to represent the people of Quebec, their people, will staunchly defend the freedoms of the people of Quebec.

Freedom is priceless. Today, Bill C-17 means a loss of freedom. This is something that the Bloc Quebecois members will never accept. They will defend the people of Quebec, and the people of Canada, and will be pleased to do so for the sake of freedom and democracy.

[*English*]

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I too am pleased to join the debate on Bill C-17. As has been mentioned by other members this morning, we have gone through numerous processes on pretty much the same bill for over a year now. Here we are once again discussing what is now Bill C-17.

The Minister of Transport calls it the public safety act. Without question, in my view that is somewhat of a misleading name. The bill has very little to do with enhancing public safety and has everything to do with grandstanding by the Liberal government, a kind of grandstanding that is very dangerous to the freedom of Canadians. The government's approach to public security has more to do with public relations and trying to look like it is doing something about security than what it actually should be doing, the things that are necessary to counter terrorism.

The bill gives sweeping powers to government ministers to do whatever they want, whenever they want, supposedly in the name of security. The only precedent for something like this in the history of our great democracy was the War Measures Act.

The last time the War Measures Act was used was in October 1970. Hundreds of innocent Canadians were dragged from their houses, arrested and held without charge while the government tried to find a tiny group of terrorists who had assassinated Quebec cabinet minister Pierre Laporte and kidnapped a British trade envoy.

History came to show that using the War Measures Act to crush the FLQ was like using a wrecking ball to squash a fly. A fly swatter would have worked just fine and would not have knocked the wall down. All the unjustified arrests of innocent people who had nothing to do with FLQ terrorists shook Canadians' faith in their government and showed us just how fragile our freedom really is, even in Canada.

I say this as someone who was just a teenager in western Canada at the time. I remember very vividly the whole issue related to the War Measures Act. It was something that at that point was quite far away from southwestern Saskatchewan. I had great feelings for the people of Quebec having to go through all that they were going through during that period of time.

At least the War Measures Act was repealed after the FLQ was crushed, but this bill is like a permanent war measures act. It allows government ministers, any time they want to, to issue executive orders covering a huge range of areas. These orders have the force of law the minute the minister signs them. This kind of power in the hands of one individual is unheard of in a democracy like Canada.

Normally when a minister wants to change a regulation, it goes through a process that involves public consultation and a regulatory impact study. Then the change has to be approved by cabinet. With this bill the Liberal government is saying it wants to bypass the democratic process and issue decrees whenever it wants. That means no public input and no impact study.

The government says it will only use these new powers in an emergency, but here is the kicker: there is absolutely no accountability to the public when a minister uses this power. When a minister makes one of these decrees that the bill allows him or her to make, the minister never has to explain to the public why he or she did it. Ministers can just do it and they never have to explain themselves.

Most people out there think, "What the heck. This is never going to affect me. I am a law-abiding Canadian citizen. I don't have to worry about this". That just is not the reality. In the course of even the last five or six years in Canada, whether it was the APEC summit in B.C. or the Quebec summit, there have been numerous cases where civil liberties were infringed upon, where actions taken by our own government and in some cases our own Prime Minister were really extremely questionable. That has led a number of Canadians to believe that this is an issue, and just what will happen?

Along with that we have a situation where we went through the events of September 11. We responded as a nation to September 11. We responded on security issues. The security of Canadians was protected on September 11 without the bill. In all the rush to come out with a new bill, that we had to get on it right away, that we had to get something in place or Canadians would be threatened and the whole country would be up in smoke, it is over a year later and we are still here. The security of Canadians is still in place; it is still intact without the bill, without jeopardizing their freedoms.

● (1150)

One of the great legislators and statesmen of the 20th century, Senator William Proxmire, who represented the people of Wisconsin in the United States senate for over three decades, once said:

> Power always has to be kept in check; power exercised in secret, especially under the cloak of national security, is doubly dangerous.

These words were especially meaningful coming from Senator Proxmire because he was elected to the U.S. Senate in the seat vacated by Senator Joseph R. McCarthy in 1957.

Senator McCarthy of course is known for McCarthyism, the time in the 1950s when America tore itself apart looking for communists. Like the Canadian government did to hundreds of suspected FLQ terrorists under the War Measures Act, McCarthyism wrongly persecuted thousands of innocent Americans who had absolutely nothing to do with communism.

When Senator Proxmire, McCarthy's successor, spoke those words about the need to keep power in check and about how power exercised in secret under the cloak of national security is doubly dangerous, America was just coming to grips with the mistakes and excesses of the McCarthy era.

Senator Proxmire did not want Americans to forget the hard lesson they learned in the McCarthy era about how fragile freedom is. Canadians learned that lesson in October 1970. It is a real tragedy that the Liberal government has forgotten that lesson.

It is hard for me to understand how in our country's history we can forget some of those very strong lessons. We have discussed numerous times in the House an apology asked for by Japanese Canadians who were interned during the war with Japan, and by Ukrainian Canadians who were interned because of wars and conflicts somewhere else.

I am of Ukrainian descent and I never knew that Ukrainians were interned at any point in Canadian history until I became a member of Parliament. Within the context of Canadian history taught in our schools, the tendency was to leave out all those nasty little things the Canadian government did. I knew about McCarthyism in the United States. I knew about a number of other things that were going on, but somehow the nasty things the Canadian government did never got into our texts.

I know it now and I am happy to say that in our schools the true history is now coming out. We were not always this wonderful, equality driven society with a great democracy and opportunities for free speech and opportunities to do the things we need to do in our lives. We were not always like that.

We have some sour times in our history and we should not be ashamed to admit to them. By not acknowledging and talking about them, we end up in situations like what we are in today where we are discussing something like a war measures act and somehow making it okay to attack certain groups of our population, of our own citizens because we are afraid of terrorism and afraid for our security.

There is no need to do that. We do not have to lose our democracy in order to do that. I really thought we had learned that lesson. Until we become the group targeted, we somehow always think it will never be us.

I was at the Quebec summit and saw some of the things that were going on. I saw the media's revelation of the Quebec summit and how it portrayed everything as being violent. I was part of some 60,000 protestors who were very much peaceful protestors.

● (1155)

As one of the peaceful protestors, this type of a bill bothers me as well. I saw things that were misleading to the rest of the public who were not there, through the media and through some of the government's actions. I am concerned.

The Liberal government wants members to believe that the powers the ministers will have are limited. It even went as far as withdrawing the original version of the bill and reintroducing it in a slightly watered down form from last session. This publicity stunt, which is all it is, is supposed to make us all think that everything is fine. Canadians are supposed to be reassured because these executive orders have to be reviewed by cabinet within six weeks instead of the three months under the original bill.

The fact remains that individual cabinet ministers can exercise these powers in secret. There is no public accountability for their actions. There is no obligation to show the public that a decree issued under the authority of the bill is justified. Cabinet ministers can do what they want and never have to explain why.

The ability of the public to challenge an action taken under this legislation in the courts is also extremely limited, which removes the courts from their constitutional role as a check on executive power.

The other check on executive power, namely Parliament, is reduced to an afterthought. Decrees issued under this legislation only have to be tabled in Parliament 15 sitting days after they are issued and there is no authority for Parliament to overrule them.

There is no doubt in my mind that as a Parliament we can come together in a matter of hours, but certainly within a matter of days. There is absolutely no reason for there to be a delay of even 14 or 15 days before issues come to Parliament. Times have changed. We have access to air services from all over our country. I would be surprised if someone here said that they could not get here within a period of three days. I have seen us do it in the past. Our parties have contacted us and we have all made a point of getting here in a very timely manner.

By sidelining Parliament and the courts, the Liberal government has done the other thing that Proxmire warned against. It has removed the checks and balances on power.

I cannot help but ask myself why the Liberal government thinks a bill as draconian as this one is necessary. Bringing in a permanent war measures act like this is not a rational approach to dealing with terrorism. Terrorists like Osama bin Laden are out to destroy western democracy. If our reaction to the threat of terrorism is to undermine freedom and democracy in the name of national security as the bill does, then we are just giving the terrorists what they want. The government clearly has not thought through the consequences of what it is proposing.

In my role as the NDP transport critic, I spent the last few months fighting against another one of the Liberal government's knee-jerk reactions, the new $24 government security tax on air travel. This is another case where the government acted without thinking. It imposed this huge tax on an industry that was already in trouble without doing any impact analysis whatsoever. Indeed, it based the amount of the tax on a poll done by the ministry of finance, not a sober economic analysis, but a poll taken shortly after September 11 to see how much it could squeeze out of Canadians.

According to an analysis released recently by the Air Transport Association of Canada, the air industry passenger loads dropped by over 18% this summer after the Liberal government implemented the tax. The economy is taking a huge hit because of this tax and it is putting all kinds of jobs at risk.

The worst part of all about this new $24 tax on air travel is that most of the money is not even going to airport security. The tax is only a smokescreen the government dreamed up to try and give the impression that it is improving airport security and covers for the fact that it really has no plan whatsoever.

In that sense Bill C-17 is exactly like the airport security tax. It is obvious that the Liberal government has no idea what to do about the threat of international terrorism. If it had any kind of a plan for dealing with terrorism, it would have a bill full of specifics. Instead it has written itself a blank cheque. It has as much admitted that it does not know what to do about terrorism, so with the bill it is saying to just give it a bunch of sweeping powers to bypass the entire democratic decision making process and do whatever it wants when it thinks there might be a security risk.

That is not how to protect the public. The public is protected by being proactive, by identifying risks and threats and doing something about them before they threaten the public.

● (1200)

To be fair, there are some specifics in the bill that the NDP supports. We support provisions to fight money laundering by terrorist groups, we support the new criminal offences for bomb threats, and we support the implementation of international conventions to fight the proliferation of biological weapons, explosives and people smuggling by organized crime. Unfortunately, these are just tangents of the main thrust of the bill, the blank cheque for government ministers to do what they want.

There are plenty of practical things the government could do to make us safer from terrorism rather than this reactive blank cheque approach. People are not made safer by attacking democracy and invading the privacy of citizens like this bill does. Safety is improved by identifying specific risks and addressing them with specific targeted measures. The New Democratic Party has been saying that our police and military, the frontline forces Canadians depend on for security, are woefully under-resourced. Yet the Liberal government refuses to increase their funding.

I am concerned about the lack of attention in this bill to modes of transport other than air. Let me give one example of what I am talking about. Shortly after September 11 the U.S. government identified passenger rail as a potential terrorist target. In response, a bill was initiated by the U.S. Senate to fund specific measures to improve rail security like modernizing rail bridges and tunnels, and stationing more emergency personnel in railway stations. The Liberal government's failure to take any proactive steps to stop terrorism betrays its lack of a plan.

As a member of Parliament sent here by my constituents to watch out for their interests, I cannot in good conscience support a bill that lets the government exercise so much power in secret. What the government should do is take the bill back to the drawing board and come back when it is ready to propose some specific steps to solve specific problems.

Before I conclude I want to leave the House with a final piece of food for thought. A few months ago the American documentary news program *60 Minutes* accused Canada of being a haven for terrorists. It alleged that there were about 50 terrorist groups using Canada as a base to target the United States. When that report came out, the Liberal government aggressively denied it. It said that the RCMP and CSIS were on top of things and everything was fine. They knew exactly what was going on.

If that is the case, then why do we need this bill? Something does not add up here. If the government is on top of things as it says it is, why is it in such a rush to pass this bill? What is the big emergency? This inconsistency goes to show how reactionary the government has become since September 11, jumping back and forth from one extreme to another with no plan, and no vision for dealing with the changes and horrible events that September 11 brought to the world.

The bill may satisfy the Liberal government's pollsters and spin doctors who say the government must be seen as doing something, anything, just so it can say it has done something about security. However, it will not satisfy the real need to take a proactive approach in eliminating terrorism. The cost of this bill to our democratic freedom is much too high.

● (1205)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, the member who just spoke condemned much of the bill, but she said that the authorities ought to find other means to identify people who are security risks. What other means would she propose?

Surely the collection of intelligence on foreign nationals, or whomever, who are coming into the country via our airlines is an appropriate method to gather intelligence to avoid security threats. If she feels that is not appropriate, then how would she propose that our police and security people obtain the information that would identify people who are a threat to the national security of this country as they enter the country?

Mrs. Bev Desjarlais: Mr. Speaker, no one has argued that there is no need to check to see if there are terrorists or known terrorists who might be on a list coming in by air, rail, or however that may be. No one has argued that point. What we have argued is the fact that the police, in some cases, or the ministers want a blank cheque to find information about everyone who is on there. Then we are going to take that list and run it against a list of who might be wanted here, there and everywhere.

They are not using their list to identify terrorists but they are taking the list of passengers and trying to pick and choose who they want. There is also the problem that they want to keep this information for a period of time to see if there are any patterns out there. That is not going out there looking just for terrorists.

There is a real concern. Actually it hit me this morning how everyone finds it so important that we should know the country of birth because it would allow us to know that there are going to be problems with people coming from certain countries. That is the impression that is given, that somehow people coming from these countries are all going to be a problem.

I wonder if the authorities would have checked the country of birth of John Lindh, the American who was part of that terrorist group? Did they say people born in the U.S. are going to be part of the terrorist group? We do not hear a whole lot about that. The bottom line is, a terrorist can be anyone in any country. We cannot target specific groups of people and attack them and blame them for terrorism.

I thought we had gone beyond that. It just is not okay. We have gone beyond treating black people and aboriginals as if they were all crooks at one time. I thought we had gone beyond that. Now we are doing it again as a nation by targeting a specific group of people, and it is not acceptable. We obviously have not learned from our mistakes and it is time that we did.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, we want to treat people in a fair and just matter in Canada. However, I just received a call from Saint John, New Brunswick which has a nuclear power plant. After September 11 the RCMP was told to provide 24 hour service at all nuclear power plants because of what the al-Qaeda group was doing. It had looked at all the nuclear power plants, not just in Canada but around the world. There was to be 24 hour security service, seven days a week.

The government cut the budget. Security is down to two men looking after it. They are burned out and mentally stressed. What has happened now is that as of March 31 there will be no security at the nuclear power plants because of the cuts in the budget. This is wrong. We must ensure that we give those men and women who are in the RCMP, like our military, the tools to do their job. The RCMP needs more men and women and not cutbacks. What does the hon. member think of that?

● (1210)

Mrs. Bev Desjarlais: Madam Speaker, I do not think there is any question. I indicated that what the government was portraying was purely a mirage or a public relations ploy that it was really doing something about security. The member is absolutely right. Canadians were shocked to learn there was no 24 hour security at nuclear plants before September 11. There are some areas that we recognize must have ongoing security, but it does not have to be an attack on innocent Canadians.

The Senate has issued numerous comments about how transport was addressing security. It talked about security at the airports. People would be surprised to learn that even now not every airport has baggage screened that is going into cargo. They do not go through x-ray. This is our transport minister's idea of security.

I have had a big issue from the start with this, that the issue of national security is in the hands of transport. If this were an issue of national security and not just a big ploy for the transport minister to make it seem like he was doing something wonderful it should not be in transport it should be in the Solicitor General's fold. It should be somewhere else. If we do not have people who are experts in security they are not going to do the things that are necessary. They are not going to ensure that our nuclear plants are secured 24 hours a day.

What should be happening is a whole different approach. I stand firm in stating that taking the security tax at airports was exploiting September 11 with a total disregard for the whole security issue. I paid a security tax in Thompson, Manitoba getting on a plane going to Winnipeg. I did not go through security. If I stopped in Winnipeg and did not go on any further, I would have paid the tax and would not have had a security check.

The transport minister said yesterday where have I been? I have been travelling in the country. Where has he been? The government talks about things that are important for Vancouver and Toronto—

Mr. John Bryden: Madam Speaker, I rise on a point of order. I know the member for Churchill is afraid of another question, but could she please at least get on topic?

The Acting Speaker (Ms. Bakopanos): That certainly is not a point of order. Questions and comments.

Mrs. Bev Desjarlais: Madam Speaker, I think that is the problem. I was on topic. I was talking about the security of the nation and the transport minister suggesting that our airports are secure. I am suggesting that it is all a facade to take in some more money and not really do the job of national security.

Mr. John Bryden: Madam Speaker, in response to my earlier question, the member for Churchill said that instead of reviewing all the passengers on the airlines coming in to Canada, the security authorities should just check the lists of terrorists. There is a loss of logic here. How can the security authorities check for lists of terrorists without examining the identities of every passenger on the manifests on the airplanes coming into the country? It does not make any sense to me.

Mrs. Bev Desjarlais: Madam Speaker, to make it clear, I never said the authorities should not look at the passengers on the list and then see if there were known terrorists among them. What is not okay is for them to take the list and run it through their background checks for absolutely anybody and everybody; not terrorists. I am talking about anybody and everybody.

I do not see this as being just a problem regarding airline, rail or bus passengers. I can see the RCMP or the legal authorities then saying that they better get the patient lists of everybody in a hospital, just in case there is somebody in there they want to get. They may want to get a list of all students in universities, just in case there are some of them they may be looking for. They may want lists of differing groups.That is what is wrong.

If we go out there to seek and find, sure enough we are going to find someone one time, but in the whole scheme of things we are jeopardizing the civil liberties and the rights of privacy of everybody else. Canadians do not want to give up that much of their privacy and that many of their rights for the sake of the government facade.

● (1215)

Ms. Wendy Lill (Dartmouth, NDP): Madam Speaker, I am interested in the comments of my colleague. A couple of issues that I face on a daily basis living in Nova Scotia and representing Dartmouth deal with the cuts that have occurred to our coast guard.

We are now seeing a coast guard that is so underfunded that it does not have the capacity to do any of the basic functions that it traditionally has done. We have also seen the elimination of the ports police. What was an important strategic security function for our country has now disappeared. This is at a time when we see a government that apparently is trying to bolster security and a sense of surveillance on our coasts. Here we have two important institutions that have been decimated or eliminated.

I would like to ask the member for Churchill where she feels these two important functions are now in terms of the bill before us?

Mrs. Bev Desjarlais: Madam Speaker, I want to thank my colleague for mentioning this. There is no question that when the ports police were being cut, the issue was raised in the House a number of times with the government. We indicated that this was going to be a problem. The government does not have a security strategy in place that is intended to address security. The ports are one of the greatest areas that are at risk, not just for terrorist activity but for drugs and everything else. There is no question it is an issue. It is proof that the government does not have a plan in place.

Mr. John Bryden: Madam Speaker, I would like to draw to the hon. member's attention to subclause 4.81(2) which says the Department of Transport cannot disclose any of the information to other departments, except for the purposes of transportation security. Her thesis that this is information which is going to be gathered and distributed everywhere seems to me a little out of whack.

Mrs. Bev Desjarlais: Madam Speaker, that is what the bill says. When the discussion came up during the briefing we got there was talk about how, if there were warrants out for certain people, they would be able to get them. There was also talk about being able to keep the information for a period of time.

I am sorry, but it is hard for Canadians to believe that there would not be a problem when we have had accusations against CSIS that it was investigating union workers working within the post office. Canadians need to have some checks and balances in place to ensure that their civil liberties and their democratic rights would be upheld.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, it is a pleasure to rise and take part in this very important debate, a debate that I suspect will give Canadians some assurances about the state of security but may also alarm them to some degree as to the power that may be forfeited if the bill were to pass in its current form. It would give the government what I would describe as unprecedented and somewhat dangerous new powers: powers to hide information, powers to be unaccountable, powers to go against the very principles of transparency that members of the government used to espouse and used to hold so dear.

From a technical point of view the bill touches on no less than 20 acts of Parliament. It is an omnibus bill, which those listening will know is a catch-all that touches on many different forms of legislation before the House of Commons. Security is really not the only the issue. Security is but one of the issues and perhaps the most emotional part of the bill and the one that is to some degree driving the support for this type of legislation. We all know that it came about in the aftermath of September 11. That clearly was a time when there was great alarm and great concern around the country, some of which has dissipated, some of which is still very real.

This piece of legislation is back for the third time now. This is the third incarnation of the bill and is one that members of the government and, I would suggest, members of the opposition and some impartial officers of Parliament like the privacy commissioner have expressed great concern over.

Obviously the obligation on any government is to govern with balance and integrity to ensure that people's interests are being protected, and certainly the obligation is to ensure that there is a degree of scrutiny over its actions. My greatest concern, and I think it is the concern of many who have already spoken, is that the bill backs away from that fundamental principle, that tenet of justice that says there has to be accountability, that there have to be consequences for actions taken.

One of the more controversial elements that the bill touches upon deals with the creation of military zones. This creation aspect of the bill gives interim orders that can be found in no less than eight different sections of the bill. In fact the legislation still allows for the creation of military access zones, albeit not through the direct interim orders that existed in previous legislation. Yet let us make no mistake about it: These interim orders allow the government to suspend the rights and freedoms of Canadians wherever it sees fit.

It brings us back time and time again to the basic question. Do we trust the government to make some of these important decisions? Do we trust not only its ability to make those decisions but its ability to justify them, its ability to be accountable for them?

We have had instances very recently where the solicitor general was questioned on some of his activities. Also, the former Minister of National Defence was questioned about what he said in the House and what he said publicly about the capturing of prisoners in Afghanistan by Canadian soldiers. These are concrete examples of instances where Canadians have questioned their government and questioned specific ministers about decisions they made and about public statements they gave. That is one backdrop to all of this legislation when we talk abut empowering an individual minister to make such important decisions that touch on civil liberties and on important information that can be controlled or withheld.

There are other examples where a military type of operation has been put in place. We saw what happened at APEC, for example, where in Vancouver students were pepper-sprayed by the RCMP over the protesting of a dictator who was visiting Canada. We have seen instances of what I would describe as unruly behaviour in Quebec City. There was certainly concern over security at Kananaskis. These are the types of scenarios that are set up and covered by this type of legislation.

Whenever there is an instance of where Canadians' rights and freedoms can be affected, I think we have to proceed cautiously. We certainly have to proceed with a great deal of detail in looking into the practical effects of enforcement of this type of legislation.

● (1220)

The government would have us believe that it has listened to Canadians on this issue, to members of the opposition and in fact to members of the government's own backbench, and we will see evidence of that later today. But if the government had truly listened, I suggest that we would not be seeing this legislation back in its current form, because there have not been significant attempts, in my view, to throw back the blinds and look at some of the elements of accountability and transparency that the bill touches on. Mobility rights, property rights and freedom of access to information are all very fundamental rights that could be jeopardized if this legislation were accepted holus-bolus. There are shadowy, surreptitious elements to the bill that in my view have to be exposed.

Once again the government has attempted to alleviate the fears of Canadians by simply qualifying when and how these interim orders are to be issued. In this incarnation of the bill, the minister can in effect issue these interim orders that would suspend rights and freedoms of individuals or corporations for a period of 14 days unchecked, that is, the government can make the order and for a full two week period there can be no scrutiny and the order will be in effect.

Other members have mentioned the ability to recall Parliament quickly for the purposes of examining such a decision, such an interim order. I agree with that. I do not think that there is any real impediment to having Parliament recalled when such an important decision is taken, a decision that could have an impact on the lives of Canadians. The bill could have taken greater steps to ensure that those types of decisions would receive Parliamentary scrutiny.

Judicial scrutiny is another element in all of this and it is bypassed to a very large degree by the provisions of the bill. There is some element to take an issue to court, to take an interim order to court, yet having worked in the justice system I can state that the old maxim "justice delayed is justice denied" still rings true today. Because of the complexity of many of the cases, because of the backlog that currently exists in courts throughout the country, by the time an individual is able to access judicial intervention I would suggest that much harm could have been done, many rights could have been infringed and a person could have suffered irreparable harm and harm to a reputation. Harm to a reputation is something that is very difficult to retrieve. Who does one see about getting one's reputation back when one's name has been slandered on the front page of a newspaper or when one's community has been informed that one may be involved in a nefarious act or accused of terrorism or escorted off a plane because of suspected activities? It is a very delicate situation when a person is potentially exposed to that type of persecution.

That is not to say for one minute, and I want to be quick to point this out, that the police, CSIS, members of the RCMP or even the military police, who are often in the role of enforcement, would do so negligently, with any malice or irresponsibly. What I am getting at is that this type of legislation sets up scenarios in which the proper checks and balances, the proper ability to examine the exercise of authority, are undermined. This is, I suggest, partly arising out of an attitude that is very prevalent. It is persistent within the government and we have seen evidence of it for a number of years.

I would suggest that this type of legislation can be a convenient tool for government to concentrate more power, more state control, and that state control can impact very negatively on civil rights or liberties. In effect this type of decision taken could last a year. It is fair to say that this type of power could be described as power for the sake of power in many instances. I think that Canadians feel more cynical and even apathetic to the point of not participating in the democratic process when they see this type of power being exercised. It is almost a collective form of the Stockholm syndrome when it comes to the government. Canadians are starting to simply accept and acquiesce to the government's decisions because they are feeling hopeless. They are feeling that they have been co-opted and that the opposition is not able to even hold the government to a higher form of account.

That is why there is a need for rigorous debate. There is a need for rigorous examination at the committee level, by the media, by members of Parliament and even by members of the government side who have in many instances distinguished themselves in other fields and who have been able to criticize the government in a constructive way. At the end of it all, that is surely what we should try to accomplish: the best form of legislation and the best, most accountable and most transparent system of government.

● (1225)

I cannot help but feel some frustration when I look at this type of bill and see the elements of the power grab for the minister. There are insufficient checks and balances, I would suggest, implicit in this legislation. For example, in part 3 dealing with the Canadian Environmental Protection Act, in order to have an interim order remain for a duration longer than 14 days the minister must, within 24 hours after making the order, consult with all affected governments to determine whether they are prepared to take sufficient action to deal with the sufficient danger. That allows for a consultation but it is consultation after the fact: 14 days and then an additional 24 hours.

To this I say that we are putting the cart before the horse. It belittles other levels of government and in effect could in fact be seen as a coercive tool used for manipulation. Let us say, for example, that the environment minister believes there is a sufficient danger to the environment in the eastern townships in Quebec. The minister can immediately issue an interim order and in effect suspend all rights and freedoms. However, under this section of the bill, should the minister wish to extend the 14 day period, he then would have to consult with all of the affected governments to determine whether they are prepared to take sufficient action to deal with the danger.

Let us say that the government has taken action and 14 days later or 15 days later it then goes about consulting with another level of government. Then, let us say, the government, that is, the minister, determines whether the province would be prepared to take sufficient action. This section of the bill basically gives the minister the ability to tell any level of government, whether it is provincial, territorial or municipal, that if it does not act on the minister's recommendation the minister will act on their behalf and impose the will of the state upon that province. This is not consistent with consultation. This is not consistent with a cooperative approach to federalism or with a cooperative approach to anything, for that matter, be it in an emergency situation or otherwise.

This, I would suggest, is again symptomatic of a government that has gone down the road of being provocative toward the provinces and giving them the stick in the eye approach. We have seen evidence of that on Kyoto. We have seen evidence of that with the consultations on health. There are numerous examples we can point to over almost a decade where the government has been belligerent to and disrespectful of the provinces and the municipalities, all the while knowing that those forms of government in many ways are far more directly accountable and far more in touch with the people in our country, and I would expect that on some of these important issues, but for the financing and the money that ultimately comes from the federal government, they are more effective in their ability to represent people's rights on important issues.

What happens if a municipality, province or territory decides to take sufficient action, in its opinion, to deal with the danger but the action is deemed inappropriate by the minister? Obviously the federal government's state imposed measures would take precedence, which threatens the very sovereignty upon which the country was founded, that is, there was a division of provincial and federal powers, not to mention the separation of powers laid out in sections 91 and 92 of the Constitution.

There are a number of problems with the bill. That was but one example. There is another that comes to mind clearly as a concrete example. If there were to be an environmental disaster on the Ottawa River just behind the Parliament buildings where there are two provincial jurisdictions and a municipal jurisdiction involved, there is confusion as to what effect this bill would have.

I suggest that there are so many problems with the bill that we are not going to have time to deal with all of them today in this sitting. Some have compared previous incarnations to the Trudeau War Measures Act. Once again I would suggest that it is perhaps a back to the past approach to legislation, a clawback to darker days when secret powers existed and decisions were being made in backrooms, as opposed to the transparency received in the House of Commons. I would suggest that it is a bill that in many instances is not necessary and poses a fundamental risk and a fundamental threat to freedom of civil liberties and freedom for Canadians. In terms of a threat to national security, we already have very effective legislation that can deal with unforeseen circumstances in times of emergency and crisis. We could amend that act if it were deemed necessary by the government.

● (1230)

The bill, which came in response to terrorist attacks, ironically does not mention terrorism. It does not deal specifically with issues of international threats to peace and security. It does have everything to do with an accumulation of power and the hiding of information, a government clearly that has demonstrated it already has too much power and not enough accountability. It has a style and an attitude, one that has been pervasive now for a number of years.

We in the opposition hope that at the committee level the legislation will receive a greater degree of scrutiny. Perhaps some specific, practical, on the ground effects could result. We will hear from witnesses who will have examined this legislation in detail. However, because of the number of bills that are affected, it will take some time to do that.

We may even see members of the government take a more active role in this process. In recent days we have seen backbench members flex their muscles. There will be a vote before the House this afternoon. While I realize that this afternoon's display is more about positioning in the ranks of the Liberal Party, I will remain optimistic that while the sitting Prime Minister is still in office we may enter into a new realm of accountability and of openness to change in this place. This will not be brought about by malice, or revenge or the settling of old political scores. It will be for the greater good.

The bill has very far reaching and long term implications for Canada. It touches on many other pieces of legislation. In the short time this Prime Minister has left in office, there is reason to express concern that this convoluted legislation might be used for purposes of hiding information that could be damaging from a partisan, political perspective. There is reason to raise this.

We have seen in the past instances of behaviour by officials under the watch of the government with respect to advertising contracts in the province of Quebec and with respect to the awarding of appointments and contracts in other provinces like Prince Edward Island. This is not something dreamed up by partisan opposition members. There are concrete examples that we can point to as to why we might be concerned about the government's ability to hide information about its activities.

This because I am a conspiracy theorist or that it is all about scoring political points. We have seen concrete examples that lead us to have concerns about the ability of the government of hiding information about its activities and what it is doing when making arbitrary decisions.

We have seen the government for almost a decade lump legislation together that in many cases does not relate to one another. For example, what does pest control have to do with the Aeronautics Act? This is chalk and cheese. This is not the type of legislation that should be placed in a single bill. I suggest that this omnibus approach has been abused again. It is one that glosses over perhaps and is an attempt to confuse the issues.

The federal privacy commissioner has raised alarms in the past and may raise alarms again, citing grave concerns about sections of the act which allow the RCMP to obtain airline passenger information when it is searching for individuals under warrant. He believes that the precedent may be set by this provision which would ultimately open the door to unwarranted police searches and which could result in the loss of privacy rights in this country.

● (1235)

Section 5 of the bill amends the department of citizenship and immigration act to permit the minister to enter into agreements or arrangements to share information with provinces or foreign governments. Is there a reciprocal piece of legislation in the requesting country? There are concerns about writs of mutual assistance. All these questions will have to be asked and fleshed out at committee level.

Section 11 of the amendments to the Immigration and Refugee Protection Act allow for the making of regulations relating to the collection, retention, disposal and disclosure of information for the purposes of that act. There are concerns about the way this will be exercised. Will this information cause individuals problems in areas of their every day life such as credit ratings, travel, or entrance into certain jobs or certain institutions?

Privacy in the name of terrorism is a very difficult issue to deal with for many Canadians. We have to make sure that the ministerial prerogative will be subject to scrutiny at all levels.

I note that I am out of time. I truly wish there was more time to discuss this bill. That will come at the committee level. I look forward to the questions and comments that will follow and further debate on this important subject.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Madam Speaker, I thank my colleague from Pictou—Antigonish—Guysborough for his speech. I know that he was a distinguished lawyer before coming to the House of Commons, and I want to ask him a question regarding constitutional law.

In his opinion, could certain provisions of the bill or the bill itself as a whole be challenged under the Charter of Rights and Freedoms?

I have a feeling that several provisions of the bill could indeed be challenged. As he explained so well and as a number of my colleagues have also pointed out, this bill violates the freedom of Canadians and Quebeckers. I wonder if the member could take a few minutes to share with us his vision of this bill with regard to a possible violation of the Charter of Rights and Freedoms.

● (1240)

[*English*]

Mr. Peter MacKay: Madam Speaker, as I mentioned in my remarks, perhaps the preference might have been to look at amending the old Emergency Measures Act or perhaps look at ways in which we could insert a greater degree of scrutiny within the legislation. My friend is correct. When one is prepared to sacrifice civil liberties on the altar of protection for all, one must be very careful when wielding that sword.

The lack of accountability, transparency and the scrutiny by outside bodies, and I am particularly talking about the courts and a greater degree of accountability in this place, the highest court in the land, give me reason for concern, concern that has been expressed by others. We know that lack of accountability can lead to great corruption. Lack of scrutiny and transparency can lead to some grave injustices.

I believe we have to go through the legislation with a fine-tooth comb to flesh out in detail the practical, solid impact that it will have on areas of civil liberties. I fully expect that my hon. colleague and other members of the House will do just that.

[*Translation*]

I thank him for his question. This is a very important issue for the House.

[*English*]

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Madam Speaker, one of my concerns is that the bill before us will go to the legislative committee at the end of this debate, which will be very brief. I am not sure if we will have the opportunity for an indepth debate for the entire House of Commons as a result of the procedures that we are taking in handling the bill.

I would like to ask the member opposite a hypothetical question if he does not mind. He was speaking about the civil liberties issue, the privacy issues and the security issues, and he is absolutely right that this is extremely sensitive. In his mind does he think the information of persons who are in transit to this country or who have left this country's shores should be treated differently than the information that the authorities hold on people in this country?

I note, for his assistance in deliberating on this question, that there is amendment in this bill to the electronic Privacy Act which would permit the passenger manifest information gathered under the bill to be shared with foreign countries. Could he give the House the benefit of his views on this?

Mr. Peter MacKay: Madam Speaker, I appreciate my colleague's question and his interest in this issue. I believe I have it straight in my mind about what he is asking, and that is should there be different treatment and a different standard applied when examining the manifest of individuals, depending on their countries of origin and whether they have been granted citizenship in this country as opposed to individuals who are either being considered for citizenship or maybe simply visiting.

It is a very provocative issue when we start classifying individuals in terms of risk. We have seen this controversy arise quite recently in the United States and at our borders with respect to the issue of profiling. However there are sadly factors that have to be taken into account and one would suggest, with no prejudice or malice, that a citizen who has received citizenship in this country has already been scrutinized to a large degree and a finding has been made. To that degree, I suspect that there could be a case made for examining, with perhaps a sharper eye and a sharper focus, an individual who is unknown and is coming from a country of origin of which there may have been concerns expressed. There may be heightened tension in that instance for the police or the security agency, be it CSIS or otherwise, to have heightened suspicion. It will be interesting to see this fleshed out.

I also have concerns about the level of scrutiny that we will have henceforth. It is interesting to note that one of the proposed changes to the way in which bills would be examined by the member for LaSalle—Émard would bypass second reading. That is doing away with much of the scrutiny that we have seen today, for example, and the important public debate that occurs on the floor of the House of Commons.

I appreciate the question. I know that this member will continue in his diligence in examining this and other important bills by his government.

● (1245)

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, in the same vein, I would like to ask my colleague a question regarding the opinion expressed by the Privacy Commissioner. Not only did he express an opinion, but he made a deliberate effort to make members of this House aware of his opposition to certain aspects of this legislation.

I would like the member to state his position with regard to this negative opinion expressed by the privacy commissioner.

Mr. Peter MacKay: Madam Speaker, I thank my colleague for his question.

Clearly, the opinion submitted to the House by the privacy commissioner is thought-provoking.

[*English*]

I think the privacy commissioner's concerns in his commentary on previous legislation of this sort, and we have yet to hear from him on this bill, are reason enough for us to go through this process again in great detail.

As we know, the privacy commissioner is an independent body. His office has powers of investigation, powers to delve into detail and talk to persons, unlike the ethics counsellor. The privacy commissioner has raised the alarm. I suspect that in and of itself should be pointed out repeatedly. It is something of which members of Parliament could make greater use in speaking with the privacy commissioner. I have to be honest that I have not taken the opportunity to meet with them on the bill, but I hope to do so.

All sorts of elements to the legislation talk about priorities and levels of scrutiny. One of the issues that hits me in the face is this. Yesterday we were discussing defence issues, and this legislation is almost busy work for the government. It is almost an attempt to appear to approach this from a bureaucratic sense as opposed to giving more resources and attention to enforcing the existing laws of the land, empowering our existing security forces, whether they be military, police, CSIS or immigration, and giving them resources that they need to enforce the current laws and the enormous task of securing our borders and areas throughout the country to protection from threats both abroad and domestic. It become a question of priority and where we should put our resources and our focus.

Legislation is but a tiny piece of the puzzle. In my view the government has spent too much time talking about and legislating on this issue and insufficient time bolstering our current capacity to face this threat head on in a very realistic way.

[*Translation*]

Again I thank the member for this very important question.

[*English*]

Mr. John Maloney (Erie—Lincoln, Lib.): Madam Speaker, I stand before the House today in support of Bill C-17, an bill to promote the public safety of Canadians. Bill C-17 is an essential tool in the government fight against international and domestic crime and terrorism, and I respectfully suggest it should be supported by all members of Parliament as a key method of improving our public safety.

I would like to address the bill from the perspective of the Canada Customs and Revenue Agency and what we are doing. Of course security has always been a key priority of the government and the number one priority at the Canada Customs and Revenue Agency. The CCRA has been working hard to balance this priority with the economic reality that trade and travel must flow just as freely as they do securely.

In order to ensure the free and secure flow of goods and people, the CCRA has embarked on a number of security initiatives, including setting up expedited passenger and goods processing programs at the land and air borders and enhancing screening abilities at all of Canada's ports of entry.

In the same way that Bill C-17 is enhancing public safety through updated legislation governing Transport Canada, the Solicitor General, Finance Canada and other departments, customs has been working for more than five years at developing and implementing a comprehensive plan to re-engineer its business and provide a more secure border for Canadians.

For example, together with the United States, we have developed the Nexus program to facilitate entry into both countries of pre-screened, pre-approved, low risk Canadians and Americans in private vehicles. Nexus is a joint program with Citizenship and Immigration Canada, the United States customs, the immigration and naturalization service and Canada Customs and Revenue Agency. Nexus users undergo a rigorous security screening process to ensure that they are not a risk to our country, and do not need to interact with a customs officer each time they enter the country. They use a traveller declaration card to declare imported goods and may charge any duties or taxes payable to a pre-authorized credit card account.

In my riding of Erie—Lincoln, in the Niagara Peninsula adjacent to the U.S. border at Buffalo, New York, this program was commenced 10 days ago with applications coming in at approximately 200 a day, which is a very strong response. This program will become operational at the Peace Bridge in December and at the Niagara Falls bridges approximately a month later. It also has just been instituted at the Windsor crossing.

Work is currently progressing with what is called the Nexus air and Canpass air programs. While Nexus air is a bi-national, four agency program for Canadian and American travellers, Canpass air is a program that we developed jointly with Citizenship and Immigration to facilitate the re-entry into Canada of pre-approved Canadians.

As another step toward ensuring public safety, CIC and CCRA are piloting joint passenger analysis units in Vancouver and Miami. U.S. and Canadian customs officers will now be working side by side with immigration counterparts at these locations to refine our mutual procedures for intercepting high risk travellers.

We have already made major improvements in identifying and screening high risk cargo before it arrives in either country. Joint targeting for in-transit marine containers arriving at sea ports in Canada and the U.S. has begun through the exchange of information and targeting officers. Launched last March, the U.S. customs inspectors are now working at the Vancouver, Montreal and Halifax container targeting units and Canadian inspectors are working at Newark and Seattle.

We are enhancing their efforts with state of the art technologies and other tools, including ion mobility spectrometers, which accurately detect drugs in about five seconds, and contraband detection kits which contain various apparatus to examine vehicles, luggage and shipments for contraband without damaging the goods.

The process in one situation is very simple. A cloth is rubbed over a steering wheel, the glove box, door handles or trunks looking for minute traces of drug dust. The cloth is then put under a monitor and if there is a positive reading a very thorough search of the vehicles commences. It is quick, efficient and effective.

CCRA has also equipped customs employees with laser range finders and other high tech devices that will facilitate their work. They are devices that can monitor the inside and outside lengths of transport trailers very quickly to ensure there is no false compartment.

In another application of new technology, we are installing vehicle and cargo inspection systems, commonly known as VACIS machines, at various customs locations. The mobile VACIS is a truck-mounted scanning system that captures an X-ray like image of the contents of an entire marine container or tractor trailer, as well as rail ships and air cargo. VACIS can quickly scan any of these modes of shipment to detect contraband, weapons and other dangerous goods while minimizing disruptions and costs for importers.

● (1250)

We are also fortunate in the Niagara region to be receiving a VACIS machine to enhance the security at our border crossings. These machines cost roughly $1 million. It now takes approximately four to six hours to offload a transport trailer for inspection, and that is without VACIS. With VACIS it will get the same inspection capabilities doing approximately eight inspections an hour.

The benefits are obvious: faster results, better utilization of staff, enhanced security because of the increased number of searches, and a happier transportation industry because these loads are not detained for any substantial length of time, all the while providing strong deterrents for those who might feel inclined to break our laws.

Using some of the most advanced technology in the world, customs officers have been able to detect contraband hidden in false bottom suitcases, boxes, statues, machine bolts, picture frames, toys and even pineapples.

To give members a sense of just how successful they have been, between January 1, 2001 and May 31, 2002, CCRA made over 1,236 significant drug seizures valued at nearly $547 million. In the Niagara region alone there have been 200 to 300 drug seizures since the beginning of its operational year in April. Drugs are not the only items of contraband. In fact, over $1 million of undeclared currency has been seized at the Niagara crossing in the previous operational year.

Our challenge as a government in advancing this agenda is ensuring that, while we take every measure to keep out of trouble, we do not impede legitimate trade or trample the democratic rights of our citizens. I can assure the House that these are issues we do not take lightly.

However, make no mistake, we must have the ability to identify and exclude those who pose a risk to Canada or a threat to the rest of the world. We have a duty to be prepared for the sort of catastrophe that can be brought upon by weapons of mass destruction. Given what is at stake, we cannot disregard any tool at our disposal to detect terrorists, contraband and criminals.

I am convinced that the compliance provisions factored into the government's policies and programs, including those in Bill C-17, address these dual concerns.

The essence of these provisions is that we will always welcome those who choose to comply with our country's laws and regulations. However we reserve the right to conduct periodic checks and audits to verify compliance in the interests of national security.

I wholeheartedly support Bill C-17 in this period of international uncertainty. It gives the public service the tools to protect Canada and to strengthen our public safety. I am confident that my colleagues in the House agree with this sentiment and will also vote to support this bill.

● (1255)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Madam Speaker, I have a rather tough question for my colleague and I hope he will be able to answer it.

I note that there is no longer any mention of controlled access military zones in the new legislation. However, the government has retained the right to designate controlled access military zones. I was told a few days ago that the government has designated controlled access military zones in Halifax, Esquimalt, and Nanoosee Bay.

Does my colleague know whether the federal government consulted beforehand with the provinces in question, on whose territory these Canadian ports are located? I would like to know whether the federal government took the trouble to check and consult with those provinces before taking such an order in council.

[*English*]

Mr. John Maloney: Madam Speaker, quite frankly I am not sure whether the provinces were consulted. However it is important to point out that Esquimalt and Halifax are key naval military installations and certainly warrant a higher degree of security and protection, as does the enhanced security of our country. There is no question about it. I certainly feel that it is within the powers of the federal government to protect those installations in that respect.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, as I have not yet heard anyone explain what was so lacking and so insufficient in the Emergency Measures Act, I wonder if my colleague, who is a long serving member of the justice committee, could enunciate that in some effective way.

What we are doing, in my view, is creating two types of emergencies: an emergency act that would warrant a national type of response; and an emergency, under provisions of this legislation, that would put in place a sort of second tier type of emergency that would be subject to less scrutiny and less judicial intervention. It certainly would delay the time in which Parliament becomes engaged in the process.

Could my colleague tell us why it is that the government has chosen this time to do so, and is it as imminent as it was 14 months ago or is there time now to go through the legislation to make sure we get it right when we are potentially jeopardizing very important civil liberties, which I know my friend would not want to do?

● (1300)

Mr. John Maloney: Madam Speaker, my friend makes some good points. As a fellow member of the justice committee he knows how concerned we are about the balancing of civil liberties with the security of Canada and Canadians.

As has been referred to earlier today, this is sort of an omnibus bill covering many different acts. I think it is important to be cognizant of the global situation, the terrorist acts that are happening on a daily basis. The further away we get from September 11 we start to think that maybe things are not so bad. That is not true. The next terrorist act could happen at any time, within our country, within the United States or with any of the western powers. To be oblivious to what is happening throughout the world is, in essence, the reason we have to move quickly on this act.

As I said in my speech, civil liberties, the rights of individuals, is very important but there has to be a balance and e are trying to effect that balance now.

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, the bill before us somehow replaces Bill C-55 or is its successor. When the previous bill was introduced, the then privacy commissioner appeared before the Human Rights Commission in Geneva and expressed concerns regarding several provisions of the bill. Now the bill before us today is being criticized by the new privacy commissioner.

I would like to put the following question to the hon. member. He believes the changes made to the previous legislation are minimal and that its flaws are not being addressed. He believes the government did not take them into account and he is relying on parliamentarians to ensure that those changes are made with regard, of course, to the whole question everybody agrees on, namely the war on terrorism. The bill is off target. This is mainly what we have against it. It is too broad and as a result it encroaches on everybody's privacy.

I would like to know what the member thinks of the criticism made by the privacy commissioner.

[*English*]

Mr. John Maloney: Madam Speaker, we all know that it is the responsibility of the privacy commissioner to scrutinize all legislation and to comment on it. He will make those representations to the committee that will hear this bill.

In redrafting and instituting the bill again, the government tried to address some of the issues that the privacy commissioner the first time around had expressed. We welcome other comments and if amendments are necessary they will be advanced and supported.

Mr. Peter MacKay: Madam Speaker, I know that the hon. member opposite would agree that there is potential for abuse when scrutiny is lacking and there is a potential for corruption when scrutiny is lacking. One only has to look at the last eight months of government for evidence of such.

Part 12 of the bill deals with the Marine Transportation Security Act and is an example of how this type of legislation could result in some very disturbing situations if left unchecked. This part gives the minister unfettered power to make contributions or grants in respect of actions that enhance the security of vessels at marine facilities. The wording of this part of the bill is quite vague and it allows the government the ability to fund almost anything it wants under the guise of improving security at ports.

For instance, could improvements to wharfs or docking facilities that had a minor security element to it allow the government to provide grants and contributions that would not receive the scrutiny of this place? There is a concern from a practical level that this type of legislation cloaks and hides information about the government's actions around something as fundamental and as important as a port.

Does the hon. member share that concern with respect to putting unfettered power to hide information under the guise of it being done for security purposes? Is that not something for which there should be greater scrutiny at all levels, including the committee level?

● (1305)

Mr. John Maloney: Madam Speaker, the hon. member knows that under that act there was a prohibition of expenditures for ports under certain exceptions. An exception would be emergencies. Certainly coming from the Maritimes, the member is most appreciative of how vital the ports are to the country's economy and if they were crippled, how difficult if would be for us. It would be the same for the land border crossings in my area if the infrastructure was taken out, such as one of the bridges crossing the Niagara River in the Niagara region.

The minister certainly is warranted in having powers to take extraordinary measures to protect the security of those facilities. Assuredly the cynic in us all could say that perhaps these unneeded non-emergency expenditures could be undertaken for a port under this guise, but I think not. If my memory serves me rightly, the fund is roughly $60 million and not an awful lot of money could be squandered, as the member is suggesting could happen.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Madam Speaker, I will be splitting my time with the hon. member for Calgary—Nose Hill.

This bill has important ramifications for our national security and for our international reputation. I want to address both of those issues. I looked at the bill carefully. We are all well familiar with the admonition that tells us that anytime an individual or a nation is willing to trade an element of freedom for an element of security, one runs the risk of losing both. When we talk about giving up freedoms, it is something about which we have to be very cautious.

Obviously in the global environment in which we now live, there is a growing number of people, a growing network of individuals who are intent on the destruction of those civilizations and those nations who embrace freedom and democracy, and unfortunately we are forced to consider these questions.

I want to look specifically at items related to biological, chemical and nuclear weapons. I am listening carefully, as I hope others are, to concerns about the loss of civil liberties and so we will want to look at those very carefully as we continue to walk through this bill.

I particularly want to reference part 8 which amends the Export and Import Permits Act. These amendments give the government the power to create an exports control list. A list like that is necessary to control the export of weapons and munitions, as well as articles of a strategic nature that could be used to the detriment of both Canadian and international security. Canada has committed to this course of action in numerous international settings. We have done that for the purpose of preventing, among other things, the proliferation of missile technology, as well as biological, chemical and nuclear weapons, something with which we all have to be concerned.

The measures in part 8 of the bill are also a response to Resolution 1373 that was passed by the United Nations Security Council. Among other things, that resolution declared that all countries should contribute to efforts to eliminate the supply of weapons to terrorists and we are involved in that with a keen and careful eye to that balance of what this means in terms of loss of freedoms.

In addition to these international obligations, Canada has agreed not to export certain goods that it obtains from the United States to other countries that might use those particular goods improperly and again, contribute to regional or international instability. The Minister of Foreign Affairs has expressly given direction to consider international peace, security and stability. These are the criteria we have to look at when we are looking at the export or transfer permits on these particular goods.

The next area in which Parliament needs to be looking toward is part 23, which reads in part:

> 3. The purpose of this Act is to fulfil Canada's obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, which entered into force on March 26, 1975, as amended from time to time pursuant to Article XI of that Convention.

All these steps are essential to reaffirming Canada's commitment to international security and our allies are looking for us to do that.

The question I have is why was this not done earlier? What has been taking us so long? I believe the minister is concerned about these things, but I find it unusual to discuss in 2002 the implementation of a treaty which was signed in 1975. That is almost 30 years ago.

It makes me wonder if the government is not fearful of its own legislation. Is this a deliberate slowdown process that we have been looking at for 30 years? Is the government in fact worried about loss of freedoms and civil liberties? Is there something the government is not telling us about what it is worried about in the implications of this bill because we are now looking at implementing a treaty that was signed some 30 years ago?

The treaty was signed during Prime Minister Trudeau's first term and it might be implemented during the present Prime Minister's third and possibly final term. The Canadian Alliance transport critic was not even born when the treaty was ratified and 30 years later, it has still not been implemented.

The government has had plenty of reason to act on this convention. As a matter of fact, on June 29, 1996 the G-7 summit in Lyon, France recognized the need to "implement the convention, including the establishment of an effective verification mechanism".

We all have seen the blatant abuse of verification relating to Saddam Hussein. We know the importance of having an effective verification system. That was in 1996. We are proud members, I thought, of the G-7, yet we still drag our feet on this.

● (1310)

The attacks of September 11 have reminded the world of the need to keep weapons inputs, especially biological inputs, out of the hands of those states, groups or individuals who might use them to create the tools of destruction. Thirteen months later, since initially looking at this legislation, the government has still not begun implementation.

The Security Council has urged action on this file. Resolution 1373 has passed, among other things. That resolution declared that all countries should contribute to the efforts to eliminate the supply of weapons to terrorists.

It does make me speculate that if Canada had agreed a long time ago to stop its export of these input agents for biological and toxin based weapons, Canadian defence companies may have had more success in bidding for contracts in the United States. I believe it is reasonable to assume that the United States has been hesitant to award research and development deals to Canadian contractors out of fear that the R and D could be exported and end up in the hands of our enemies. That is a reasonable expectation. It shows what delay will cost us in terms of investment and jobs, let alone security.

Saddam Hussein's well-publicized chemical gassing of his own people should have indicated to our government the need to implement the convention, but the government has done no such thing. Even from the point of view of how it might affect us in a technological or commercial way, according to the Department of National Defence policy directive:

> Canada has never had and does not now possess any biological weapons (or toxin based weapons), and will not develop, produce, acquire, stockpile or use such weapons.

Given that, we have to wonder what are the factors, what is the government worried about in terms of implementation.

[*Translation*]

This is strange. We do not have weapons of mass destruction, toxin-based weapons or biological weapons. Canada has nothing to lose by enacting the bill before us. The government does not have any excuse for the delay. It must get moving with the provisions of this bill, which will affect the transportation and sale of these things.

[*English*]

Our allies expect us to act. When they do not see action, they wonder about our commitment. We have already lost enough influence around the diplomatic table with our severe reductions to funding in national defence. We have lost influence at NATO. Let us not continue to lose influence by dragging our feet on something of this importance.

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, I listened to the speech of the former leader of the Canadian Alliance on this bill. I was under the impression that his comments had more to do with foreign policy and support for the United States, but I want to ask him about the legislation before us.

Does the hon. member not think, like the privacy commissioner, who is an independent observer, that there are many violations of individual rights, including in the area of personal information? Everyone agrees in the case of a person who is wanted and who belongs to a terrorist group. However, the government wants to broaden the scope of these powers, so that ordinary citizens will be subjected to excessive information gathering. At least, this is what the privacy commissioner says.

I would like to hear what the hon. member has to say about this specific aspect of the bill and about the privacy commissioner's opinion.

● (1315)

Mr. Stockwell Day: Madam Speaker, I think the hon. member is particularly sensitive as regards the United States, because I never mentioned that country.

I did say at the beginning of my comments that I am concerned about a loss of individual freedoms. This is why we must review this bill very carefully. But it is also important to realize that it is not individuals who produce weapons of mass destruction, toxin-based weapons or biological weapons at home. I specifically referred to companies and to rules for these companies and, sometimes, for the individuals involved in the transportation and sale of the products used to build weapons of mass destruction.

[*English*]

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Madam Speaker, as we are all aware, the fact that the United States has made a move to photograph, fingerprint and otherwise vet people attempting to enter the U.S., including people from Canada, has become a hot issue. I know it is a difficult issue, but I think Canadians would be interested to know what my colleague's take is on this. He is the Canadian Alliance foreign affairs critic and this is a very hot issue. I wonder if my colleague could take a minute and give us his thoughts on that particular issue.

Mr. Stockwell Day: Madam Speaker, I appreciate the question. I put the same question to the Minister of Foreign Affairs and did not get a direct answer. Last week, with considerable chest thumping, he seemed to indicate that he had individually, faster than a speeding bullet and leaping buildings at a single bound, turned around a massive U.S. policy related to people in Canada. Then a day or two later we found out that maybe nothing has changed and that the minister's diplomatic muscles perhaps are not as large as he was indicating to us.

For that reason, I put that question to him. We will be able to look at that and dissect the question from my colleague once we know what it is we are facing. We do not even know that yet. We cannot get it from the minister and I am waiting for that.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Madam Speaker, today we are debating a new bill that has been introduced in the House of Commons, Bill C-17, but really the name of it is the public security act. As others have mentioned, this is the third public security act that the government has introduced in the House of Commons in this Parliament. We find it a little odd that the government has been so unable to get such an important piece of legislation right. It should not take three tries for the government to address such clear cut issues as safety and security and public safety for Canadians, but here we are again, with three strikes and the third strike on this particular legislation.

There are a number of provisions in the bill which a number of colleagues also have mentioned. One of the most controversial is the giving of airline passenger lists to the government and also the giving of immigration information to other governments, foreign governments. It is very interesting that our country has been so dilatory and so slow in addressing these important issues. As others have pointed out, the United States, the direct target of a terrorist attack last September, introduced a bill to deal with these security issues only 10 days after the after the attack on the World Trade Center. The bill was actually passed into law eight weeks later.

Other governments, especially those most directly concerned, have been very effective and very prompt in dealing with these key issues. We here in Canada, after over a year since the terrorist threat became very real to us here in North America, are still trying to get something acceptable to legislators through the House.

One of the interesting things about the bill is that it really lacks specificity in so many areas. Although it mentions dealing with health issues such as hazardous products and protection of food sources and water sources, although it talks about transportation issues, and although it talks about protection of our navigable waters and the environment, the fact is that there are very few specifics about precisely how this protection would be put into place. In fact, the bill relies very heavily on what are called interim orders. An interim order can be issued by one of four ministers, and presumably in a time of crisis or need these ministers can step forward and issue an interim order.

The problem with that, of course, is that it leaves a lot of uncertainty about what actually can and will be done in circumstances where our health, our food, our water or the safety of our transportation system is under attack. We do not really know what the government has in mind in order to take steps to protect us or to deal with those situations. My guess is that the government does not know either and that this kind of policy is going to be made up on the fly should circumstances dictate.

This seems to me to be an extremely poor way to administer Canadians' affairs. It is true that we cannot exhaustively prepare for every eventuality, but surely, as the U.S. and other countries have done, there can be a great deal more certainty and a great deal more detail as to process, procedure and the resources that will be called upon in some of the most obvious circumstances. We criticize the government for saying that it will make it up when the time comes. That is just not acceptable for Canadians. Also, this kind of approach delegates very large powers into the hands of ministers, which is not in accordance with our democracy and our parliamentary precedents. The government needs to fix this. There will be amendments brought forward for that purpose.

● (1320)

As we also know from listening to the debate, there has been a lot of criticism about sharing passenger lists and immigration information with the government and with other governments. I think it is fair to say that some of this information sharing is just sensible, but it is sensible only within the context of our purpose to protect Canada from terrorism. Strangely enough, the legislation is silent on that purpose to a troubling degree and leaves the door open for information sharing willy-nilly at the discretion of different people, which makes both legislators and Canadians very uneasy.

Our recommendation is that if we are going to share this kind of personal information it should be for a very narrow, very specific purpose and for that alone. I think if that amendment were made to the bill we would find a lot less opposition to the wide-ranging scope that information sharing now has.

As the immigration critic for the Canadian Alliance, I would like to address a couple of immigration issues that have come up in the bill. There is of course this information sharing that the immigration minister can undertake with provinces, with foreign governments and with international organizations for “national security, the defence of Canada or the conduct of international affairs”. As I mentioned just a moment ago, such a broad window, actually a doorway, for the minister to throw information about is simply troubling to many Canadians. We would ask that it be restricted to really protecting Canadians from terrorism and not be so broadly defined.

In one of the previous iterations of this public security act, there was a provision that those who engaged in people smuggling would be given large fines. This provision has been put into the new Immigration Act. The problem is not that the sanctions for people smuggling are too small but that they are never applied. People smugglers are not pursued and thus are not caught. Of course a lot of the time the kingpins are out of harm's way while very low level followers do all the work. There really is a need to be more effective in dealing with people smugglers.

Also of course there was a provision in the previous bill to allow certain individuals to be detained without warrant until they satisfy authorities of their identity. There is a real problem here. Many asylum seekers do arrive in Canada without documents. Often these people are smuggled in by international crime gangs and yet they are allowed entry without any system of tracking or following up. They are supposed to appear at a refugee hearing but over 25% of them do not even bother to show up. These are some of the concerns that have led our U.S. neighbour to become more stringent in its procedures along the border, but they are also concerns for Canadians. Therefore, on the immigration side there needs to be a more effective way of dealing with people who arrive at our borders with no documentation or with patently fraudulent documentation so as not to allow these people to enter our society until their identities have been ascertained in some way. In our view, the government has a real duty to Canadians to enact legislation that protects our security.

● (1325)

Although the legislation is a big step in the right direction, we think it has deficiencies. I am hoping the House will address those in amendments to the bill during the legislative process.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Madam Speaker, I begin my remarks by reminding the House of the situation in the days following September 11. I remember the Prime Minister saying that, in order to defeat terrorism, it was especially important not to restrict our rights and freedoms as Canadians and Quebeckers, otherwise it would be a great victory for terrorism.

That is what the Prime Minister said, and all cabinet ministers and Liberal members sang the same tune, often I admit with the support of the opposition, which called for prudence.

This all took place before the visit of Tom Ridge, the new U.S. homeland security advisor, and that of U.S. attorney general, John Ashcroft.

I can see these two prominent and very influential American figures arriving. I remember the meetings they had with the ministers primarily concerned, who asked them "What are you planning to do? You are our neighbours". I even remember going on television, on CPAC, at the time and announcing that Canadian sovereignty was likely to come under attack in the near future.

There was soon nothing left of Prime Minister's fine words, and we were presented with a series of bills that restrict our freedoms.

I also remind the House that a few months later, the government tabled its budget, in which we could see a very significant increase in the amounts earmarked for security. The RCMP was more or less given carte blanche in the budget. I remember also a very modest increase in the defence budget, while $7.7 billion was allocated to various agencies and police forces responsible for the safety of Canadians.

A lot has happened since, yet the Canadian government's direction has remained unchanged. What matters to the government right now is to reassure the Americans. I must also admit that, on the basis of the latest media accounts, I find that the Canadian government is far from successful. I would say that we have a very poor reputation right now in the U.S., where they have gone overboard obviously in restricting freedoms and would want us to be more like them and go even further.

This bill already goes too far in the eyes of some parties here in the House. The bill has evolved: first there was Bill C-42, then Bill C-55, and now we are studying Bill C-17. Some interesting things have happened. This is an omnibus bill that deals with various other Canadian laws, laws that we have to amend. I would like to focus on three aspects, particularly the scope of the bill with respect to national defence, immigration and privacy.

With respect to national defence, personally, I think that the fact that the controlled access military zones were removed is a great victory for the Bloc Quebecois. To the best of my knowledge, we were the first to argue against this, to say that it made no sense that in a given city, any city, Quebec City for example, with the naval reserve at the port, or the Saint-Jean military base, in my riding, a zone could be extended wherever the government wanted and for however long it wanted, based on "reasonable grounds", to use the wording of the bill at the time. The freedom of those inside such a zone would be severely restricted.

People could even be stopped within the zone without knowing it, because the minister could take several weeks before designating the zone. It could be designated within cabinet by the minister, and then, the population could be informed by public notice two weeks later. In the meantime, people could be arrested for doing things they are not allowed to do under the legislation.

The Bloc Quebecois made an impressive offensive against this aspect of the bill from the start, and we know the rest. Parliament prorogued and then we had a new Speech from the Throne.

The bill, which died on the Order Paper, has now been dusted off, with a few changes, admittedly. The government dropped the controlled access military zones, even though it has kept the right to designate certain zones by order in council. According to information that I have, the ports of Halifax, Esquimault Harbour and Nanoose Bay are now controlled access military zones.

● (1330)

At the time, the government's argument was—I remember quite well—"We cannot allow a repeat of what happened to the *USS Cole* in Yemen".

Members will recall that 17 American sailors were killed in a terrorist attack against that ship. That argument has been used often. This is the reason why the government chose to maintain, by order in council, controlled access military zones in these three ports. Now I really would like to know— and we will get to the bottom of this— whether the federal government really consulted with the provinces concerned. I do not know where Nanoose Bay is, but I know where Esquimalt is, it is in British Columbia, and Halifax I know where it is too.

The Bloc hopes that before making an order in council, the government will consult the province in question. Anyway, it may not have done so with the other provinces, but I can tell you that in Quebec this issue of the army is very sensitive. People in Quebec remember what happened in their province. They remember the 1970 crisis when the army took over the streets in Montreal, Quebec City and every big town. They still remember it.

The military issue is a very sensitive one in Quebec, especially when it comes to designating such zones. We are warning the government. If it ever decides to do such a thing in Quebec, at the very least the Government of Quebec would have to be informed and agree to it.

Now, some things are still there. Granted, the controlled access military zones are gone. However, on the military side, there are things in the bill that are very interesting, including the fact that from now on reserve officers will be able to leave their job without worrying about it while on a mission on behalf of the armed forces. They will be able to return to their old job afterwards, which is not the case currently. It is interesting that this provision has remained in the legislation.

However, there are other things with which the Bloc Quebecois cannot agree, including the infamous interim orders. Any minister, or even a civil servant, may decide to make an interim order, very quickly by order in council, without advising the public. The only thing that has changed is the duration of the interim order.

In the first bill, it was 90 days. In the second, it was 45. Now, we are down to 14 days. I raised questions previously when other members spoke on this. It seems to me that, as far as the interim orders are concerned, some of these surely will violate the Charter of Rights and Freedoms. In fact, certain aspects of the bill before us at this time, might—and I am convinced of this—end up before the Canadian courts, even the Quebec courts. In my opinion, certain provisions violate the charter. Quite obviously, interim orders made in secret are questionable, particularly when they have the impact of restricting citizens' rights and freedoms.

We also see that there are some changes in the bill as far as immigration is concerned. We want to be tolerant because we do understand that some international cooperation is necessary when combating terrorism. Immigration is important, we know. Moreover, it is one of the areas in which Canada's sovereignty is at risk, as I have said.

Not only did Tom Ridge and John Ashcroft practically write the government's budget, they are also pressuring it on immigration. The proof: there are problems now. We have recently learned that Canadian citizens who were born elsewhere, Syria, Afghanistan and so on, are having problems now with border checks. They are flagged, photographed and fingerprinted. It is all very fine for the Minister of Foreign Affairs to boast of having met with the ambassador, but from what we hear, nothing has changed at the border. The red tape has not lessened. I read this morning again about Canadians of Afghan or Syrian origin who have decided "we are no longer going to the States because we know we will be hassled by the U.S. customs people".

So there are some basic problems. As far as immigration is concerned, we are certainly obliged to adjust our legislation . If we want to take part in an international effort against terrorism, we can allow a degree of leeway to the minister when it comes to entering into agreements with the provinces and perhaps also with international groups. We have no problem with that.

● (1335)

The reason I think the Bloc Quebecois will object to this legislation, if it is not amended, is the whole issue of information exchange.

In this bill, as was the case in the last federal budget, the government gives carte blanche to the RCMP and CSIS. If one looks at the past, and more specifically at the work of the McDonald commission and the Keable commission, which were set up by the Quebec government, one can definitely wonder about the appropriateness of giving such broad powers to the RCMP and to CSIS, particularly in Quebec. At the time, we learned some incredible things about the behaviour of the RCMP and CSIS regarding various key events in Quebec's history.

Needless to say this is also a very sensitive issue. As soon as people hear about the RCMP and CSIS, they know that certain things are going on in there, things that are not publicly known, things that no one knows anything about. This explains why people are very reluctant to give up part of their freedom for the benefit of agencies such as the RCMP and CSIS.

Even the privacy commissioner said that the government was giving carte blanche to the RCMP. I cannot mention all the things which, in our opinion, are controversial in the bill, as regards this aspect. The fact that the RCMP commissioner or the director of CSIS —probably also through delegation—can inquire about the list of passengers and ask for many details on all the passengers may be used against us. There is something that made me smile: a profile could be established in the case of an individual who makes a habit of travelling to suspicious places.

For example, as a Bloc Quebecois member, if I were to travel to Cuba in the next five years, I could be suspected of being involved in activities dangerous to Canada's security. And this is where everything goes haywire in the respect of the rights and freedoms of Quebeckers and Canadians. From the moment that, under the cover of anti-terrorism measures, the government begins to play big brother in Canada's airline industry, there is a great danger.

In fact, the privacy commissioner said that this is adding insult to injury. Moreover, when the RCMP and CSIS collect data, this information is usually kept for seven days before being disposed of.

However there is no time period in this legislation. It will be possible to follow anyone, and the airlines will not be able to refuse to comply. They will have to obey the law, and if they are asked to provide information on any individual, they will have to do so. And that is where the hidden and obscure powers of the RCMP and CSIS come into play.

With the history surrounding this type of agencies, we, especially Quebeckers, have every reason to wonder about the motives. We also have every reason to wonder about the political police aspect. We just learned about Cabinet documents in the Trudeau era where the government was giving orders to the RCMP to crush any kind of sovereignist movement in Quebec. There is almost no control over these agencies.

Of course, mechanisms are put in place to try to see, from time to time, what these agencies are doing and whether their activities are consistent with Canadian laws. But it never goes very far, and what characterizes these agencies is their freedom to do practically everything they want. Obviously, if they break the law and are called to appear before a committee, they will certainly not admit to violating this act or any other.

So the whole issue of collecting and sharing information is of great concern to us. Of course, as I was saying earlier, we have succeeded in getting rid of the controlled access military zones, but we want the government to go further.

● (1340)

A legislative committee will look into this issue. I hope we can come up with amendments to make some kind of progress, to ensure that the pendulum once again swings toward civil liberties and to avoid what the Prime Minister, along with all the government ministers, talked about earlier, which is that the terrorists' greatest victory would be to completely restrict our rights and freedoms.

Unfortunately, with the bill as it stands now, we are making progress on some issues, but we still have a lot of work to do to swing the pendulum back toward our rights and freedoms.

I think that my colleagues would agree that the Bloc Quebecois is probably the party most likely to ensure progress on these issues. We defend our rights and freedoms very fiercely. The government cannot pass such a bill and expect that everything will be fine in Canada and in Quebec.

I have let the House know how sensitive Quebeckers are on issues concerning the military, the RCMP and CSIS. They defend their rights and freedoms very fiercely. I hope the government will change its mind and remedy the situation by introducing a bill that will not restrict the rights and freedoms of Canadians and Quebeckers. I am ready to take questions on this issue.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Madam Speaker, first of all, I would like to congratulate the hon. member for Saint-Jean on a very articulate speech. We can tell he has a very good knowledge of the military, the military life, and the military response we can see in Canada after the September 11 events. We are also well aware of the pressure the United States is shamelessly putting on the American people and friends of the Americans, particularly Canadians who happen to share common borders.

The hon. member also talked about the role of the RCMP and CSIS. Quebec has had some very bad experiences with them. One example is the October crisis. The hon. member mentioned that to remind us how unethical these people can be.

I have one specific question for my colleague. It seems that the federal government, probably in the context of this bill and probably with great delight, is preparing a megafile to collect as much information as it can on Canadians and Quebeckers. To create this megafile, it will start with travellers on international flights. This has a semblance of legitimacy in this context, but it seems that this megafile will soon include railway passengers who travel abroad, travellers who go on cruises or use international ferries. It could even eventually include bus passengers.

Is my colleague aware of this? What does he think about it, and where does it fit in the events unfolding?

● (1345)

Mr. Claude Bachand: Madam Speaker, I thank my colleague for his very insightful question. The issue of megafiles within the federal government is not new. We remember that the Minister of Human Resources Development wanted to have a megafile on all employment insurance claimants. There is also the megafile that currently exists at the Customs and Revenue Agency.

When all this is pooled into a centralized information network, this becomes dangerous. If this government decides to go on to the next step, that is to control not only air transportation, but also trains and buses, it will have files on everyone. Anyone taking a bus to go to the United States or any group going on international trips could be asked for a list of its members. By extension, the legislation could be applied to things other than air transportation. The legislation could also be amended.

If we create a precedent by doing what the government wants to do for air transportation, it will be able to continue with other aspects of transportation. I believe that the Bloc Quebecois is unanimous in condemning this idea of a megafile, of a big brother, who, under the guise of the fight against terrorism, makes it possible to control a group of organizations and, most of all, to curtail citizens' rights and freedoms.

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, I too wish to congratulate my colleague from Saint-Jean on his speech by emphasizing one aspect of his work—he was not the only member of the Bloc Quebecois to work on this issue—and that is the whole issue of controlled access military zones. As we know, this bill reflects a certain withdrawal, or perhaps a no uncertain withdrawal, in this respect. I commend him and all the other members who fought on this issue. It shows that it can pay off to debate some bills vigorously.

I also wish to acknowledge in passing the work done prior to September 11, particularly the fight of the hon. member for Mercier against Bill C-54 while she was the industry critic. The government also withdrew the bill on human resources development concerning the unemployed.

Well before September 11, the government wanted to get its hands on as much personal information as possible. The Bloc Quebecois fought to prevent that from happening. We were only partly successful, but this was one of our concerns.

I would like to know if my colleague thinks that, in spite of the Prime Minister's fine words at the time, the events of September 11 gave the federal government an opportunity to use the situation to do more directly what it did not dare do before September 11, 2001?

● (1350)

Mr. Claude Bachand: Madam Speaker, I agree with my colleague from Lévis-et-Chutes-de-la-Chaudière. I think the government took that opportunity to acquire more control over the rights and freedoms of citizens. It also took the opportunity to try to rake in more revenues.

As we know, when something negative happens, there is always a positive side. An example—and it was raised by colleagues in this place this morning—is the airport safety tax. Without first carrying out any studies, the government announced "that it would collect a $24 tax at airports and that it would put that in its budget".

The government did not take advantage of the events of September 11 just to interfere with individual rights and freedoms: It also took the opportunity to generate additional revenues for itself.

We have condemned this measure, and we will remain vigilant. I want to reassure my colleague from Lévis-et-Chutes-de-la-Chaudière that anytime the federal government interferes with individual rights and freedoms in Quebec or Canada, it will find a party standing in its way, and that party is the Bloc Quebecois.

[*English*]

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Madam Speaker, I will be sharing my time with my colleague from South Surrey—White Rock—Langley.

It is a pleasure for me to rise and speak to the public safety bill. This is a bill that takes into consideration what happened on September 11. Naturally Canadians desire the assurance that their borders are safe and that law enforcement agencies have the powers, the means and the ability to ensure that our security is taken care of.

The problem with the bill is that too many provisions and other acts have been put in one bill. It does not allow us to break it down to ensure that the rights of Canadians and safety are maintained.

The most important aspect of the bill is the immigration section. We have heard time after time about the need to ensure that we have an immigration system that reflects the needs of Canada and takes into account that security is not breached if there is a slack system. If due diligence is not done there is a possibility, and I refer to those who do not subscribe to a lawful means or do not subscribe to coming through the legal means and misuse the system, that some individuals will sneak through. It is the responsibility of the government to ensure that it does not happen.

A disturbing feature has come out in the last two days. It may be the government's lack of security or an extra desire by the authorities in the United States, who have started profiling certain individuals with certain backgrounds coming into this part of the world, especially those who are Canadians and living in Canada, to fingerprint and single out certain individuals.

The United States is a sovereign state. We enjoy good relations with the U.S. Canada does not want to have two classes of citizens in this country. The responsibility for this lies over there with the government to ensure that the integrity of our immigration system is not compromised, so that people who come to Canada from any part of the world are properly screened and can live with dignity in this country, and travel anywhere around the world with a Canadian passport without having to rebut the actions of the U.S.A.

The U.S.A. is going overboard in this respect. We must tell them that Canadians, from all parts of the world, have gone through our system. It is also important that the government have a system and an immigration policy in place that ensures that we do not have people slipping in. This is important and once that is done I am sure that the U.S.A. would have confidence and it would not create this type of a law which we all do not like. I do not wish to go to the U.S.A. and be fingerprinted just because I am of a different colour, absolutely not.

There are two ways of approaching the problem. On the one hand the United States has gone overboard, but on the other hand, we do not have full confidence in our own system. Whose responsibility is that? The responsibility lies on both sides, including the Government of Canada to ensure that this does not happen.

● (1355)

The reports today talk about the number of people that were not eligible to come into Canada but did so through a ministerial permit. If there is a good reason, let us have that reason. Let it become transparent. Let people know who comes into the country and why. We have genuine, legitimate refugees coming into Canada, but we also have numerous reports of people slipping through because of a lack of resources. I agree that we have laws that should take care of the cracks in the system.

The Acting Speaker (Ms. Bakopanos): I will begin statements by members, but the hon. member has four minutes left when we return after question period.

STATEMENTS BY MEMBERS

[*English*]

AWARD FOR TEACHING EXCELLENCE

Mr. John Maloney (Erie—Lincoln, Lib.): Madam Speaker, I am pleased to pay tribute to Marie Hockley, a secondary school teacher in my riding of Erie—Lincoln. Earlier this year Marie received the Prime Minister's Award for Teaching Excellence, one of 19 recipients nationwide.

As a teacher at Ridgeway-Crystal Beach High School, Marie believes in teaching the whole child. That is, teaching skills in both the cognitive and affective domain and integrating academic lessons with employable skills. Marie believes setting higher standards leads students to achieve their goals. Her students at both the academic and vocational levels have been inspired by her approach and have achieved success. Marie also helped to develop the school's cross curriculum plan.

The early years are crucial to establishing a student's foundation for learning, behaviour and health for a lifetime. Marie is a creative, dedicated educator who is helping young Canadians to build the skills they will need to succeed in our innovation driven economy.

I am honoured to recognize Marie and send my congratulations to her and to Ridgeway-Crystal Beach High School.

* * *

KYOTO PROTOCOL

Mr. David Chatters (Athabasca, Canadian Alliance): Madam Speaker, Kyoto might wind up cooking Canada's goose, but it could also be the goose that laid the golden egg for the Prime Minister.

No doubt many Canadians have heard the rumour that the Prime Minister cooked a little deal in Johannesburg wherein he promised that he would ratify Kyoto if they promised he would be appointed the Secretary General of the United Nations in 2004 when Kofi Annan retires.

We are not gullible, but nor do we ignore the rumours of backroom deals like this being made. The Prime Minister is well known for making sure his constituents are well looked after. Would we expect him to care any less for himself? Among many Canadians there is a suspicion that the PM sees Kyoto as a means of transferring wealth from industrialized nations to the less developed. It is called his Africa agenda.

Is this his contribution to levelling the international playing field? Is it so important to him that he would risk Canada's economic future? Is it that important to the Prime Minister that he secure his future and his legacy by selling Canada down the river in exchange for a high profile position at the UN?

* * *

● (1400)

GEMINI AWARDS

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Madam Speaker, I would like to congratulate the many talented professionals of the Canadian television industry who were recognized last night and during the weekend at the Gemini Awards, organized by the Academy of Canadian Cinema and Television.

Since the eighties, the academy has honoured the outstanding achievements of Canadian television's brightest stars at the Geminis. The academy's efforts have brought well deserved attention to a national television system that is among the best in the world.

The Government of Canada is proud to support the Canadian television industry with policies and programs which encourage content of a truly national character. We commend these talented professionals for producing programming that is reflective of Canada and its culturally diverse heritage.

I ask members to please join me in congratulating the academy for another successful event as well as our many talented 2002 Gemini Award winners.

[*Translation*]

ASSOCIATION DES MÉDECINS DE LANGUE FRANÇAISE DU CANADA

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I would like to inform the House that on November 1, a gala luncheon was held in Montreal to celebrate the 100th anniversary of the Association des médecins de langue française du Canada.

This association, with more than 5,000 members in Canada, the United States, and the West Indies, was created to promote the use of the French language at all levels.

On the occasion of its centenary, Dr. Jean Léveillé, past president, unveiled a medal representing the association's founding president, Dr. Michel Delphis Brochu.

The first recipients of the medal were Drs. Jacques Boulay, Jacques Genest and Victor Goldbloom of Quebec, as well as Ms. Gisèle Lalonde from Ontario, and Dr. Aurel Schofield from New Brunswick.

Congratulations to these first recipients and long live the one hundred-year-old association.

* * *

[*English*]

ISRAEL

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the state and people of Israel have been the standing target these past two years of a sustained and unparalleled terrorist assault, equivalent to half a dozen 9/11s. Accordingly, Israel, like any other state, has the right and indeed the duty to protect its citizens and exercise its right of self-defence against those who would terrorize her and seek her destruction.

The exercise of that right, however, must always be undertaken in accordance with international humanitarian law, particularly as it relates to the responsibilities of an occupying power and the protection of civilians in armed conflict.

Accordingly, Israel should revisit its policies and practices in the matter of closures and curfews, demolitions and deportations, land seizures and confiscations, including unauthorized settlements and illegal acts of settlers against Palestinians, so as to ensure its compliance with fundamental norms of international humanitarian law; in particular, to ensure that any persons who commit illegal acts, such as the uprooting of olive groves, are held accountable before the law under the principle of equal justice for both Israelis and Palestinians.

* * *

VETERANS WEEK

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, Canada's veterans are the pride of our country. On behalf of Her Majesty's loyal opposition, I am pleased to support and promote Veterans' Week and this year's theme, “Remembering our Past, Preserving our Future”.

I want to thank members on both sides of the House for supporting my private member's initiative to have all Canadian flags flown at half-mast on federal buildings on Remembrance Day. I am encouraging the provincial governments and the territorial premiers to follow the example of the House so that flags will fly at half-mast on all provincial government buildings as well.

It is my hope that in the near future, on each and every November 11, flying a flag at half-mast will be as common as the poppies that we wear.

* * *

KYOTO PROTOCOL

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, claims made by Kyoto opponents that we do not have a made in Canada plan are simply false. Yesterday Canada's environment minister pointed out that Canada developed over the past five years a made in Canada plan with the cooperation of all 14 provinces and territories. Kyoto opponents say that we should not abide by an international agreement, yet under Kyoto we chose our own targets, like all other countries under the agreement.

Opponents seem unable to grasp the fact that climate change is a global problem. Therefore Kyoto creates an international framework and at the same time allows countries to set their own targets and implementation plans. Opponents to Kyoto should stop misleading Canadians so that we can get on with the job of reducing greenhouse gas emissions and of reducing the damage they cause.

* * *

● (1405)

[*Translation*]

JOURNÉES QUÉBÉCOISES DE LA SOLIDARITÉ INTERNATIONALE

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, as part of the Journées québécoises de la solidarité internationale, which took place from October 17 to 27, the Laurentides committee organized a number of activities to promote the need for peace in the world.

The committee involved six secondary schools from my region in a project named Solidarité en herbe, a quiz game to promote awareness of peace among youth.

The committee also initiated a petition to show solidarity. The petitioners point out that there are no magic solutions to conflicts around the world, but that certain actions may help to change attitudes and promote peace and justice.

I join the 1,045 petitioners in saying no to offensive action, and yes to peaceful solutions.

I congratulate the organizers of this wonderful initiative, who, by their work, demonstrate their dedication to peace and their opposition to solutions that use war to try to resolve conflict.

S. O. 31

[*English*]

NUNAVUT

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I am happy to inform the House that on October 24 the Minister of National Revenue signed an innovative agreement with the Nunavut Minister of Finance in Iqaluit. This service management framework ensures that Nunavut and the CCRA will work together efficiently and effectively and provide improved services to Nunavummiut.

Earlier on that week, on October 22 in Coral Harbour, I had the honour of signing an agreement on behalf of the Minister of Transport with the Nunavut Minister of Community Government and Transportation, which provides joint funding of $6.7 million until March 2007 for priority transportation infrastructure projects in Nunavut.

These are concrete examples of the two governments working together to improve the lives of northerners.

* * *

VETERANS WEEK

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, I quote, “Veterans' Week is a chance to honour those who made the supreme sacrifice for our country”. The minister went on to say that we needed to teach our youngsters about veterans. I could not agree more.

In 1976 the Liberal government showed it cared by initiating the prisoner of war pension supplement. In 1986 the Conservatives repealed that law and wrapped the POW supplement into the pension plan. This had disastrous effects for one of my constituents.

Lieutenant-Colonel Al Trotter flew 44 missions over Europe, was shot down and interned in a POW camp for 268 days. Due to a retroactivity clause, today he finds himself neither honoured nor shown respect for his service.

I ask the minister to forget the rhetoric and do something meaningful for veterans this year, to set an example and live up to the legislation's intent. Give Mr. Trotter his due. Give him his total pension and give him the dignity of knowing that his sacrifice was not in vain.

* * *

VETERANS WEEK

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Mr. Speaker, as Parliamentary Secretary to the Minister of Veterans Affairs it is indeed my pleasure to recognize that today, November 5, is the first day of Veterans Week.

Next Monday, on Remembrance Day, we will, quite rightly, pay homage to the men and women who have served our country in uniform. And well we should. In a century of service, over 100,000 Canadian veterans have literally shed their life's blood on foreign shores. In war and in the preservation of peace, their collective sacrifice has been incalculable.

Canadians repay this huge debt of gratitude through the act of remembrance. Once again, during Veterans Week and certainly on Remembrance Day, November 11, we will be called upon to honour that debt, certainly by going to Remembrance Day services, but just as important perhaps, by spending a little time talking to others, our children especially, about the real sacrifices made by our veterans.

These sacrifices were made yesterday, they will be made today and they will be made tomorrow. We shall be forever grateful. We shall never forget.

* * *

● (1410)

CHILD POVERTY

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, child poverty is a national disgrace and the government continues to ignore it.

We all know that when families struggle economically their children suffer.

The Canadian Council on Social Development reports that 75,000 families with children under 12 are going hungry; poor children are not taking part in sports and recreation nor doing as well in school; and children with special needs are not receiving adequate programs and services.

Poverty is taking it toll on our children, our most vulnerable and precious citizens.

This can be turned around. The government can correct this crisis by restoring funding to our health care and education systems, reinvesting in support programs for disabled persons and halting the erosion of our employment insurance program.

New Democrats challenge the government to create a legacy that will strengthen the programs and services that are critical to Canadian families and vital to the healthy growth and development of our children.

* * *

[*Translation*]

LEMOYNE-D'IBERVILLE SCHOOL

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, on October 24, the pupils of Lemoyne-d'Iberville school held a special ceremony to mark the International Day of Peace, by presenting me with a banner bearing a number of messages of peace.

Their school is one of the Brundtland Green Schools, which share of vision of hope for a better world. This collective effort is a visible sign of their desire to live in a world at peace.

In order to show my solidarity with the cause we share, I promised the children that I would hand this banner over to the Prime Minister of Canada, so that he is aware of their concrete actions to build a viable future and create a world in keeping with their aspirations.

Congratulations to everyone involved in this remarkable feat and thank you for sharing with us your convictions and for contributing to shaping Quebec society.

[*English*]

CANADIAN WAR MUSEUM

Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.): Mr. Speaker, earlier this afternoon the Prime Minister participated in the groundbreaking ceremony of the new site of the Canadian War Museum at LeBreton Flats.

This new museum will be a source of pride for all Canadians. It will show how war has shaped Canada by presenting military history from a personal, national and international perspective. The newly expanded space will also house a research centre, library and archives.

The museum will reflect the values of freedom and democracy that prevail throughout times of conflict. it will pay tribute to all those men and women who have served our country in times of peace and war. The building will be a living monument, not only to the memory of the past but also to living values and ideals

The location of the new building will link the museum to other national institutions such as the Canadian Museum of Civilization, the National Gallery of Canada, Parliament Hill, the National War Memorial and the National Archives. It will open in 2005 and will attract over 300,000 visitors a year.

We look forward to seeing the completion of what will undoubtedly become an internationally renowned institution.

* * *

UKRAINIAN CANADIANS

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, today marks the beginning of a national postcard campaign by the Ukrainian Civil Liberties Association and Ukrainian Canadian Congress to ask the Prime Minister to honour his 1993 promise to acknowledge and provide restitution for those people who were interned in Canada's first national internment operations.

On June 8, 1993, the Ukrainian Canadian Congress received the following letter from the current Prime Minister. It reads, “Thank you for your letter and the copies of the 'Economic Losses of Ukrainian Canadians resulting from internment during World War I'.

The Liberal Party understands your concern. As you know we support your efforts to secure the redress of Ukrainian-Canadians' claims arising from their internment and loss of freedoms during the first world war and inter-war period. You can be assured that we will continue to monitor the situation closely and seek to ensure that the government honours its promise.

As Leader of the Opposition, I appreciate the time you have taken to write and bring your concerns to my attention”.

The letter was signed by the Prime Minister.

It is time the Prime Minister honoured his promise to the one million Canadians of Ukrainian descent.

ANTARCTICA

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, Canada signed the protocol on environmental protection of the Antarctic treaty in 1998 but has yet to ratify it. The protocol deals with the protection of the entire globe south of 60 degrees south latitude. This region is set aside for peace and research.

Canada has special skills in cold weather science and technology. We have a moral obligation to help protect Antarctica.

I urge that we set up a Canadian Antarctic research program. I urge that we become an active member of the convention on conservation of Antarctic marine living resources commission. In particular, I urge again that we ratify the Antarctic environmental protocol.

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● (1415)

YUKON PARTY

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, yesterday the people of Yukon went to the polls to elect their territorial representatives and today emerged with a new government that offers a bright future.

The Yukon Party won a landslide victory securing 12 of the 18 seats and leaving the incumbent Liberals with only one seat. The Yukon Party campaigned on a solid platform of providing good governance through good leadership.

I congratulate the new Yukon premier, Dennis Fentie, and his new government. They are: Haakon Arntzen, Peter Jenkins, John Edzerza, Dean Hassard, Archie Lang, Jim Kenyon, Ted Staffen, Glenn Hart, Patrick Rouble, Elaine Taylor and, in particular, I congratulate Brad Cathers, a past Canadian Alliance executive councillor.

The election of the Yukon Party is just another sign that Canadians realize the importance of reform minded governments. We look forward to a Saskatchewan Party victory in the near future to continue this trend.

ORAL QUESTION PERIOD

[*English*]

PARLIAMENTARY REFORM

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we are going to make two important steps toward the democratic reform that the Canadian Alliance has long been demanding. Later today we will have the vote on the election of committee chairs by secret ballot. Yesterday the Prime Minister said that he would allow free votes on certain opposition motions. These changes are necessary and overdue but there is a consensus in the House for a small number of other reforms.

Rather than repeat the chaos of the last week, will the Prime Minister instruct his House leaders to get the House leaders together and submit to the House in the next few days a package of reforms on which we can all agree?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the House leader informed me that he has already asked the opposition to have a committee to reform these procedures.

The rules have permitted the committees for years to have secret votes. In fact this morning there were three secret votes called for unanimously. It so happened that the secret votes worked very well. Three vice-chairs from the Canadian Alliance lost their jobs.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the street fighter never knows when to give up.

It is clear that a majority of members of the House support certain additional measures. Let me give some examples: making all private members' business votable, parliamentary scrutiny over senior order in council appointments, and adoption of the all-party Catterall-Williams report on accountability and scrutiny of government spending.

Will the Prime Minister instruct his House leader to initiate discussions right away so that in the next few days we can bring in these changes with majority support here in the House?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we do not have the American system here. We have a British inspired system where the government is responsible on a daily basis to the people of Canada. In this parliamentary system the tradition is that we all stand up and vote in front of all of our electors all the time.

However, some prefer to have secret votes and I am happy to see the results that I noted earlier. Yes, a secret vote worked. All the Liberals who were supposed to become chairs became chairs. It is only the vice-chairs from the Canadian Alliance who lost their jobs.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, if the Prime Minister is an opponent of such secrecy, maybe some day things will not be decided in secret in his cabinet and in the PMO.

[*Translation*]

The election of committee chairs is only the first leg of the journey toward allowing members to play a more important part in the House of Commons. Already, a majority of members of this House support the decision to broaden the role of members and committees in the governance of our country.

Why is the Prime Minister so afraid to complete the journey toward greater democracy in this House?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, democracy has always flourished in this House. I do not know why the opposition complains about members being allowed to vote openly for whom they want for committee chair and preferring a secret ballot.

That is what they wanted, and they got the anticipated results. The Liberal chairs that were to have been elected were elected, while the vice-chairs came from the Alliance, the Bloc, the NDP or the Conservative Party. The secret system has served them well.

[*English*]

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, that side of the House is always happy when things are done in secret in the committees and how they work with the free ballots.

Some hon. members: Oh, oh.

● (1420)

The Speaker: Order, please. Everyone will want to hear the question from the hon. member for West Vancouver—Sunshine Coast.

Mr. John Reynolds: Mr. Speaker, the Prime Minister has set a precedent. He has allowed a free vote for an opposition motion, the first time it has ever happened in the House, and we are happy about that.

Will the Prime Minister now commit to allowing a free vote tomorrow on the votable motion that is before the House to make all private members' business votable in the House?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have already voted many times on some opposition motions when sometimes the motion makes sense.

Perhaps I can make a suggestion today that will please the opposition. Perhaps the first vote that we are supposed to have this afternoon should be a secret vote.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I will ask the Prime Minister again. The House has had introduced to it from the committee a motion to have votes on private members' business in the House. Will the Prime Minister allow that motion to come to the House and have another free vote in the House immediately?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the member will know that I offered to adopt that motion last week at the House leaders meeting and it is before us this afternoon at 3:30 at the next House leaders meeting.

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[*Translation*]

GOVERNMENT CONTRACTS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Immigration keeps on saying "secretaries of state do not award contracts". Yet the director of the task force on amateur sport still maintains that the former secretary of state wanted Everest hired for his consultation tour.

Since the Minister of Public Works claims not to know what went on at Canadian Heritage, can the Minister of Canadian Heritage explain to us why Everest's bid was forwarded to the Secretary of State for Amateur Sport, a secretariat which the Minister of Immigration says cannot award contracts?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, they are awarded by Public Works.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we are asking her why it was submitted to the Secretary of State for Amateur Sport rather than to Canadian Heritage. Once again, she is unable to give a response.

What is more, Everest started work before it was officially under contract. The Internet site was even completed two weeks before the green light came from Public Works, and the Minister of Canadian Heritage refuses to provide an explanation.

Will the minister at last acknowledge that Public Works was presented with a done deal and had no choice but to award the contract to Everest, as the secretary of state wanted?

[*English*]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the government incurs no legal liability for work that was done before a contract is signed and issued. There appears to be nothing on the files of the Department of Public Works that deals with the matter of advanced work.

From the perspective of the Department of Public Works, the process begins when a requisition arrives, and that requisition was dated May 29.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, the Minister of Public Works repeats incessantly that everything was done according to procedure in his department. However, we now know that at the Department of Canadian Heritage, things are far less clear than they seem. The departmental official's version contradicts that of the former Secretary of State for Amateur Sport.

If anyone should know what exactly happened in her department, it would be the Minister of Canadian Heritage. Why is she refusing to answer? We want an answer.

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I have already answered.

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, we would like to believe the former Secretary of State for Amateur Sport, but the only person who can clear up any doubt about it is the Minister of Canadian Heritage herself.

Will the minister acknowledge that by not discrediting the comments made by one of her officials at the time, she lent credence to the idea that it was the official who was giving us the straight goods, and not the former Secretary of State for Amateur Sport?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, everything was done according to procedure.

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[*English*]

BUDGETARY SURPLUS

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, while the committee chairs controversy rips and the power struggle rages between the member for LaSalle—Émard and the Prime Minister, Parliament is losing track of even more serious democratic deficits. One of them is how the government camouflages its surpluses.

As the Auditor General explained yesterday, "There is no law that says you have to pay down the debt by the amount of the surplus". The Prime Minister and the finance minister keep telling us the opposite.

Why is the government refusing to let Parliament decide how to use the hide and seek surpluses?

● (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when March 31 comes, we cannot spend the money that is left, so we apply it against the debt. The law does not permit us to spend it when we arrive at the new fiscal year, so we pay the debt.

I do not think it is a big scandal that Canada is the only country in the western world that has managed to pay virtually 10% of its national debt.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Enron executives are in big trouble for budgeting practices like that.

Since 1993 the government has persistently and deliberately miscalculated its budget projections to the tune of $80 billion. In 1997 only 2% of the non-projected surplus was allocated to social spending and the other 98% to debt reduction and tax cuts. These funds could have been used to reduce child poverty, to fight homelessness, to enhance our environment.

Why will the government not come clean with Canadians about the surplus funds that are really available to deal with—

The Speaker: The hon. Minister of Finance.

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, in the annual financial report for 2001-02 as well as the economic fiscal update last week, we were very clear on exactly where the surplus for last year was allocated.

I agree that apparently the Auditor General has taken some issue with saying pay down the debt. However, the fact remains, and the Auditor General signs off on her statements, that the debt is the accumulated deficit less any surpluses that we accrue. It is as simple as that.

It is transparent in the documents. We never said that the $9 billion was used to pay down market debt. We said it was used to reduce total or net debt.

* * *

IMMIGRATION

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, conflicts and contradictions are rampant within the Liberal government. Proposed changes to the American immigration policy have placed two cabinet ministers at odds and the Prime Minister completely out of the loop.

In this confusing environment, Canadians should be alarmed by reports today that over 600 ministerial permits have been issued to individuals with serious criminal records, 11 with terrorist links, to immigrate to Canada.

How does the Minister of Citizenship and Immigration explain the fact that the Liberal government is not holding up its end of the bargain on the security threat to North America?

[*Translation*]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, this is the House of Commons, it is not the place to run one's own leadership campaign. The hon. member should be very careful.

Whenever a permit is issued, it is done with safety in mind. Occasionally, hon. members come and ask me to issue a ministerial permit, and I think we do it the way it should be done.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the Minister of Immigration is comparing the changes made in the United States to the definition of ethnic profiles.

The Minister of Foreign Affairs suggested that immigrants who hold Canadian citizenship should be subject to the new American rules. This is a huge contradiction.

Who is speaking for Canadians on this issue, which affects thousands of citizens travelling to the United States?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, first, I want to congratulate the hon. member on his French. He is doing well.

Second, I would say that we are protecting Canadian values. Whenever decisions have to be made, we are there to protect Canadian values. We, on the government side, all speak as one on these issues. We are there to protect Canadians. It is good, from time to time, to ask certain questions to get clarification.

[*English*]

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, in connecting Canadian values and worrying about the American regulations at the border, the government allowed 600 people with criminal records to enter Canada on ministerial permits. Another 11 individuals, believed to have been engaged in terrorism, espionage and subversion by force, were welcomed with open arms by the government.

Will the minister stop allowing terrorists, spies and subversives into our country and alleviate the Americans' concern about legitimate residents of Canada?

● (1430)

[*Translation*]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I would ask the hon. member to be very careful in phrasing her questions. Whenever members from both sides of the House come and ask me to issue a ministerial permit, there are specific reasons for doing so. Whenever such permits are issued, the safety of all Canadians is kept in mind.

[*English*]

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, last month when I asked the Deputy Prime Minister about the Americans' lack of trust in his government's commitment to security, he said that he had never heard an American official or politician raise any doubts about Canadian security. The only thing worse than the Deputy Prime Minister denying any concerns raised by the Americans would be the fact that they chose to leave him out of the loop before introducing these new measures.

If the Americans are not concerned about the government's commitment to security, why are they clamping down on Canadians at the border?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, again and again the government and Canadian people should be aware that we are totally dedicated on security matters. The government believes that in immigration or any issue there should be a balanced approach between openness and vigilance.

* * *

[*Translation*]

GOVERNMENT CONTRACTS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, it is rather odd that the Minister of Canadian Heritage, the only one who can give us the straight goods on what really went on in her department, is still refusing to support the position of the former Secretary of State for Amateur Sport, who claims to have done nothing to impose the choice of Everest.

Is it not odd that the only person capable of exonerating the former Secretary of State for Amateur Sport, by confirming that his version is the right one, is not doing so?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): The information I have, Mr. Speaker, is that all procedures were followed.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, will the Minister of Canadian Heritage acknowledge that, by remaining silent, she is giving credence to the version of her departmental officials, who say that the Secretary of State for Amateur Sport did intervene?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, the information I have is that everything was done according to the procedures. I accept what I have been told.

* * *

[*English*]

SOFTWOOD LUMBER INDUSTRY

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, yesterday in Vancouver the Canadian Alliance announced a softwood package including $278 million for laid-off softwood workers. The Liberal government announced a cynical byelection package that does nothing to specifically help softwood workers. The Canadian Alliance plan addresses real issues. The government plan does not.

When will the government announce a real softwood plan to help workers?

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, we have announced a plan. The hon. member knows that we announced $240 million and prior to that, we announced $100 million. That is $340 million to help forestry workers and to help make sure that we diversify and look for new markets for the forestry sector.

We have also said, by the way, that if more needs to be done, if we do not get an agreement within the next four to five months, the government will do more to help forestry workers.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, he is the minister that does not deliver despite his promises.

The Canadian Alliance package also includes a softwood tariff management proposal of $1.475 billion. The Liberals continue to refuse to address this issue. In May the trade minister was optimistic this could be done without countervail from the U.S. The senior minister from British Columbia has been promising such a loan guarantee program since last spring.

The Canadian Alliance has a plan. Where is the government's plan?

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, it is in the best interests of both Canada and the U.S. to resolve this issue.

We have taken a very strong stand. We have said we are going to fight it at the WTO and at NAFTA. We will fight it all the way because we are right.

At the same time, we have said if we need to do more, and that includes loan guarantees, if we do not get an agreement, we will make sure we protect our industries and we will do more. However, it is in our best interests to make sure that we resolve the issue because that will help us in the long term to protect our markets.

* * *

[*Translation*]

BUDGET SURPLUSES

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, looking over the finance minister's forecast, one realizes that not only is he using the same strategy as his predecessor, but he is also finding new ways to better hide surpluses, by establishing a new "economic prudence" reserve.

Will the Minister of Finance explain to us in simple terms what the difference is between a contingency reserve and an economic prudence reserve?

● (1435)

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the figures are all transparent. They are found in the forecast we submitted. Perhaps I could help the member study them. Simply put, we have before us the experience of the United States, which forecast a large surplus and is now running a large deficit. I would not want that to happen here in Canada.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I think many of us did not hear the minister's answer. I will therefore put exactly the same question to him.

What is the difference between a contingency reserve and a prudence reserve?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the member can look at our numbers. The prudence reserve is based mainly on the risk that interest rates might change. The closer the end of the period, the lower the prudence reserve. The other reserve, however, remains unchanged until the end of the year, in spite of economic or other changes. That is all very clear and transparent.

* * *

[*English*]

SOFTWOOD LUMBER INDUSTRY

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, the human resources minister promised a piddly $71 million to workers affected by the softwood lumber dispute. That money is nowhere to be seen and EI officials in the field are telling displaced workers that they should just go on welfare.

Can the minister tell workers when the money will be released, who qualifies for it, how much they will get, and why they are getting this runaround from the government?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I am very happy to tell the hon. member that there will be an additional $30 million for work sharing while learning, $14.5 million for increased referrals to training and $15 million for older worker pilot projects. This will be available in areas where the unemployment level is over 10% because we want to make sure the additional measures reach those most in need.

I also want to remind the hon. member that every year $450 million in employment insurance benefits goes to workers in the forestry industry.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, we have known for five years that we might run into this. The government still does not have the money available for workers, so maybe they need to obtain one of those five million missing SIN numbers and that is how they will get their benefits.

We are talking about 13,500 people who have been laid off. Another 2,000 are probably going to be laid off. Most of these people are now seeing their EI benefits run out.

Instead of holding another press conference, instead of announcing all the things the government wants to do at some point in the future, when is the minister actually going to deliver the cash to these displaced workers?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I want the hon. member to appreciate that the money is already there. For any who find themselves without work as a result of the trade dispute and who are eligible for employment insurance, they are now receiving benefits and they have access to EI, part II. The hon. member should take the time to understand the system fully before he pontificates in such a way.

AIRPORT SECURITY

Mr. Brent St. Denis (Algoma—Manitoulin, Lib.): Mr. Speaker, the Minister of Transport has said in the House that aviation security is being assessed on an ongoing basis.

Could the minister please tell the House today what further action the Government of Canada has taken to ensure that security matters are indeed being addressed?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I am glad the hon. member raised that question because today I have assigned two additional duties to the Canadian Aviation Transportation Security Authority, known as CATSA.

The first initiative is the implementation of an enhanced restricted area pass system at major airports across the country, which will include the use of centralized data banks supporting the issuance, verification, cancellation and tracking of restricted area passes. The second is the random screening of non-passengers entering restricted areas at major Canadian airports. This will build on the existing security requirement for people who have access to restricted areas at airports.

We had the safest system at our airports before the September 11. We have built on that and we are building on it again today.

* * *

KYOTO PROTOCOL

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, when it comes to Kyoto there is one area of unanimous agreement. Ratification will bring about a change in the Canadian workforce. The NDP and the labour movement believe it can be a positive transition, but we must have a component in the implementation plan that will include adequate funding.

Given the substantial and maybe even illegal accumulation of surplus in the EI fund, will the Minister of Human Resources Development commit to a fund to a just transition program for displaced workers?

● (1440)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, in a speech in the House on an opposition motion dealing with the issue of ratification of Kyoto, I pointed out to hon. members that we do have connection with labour unions and we will be forming a committee to look at any adjustments that may need to take place in the workforce. I have had discussions with my hon. colleague, the Minister of Human Resources Development, and we fully expect to be with labour, with the labour movement, to be on top of this issue as time goes on.

Oral Questions

HUMAN RESOURCES DEVELOPMENT

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on October 18, 2002, it was decided nationally that term employees within HRDC would be made indeterminate after five continuous years of service. What a coincidence, right after the employees of the Miramichi investigation centre were advised that they will be terminated as of November 29, 2002, two months before their five years of continuous service.

My question is for the Minister of Human Resources Development. What does the minister intend to do to stop these cruel terminations?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, from time to time to deal with the ebbs and flows of the work of the department we do have to hire term employees. There are requirements that need to be followed and are established by Treasury Board, and my department does that.

* * *

NUCLEAR INDUSTRY

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, after September 11, the Canadian Nuclear Safety Commission directed all nuclear facilities to establish an on site armed response force.

The two RCMP officers protecting the Point Lepreau facility in New Brunswick work 24 hours a day seven days a week and are physically and mentally burnt out. As of March 31 there will be no RCMP present because of RCMP financial constraints.

Will the Prime Minister immediately provide the necessary funding for the RCMP to protect not only Point Lepreau but all nuclear stations in Canada, as well as all—

The Speaker: The hon. Minister of Natural Resources.

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, after September 11, at all our nuclear plants security was enhanced to ensure that we have armed guards. In some cases they are provided by the local police and in others they are provided by the security at the plants. This was a measure to respond immediately to the security enhancement. We are looking at some long term measures so that we have consistency across many, but we are responding fully under the international guidelines for protection of all our nuclear plants.

* * *

ABORIGINAL AFFAIRS

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, the government's record for protecting drinking water is poor, especially on native lands.

Last spring the minister stated to the House that the government was dealing with 22 out of a total of 140 inefficient water plants on reserves, yet Health Canada's own internal audit confirms the number to be 103 plants that pose serious health risks. The internal report also says that the government has committed only $215 million out of the $790 million needed.

Why does the minister think it is acceptable to have third world drinking water conditions that put the lives of natives at risk?

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, last spring when I answered a question from the leader of the fifth party I gave him assurances that the government took its interests and responsibilities very seriously as they relate to water on reserves.

We have put together a comprehensive plan. That plan will be rolled out. We are looking at all the risks and making sure that no first nations citizen is put at risk in this country.

* * *

AGRICULTURE

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the Prime Minister publicly claims to support the end of all agriculture subsidies and tariffs in order to level the playing field for our farm families.

At the same time, the agriculture minister—

Some hon. members: Hear, hear.

Mr. Howard Hilstrom: Mr. Speaker, let them continue clapping, because the agriculture minister rejects the position of the Cairns group, which is calling for reductions of subsidies and tariffs.

The government cannot be on both sides of this issue. Would the trade minister tell the House what Canada's official position is on agricultural trade?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I signed with pleasure the communiqué at the end of the Cairns group meeting in Bolivia two weeks ago.

What we did reject was the desire of some Cairns group members to eliminate all de minimis support to agriculture, which would mean, if the hon. member wants that approach, that we could not provide programs such as crop insurance, NISA or ad hoc payments such as we just made to Canadian farmers. I will not agree to that.

● (1445)

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, clearly that is not the case. We can have support programs for our farmers if want.

My next question is also for the agriculture minister, seeing as he is speaking for the trade minister.

Our supply management sector is very concerned that the government will trade off supply management. In the 1995 agreement the government committed 100% to reducing those tariffs that protect supply management. Is the government going to stand here today and tell supply management that it is not going to reduce tariffs?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member knows very well that one of the key parts of the negotiating position that this country has put forward at the WTO in Geneva is that domestic marketing decisions will be made here in Canada, and that is referring to supply management in the dairy, egg and poultry industries.

[*Translation*]

HIGHWAY INFRASTRUCTURE

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, in December 2001, in the wake of the last federal budget, the Quebec transport minister sent his federal counterpart five MOUs in which he had identified five highway projects considered as important, namely those involving highways 30, 35, 50, 175 and 185.

Could the Minister of Transport explain why he is offhandedly closing the door to any federal involvement in the project to complete highway 50, when not so long ago, the Deputy Prime Minister expressed great interest in Quebec's priorities in the context of the Canada strategic infrastructure fund?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, under previous programs, we have already invested $100 million in that highway. The hon. member is well aware that highway 50 is not part of the national highway system.

If the Government of Quebec wishes to have this highway included, the federal government will support it. The unanimous consent of all the other provinces will be required however.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the minister knows full well that the national highway system and the priorities were established by the government of Robert Bourassa. As he indicated, the consent of the other provinces is required to effect a change.

There is still a strategic infrastructure program. What is disappointing is that the Liberal members, the members for Hull—Aylmer and Gatineau in particular, did not do their job. They would rather defend the interests of the government with the public than defend the interests of the public with the government.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the Government of Quebec obviously has a great interest in highways, given that it has yet to sign the $112 million agreement under the program with the federal government. This obviously reflects the interest of the Quebec government.

* * *

[*English*]

AGE OF CONSENT

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, the justice minister continues to handcuff law officers and tie the hands of parents who desperately want to protect their 14 year old and 15 year old children from sexual predators.

The government is choosing to hide behind the provinces. The legislative age of consent is the responsibility of the federal government. Will the Prime Minister stop accepting excuses, take the lead and raise the age of sexual consent?

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I mentioned in the House yesterday, this matter is being considered at the federal, provincial and territorial meetings and it is the result of a long period of consultation. We are going to follow through with that, try to reach a consensus and then bring forward legislation if necessary.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, reports say the justice minister has in fact slammed the door on raising the age of consent. He refuses to take responsibility and do the right thing.

The Criminal Code is federal jurisdiction. Changes to the Criminal Code can be made only by the federal government.

I ask again, will the government do the right thing? Will the Prime Minister take the lead and raise the age of sexual consent and help protect our children rather than just protect his own ministers?

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I think it is very clear that with respect to the age of sexual consent, it is important, and the provinces and the territories are taking this into consideration, that there are many social and cultural differences that have to be reflected in that law. Accordingly, we will work with the consensus.

* * *

TECHNOLOGY

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, in an increasingly digitalized world, could the minister responsible for industry please update the House on what action the government is taking to ensure that our students, many of them employed in small businesses, have access to the technology and information they need to succeed?

● (1450)

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, the hon. member is quite right to point out that in the world as we now know it Internet access and awareness of how to use the Internet are fundamental to both economic growth and social justice.

One of the achievements of which the government is very proud is that we have made Canada the most connected nation in the world. Last week an OECD report confirmed that and pointed out that we have the best ratio of students to computers of any country measured.

We will continue to do that to make sure our children have the tools to succeed in the future.

* * *

NATIONAL DEFENCE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, repeatedly in the House the Minister of National Defence has stated that no decision has been made to close the Emergency Preparedness College in Arnprior. If that is the case, why is his department spending millions of dollars renovating the proposed new site at 1495 Heron Road if the department is still waiting for ministerial approval?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, as I explained the other day, under our system of government it is ministers who make the decisions and departments that deliver.

If the department officials are ahead of their time, then maybe they are a bit like Panasonic, but I have not made a decision yet.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, right from the beginning the minister has demonstrated a surprising ignorance on defence matters.

The minister says no decision, yet we have internal memos and now physical evidence that the decision to close the Arnprior college was made without the minister's knowledge.

Considering these facts, when will the minister take the appropriate disciplinary action and tell his power hungry bureaucrats to leave the college where it is?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I will leave it to the House and to you to decide upon relative ignorance.

If the hon. member had been so enthusiastic about keeping that college open a few weeks ago, and instead of playing for cheap political tricks by asking a question without giving me prior information, she could have saved 24 hours and done her constituents a favour.

* * *

[*Translation*]

PERSONS WITH DISABILITIES

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, a coalition of organizations defending the rights of disabled persons is denouncing the federal government's attitude in ignoring the conclusions of a unanimous report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities, a report that highlights the serious administrative injustices experienced by individuals with disabilities.

Will the Minister of Finance heed the request of these groups, which are calling for a joint meeting of his department and government and community stakeholders to come up with a fair position for persons with disabilities?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, our government's record indicates that we have increased support for individuals with disabilities. I am certainly prepared to meet with groups representing persons with disabilities.

* * *

[*English*]

NATURAL RESOURCES

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, in 1997 a pipeline company proposed to cross prime farm properties in southwestern Ontario and served notice under the National Energy Board Act. Three years later the farmers have spent thousands of dollars to protect their interests after the company abandoned its application. The National Energy Board Act in its present form leaves our landowners vulnerable and liable.

Would the Minister of Natural Resources tell the House and all landowners how the government plans to address this major problem?

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, I am aware of this particular situation. My officials have met with the landowners. There is a way for them to deal with this if they are not able to get an agreement. It is through the National Energy Board Act, subsection 87(3), where there is a legal recourse for these farmers if they feel they are not getting a fair agreement with the pipeline company. I understand they are pursuing that legal avenue.

* * *

[*Translation*]

FISHERIES AND OCEANS

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, according to recent data produced by biologists, the situation of groundfish is alarming. Stocks are not returning to anticipated levels, which could compromise the next fishing season.

In light of the very real possibility that the federal Minister of Fisheries will impose a moratorium, there is increasing concern in Quebec's maritime regions. Now is the time to plan the assistance to the communities that will be affected by this moratorium.

Will the Minister of Fisheries give a positive response to the repeated requests of his Quebec counterpart to set up a federal-provincial committee to discuss the groundfish issue?

● (1455)

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank the hon. member for his question.

Groundfish stocks are raising concerns in the gulf, in the north, in the southeast and in Newfoundland. The indications that we have had so far are not promising. We are waiting for the latest data. The Fisheries Resource Conservation Council will make recommendations on stock levels for next year.

In the meantime, we do intend to begin discussions with Quebec and the other provinces in the near future.

* * *

[*English*]

EMPLOYMENT INSURANCE

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the government slashed EI benefits, it increased qualifying time, and it penalized seasonal workers and workers who had to access the program more than once. There is a $40 billion surplus in the EI fund. The money is there. It should benefit workers who want to change or improve their employment opportunities.

When will the government pour money from the EI surplus into training and education?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me remind the hon. member that we have made considerable changes and improvements to the employment insurance system. We have dealt with the question of intensity. We have made changes to the clawback. We have made the small weeks project full. Most importantly, we have doubled parental benefits to ensure that parents have the choice of staying home with their newborns for a up to a year.

* * *

POVERTY

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, the Canadian Council on Social Development reported yesterday that child poverty is growing rapidly in spite of a strong economy and government promises to do better. The gap between rich and poor families is also growing rapidly. Food bank use is up 12.5%. Some 300,000 children are using food banks.

Could the Minister of Human Resources Development please indicate how that could be happening on her watch and what immediate steps she can take to alleviate this problem?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I welcome the report of the working group because it does highlight that we must continue to be vigilant and make appropriate investments to reduce child poverty.

I would point out that in the report there is a recognition that there is an actual decrease in the levels of child poverty, but we need to do more. That is why I am so glad that in our recent Speech from the Throne we talk about additional investment in the national child benefit, a direct income support for Canadians and low income earners with children, as well as recognition that additional money for child care is appropriate at this time.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, last week we were stunned to learn that the EI fund surplus has reached the record level of $45 billion, while the chief actuary of the human resources directorate recommended that the surplus never exceed $15 billion.

Is it the Prime Minister's intention to lower the premiums for employees and employers, and if so, when?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, normally, the rate for the following year is announced at the end of November. I presume that at the end of November, we will be announcing the premiums for 2003.

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OFFICIAL LANGUAGES

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, the government has set March 2003 as its deadline for ensuring that people in positions designated bilingual are bilingual, which is self-evident.

Will the Minister of National Defence tell us if he plans on respecting this deadline, given that his department's last report on official languages indicated that 46% of the staff at defence headquarters still do not meet the bilingualism requirements?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, Treasury Board policy, which must be respected by all departments, including National Defence, is very clear; all managers who work in regions designated as bilingual must reach a level of bilingualism by March 2003. Right now, those who are behind are accelerating efforts and we hope that they will all meet the standards by March 2003. If not, there will definitely be consequences.

* * *

● (1500)

[*English*]

AGE OF CONSENT

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, the Parliamentary Secretary to the Minister of Justice indicated that there are social and cultural considerations that must be taken into account when dealing with the change of age for sexual consent.

Would the parliamentary secretary tell the House what these social and cultural considerations are?

Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, there are many issues that relate to this matter, whether it be in marriage or the way in which people deal with the social structure of the particular society they are living in.

The matter is very clearly and well defined. We will not go forward with any further initiatives in that area until such time as we come up with a solution that makes sense and has the consent and consensus of all those who are involved in this matter.

* * *

PRESENCE IN GALLERY

The Speaker: As members will know, November 5 marks the first day of Veterans' Week. I have the honour of drawing to their attention to the presence in the gallery of one of Canada's distinguished soldiers.

[*Translation*]

Born in 1900, 102 years ago, Mr. Paul Métivier is a World War I veteran who enlisted in the army in 1917 when he was 16 years old, and served in Belgium and France until 1918. On behalf of all members and all Canadians, I would like to express our gratitude to Mr. Métivier and to all of Canada's veterans.

Some hon. members: Hear, hear.

[*English*]

The Speaker: Also in the gallery is Lieutenant-Colonel Al Trotter who flew 44 missions over Europe during World War II, was a prisoner of war and is one of the most highly decorated veterans in Canada.

Some hon. members: Hear, hear.

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of His Excellency Elyor Ganiev, Deputy Prime Minister and Chairman of the Agency for Foreign Economic Relations of the Republic of Uzbekistan, and His Excellency Abdulaziz Kamilov, Minister of Foreign Affairs of the Republic of Uzbekistan.

Some hon. members: Hear, hear.

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of His Excellency Jiri Rusnok, Minister of Industry and Trade of the Czech Republic.

Some hon. members: Hear, hear.

The Speaker: I would also like to draw the attention of hon. members to the presence in the gallery of the Honourable Marjorie Morton, President of the Assembly of Nevis Island and parliamentarians attending the 2nd Commonwealth Parliamentary Seminar.

Some hon. members: Hear, hear.

● (1505)

Mr. Joe Jordan: Mr. Speaker, I rise on a point of order. In light of the fact that issue of committee chairs has gripped the collective psyche of Canadians and inherent in this motion is the underlying premise that secrecy seems to be a hallmark of democracy, I propose that you seek the consent of the House to clear the galleries, turn off the cameras and let this recorded division take place by secret ballot under the shroud of this new democracy and completely out of the view of Canadians.

The Speaker: Does the House gives its consent to the proposal by the parliamentary secretary?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—ELECTION OF COMMITTEE CHAIRS AND VICE-CHAIRS

The House resumed from October 31 consideration of the motion.

The Speaker: It being 3:06 p.m., pursuant to order made on Thursday, October 31, the House will now proceed to the taking of the deferred recorded divisions related to the business of supply. The question is on the motion.

Call in the members.

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

(Division No. 17)

YEAS

Members

Abbott
Alcock
Anderson (Cypress Hills—Grasslands)
Asselin
Bagnell
Barnes (Gander—Grand Falls)
Bélair
Bennett
Bigras
Bonin
Borotsik
Breitkreuz
Burton
Calder
Cardin
Chamberlain
Clark
Comuzzi
Crête
Cuzner
Davies
Desjarlais
Doyle
Duceppe
Eggleton
Eyking
Fontana
Fournier
Gagnon (Champlain)
Gallant
Gauthier
Godfrey
Goldring
Grewal
Grose
Guay
Hanger
Harris
Hearn
Hill (Prince George—Peace River)
Hilstrom
Ianno
Johnston
Keyes
Laframboise
Lanctôt
Lee
Lincoln
Loubier
Lunney (Nanaimo—Alberni)
Maloney
Mark
Martin (LaSalle—Émard)
Martin (Esquimalt—Juan de Fuca)
Mayfield
McGuire
McNally
Ménard
Merrifield
Mills (Toronto—Danforth)
Normand
Obhrai
Paquette
Patry
Perron
Picard (Drummond)
Plamondon
Rajotte
Reid (Lanark—Carleton)
Ritz
Rocheleau
Saada
Savoy
Schmidt
Ablonczy
Anders
Assadourian
Bachand (Saint-Jean)
Bailey
Beaumier
Bélanger
Bergeron
Blaikie
Bonwick
Bourgeois
Brien
Cadman
Cannis
Casson
Chatters
Comartin
Cotler
Cummins
Dalphond-Guiral
Day
Desrochers
Dubé
Duncan
Epp
Fitzpatrick
Forseth
Fry
Gagnon (Québec)
Gallaway
Girard-Bujold
Godin
Gouk
Grey
Guarnieri
Guimond
Harper
Harvard
Herron
Hill (Macleod)
Hinton
Jaffer
Keddy (South Shore)
Kraft Sloan
Lalonde
Lastewka
Lill
Longfield
Lunn (Saanich—Gulf Islands)
MacKay (Pictou—Antigonish—Guysborough)
Marceau
Marleau
Martin (Winnipeg Centre)
Masse
McDonough
McKay (Scarborough East)
McTeague
Meredith
Mills (Red Deer)
Moore
Nystrom
Pallister
Parrish
Penson
Peschisolido
Pickard (Chatham—Kent Essex)
Proctor
Regan
Reynolds
Robinson
Roy
Sauvageau
Scherrer
Scott

Sgro
Solberg
Spencer
St-Julien
Stinson
Strahl
Thompson (Wild Rose)
Ur
Vellacott
Volpe
Wasylycia-Leis
White (North Vancouver)
Williams
Skelton
Sorenson
St-Hilaire
Steckle
Stoffer
Telegdi
Tremblay
Valeri
Venne
Wappel
Wayne
White (Langley—Abbotsford)
Yelich– — 174

NAYS

Members

Adams
Anderson (Victoria)
Augustine
Bevilacqua
Blondin-Andrew
Bradshaw
Bryden
Caccia
Carignan
Castonguay
Cauchon
Coderre
Copps
Dhaliwal
Dromisky
Duplain
Efford
Finlay
Goodale
Harb
Hubbard
Jennings
Karetak-Lindell
Knutson
LeBlanc
Macklin
Marcil
McCormick
Mitchell
Nault
O'Brien (London—Fanshawe)
Pacetti
Pettigrew
Pratt
Provenzano
Reed (Halton)
Rock
Shepherd
St. Denis
Szabo
Thibeault (Saint-Lambert)
Tonks
Vanclief
Wood– — 87
Allard
Assad
Bertrand
Binet
Boudria
Brown
Bulte
Caplan
Carroll
Catterall
Chrétien
Collenette
DeVillers
Dion
Drouin
Easter
Farrah
Frulla
Graham
Harvey
Jackson
Jordan
Kilgour (Edmonton Southeast)
Laliberte
MacAulay
Manley
McCallum
McLellan
Myers
Neville
O'Reilly
Pagtakhan
Phinney
Proulx
Redman
Robillard
Serré
Simard
Stewart
Thibault (West Nova)
Tirabassi
Torsney
Whelan

PAIRED

Nil

● (1520)

[*Translation*]

The Speaker: I declare the motion carried.

[*English*]

ALLOTTED DAY—CANADIAN FORCES

The House resumed from November 4 consideration of the motion.

The Speaker: Pursuant to order made on Monday, November 4, the House will now proceed to the taking of the deferred recorded division on the motion of Mrs. Wayne relating to the business of supply. The question is on the motion.

● (1525)

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

(Division No. 18)

YEAS

Members

Abbott
Anders
Bailey
Borotsik
Burton
Casson
Clark
Day
Duncan
Fitzpatrick
Gallant
Gouk
Grey
Harper
Herron
Hill (Prince George—Peace River)
Hinton
Johnston
Lunn (Saanich—Gulf Islands)
MacKay (Pictou—Antigonish—Guysborough)
Martin (Esquimalt—Juan de Fuca)
McNally
Merrifield
Moore
Pallister
Rajotte
Reynolds
Schmidt
Solberg
Spencer
Strahl
Vellacott
White (North Vancouver)
Williams
Ablonczy
Anderson (Cypress Hills—Grasslands)
Barnes (Gander—Grand Falls)
Breitkreuz
Cadman
Chatters
Cummins
Doyle
Epp
Forseth
Goldring
Grewal
Hanger
Hearn
Hill (Macleod)
Hilstrom
Jaffer
Keddy (South Shore)
Lunney (Nanaimo—Alberni)
Mark
Mayfield
Meredith
Mills (Red Deer)
Obhrai
Penson
Reid (Lanark—Carleton)
Ritz
Skelton
Sorenson
Stinson
Thompson (Wild Rose)
Wayne
White (Langley—Abbotsford)
Yelich– — 68

NAYS

Members

Adams
Allard
Assad
Asselin
Bachand (Saint-Jean)
Beaumier
Bélanger
Bergeron
Bevilacqua
Binet
Blondin-Andrew
Bonwick
Bourgeois
Brien
Bryden
Caccia
Cannis
Cardin
Carroll
Catterall
Chamberlain
Coderre
Comartin
Copps
Crête
Dalphond-Guiral
Desjarlais
DeVillers
Dion
Drouin
Alcock
Anderson (Victoria)
Assadourian
Augustine
Bagnell
Bélair
Bennett
Bertrand
Bigras
Blaikie
Bonin
Boudria
Bradshaw
Brown
Bulte
Calder
Caplan
Carignan
Castonguay
Cauchon
Chrétien
Collenette
Comuzzi
Cotler
Cuzner
Davies
Desrochers
Dhaliwal
Dromisky
Duplain

Easter
Eggleton
Farrah
Fontana
Frulla
Gagnon (Québec)
Gallaway
Girard-Bujold
Godin
Graham
Guarnieri
Guimond
Harvard
Hubbard
Jackson
Jordan
Keyes
Knutson
Laframboise
Lalonde
Lastewka
Lee
Lincoln
Loubier
Macklin
Manley
Marcil
Martin (LaSalle—Émard)
McCallum
McDonough
McKay (Scarborough East)
McTeague
Mills (Toronto—Danforth)
Myers
Neville
Nystrom
O'Reilly
Pagtakhan
Parrish
Perron
Pettigrew
Picard (Drummond)
Plamondon
Proctor
Provenzano
Reed (Halton)
Robillard
Rocheleau
Roy
Sauvageau
Scherrer
Serré
Shepherd
St-Hilaire
St. Denis
Stewart
Szabo
Thibault (West Nova)
Tirabassi
Torsney
Ur
Vanclief
Volpe
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Wood– — 189

Efford
Eyking
Finlay
Fournier
Fry
Gagnon (Champlain)
Gauthier
Godfrey
Goodale
Grose
Guay
Harb
Harvey
Ianno
Jennings
Karetak-Lindell
Kilgour (Edmonton Southeast)
Kraft Sloan
Laliberte
Lanctôt
LeBlanc
Lill
Longfield
MacAulay
Maloney
Marceau
Marleau
Masse
McCormick
McGuire
McLellan
Ménard
Mitchell
Nault
Normand
O'Brien (London—Fanshawe)
Pacetti
Paquette
Patry
Peschisolido
Phinney
Pickard (Chatham—Kent Essex)
Pratt
Proulx
Redman
Regan
Robinson
Rock
Saada
Savoy
Scott
Sgro
Simard
St-Julien
Steckle
Stoffer
Telegdi
Thibeault (Saint-Lambert)
Tonks
Tremblay
Valeri
Venne
Wappel
Whelan

PAIRED

Nil

The Speaker: I declare the motion lost.

Mr. John Reynolds: Mr. Speaker, I rise on a point of order. With regard to the vote we had today, I would like to say that it was one short and halting step toward making what we do here in Parliament more meaningful. I want to congratulate all members, no matter how they voted today on a very important issue.

The Speaker: It does not sound like a point of order to me.

Order, please. I wish to inform the House that because of the deferred recorded divisions government orders will be extended by 23 minutes.

* * *

● (1530)

PUBLIC SAFETY ACT, 2002

The House resumed consideration of the motion that Bill C-17, an act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee.

The Speaker: When the debate was interrupted for question period the hon. member for Calgary East had the floor. He has four minutes remaining in the time allotted for his remarks.

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, before I commence my concluding remarks I want to say that today after a long time we have taken one small step for the MPs but a giant leap for the Canadian voters in putting democracy back in the House. We are very pleased.

In reference to Bill C-17 on public safety, the most important fact is that we needed the bill because of the September 11 attack, but subsequent events are showing that people are overreacting.

When the bill was first introduced I made a speech saying that while we were delegating powers it was important to ensure that we did not go overboard. The recent announcements from our good friends from the south indicate that at times they do go overboard.

It is time for us to talk to the Americans about Canadians or landed immigrants being profiled or fingerprinted in the U.S.A. I hope the government will take strong measures to ensure that it feels confident and we feel confident in our immigration system, and that its security aspects are tightly monitored to ensure that those who come in wanting to break the law do not squeeze in through our system and then create a mistrust in our immigration system.

The bill also deals with part 8 which amends the Import and Export Permits Act by providing control on exports and transfers of technology, in essence, in the biological and toxin weapons conventions implementation act. It is interesting to note that it took the Liberal government almost 30 years before it finally signed and improved on this act.

Once again I would like to say, as my other colleagues have said in this place, that this is an omnibus bill that touches a lot of aspects. We all cannot debate all these aspects but nevertheless have to be vigilant to ensure that the rights of Canadians are protected.

POINTS OF ORDER

STANDING COMMITTEE ON CANADIAN HERITAGE

Mr. Dale Johnston (Wetaskiwin, Canadian Alliance): Mr. Speaker, we have just been notified of a Standing Committee on Canadian Heritage meeting to take place tomorrow at 3:30 p.m. On that point of order, this notice was sent out by the committees directorate advising of that meeting of Canadian Heritage without the required 48 hours' notice. The notice states that the order of the day is pursuant to Standing Order 106(1) and (2), election of the chair and vice-chairs.

As you well know, Mr. Speaker, Standing Order 106(1) states in part that:

> ...the Clerk of the House shall convene a meeting of each standing committee whose membership is contained in that report for the purpose of electing a Chairman, provided that forty-eight hours' notice is given of any such meeting.

The heritage committee did meet this morning after 48 hours' notice, but failed to elect the chair and so dispersed.

As I mentioned earlier, a notice has now been sent to my office stating that a meeting has been rescheduled for tomorrow, which in my view is in violation of the 48 hours' notice provision. I have inquired with the clerk in charge of committees and the Clerk of the House, who state that the 48 hours' notice in their opinion is not required because it has been given earlier. To back up this point of view they cite one incident from the 35th Parliament involving the public accounts committee.

I submit that the one incident does not constitute a proper precedent. I submit the former clerk of the House said that "Often bad precedent does not make good practice". I would submit also that this is the case here today, especially given that at the time of that incident both the official opposition and the third party in the House were brand new to this environment and did not have enough knowledge or experience to question the ruling made at that time. As Mr. Speaker will know, at that time there were some 205 of 295 newly elected members to the House.

I would therefore ask, Mr. Speaker, that you rescind this notice in favour of a new notice that respects the standing orders, particularly the 48 hours' notice.

● (1535)

The Speaker: The Chair will certainly take the point of order raised by the hon. member under advisement. He is absolutely right that bad precedents make poor procedure. In quoting the former clerk, I know he is quoting someone of the highest authority in support of his argument.

However in this case the hon. member has pointed out that there are arguments on the other side. There is the variation in the practice. I will look into the matter and get back to the House later this afternoon, but I understand that 48 hours' notice, as he stated, was given for the first meeting. It is a question of whether it needs to be given for the second meeting, since the first meeting was unable to complete the business that was before it.

I can assure the hon. member I will look into it and I will get back to the House later this day.

[*Translation*]

PUBLIC SAFETY ACT, 2002

The House resumed consideration of the motion that Bill C-17, An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, I would like to ask my colleague how he can argue that security requires measures that violate fundamental rights as defined and defended by the privacy commissioner.

[*English*]

Mr. Deepak Obhrai: Mr. Speaker, I do not think I said that. What I said was that in relation to the Immigration Act, in relation to what has happened after September 11 and the recent pronouncements made by the U.S.A., asking Canadians from certain regions and making two classes of citizens is unacceptable. However the Americans are reacting because they perceive there is a problem in our system of immigration, of security checks and other things.

Anybody who comes here has to undergo security checks, as was passed in this Parliament. We have to ensure that we maintain the security checks fair and square as has been passed by this Parliament. When people come in from all parts of the world with security checks, they should participate fully like any other Canadian. Our friends in the south then would not have a cause or a concern to put certain rules on people from certain countries.

As a matter of fact, we should be very cautious and not trample on our human rights. That is absolutely important. At the same time we must ensure that we have a system that will take care of all these points. That was the point I was making.

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, I listened attentively to the member. I would like to ask the hon. member one question. Does he feel that the ministerial permits signed by the minister create a risk in terms of security for this country?

Mr. Deepak Obhrai: Mr. Speaker, he has made an absolutely good point. I have a document from the citizenship board that states how many claimants from various countries have applied.

As for the ministerial permit that my hon. colleague talked about, a couple of years ago in the citizenship committee I tried to get the reasons behind why those permits were being issued. The Liberals manipulated the committee and gave no reasons.

As of today, a new report has come out on the number of permits issued by the minister. He answered the question here and he may be right that the problem could be a genuine case. However Canadians have the rights to know the reasons for these permits being issued. The government should make it transparent and tell us why these permits are issued, not just issue them. We need to have the confidence that claimants who are criminally ineligible are not allowed to enter the country.

We need a transparent system whereby we know why the minister has issued permit for these individuals. I hope the message gets out to make this a transparent system.

● (1540)

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I would like to ask my colleague from the Alliance this question: how does he see the problem of interim orders? We see these interim orders as a serious problem. When things are done under provisions that allow violations of the Charter and of the enabling statute, how does his party see this problem?

[*English*]

Mr. Deepak Obhrai: Mr. Speaker, the government has the responsibility to govern. However the key element under Parliament is that there be a transparency to ensure that human rights are not abused. These are rights which over the years we have established in Canada through Canadian Parliament and for which people have fought. One of those rights was the right of women to vote. However I am not saying these rights will be abused.

Over the years we have reached a level where we have some of the best human rights legislation in the world and we must ensure that none of these will be taken away through a unilateral act by the government. Therefore it is the responsibility of us and the committee to ensure that that does not happen. Nevertheless they still have to have some room so they are able to manoeuvre and govern and rise to the occasion.

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, I am very pleased to debate Bill C-17, which is probably the third and perhaps fourth time that I have debated this legislation. It is interesting that in its third reincarnation it is getting better and that the government is bringing in some changes that have been identified, largely by the opposition. However, it is a concern to me, and I assume it is a concern to others, that this could have been dealt with a lot quicker had the government shown a willingness to let committees have meaningful input into legislation.

The transport committee, which I was sitting on at the time, gave great study to the issue of air safety and transportation safety and came up with some tremendous recommendations to the minister, who for the most part ignored them. We then saw a bill introduced that was nothing like the committee report.

The other concern I have is with the timing. At the time the bill was considered to be an emergency and sections of it were put in there because it was an emergent reaction to the disastrous events which occurred in the U.S., in New York City and Washington D.C., last year on September 11. Had the government been willing to allow members of the committee and even members of Parliament, through the committee process, to amend the existing legislation, the bill could have been put through the House months ago, before the House prorogued.

The government, through its insistence that only it and it alone will create legislation, has created a situation where this reaction to an emergency is no longer appropriate.

It is quite evident that the bill has been largely written by bureaucrats for bureaucratic reasons. It has put into an omnibus bill the purpose of which is no longer there. The agenda of the House is not that heavy. Therefore there is no reason why the bill could not have been broken down into appropriate sections and put before committees to be dealt with in an appropriate manner. This whole Keystone Kop approach to this legislation does not bode well for Canada.

I would like to show just how ridiculous it is by pointing out that on page 59, under the National Defence Act, section 16(1) is not even completed. It is missing some of the legislation. It ends with a sentence, which basically says, "the maintenance of a component of the Canadian Forces, called a special force, consisting of", which is not complete. It is quite obvious that this legislation was written in haste and has not been edited properly as there are parts which seem to be missing.

One has to really question the reason why this omnibus bill is before us and why it has not been broken down into appropriate sections to be placed before the appropriate committees. I have to support my colleague from Port Moody—Coquitlam—Port Coquitlam who has put a motion before the House to have the bill broken down. It makes a whole lot of sense. It should certainly be passed by the House so that it can be dealt with in the appropriate manner that will find obvious errors because it has not been completed.

I would like to deal with some of the issues that are of concern.

One change made covers the concern raised by the opposition members on the 90 day or three month period where a minister could make an interim order which would not be checked by anybody. It is nice to see that has been reduced to 14 days to at least make it a little more current. However there is still a concern regarding the lack of accountability. There is no accountability for why the minister would make that interim order, that special order, and the reasons behind it to justify having done so in the first place.

Regarding controlled access for military zones, the government is limiting it to Halifax, Esquimalt and Nanoose Bay rather than the open-ended wherever it wants to designate those zones.

● (1545)

In looking through the legislation at least a couple of times, I do not see any specific reference to that. I do not see where that is itemized.The committee when it deals with this bill will have to go through it with a fine-toothed comb to make sure that what we are being told is in the legislation is actually there and is not left up to orders in council and other means to fill in the blanks.

The other aspect which I must say I am pleased to see in the legislation deals with reservists and how their jobs would be protected if they were called into action in the military. That is long past due and it is nice to see it.

Another aspect that is nice to see deals with air rage and hoaxes. These are concerns that should have been dealt with 13 months ago. These are important issues that could have been dealt with had the government handled the legislation in a more appropriate manner.

I have to say that the government only has itself to blame for its negligence in seeing that this bill was handled properly and written properly the first time. I would suggest that the government should depend less on bureaucrats to create public policy and should allow Parliament to be more involved in the process. It is Parliament's duty to create public policy. It is not the duty of the bureaucrats to create public policy.

It has to be reinforced time and again that it is in this House where public policy is created. It is in our committees created by the House where the flaws and the imperfections are identified so that legislation creating public policy can be made that much better. It has to be taken into account that we have allowed that process to be removed from the House of Commons.

Quite honestly, I will lay the blame where the blame must be laid. My colleagues on the backbench of the Liberal Party are the ones who have allowed Parliament to lose its right and its purpose of writing public policy. It is the Liberal backbenchers who have allowed the government to renege on its responsibility and to pass it on to the bureaucracy.

The legislation before us today is a prime example of what happens when the issues that are dealt with are not the issues of concern to the Canadian public, and that the way in which other issues are dealt with is certainly not the way in which Canadians would want them dealt with. The concerns of infringements on the rights of individuals, the concerns of the restrictions in the practice of our rights, the lack of accountability; all of these issues are a reflection of how a bureaucracy sees things differently, how it likes to protect itself from the scrutiny of the citizens and the politicians.

We have to get back to having the House of Commons more involved in the process of writing public policy and to having the bureaucrats administer the public policy that is written here in the House. One of the fundamental concerns I have is that this particular piece of legislation is definitely a reflection of how we have moved away from that.

I used one example of how there is a clause in this legislation which has not been completed and is missing information in it. How is that possible? How is it possible that a legal document, a piece of government legislation, a bill is brought before the House without even being completed, with missing sections and missing sentences?

My hope is that the government, through its small attempt today to democratize this place, will see that an important part of it is to allow the committees to do their work. Opposition members as well as government members should be allowed to bring in amendments to improve legislation, rather than the administrative branch of the government having to be the one to write and complete all legislation without amendments.

● (1550)

I hope the message will get through to the administrative branch of the government that change is not bad necessarily and that committees should be allowed to make the changes that are necessary to improve the legislation before them. I will end on that note with all the hope in the world that today we will see changes in the attitude of the administrative branch of the government.

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, I know my hon. colleague has worked very hard in her area of British Columbia and in the U.S.A. to create a better flow on the transportation corridor. She has worked to ensure that the flow of goods and people across our borders is trouble free and to enhance trade and good relations between our two nations. In her view, will Bill C-17 have any detrimental effect on what she has been working on in British Columbia?

Ms. Val Meredith: Mr. Speaker, I would like to say that the bill will make a tremendous difference in our relationship with the United States in that all concerns will be erased and it will be just perfect but quite frankly, on reading the bill I do not get that feeling at all.

I get the feeling that some minor administrative changes have taken place where bureaucrats have tightened up some of the loose ends of legislation. There are 22 pieces of legislation covered in the bill. They deal with all kinds of issues from immigration and airline security to hazardous products and the Food and Drugs Act. It really is a catch-all to tidy up loose ends in a number of different areas.

It does not concentrate on those areas that are of concern to the security of Canada, that will reinforce a feeling of confidence by the Americans that we have looked after our own security to protect ourselves from those who would be a threat to our national security and therefore also a threat to the security of the United States of America.

Quite frankly, the bill does nothing to address that. It will make no difference at all to the fact that the Americans by their new policies at the border obviously are still concerned that Canada does not take seriously the threat of national security to ourselves, to our own country, let alone to the United States by our being its closest neighbour.

● (1555)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I am especially happy to rise in this particular debate because the subject matter is so sensitive. It is dealing with the juxtaposition of the need for security versus the need to protect our basic civil liberties.

Why I am particularly glad to be participating in this debate in this place is because the debate is televised and this place is open. I think it is very important for parliamentarians when they address these very difficult issues that they be seen by Canadians to be facing those issues. That is one reason why I voted against the motion that was recently before the House. I think it is very important for Canadians always to see us in the open and transparent, as the previous speaker for the Canadian Alliance said. It is most important for MPs to not only stand to be counted, but to be seen to be taking positions on difficult subjects, whether it is in committee or in the House.

I have to say I found it very difficult to see that particular motion that I just alluded to pass. It endorses a form of secrecy that I cannot condone.

The portion of the bill that is before the House that I wish to address is the portion dealing with the collection of data from airline passenger manifests.There have been a lot of comments regarding the bill in the House. The member for Churchill spoke and said she was afraid that this was establishing a pattern whereby the rights of citizens would be compromised. She said the data would be collected and widely distributed.

I actually challenged the member for Churchill in the questions and comments period. I pointed out that in this particular piece of legislation that we have before us, the Minister of Transport has the right to collect a wide variety of data from the passenger manifests, where people are coming from, the number on their ticket, what travel agency they used. The list is in the schedule. I think there are about 40 items that are pointed out that the bill gives the authority to collect in the interests of screening for national security purposes.

The member for Churchill failed to note that the legislation makes it very clear that this information is to be collected only for the purposes of national security and it is not to be distributed. Indeed, the bill goes on to say that the information after being collected is to be destroyed.

On the one hand it would appear that the bill has decent safeguards to make sure that this information that is collected on people travelling in this country is not distributed widely for reasons other than on account of terrorism.

However, what most people have failed to note in the debate is that there is a law already on the books that indeed was given royal assent in October 2001. It allows the customs officials to collect precisely this kind of information from the passenger manifests and there is no limitation on its distribution. This is a very curious thing. This particular clause began in Bill S-23 which passed the Senate. For those who are watching, a bill with an "S" refers to a bill that originates in the Senate.

Bill S-23 amended the Canada Customs Act and permitted customs officials not just to collect data pertaining to import and export, but to collect data for the first time ever from passenger manifests. It is section 108.7 in the current customs legislation. The section specifically allowed the government to collect advance booking information, as a matter of fact, all the information that is contained in the legislation before us, plus some.

It is an interesting coincidence because this amendment to the Canada Customs Act was proposed before September 11 and was passed after September 11. We have the peculiar situation where the legislation before us right now does not go anywhere near the hazard, shall we say, to civil liberties that already exists.

● (1600)

I would urge the legislative committee that reviews this legislation to pay careful heed to the fact that clause 107.1 in the Customs Act gives this right of sharing of this kind of information with the other police and intelligence organizations. We should consider at this time whether this is such a good idea.

I will note that Bill C-17, the bill before us, does take the information collected from the passenger manifests. It also has a clause that amends the Privacy Act that would allow that information to be distributed to foreign powers. What it boils down to is that between this bill and the Customs Act, individuals arriving in Canada or leaving Canada, not only by aircraft but by any kind of conveyance or public transport, the pertinent data to their travel plans can be collected and distributed among the police authorities. Indeed this would allow the information to be distributed among foreign countries as well.

Mr. Speaker, there is a fundamental principle and this is why we have these debates on these delicate topics. The foreign minister would appreciate many of the things I am saying because of course he is right in the vice, shall we say, of trying to balance civil liberties against national security considerations while there is pressure from our allies, notably the United States, who want to see Canada have in place monitoring and screening regimes that can identify threats to not only our security but to the security of the nations around us that may be receiving people from our country.

The question becomes an ethical question that we must examine very carefully. Here it is; it is quite simple. Is there a different right of privacy for citizens or people in Canada to their personal information while they remain in Canada, and in the interests of national security and the threat of foreign terrorism should there be another level of privacy on personal information for people who are leaving Canada or coming into Canada?

The border may be the place in which the privacy considerations that the privacy commissioner is so concerned about should apply, but perhaps because of the new world threat we must consider that personal information, once it leaves our border, once it is beyond the 200 mile limit, becomes available and accessible to the various authorities. I am not talking about just our civil authorities but international authorities as well.

This is the kind of issue that more and more Parliament must debate because we walk such a fine line under the pressure of national security, the foreign terrorism threat, and even more than that, the pressure from our ally to the south who is still hurting from the wound of September 11, and is still lashing out, sometimes in very inappropriate ways, to ensure that the borders of the United States are secure.

We must pay serious attention to that. It is in our interest to pay serious attention to that. However on the other hand we have a wonderful tradition of protecting civil liberties in this country that goes back to Confederation. There is no country in the world, I am sure, that is more admired for the desire to uphold personal liberties than Canada, so we walk a very delicate line and it is important to have this kind of debate in the House on this kind of legislation.

I will conclude by returning to my original point. When we discuss issues this sensitive, it is so important for all Canadians to be able to hear us speak of these issues and see us struggle with the choices. We try to find a balance and we may be wrong in the end, because what we are in this place are the people who are trusted by all Canadians to make these hard choices. We are only human.

We might make wrong choices. It is terribly important for all Canadians, through the cameras that are in the House, to see us at work, whether we are at work here and struggling with these decisions in the House or in committee. Mr. Speaker, as you know, one positive reform to the committee process is that television is going to come into all the committee processes. Canadians will not only be able to see all the debates in the House, but they will be able to see the debates in committee when we consider legislation clause by clause.

● (1605)

I would make a final appeal to at least this MP, whether we are in the House or whether we are in committee, whether we are voting or only speaking, we should be there for Canadians to see.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-17 dealing with public safety. During the last session, the Bloc Quebecois pointed out a number of concerns, flaws and specious arguments regarding Bill C-55.

Today, we can see that some adjustments have been made. The provisions dealing with controlled access military zones are one example. We are pleased to see that this controversial section that was a real problem has been completely withdrawn from the revised bill, thanks of course to the continued efforts of the Bloc Quebecois during the last session.

Nevertheless, there are still serious concerns with regard to several provisions of Bill C-17, which, obviously, have not been revised, let alone withdrawn. This is the case with interim orders. Even though the time provided for the tabling in Parliament and approval by cabinet has been reduced, there is still no advance verification for compliance, and that is cause for concern.

We are also concerned with the provisions dealing with the sharing of information. In this regard, it is clear that the proposed changes are seriously flawed. It seems that the effects of these provisions go way beyond the intent of fighting terrorism, and this is why we are against the principle of this bill.

I will deal with the flaws stemming from the provisions dealing with the amount of time the information can be kept. As clauses 4.81 and the following ones are currently drafted, Bill C-17 would allow the Commissioner of the RCMP and the Director of CSIS, as well as the Minister of Transport, to obtain information on passengers directly from the airlines and operators of reservations systems.

The bill also provides that information may be demanded in cases of imminent threats to transportation security.

This is even more serious when it comes to CSIS, since it deals with threats against Canada, and not only against transportation security. The previous bill, Bill C-55, provided that information may be required for the purposes of the "identification of persons for whom a warrant has been issued". Subclause 4.81(6) of Bill C-17 states that this information must be destroyed within seven days after it is provided. However, it must be specified that it will not be done systematically since this deadline might be extended should it be reasonably necessary to do so for the purposes of transportation security or the investigation of threats to the security of Canada. Once again, the scope is extremely broad and will be certainly very difficult to limit in an appropriate and transparent manner.

The Bloc Quebecois wants to remind members that the privacy commissioner issued a letter on May 6, 2002, in which he voiced his concerns regarding Bill C-55. The commissioner mentioned among other things that he was concerned by the fact that the RCMP and CSIS could obtain personal information.

The commissioner expressed reservations regarding the provisions that would allow the RCMP to use the personal information of all airline passengers to search for individuals subject to outstanding warrants for any offence punishable by imprisonment for five years or more.

The commissioner also expressed reservations concerning the fact that the RCMP and CSIS would be able to retain the personal information of passengers in order to search for possible suspicious travel patterns. In the case of the use of the information by the RCMP, the definition of the mandate was a problem. Indeed, provisions of Bill C-55 allowed the RCMP to gather information for the purpose of searching for individuals subject to outstanding warrants. This clearly went beyond the stated purpose of public safety enhancement.

Moreover, the commissioner had concerns regarding the provision allowing the RCMP to release information on individuals subject to an arrest warrant. The commissioner suggested that these elements should be eliminated from the bill.

It is easy to conclude that the government tried to tighten up these provisions, but that it has failed.

● (1610)

In fact, even if the RCMP no longer has the statutory power to gather information for the sole purpose of tracking someone subject to a warrant, it can still provide police officers with the information gathered pursuant to Bill C-17 if it has reason to believe that it will be useful for executing a warrant under specific legislation.

The way the government is distorting the real purpose of Bill C-17, by introducing such provisions for the sake of public safety, is truly unbelievable.

For instance, it is up to the RCMP to determine when a situation becomes a threat to transportation security, which gives them the right to ask an airline for information about the passengers. It is not wise to let the police give its own interpretation of some provisions that will benefit them.

I am concerned that these provisions are not subject to any review mechanism. It is like giving carte blanche to the RCMP. We give them carte blanche to enfoce these provisions, but also to interpret what these provisions mean, which is quite worrisome. Parliamentarians seem to have backed away from their duty to supervise these things. We are very far from the transparency we were hoping for.

What is more, once the information is gathered, there is nothing stopping from the RCMP from keeping it, provided the reasons for so doing are recorded. Once again, I wonder about the degree of transparency this procedure is going to lead to.

The government has tightened up the definition of warrant. In the previous version, it might be an outstanding warrant for any offence punishable under federal law by imprisonment for five years or more. Now the definition stipulates that there will be a regulation stipulating exactly what crimes are involved.

I am still skeptical, when a bill assigns that much power through regulations. The effect of this is to strip Parliament of some of its powers of control and monitoring, and diminishes our role as parliamentarians. How many times have I risen in this House to refer to our diminished powers in this Parliament?

As for the second concern expressed by the Privacy Commissioner, this addressed serious reservations about the information gathered being kept afterward.

The seven-day period for which the RCMP and CSIS can retain information is excessive. A 48-hour period seems more than sufficient.

As well, the fact that this information can be retained indefinitely as a security measure is disconcerting. It needs to have limits set. I am referring to transparency here. It seems that this government has absolutely no grasp of what that concept means, which is deplorable.

Neither of the changes the privacy commissioner proposed has been included.

As a result, on November 1, 2002, the commissioner issued a press release in which he describes the changes between the present Bill C-17 and the former Bill C-55 as minor.

He feels that the provisions in clause 4.82 of both bills would give the RCMP and CSIS unrestricted access to the personal information held by airlines about all Canadians and all Quebeckers travelling on domestic as well as international flights.

He also voices misgivings about the fact that the RCMP would be expressly empowered to use this information to seek out persons wanted on warrants for Criminal Code offences that have nothing to do with terrorism, transportation security or national security.

He added that, in Canada, citizens are not required to identify themselves to police unless they are being arrested or they are carrying out a licensed activity such as driving.

The Bloc Quebecois has often argued for the fundamental right to anonymity with regard to the state. The commissioner talked about it in his press release.

● (1615)

Since air passengers in Canada are required to identify themselves to airlines as a condition of air travel and since clause 4.82 would give the RCMP unrestricted access to the passenger information obtained by airlines, this would set a privacy invasive precedent.

In other words, requiring passengers to identify themselves to the police would go against the right to anonymity. This is the point the privacy commissioner made.

Lastly, the commissioner stated that the proposed changes insult the intelligence of Canadians and Quebeckers.

According to the commissioner, the changes that have been made in this provision in Bill C-17 do nothing to address the fundamental issues that are at stake and that are linked to the principle of anonymity.

In his press release, the commissioner mentioned that the government now proposes to have regulations limiting the Criminal Code offence warrants for which the RCMP will be searching.

The commissioner insists that such a measure, as it stands, does nothing to address the fundamental point of principle that the police have no business using this extraordinary access to personal information to search for people wanted on warrants for any offences unrelated to terrorism.

According to the commissioner, in Bill C-17 the government has removed the "identification of persons for whom a warrant has been issued" as a "purpose" for accessing air passenger information under the legislation.

I agree with the commissioner that this is a disingenuous measure, since the RCMP would remain empowered to match this information against a database of persons wanted on warrants and to use such matches to bring about arrests.

Yes, it is true that all this insults the intelligence of Canadians to suggest, as the government did in its press release accompanying the bill, that the RCMP may "incidentally" come upon individuals wanted on Criminal Code warrants, if the police were to match names of passengers against a database of individuals wanted on Criminal Code warrants. Again, we have concerns about how the RCMP will interpret the word "incidentally". It is a matter of transparency.

Finally, the commissioner calls on parliamentarians. I agree with him when he says it is up to us all to make the crucially important privacy issues that are at stake known and understood. We must therefore get the point across to all the ministers and top government officials who will be involved in the application of Bill C-17.

In this respect, the Bloc Quebecois has always been on the front line in standing up for the rights of all the citizens of Quebec and Canada.

● (1620)

The government amendments regarding the powers of the RCMP and CSIS when it comes to collecting information on airline passengers are still much too broad and confusing.

Even though it appears that the proposed amendments correct certain flaws, the problems raised by the Privacy Commissioner remain as significant and pressing.

This is why we intend to pursue our efforts in the House of Commons so that the rights of every individual are taken into account in government decisions. Consequently, we are opposed to these new broader powers given to the police.

Members should keep in mind the fact that the new data bank that the RCMP and CSIS will have the authority to create will be in addition to the new data bank created by the Canada Customs and Revenue Agency.

Now I want to draw mebers' attention to a second aspect of this bill that is of concern to us, namely interim orders.

The bill would amend 10 acts or so to enable the minister to make interim orders.

We took a close look at clause 66 of this bill, which amends the Food and Drugs Act. The provisions dealing with other acts are similar.

The new section 30.1 of the Food and Drug Act states that:

> The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Act if the Minister believes that immediate action is required to deal with a significant risk, direct or indirect, to health, safety or the environment.
>
> 30.1(2) An interim order has effect from the time that it is made but ceases to have effect on the earliest of
>
> (a) 14 days after it is made, unless it is approved by the Governor in Council,
>
> (b) the day on which it is repealed,
>
> (c) the day on which a regulation made under this Act, that has the same effect as the interim order, comes into force, and (d) one year after the interim order is made or any shorter period that may be specified in the interim order.
>
> 30.1(3) No person shall be convicted of an offence consisting of a contravention of an interim order that, at the time of the alleged contravention, had not been published in the *Canada Gazette* unless it is proved that, at the time of the alleged contravention, the person had been notified of the interim order or reasonable steps had been taken to bring the purport of the interim order to the notice of those persons likely to be affected by it.
>
> 30.1(4) An interim order (a) is exempt from the application of sections 3, 5 and 11 of the Statutory Instruments Act; and (b) shall be published in the *Canada Gazette* within 23 days after it is made.
>
> 30.1(6) A copy of each interim order must be tabled in each House of Parliament within 15 days after it is made.

Section 30.1(4) provides that an interim order is exempt from the application of section 3 of the Statutory Instruments Act.

Section 3 of the Statutory Instruments Act provides that a proposed regulation shall be forwarded to the Clerk of the Privy Council, who shall ensure that the proposed regulation is authorized by the statute pursuant to which it is to be made and "does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights".

In our opinion, these provisions are dangerous. These amendments are made with the objective of giving ministers the power to issue interim orders.

We can only conclude that the previous examination of orders, based on the criteria that Parliament adopted for statutory instruments, is set aside.

● (1625)

We feel that this is the first democratic deficit. It is important to point out that hon. members do not have a say in the process to adopt regulations, before they come into effect.

In the vast majority of cases, the Joint Committee for the Scrutiny of Regulations examines the regulations once they are in effect, often several months after they were adopted.

Since interim orders are in effect for a limited period of time, the committee's review may often not be conducted soon enough, which is obvious but ,more importantly, deplorable. Afterwards, when the minister applies the amendments to the Aeronautics Act, he will be able to delegate to a public servant the power to make interim orders.

In this case, we are disappointed to see that no elected official will be involved in the adoption process. In other words, this is a second democratic deficit.

We were pleased by the fact that the federal government finally agreed to the requests of the Bloc Quebecois and deleted from its new Bill C-17 on public safety the provisions relating to the establishment of controlled access military zones in the former Bill C-55. However, we remain opposed to the principle of this bill, because of the provisions on interim orders and because of the provisions relating to the RCMP and CSIS, for the reasons I mentioned earlier in my speech.

The Deputy Speaker: 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 Sarnia—Lambton, Ontario Hydro; the hon. member for Acadie—Bathurst, employment insurance; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, foreign affairs.

[*English*]

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, I listened to the hon. member as he talked about a democratic deficit. Besides the regulations and implementing changes to the Aeronautics Act, I was wondering if there are any other places where he has noticed a democratic deficit.

[*Translation*]

Mr. Robert Lanctôt: Mr. Speaker, during our research on this bill, we found that there are at least 10 other pieces of legislation that pose a problem with regard to democracy. Why is that? An interim order is already a lack of democracy, why?

An interim order, as proposed by Bill C-17, gives a minister the authority to decide on his own whether there is an emergency and to apply the new provisions.

Usually, when one makes an order, a regulation—an interim order is considered to be a regulation—in order for it to be approved it has to be submitted to the Privy Council to make sure that the enabling statute allows such a regulation to be made, in other words to determine whether or not this interim order can be made. This step will be bypassed. Something even more important will be bypassed, namely the Canadian Charter of Rights and Freedoms and its declaration.

So an interim order will be made. In other words, a minister will decide it will apply to a given area or for reasons that lead the minister to believe there is an emergency. Will it only apply to transportation? We will see.

This is the problem with regard to democracy. When a regulation is made, as we know, members do not see it. When a law is being drafted, parliamentarians get to vote on the bill. But in the case of a regulation, parliamentarians never see it. In other words, it is the civil servants who draft everything that governs us.

In the field of the airline industry, this is serious. Apart from the fact that civil servants will be allowed to make an order, the minister himself will make an order anyway and the regulation or order will not go before the Privy Council to make sure that the enabling statue allows it and that the Canadian Charter of Rights and Freedom is being respected.

This is a huge lack of democracy. The bill will allow 10 ministers—not only the minister in charge of security or the minister of Defence—to make orders and to bypass the review that should be done when dealing with legislation on statutory instruments, namely interim orders.

● (1630)

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, I want to congratulate my colleague from Châteauguay on his excellent speech. I totally agree with him. I am opposed to the bill before us.

Over the last month and in recent weeks, we have seen what has happened at the Canada-U.S. border, the abuse by U.S. customs officers.

I would like to remind members of the infamous HRDC file—and I see the former minister over there. That file was supposed to be destroyed and it was later found out that it never was destroyed. It contained a lot of information on Quebeckers and Canadians who had dealings with Human Resources Development Canada.

My question will deal more specifically with the bill before us in the context of the statement made by the privacy commissioner. Personally, I would tend to have a lot of faith in the Privacy Commissioner since he is an expert in this field and since he was appointed to examine legislation and ensure that privacy is respected.

The privacy commissioner tells us, among other things, that he has done everything possible to convince the government and Parliament that this bill, as it stands right now, makes no sense.

I would like my colleague to say a few more words on the privacy commissioner's statement. Unfortunately, he will not have time to elaborate. I would like him to comment on the privacy commissioner's statement.

Mr. Robert Lanctôt: Mr. Speaker, I thank my colleague from Matapédia—Matane for his question.

The beginning of my speech was quite precise in that regard. Because of my background, it is obviously easy for me to talk about the problem of the Privy Council and interim orders.

However, we cannot ignore such an important element being created by this bill. Unfortunately, it is not creating something new, it is only repeating the same mistakes. As I was saying earlier, in the case of the old Bill C-55, the Privacy Commissioner came to talk to us about all the nonsense related to the creation of personal information lists on all Canadians and Quebecers.

At what level can these lists be used? When an airline company draws up such important lists, there is an obligation to provide this information. There is an obligation to give this information to the airline company. In a roundabout way, the government is saying that it has changed something. Under the act, it was possible to check what was on the list and to see the names of suspected people and of those subject to an arrest warrant. Checks could be made immediately.

The legislation, per se, has not changed at all. We were told it was amended, but everything will be done through the regulations. Once again, I come back to the regulations. Once again, I come back to interim orders. A regulation is the same thing. A regulation will be put together by a bureaucrat who will decide under which offence the police, CSIS and the RCMP, will be given access to the list of personal information. This could well be your personal information, Mr. Speaker, or that of my colleague from Matapédia—Matane, or of any member or even minister. Any travel, domestic or international, requires that information be given to the airlines. One can see how initially, after September 11, this was useful. RCMP officers will be able to look at the list from time to time to see who has committed an offence and if this new regulation applies.

Once again, the regulation has not been drafted and Bill C-17 is not specific. Once again, we are handing over power to bureaucrats.

Only one part of this bill is very specific regarding information and privacy. It is a very important part. The Bloc Quebecois led the charge on this to protect the individual rights of citizens. Our freedom and democracy are being put on indefinite hold. We are in the process of altering important aspects of our society. I hope that the Liberals worked to build a free country. Now we are being watched. We have heard talk of "big brother". We are in the process of giving the police tremendous powers. They will be the ones who decide when they want to use this list and for what purpose, perhaps even to arrest people who are not at all involved in terrorism.

This bill is a response to the events of September 11. However, it goes beyond that and it seeks to give far too much power, once again, to the RCMP and CSIS. We are well aware of what CSIS can do. We have already had a taste of it in Quebec.

● (1635)

[*English*]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I rise today to speak against Bill C-17, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

This proposed public safety act, 2002, replaces Bill C-55, which was introduced on April 29, 2002, but died on the order paper when Parliament was prorogued in September. The proposed act retains key principles of Bill C-55. As previously set out in Bill C-55, the proposed amendments would give ministers the authority to issue an interim order if immediate action is deemed necessary to deal with a serious threat or a significant risk, direct or indirect, to health, safety, security or the environment.

The following acts are involved in this new Bill C-17: the Aeronautics Act, the Canadian Environmental Protection Act, the Department of Health Act, the Food and Drugs Act, the Hazardous Products Act, the Navigable Waters Protection Act, the Pest Control Products Act, the Quarantine Act, the Radiation Emitting Devices Act, the Canada Shipping Act and the Canada Shipping Act, 2001.

The NDP has several concerns about this new public safety bill. Just from my reading of the number of acts involved, we can see the beginning of our concerns: This is a very large piece of legislation. Bill C-17 proposes to amend 26 different acts. Even though it has been introduced by the Minister of Transport, only 5 of the 26 acts that would be amended come from the Department of Transport. The bill will likely be referred to the transport committee, which will have to examine amendments not only to transportation acts but to other legislation such as the Food and Drugs Act, the Immigration and Refugee Protection Act, and the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.

I am not suggesting that my colleagues who sit on the transportation committee could not examine these acts, but why should they? The point of having different standing committees on different topics is to allow proper parliamentary scrutiny of bills. The health committee should be dealing with the acts related to health. The citizenship and immigration committee should be dealing with the amendments related to its area. With the bill the way it is right now, the transport committee must do the work of 11 different committees. That is an awful lot to ask of the good people who sit on the transport committee.

Obviously what the government is trying to do is ram the bill through as quickly as possible so that no one notices all the errors in it. This is not the first time the government has presented a large omnibus bill with so many changes that the government itself cannot keep track of them. The bill makes a mockery of parliamentary democracy. Instead of presenting the bill as 10 or even 5 different bills that would be debated in the House and referred to the proper committees, the government has decided to put a bunch of different amendments into one sweeping bill.

Why has the government decided to introduce the bill as one piece of legislation? The bill deals with public safety and anti-terrorism. Perhaps the idea was to pass it as quickly as possible to show that the government is doing something about terrorist attacks, but without thinking it through thoroughly. It has been over a year since the devastating attack of September 11 in New York and this bill has been introduced three times now. Speed is obviously not of the essence so why does the government not take its time and reintroduce a series of carefully thought out bills?

I want to look at the changes to the Aeronautics Act within the proposed new public safety act. In Bill C-17, the transport minister's regulation making powers concerning aviation safety are better defined than they were in the former bill, Bill C-42. This is one of the things the government is trying to accomplish. The lack of specifics in this area was one of the concerns of the New Democratic Party with Bill C-42, so this is an improvement, but I am afraid it is not particularly successful.

● (1640)

In Bill C-17 there is a feeble attempt to address the concerns of the privacy commissioner. The clause allowing RCMP-designated officers to access passenger information to identify individuals with outstanding arrest warrants has been removed. The bill now allows RCMP and CSIS officials to access passenger information only for national or transportation security purposes. However, they may still use this information to pursue individuals with outstanding arrest warrants if the crimes they are wanted for carry a potential sentence of five years or more. The privacy commissioner has stated publicly that this change is not enough to protect Canadians' right to privacy. There are still insufficient safeguards to prevent intrusion, particularly since the information could be shared with U.S. customs officials, who currently have a racial profiling policy.

The NDP also remains concerned about the government's haphazard and ill-conceived airport security tax. No one knows how it came up with the magic number of $12 per one way airplane ticket or how this enhances overall security. What we do know is that it has added as much as 20% to the cost of airplane tickets, which has made it difficult for Canadians to travel across the country. While we are addressing this topic of public safety as it relates to transportation, I would like to remind the House that the federal government's $24 per round trip security tax is really imposing what is similar to the GST on airline travellers. This security tax is expected to raise $2.2 billion over the next five years. The cost of airport security will be only $1.5 billion.

The government's security tax will have a devastating effect on our national economy, the economies of communities dependent on a vibrant air industry, the tourism industry and an already fragile airline industry, especially Canada's smaller airlines trying to compete against larger ones such as Air Canada. My party, led by the efforts of my colleagues, the member for Churchill and the member for Regina—Qu'Appelle, launched a national campaign against the punitive tax. We in the NDP say that it is wrong to selectively target a particular group of Canadians to pay a disproportionate amount of the share for security when all Canadians have a basic right to personal security, and it is wrong to ask one industry and the communities that will suffer from its negative impact to bear the brunt of that tax. The tax basically has done little to fight terrorism but a lot to fight tourism. We can all agree that in a country the size of Canada airline travel is most desirable. However, when the cost of air travel is increased by approximately 4% to 5% by imposing a government security tax it will do much to deter Canadians from choosing air travel in their own country. The airport security tax provisions within Bill C-17 are ill-conceived and need more work, not entrenchment in the bill.

Another criticism that the NDP has of the bill is that it still allows unprecedented powers within the cabinet. For example, the Minister of Transport would have wide-ranging powers to make regulations and orders concerning aircraft and airport security. The Minister of the Environment would have broader power for environmental emergencies. The Minister of Health would have an ill-defined power in case of emergencies as well. Our question within the New Democratic Party is this: Why not simply pass a bill that suspends democracy in case of emergencies? That is pretty much what the bill seems to be doing. The bill is really a power grab by the federal Liberal government. It is an infringement upon the civil liberties of the Canadian people.

We have to be very careful as to what powers we give ministers of the crown and what powers they can exercise without coming to Parliament for a democratic vote of the Parliament of Canada. I do not think I need to remind the House of how past Canadian governments have acted in emergencies such as the FLQ crisis or even the internment of Japanese Canadians during World War II, all because of so-called emergencies. Of course there are emergencies. There are times that we need to act quickly for public safety, but there is a fine line between acting for public safety and simply infringing on civil rights.

In times of crisis, the worst tendencies come out and almost inevitably target groups of innocent people. Right now at the U.S. border, Canadian citizens that come from targeted countries are being harassed, forced to submit to uncalled for fingerprinting, photographing and interrogation.

● (1645)

These are the sorts of policies that come from an unthinking government, a government that has knee-jerk reactions to crises. We cannot allow that to happen here. We must ensure that we continue to pass careful and thoughtful legislation.

I would like to close by urging the House to vote against Bill C-17 and to force the government to reintroduce smaller pieces of legislation so that we can properly discuss and debate some of the important security issues in this country.

The Deputy Speaker: Before I proceed to questions or comments, I have a point of order from the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons.

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BUSINESS OF THE HOUSE

COPYRIGHT ACT

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

> That the report on the provisions and operation of the Copyright Act, pursuant to the Copyright Act, S.C.1997, c. 24, s. 50, tabled on October 3, 2002, be referred to the Standing Committee on Canadian Heritage.

The Deputy Speaker: Does the House give its consent for the parliamentary secretary to move the motion?

Some hon. members: Agreed.

The Deputy 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)

* * *

PUBLIC SAFETY ACT, 2002

The House resumed consideration of the motion that Bill C-17, an act to amend certains Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee.

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I want to thank my colleague from Dartmouth for her comments related to Bill C-17. I would like to question her in regard to her thoughts on the privacy commissioner's comments that the lists being asked for are too extensive in nature and that the usage of the list leaves it open for the privacy of Canadians to be jeopardized. I just wonder if she would further reflect upon his comments. What are her thoughts on that?

Ms. Wendy Lill: Mr. Speaker, I would like to thank my hon. colleague for her question. I am very concerned about what the privacy commissioner has said about the bill. I take very seriously the concerns he has raised. He has concerns about clauses of the bill allowing the RCMP to obtain airline passenger information when searching for people wanted under warrants.

He said specifically that the precedent set by this provision ultimately could open the door to practices similar to those in societies where police routinely board trains, establish roadblocks, or stop people in the street to check identification papers in search of anyone of interest to the state. It is the kind of very chilling comment from someone in as high and as important an office as the privacy commissioner's that I take very seriously.

● (1650)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, it is a pleasure to rise today in this debate on Bill C-17, commonly known in the short form as the public safety act, 2002.

I am particularly pleased to address my colleagues and to express my opinion on this bill, because this is a controversial piece of legislation that highlights the lack of vision and leadership of this government in the control of national security, and rightly so. This is in fact the government's third attempt at passing this centrepiece of its rather mixed antiterrorism strategy and response to the terrible events of September 11, 2001, more than one year ago.

The fact of the matter is that a number of political observers have drawn attention to this state of affairs, as have those who oppose the legislative provisions put forward by the government.

The Bloc Quebecois is also against Bill C-17, because it contains provisions that are not well defined and gives intelligence services and the federal police powers that are particularly vague. I will have the opportunity to get into this in greater detail later.

I will divide my remarks into five sections: first, military security zones; second, interim orders; third, information sharing; fourth, amendments to the Immigration Act; and fifth, amendments to the Personal Information Protection and Electronic Documents Act.

Let us address the issue of military security zones. The fact that this issue was taken out of the public safety legislation represents for the Bloc Quebecois and individual liberty advocates a very significant victory over a government that was pretty panicked, as we know, following the attacks of September 11, 2001, not by the fear of terrorist attacks on Canada, but rather by American pressure because of the lack of efforts made in previous years in terms of national security.

The Bloc Quebecois said repeatedly that provisions relating to the controlled access military zones posed a very serious threat to the balance that must always exist between security and liberty. My colleague from Argenteuil—Papineau—Mirabel, whose work on this issue I commend, eloquently pointed this out.

These provisions offer the potential for abuse on the part of the government by granting a dangerous discretionary power to the Minister of National Defence. They also had the effect of depriving the citizens who might happen to be within these so-called security perimeters of their most fundamental democratic rights.

As for the declaration of special zones, this measure strikes us as far more reasonable than before. We will, however, be keeping a close eye on developments, will remain extremely vigilant and will be quick to speak out loud and clear if we see anything that seems to be headed toward potential abuse.

It is essential, however, and I stress this point, for no military security zone to be created in Quebec without prior consultation with the Government of Quebec and its approval. Too many bad memories are conjured up by the prospect of abuse by federal bodies within Quebec, in the name of national security. I shall say no more, but I am sure everyone knows what I am referring to.

In its present form, Bill C-17 still maintains the considerable irritants associated with the interim orders.

This third remake of the bill still contains provisions that allow ministers to issue interim orders. Worse still, in at least one case, this extraordinary and very great power is being delegated to departmental officials. Nothing could be more of an irritant.

There are, however, some amendments that represent a step in the right direction. Two relatively minor changes from what was in the previous versions have been made by the government in response to opposition pressures, from the Bloc Quebecois in particular.

The interim order must be tabled in Parliament within 15 days of its being issued. As well, the duration of the order is decreased from 45 to 14 days, that is the length of time it is in effect without cabinet approval.

It goes without saying as well that even the most serious of emergencies cannot justify the route the government wants to take for dealing with major crises. Bill C-17 still contains a provision for the Clerk of the Privy Council not to have to weigh the compatibility of the government's action and the scope of the interim measure against the provisions of the Canadian Charter of Rights and Freedoms and the enabling legislation.

Coming as it does from the government that introduced the charter, this is a rather dramatic paradox, particularly considering the historic role of the Prime Minister of the day.

● (1655)

Of course, and thanks to the pressure exerted by the Bloc Quebecois, notable improvements were found between the first versions of Bill C-42, Bill C-55 and the current version. Unfortunately, what is known as the charter test remains a significant problem and this is all the more regrettable.

We cannot discuss the sensitive issue of public safety and, by extension, national security, without taking a direct look at the purpose and the scope of the powers given to intelligence agencies.

In this regard, the current wording of Bill C-17 allows two individuals, namely the commissioner of the RCMP and the director of CSIS, in addition to the Minister of Transport or a designated agent, to directly obtain from airline companies and operators of seat reservation systems, information on passengers.

This information may be requested if there is an imminent threat to transportation safety or security. As regards the scope of the bill for CSIS, such information may also be requested for investigations relating to threats to Canada's security.

Generally speaking, the information gathered by the RCMP and CSIS is destroyed within seven daysof being obtained or received, unless this information is reasonably necessary to maintain transportation safety, or to investigate a threat to Canada's security.

As members know, on May 6, the privacy commissioner released a document in which he expressed his concerns about Bill C-55 regarding the gathering of information by the RCMP and CSIS.

He had reservations about two provisions that allowed: (a) the RCMP to use personal information on all airline passengers to locate individuals wanted under a warrant for any offence punishable by imprisonment of five years or more; and (b) the RCMP and CSIS to keep personal information on passengers for purposes such as the examination of suspicious travelling habits.

As regards the first point, a number of provisions posed a problem, including the definition of the mandate, the provision allowing the RCMP to gather information to locate individuals subject to an outstanding warrant, and the provision allowing it to disclose this information. The commmissioner suggested that these provisions be eliminated from the bill.

In fact, under the current version, even though the RCMP can no longer collect this type of information, it still has the power to disclose the information obtained through the provisions of the bill to a peace officer, if it has reason to believe it could be of use in the execution of a warrant.

However, it is up to the RCMP to decide at what point a situation may threaten transportation safety, which enables it to access passenger information from an airline. There is no mechanism to control this. It amounts to a blank cheque for the RCMP.

What is more, once the information has been obtained, there is nothing to prevent the RCMP from keeping the information indefinitely if it is reasonably required.

The government tightened the definition of the warrant. In previous versions of this bill, it could be a warrant issued by the government for any offence punishable by imprisonment of five years or more. Now, the definition makes it clear that a regulation will specify to which crimes the provision will apply.

As for the second point, the commissioner expressed serious reservations regarding how long the information could be retained:

> The seven day period during which the RCMP and CSIS may keep the information is excessive; 48 hours is adequate.
>
> The fact that the RCMP and CSIS can keep this information indefinitely is of concern. There must be limits.

This is what the privacy commissioner said. However, neither of the two proposed amendments were included.

As a result, on November 1, 2002, the privacy commissioner said that Bill C-17 was a bill that was not satisfactory and that only contained minor changes.

Also, according to the commissioner:

> The provision in question, section 4.82 of both bills, would give the RCMP and CSIS unrestricted access to the personal information held by airlines about all Canadian air travellers on domestic as well as international flights.

He added that:

> —my concern is that the RCMP would also be expressly empowered to use this information to seek out persons wanted on warrants for Criminal Code offences that have nothing to do with terrorism, transportation security or national security.

● (1700)

Finally, he said that the proposed changes were and still are an insult to the intelligence of Canadians. The changes made to the bill do not address the fundamental issues of principle that are at stake.

The government now proposes to have regulations limiting the Criminal Code offence warrants for which the RCMP will be searching.

But this does nothing to address the fundamental point of principle that the police have no business using this extraordinary access to personal information to search for people wanted on warrants for any offences unrelated to terrorism.

As well, in the new bill the government has removed the "identification of persons for whom a warrant has been issued" as a "purpose" for accessing passenger information under the legislation. But this is meaningless, indeed disingenuous—since the RCMP would remain empowered to match this information against a database of persons wanted on warrants and to use such matches to bring about arrests.

It insults the intelligence of Canadians to suggest, as the government does in its press release accompanying the bill, that the RCMP may incidentally come upon individuals wanted on Criminal Code warrants.

If the police are to match names of passengers against the database of individuals wanted on Criminal Code warrants, there can be nothing incidental about finding them.

Finally, as parliamentarians, we are directly being called upon by the privacy commissioner, and I quote:

> Since the original Bill C-55 was introduced, I have used every means at my disposal to make the crucially important privacy issues that are at stake known and understood by all the ministers and top government officials who are involved in this matter. I regret that I have not, to date, been successful in obtaining an appropriate response from them, though I will certainly continue my efforts. It is now up to Parliament to explain to these people that privacy is a fundamental human right of Canadians that must be respected, rather than treated with the apparent indifference that the government is showing.

It goes without saying that the Bloc Quebecois is in total agreement with the privacy commissioner's criticism and that we support him in this regard.

The amendments presented by the government concerning the power of the RCMP and CSIS to gather information on airline passengers are still far too broad. Even if the proposed amendments appear to deal with the bill's obvious flaws, the shortcomings pointed out by the privacy commissioner remain as they were.

In fact, we must keep in mind that the new data bank the RCMP and CSIS will be able to create will be in addition to the new one created by Customs and Revenue, to which both the privacy commissioner and the Bloc Quebecois have objections. More than ever, as my colleagues have already said, it is important to stress that it is true that "big brother is watching you".

Part 5 of Bill C-17 specifically amends the Department of Citizenship and Immigration Act. Two sections are added, setting out the possibility for the Minister of Immigration to enter into agreements or arrangements with a province, a group of provinces, foreign governments or international organizations.

The purpose of these would be facilitating the formulation, coordination and implementation—including the gathering, use and disclosure of information—of policies and programs for which the minister is responsible.

The proposed amendments do not hold water and seem quite weak to us. Indeed, the bill does not specify anywhere the goals or the scope of the agreements, except for the fact that they would be used to disclose information.

Since we are examining the framework of a bill dealing with the fight against terrorism and national security, and the information in question would be obtained through exceptional means, perhaps it would be appropriate to specify the nature of this information and the reasons for disclosing it.

With this change, the body of the bill would seem less problematic to us. But there is also another reality, just as difficult to control, associated with the very broad regulatory power.

Bill C-17 also contains major changes to the Personal Information Protection and Electronic Documents Act. About this part of the bill, we have some particular concerns that deserve to be considered more thoroughly.

● (1705)

Thus, is the objective of the proposed amendments to the bill not precisely to allow the sharing of information that we are condemning in the case of the RCMP and CSIS?

Consequently, for all these reasons, the Bloc Quebecois opposes Bill C-17 in its present form. While it contains some improvements over the previous bills, whether Bill C-55 or Bill C-42, it is obviously incomplete and flawed. It is for the reasons that I just explained that we oppose Bill C-17.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, I would like to take this opportunity to congratulate my young and brilliant colleague from Charlesbourg—Jacques-Cartier.

I would like to come back to the end of the letter written by the privacy commissioner, Mr. Radwanski, where he says:

> I regret that I have not, to date, been successful in obtaining—

He was talking about ministers and top government officials.

> —an appropriate response from them, though I will certainly continue my efforts. It is now up to Parliament to explain to these people that privacy is a fundamental human right of Canadians—

We would add "of Quebeckers"

> that must be respected, rather than treated with the apparent indifference that the Government is showing.

I would like my colleague to comment on this sentence and to tell us how much he thinks we can contribute through this debate to raising the necessary level of interest, rather than lulling Canadians into indifference the way the government is doing.

Mr. Richard Marceau: Mr. Speaker, I will start by thanking the member for Mercier for her kind words. These kinds of comments are all the more flattering coming from her.

In response to her question, I would say that it is troubling to see that the government is not willing to listen to what an officer of the House, who is independent from the government and reports to Parliament, has to say. Based on his experience, his knowledge and his position as privacy commissioner, when he gives an opinion, he should, without having the last word, be heeded, and heeded well.

It is troubling to know or to learn that the government is totally insensitive to the comments made by the privacy commissioner. It is troubling to see that a government, which is responsible for protecting the rights and freedoms of the people it represents as is the case in any free and democratic society, pays so little attention to the rights and freedoms of Quebeckers and Canadians and ignores the importance of privacy for any individual.

Sometimes it is tempting for a parliamentarian in this House to become cynical, to give up and to say that, in any event, the power is concentrated in the hands of the Prime Minister and he makes all the decisions. If he does not want to change the bill, he will not. But sometimes, there is a ray of hope, whether it be the vote that was held earlier this afternoon, which has somewhat loosened the Prime Minister's grip on Parliament, or the fact that the Bloc Quebecois and its allies have managed to get the government to reconsider with, among other things, certain amendments to the previous incarnations of this bill, namely Bill C-55 and Bill C-42.

In conclusion, as a member of the Bloc Quebecois who believes strongly in the rights and freedoms of the people—and this is the basis of our political commitment—I will say that we will do everything possible to get through to the government. We will keep putting pressure on the government to persuade it to back off and to accept the privacy commissioner's arguments, which have also been taken up by the Bloc Quebecois and by many stakeholders across Canada.

● (1710)

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, I would like to congratulate my colleague for his speech and also the member for Mercier for her excellent question.

However, I want to speak on behalf of ordinary citizens. As my hon. colleague from Charlesbourg—Jacques-Cartier just pointed out, we started with Bill C-55, which was introduced after September 11—and we know that everything changes when the House prorogues—then we got Bill C-42 and now we have Bill C-17 before the House.

When I read that the RCMP commissioner, among others, will be able to keep the information for seven days before having to destroy it, I realize, based on past experience, that the commissioner and other civil servants are being given discretionary powers. They can keep the information if they see fit to do so.

Based on what happened in the past, I have some serious concerns both as an ordinary citizen and as a Quebecker. My question will deal more with what Bill C-17 means for ordinary citizens.

For instance, in the area of law enforcement, what does it mean, for instance, to be on file? What does it mean to have some of our personal information entered in a new file? In the last few years, governments have used computerized systems to create a number of files. How safe are these systems? One has to wonder.

My question is quite simple. What does it mean for me, as an ordinary citizen, to have yet another piece of information about my private life entered in a computerized system like the one kept by the federal government?

Mr. Richard Marceau: Mr. Speaker, it is widely known in political science that the state is the coldest monster on earth. As parliamentarians—and the same applies to all Canadians—we have to ensure that this cold monster never has under its control things that could be prejudicial to the development, the happiness, the security and the rights and freedoms of all Canadians.

Therefore, as soon as we parliamentarians give the state, that is the government or the machinery of government, more power than it needs, our individual rights and freedoms are intrinsically in danger.

Let us see what this means for the average citizen. If people decide to travel out of interest, as tourists, on holidays or on business, travellers for example, just because they often visit certain parts of the world, they will automatically be under a cloud of suspicion.

Let us say, for example, Mr. Speaker, that you have a new girlfriend who lives in a somewhat suspicious country, in the Middle East for instance, and that you visit her quite often. We all know that it is difficult to maintain a long distance love affair, but let us take this example anyway. The mere fact that you are travelling there regularly to visit this person would put you under a cloud of suspicion.

This kind of suspicion, of ready-made opinion, that the state could have on a citizen just because he or she travels to certain parts of the world is but an example. Many other examples could have been chosen or described in relation to the threat Bill C-17 poses to the rights and freedoms of Quebeckers and Canadians, particularly the threat to privacy.

● (1715)

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, we have been debating this bill, the half-brother of the twins, Bill C-42 and Bill C-55, for a few hours now.

A few years ago, a Quebec performer that you surely know, Richard Séguin, had his own version of this excellent Bob Dylan song called *Times they are a changin'*. Indeed, times are changing. And since September 11, 2001, many are saying that nothing is the same any more, that our world is changing. The case of Maher Arar, this Canadian citizen of Syrian descent who was deported from the U.S. to Syria without any justification, is proof that things are no longer the same since September 11.

We could also mention the fact that the people targeted by our American neighbours because of their country of origin can no longer travel without worry. There is no doubt that, while the world is changing, most of the time for the better, in this case it is for the worse.

Not long ago, we had the opportunity to speak to a certain bill on public safety. That was Bill C-42. The criticism was harsh, for a good reason. The government proposed a makeshift solution to a new problem in a changing context. Had it passed this Bill C-42, Parliament would have accepted that the most fundamental of civil rights and liberties be sacrificed on the altar of the constant fight, as we were told, against terrorism. But the cost was much too high and, in the end, reason prevailed and Bill C-42 was returned to where it came from, probably some computer's random access memory. We were naive enough to believe that the government had understood the essence of our criticism. But no.

Instead of showing some understanding of our views, the government used a ploy, but we did not fall for it. The new Bill C-55 was the twin brother of Bill C-42, even though it was born a few weeks later. Absolutely. For the second time, we would debate a bill on public safety. Unfortunately, the minister's imagination quickly revealed its limits. We were not fooled. This is why, for the second time, we opposed the idea of interfering with the rights and freedoms that form the basis of any democratic society that acts in accordance with its principles. Fortunately, when Parliament was prorogued, Bill C-55 died on the Order Paper.

But the more things change, the more they stay the same, and today we are debating Bill C-17, the half-brother of the other two. How times change. This bill is the offspring of a blended family or, in this case, a family which, actually, is divided into two clans.

Before mentioning the common features of Bill C-42, Bill C-55 and their half-brother, Bill C-17, I want to congratulate all the hon. members who strongly condemned the infamous controlled access military zones included in the previous two bills. Thanks to the work of citizens, civil society groups and people who care about fundamental rights, we managed to convince the government to listen to reason. The government had no choice but to see the obvious. It could no longer defend the indefensible. Logic should also help the government party, if only on certain occasions. This is why we should acknowledge this gesture of openness in the face of criticism. This shows that there is a constructive opposition in this chamber, an opposition that listens to the people.

Should we stop being vigilant now that controlled access military zones are not included in the new Bill C-17? Absolutely not. We must see that the decisions being made today respect the balance between the three branches in our society, namely the executive, legislative and judiciary branches.

In its current form, Bill C-17 poses a threat to the balance between the executive and the legislative branches, since it includes specific provisions allowing ministers and officials to make interim orders.

While there are some differences in the monitoring of interim orders as compared with the provisions of the old Bill C-42, the absence of a preliminary check to ensure compliance with the Canadian Charter of Rights and Freedoms and the enabling legislation poses a problem.

● (1720)

We can see clearly, when we read Bill C-17, that interim orders are exempt from the application of section 3 of the Statutory Instruments Act. As you know, an order is considered to be a statutory instrument; therefore, it should undergo a preliminary check by the Clerk of the Privy Council. His role is precisely to ensure that the proposed regulations do not, and I quote:

> —trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights.

So we should ask ourselves the following question: if the purpose is not to trespass unduly on the Canadian Charter of Rights and Freedoms, why are we exempting the interim orders from the proper examination that would prove they are in compliance with the charter? By chance, would the government have the secret intention of transgressing the most basic rules of our free and democratic society by infringing on the fundamental rights of those individuals who form that society?

We do not question the importance of preventing all possible terrorist acts, and we do not question the necessity of equipping ourselves all the tools we need to expose those who would threaten the security of the citizens.

We even tabled, in the fall of 2001, a motion requesting that the government implement all the necessary measures for us to reach our goal of giving 0.7% of our GDP for international aid. The reason was simple and still is: in order to fight against terrorism, we must fight against its main cause, and that is the extreme poverty of hundreds of millions of people.

If we all agree that it is important to eliminate the conditions that breed terrorism, we also agree that we must fight against those who would come to our borders with the intent of committing terrorist acts. Once again, however, this cannot be done at any cost.

One price we must refuse to pay is waiving the right to privacy. In the past, we made choices. We made the choice to live in a constitutional state instead of a police state. We must be careful not to open the door to this style of governance where police are everywhere, always checking what everyone is doing. Would any of us blindly agree to have personal information relating to us processed and used for purposes other than those related to the fight against terrorism? Should the simple fact of taking a plane warrant the RCMP and CSIS having a record on a person? No. That has been made abundantly clear in the debates on Bill C-55, both by members of this House and by the privacy commissioner.

It is interesting to know what the privacy commission thinks of Bill C-17. First, it would appear that his concerns about the defunct Bill C-55 were ignored, the ministers and top government officials having failed, so far, to provide him with an appropriate response. This is why he is now calling on Parliament to ensure his concerns finally receive the attention they deserve.

What is so worrisome in terms of privacy in Bill C-17? About clause 4.82 of the bill, which does not place appropriate limits on the powers of the RCMP, the commissioner says, and I quote:

> But my concern is that the RCMP would also be expressly empowered to use this information to seek out persons wanted on warrants for Criminal Code offences that have nothing to do with terrorism, transportation security or national security.

What we must guard against is the risk of creating a precedent that would eventually open the door to increased police control over various areas of our daily lives. For example, if we allowed special powers intended primarily to protect national security and to counter terrorism to be made available to the RCMP with respect to air passengers, who is to say that this special situation will not be extended to rail, bus or metro passengers?

● (1725)

If, for example, a suicide bomber were to blow himself up on a crowded train, would we go so far as to flag train travellers and use this same opportunity to look for people with outstanding warrants? There is always a tendency to be overzealous. There is always a point of no return when it comes to overzealousness, a point beyond which we must not go for fear of destroying the fragile equilibrium required to maintain a free and democratic society.

The commissioner also raises another point that we must not lose sight of. The right to anonymity with regard to the state is a crucial privacy right. With Bill C-17, that right to anonymity will be set aside the moment we are unwise enough to set foot aboard a plane. If it were set out in the act that personal information can be used only in the case of persons representing a true threat to national security, we could feel a bit reassured, but that is not the case. Obviously, the right to privacy will be meaningless as soon as Bill C-17 comes into force if the government maintains its position. We have confidence, Mr. Speaker, that you will not have to reserve passage on a ship in order to visit your girlfriend overseas.

The members of the Bloc Quebecois are here to serve the interests of the public, and so they will fight energetically to see that the right to privacy is respected. We share the privacy commissioner's view that there are some major changes needed in Bill C-17.

Privacy is one of our basic rights. We are entitled to expect information on us to be used sparingly, at the very least. For the government to confer upon itself the right to collect information on air travellers is one thing, but the right to exchange and distribute that information is quite another.

As hon. members may be aware, I have been on the citizenship and immigration committee for close to two years. The recent headlines leave no doubt as to the concerns raised by what our powerful neighbours to the south have been doing. If the government is trying to be subtle, as subtle as an elephant doing a polka on the clerk's table would be, that must not make us let down our guard in the least.

First, we have to realize that the public safety bill, just like several other bills, amends a number of pieces of legislation to keep them in sync with today's reality. Part 5 of Bill C-17 amends the Department of Citizenship and Immigration Act, as follows:

> 5. (1) The Minister, with the approval of theGovernor in Council, may enter into agreementswith any province or group of provincesor with any foreign government orinternational organization, for the purpose offacilitating the formulation, coordination andimplementation—including the collection,use and disclosure of information—of policiesand programs for which the Minister isresponsible.

Similar provisions in part 5 allow the minister to enter into arrangements. But what change does this amendment make, besides the ability to make arrangements? It adds the words "including the collection, use and disclosure of information".

The Department of Citizenship and Immigration Act would be amended to specifically allow the minister to collect information, to use it without indicating for what purpose it is used, and to disclose it without indicating what information can be released and to whom it can be disclosed.

In fact, Bill C-17 would give the minister the right to disclose the information to the whole world. Not only that, but it would allow the minister to disclose and release the information but does not provide a detailed framework for such activities. That is what I call increasing ministerial authority without proper monitoring.

As we have said before, maintaining a balance is crucial to a healthy society and the risks of a faux pas are too high.

● (1730)

Let us use a concrete example. The current Minister of Citizenship and Immigration is about to conclude an agreement with the United States on safe third countries. Even though this agreement worries us on several fronts, because NGO's oppose it strongly and the UNHCR is questioning the content of the agreement, the government seems determined to go ahead with it. The fact that this agreement will be implemented despite the concerns and protests from civil society is not very surprising. We can just imagine what the situation would be like if Bill C-17 were in force.

We already know that U.S. legislation on immigration and refugee protection is more restrictive than in Canada, to wit the recent revelations on how our neighbours to the south treat people born in certain countries.

With the new powers that the bill would give the minister, he could be authorized to disclose to U.S. authorities information on applications for refugee status made in Canada. Do we have the right to authorize the release of personal information like this? What will happen with the information collected by the minister? One thing is clear, as soon as information is shared with another party, we lose control of it.

In addition to not knowing how the minister might use the information, it is impossible to find out what might happen to it once it was disclosed to a third party. Imagine the results. There is no way of finding out how the information might be used, any more than it is possible to find out the facts. How, then, can we control the dissemination of this information? It is naive, idealistic and even rash to believe that we could control a situation when we have not established sufficient limits.

That is not the extent of it, either. People may think that is enough already. Well no, not quite. Part 11 of Bill C-17 contains a few surprises. It contains, once again, changes to immigration. Indeed, it involves an amendment that would allow for the information collected from airlines to be used to implement any accord or agreement between the Minister of Citizenship and Immigration and another party. What exactly is going on in the government? Does it feel so generous that is has to share personal information with everyone? Is it planning to set up a one-stop shop to disclose all of the information on new immigrants? Just take a number.

This is not right. We must be consistent with our principles. If we say that we have decided to live under the rule of law, we cannot allow insidious attacks on democracy to weaken what is meant by privacy protection.

Here is one last element, as if that were not enough. A new clause has been added to specify that the provisions for the collection, retention, disposal and disclosure of information, as well as any disclosure of information for the purposes of national security, the defence of Canada or the conduct of international affairs will be provided for through regulations. That is just wonderful. By specifying that regulations concerning these various elements will have to be tabled before each house of Parliament, perhaps the government thought that we would be easily fooled. To pull this off, the government will need to do much better than that.

Let me remind this government that, under the Immigration Act, once proposed regulations are tabled before Parliament, they may be passed without subsequent changes being tabled once again in the House.

To give a good illustration of what this means, it is as though you and I reached a contract that would bind us indefinitely—how horrible—but only I would have the power to change it as I saw fit, without your approval. Would you sign such a contract? Certainly not, and nor would we.

The government cannot always defend the indefensible. The same goes for the protection of privacy. But I am reminded of something that the philosopher Khalil Gibran wrote in *Sand and Foam*, and I dedicate it particularly to my colleagues in the government. He said, and I quote:

> Strange that we all defend our wrongs with more vigor than we do our rights.

I hope that this will be instructive for our colleagues. It is true that the times are changing. Let us only hope that the party in office will finally understand that it must adapt to change by offering us appropriate solutions instead of constantly offering us the same options, month after month, session after session.

● (1735)

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, I would like to begin by congratulating my colleague from Laval Centre. I know the hon. member for Chicoutimi—Le Fjord joins me in expressing our congratulations to her on a well-researched speech full of literary allusions. We know how well read she is.

How does the hon. member explain the repeated refusal of the government to bow to the arguments of the Privacy Commissioner? How does she account for the fact that the proposed changes were much less widespread in the new Bill C-17 than in the bills that she called twins, that is, Bill C-42 and Bill C-55? What would she suggest to improve the bill so that it would be acceptable for all Quebeckers and all Canadians?

Ms. Madeleine Dalphond-Guiral: Mr. Speaker, I thank the member for Charlesbourg—Jacques-Cartier for his questions.

I am absolutely convinced that not only the member for Chicoutimi—Le Fjord but also the Minister of Foreign Affairs were dazzled by my speech. In response to the member's question, I would have hoped that we would hear the answers in the speeches by our colleagues opposite.

We must acknowledge the fact that, since the beginning of this debate, very few Liberals have risen to speak to Bill C-17, to defend it, to explain why it is an excellent bill. Maybe they are embarrassed. If this is the case, it is a start, but I think that the reality may be different.

Could it be that our friends opposite are more preoccupied with their own internal affairs than with the affairs of the nation, with the issues that affect the quality of the democracy in which we live?

There is another reason that could explain Bill C-17. Maybe there ought to be, in this government, someone who can stand up to our American neighbours.

In the Bible, there is the story of David and Goliath. As long as David thought that he was too small and kept hiding from Goliath, he could not win. I think that the time has come for Canada to do something, and I am talking here to the Minister of Foreign Affairs. I am sure that he is listening to me even though he does not seem to be.

Hon. Pierre Pettigrew: The Minister for International Trade is hanging on your every word.

Ms. Madeleine Dalphond-Guiral: It must be painful to be hanging.

I think that there must be, in this government, a clear position to stand up to our American neighbours. Perhaps that tomorrow, when we see the results of the elections that are going on right now, we will have an indication of the road that the United States will decide to take.

So the ball is in the government's court, but it seems crystal clear to me that anything that has to do with the right to privacy must be looked at very closely. We can sometimes have brilliant ideas, but we cannot be sure that they are practical until they have been examined and approved by competent people who have made democracy in our society their number one priority.

● (1740)

POINTS OF ORDER

STANDING COMMITTEE ON CANADIAN HERITAGE—SPEAKER'S RULING

The Speaker: I would like to interrupt the question and comment period following the member's speech to rule on the point of order raised by the hon. member for Wetaskiwin earlier today. I am ready to make a ruling at this point.

[*English*]

The hon. member raised a question about the application of Standing Order 106 to notice of committee meetings of the House. Perhaps I could read Standing Order 106(1):

> Within ten sitting days following the adoption by the House of a report of the Standing Committee on Procedure and House Affairs pursuant to Standing Order 104 (1), the Clerk of the House shall convene a meeting of each standing committee whose membership is contained in that report for the purpose of electing a Chairman, provided that forty-eight hours' notice is given of any such meeting.

I understand this morning there was a meeting of a committee, I believe it was the Standing Committee on Canadian Heritage, called for the purpose of electing a chair. I may have the name of the committee wrong, so I do not want to be quoted on that.

The committee meeting broke up in disarray without electing a chair. The hon. member for Wetaskiwin was objecting to the fact that less than 48 hours notice was given of the next meeting of the committee for the purpose of electing a chair.

I have concluded in reading Standing Order 106(1) it requires that 48 hours notice be given and I have directed accordingly. I believe the hon. member was correct. Accordingly there will be notice, and I understand it will be done by 6 o'clock tonight, requiring that the committee meet on Thursday instead of tomorrow and I wish to advise the House accordingly.

* * *

[*Translation*]

PUBLIC SAFETY ACT, 2002

The House resumed consideration of the motion that Bill C-17, an act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the second time and referred to a committee.

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I always say that when a bill is introduced in the House, it can always be improved. When it introduces a bill, the government never feels it is a perfect document. This is why every time we have an opportunity to have an exchange, we should always pay tribute to those who rise to try to improve a bill, be it with regard to fundamental issues or technical issues.

My colleague said, quoting someone, that it was better to defend one's values than one's mistakes. Personally, I would like to point out that the bill illustrates and highlights some fundamental values. I think among other things that the whole issue of tcompliance with the Charter is rather fundamental. One of the important values is that by making changes and improving the bill, the government is showing that it is able to respect the point of view of both the members of our party and those of the opposition parties.

Among others, with regard to the whole issue of controlled access military zones, the fact that this dimension was virtually totally eliminated from the bill is, I believe, rather significant. The interim orders and the issue of arrest warrants are also important. The warrants must very clearly deal with very serious offences such as murder.

All in all, I believe that the bill that was introduced, in its general principles and also in its details, addresses most of the concerns that were raised.

I would also like to add that sometimes blowing things out of proportion prevents us from seeing the facts as they are. We must resist this temptation.

Ms. Madeleine Dalphond-Guiral: Mr. Speaker, I agree with my colleague that excess in everything is harmful. In this case, it is the government that is being excessive. In one short year, following events that were absolutely catastrophic and monstrous, the government presented no less than three versions of a bill concerning public safety, each being supposedly an improvement.

We can recognize that the government tried to improve the bill, but efforts do not always give the results that were anticipated. When we hear the privacy commissioner say that he is still concerned about Bill C-17, we cannot simply write off his concerns by saying that he is wrong, that he knows nothing.

When the member for Chicoutimi—Le Fjord says that the charter is being complied with very well and that it is first and foremost, I would like to repeat what I said in my speech, because he might not yet have arrived when I gave it. In Bill C-17, interim orders are exempt from the application of section 3 of the Statutory Instruments Act.

This means that the role of the clerk is to check to see if the regulations do not unduly contravene existing rights and freedoms and are not, in any case, inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms.

Bill C-17 relieves the Clerk of the Privy Council of any responsibility concerning interim orders, when the Privacy Commissioner as well as the Bloc Quebecois, and assuredly our friends in the NDP, are quite concerned about these orders.

I will ask the member a question, which he will not answer; I know that. I will ask my question just the same, so that he can think about it. He can give me his answer in the hall.

Why specifically exclude interim orders from advance verification of compliance with the charter, if they intend to abide by the law and the spirit of the Canadian Charter of Rights and Freedoms?

As far as I am concerned, there is no answer. This is incomprehensible. On the one hand, they want to abide by the charter, and on the other, they are taking out sizeable portions. I need clarification. I am waiting for an answer.

● (1745)

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, first, I would like to know how much time I have.

The Acting Speaker (Mr. Bélair): In fact, I had forgotten to tell the hon. member that there are six minutes left before private members' business.

Mr. Jean-Yves Roy: Mr. Speaker, I will try to make my speech as short as possible.

Mr. Serge Cardin: There is either too much time or not enough time.

Mr. Jean-Yves Roy: As my colleague from Sherbrooke says, there is either too much time or not enough time. In my opinion, there is surely not enough time. I would point out that we are talking about a bill that is an improved version of Bills C-55 and C-42, that is, Bill C-17.

When I spoke before on Bill C-55 as well as on Bill C-42, I asked myself a very basic question: Was Bill C-55 really necessary? Was it not in fact legislation introduced, let us say, at a very critical moment, in a wave of panic, after the events of September 11? And we all thought then, after seeing the legislation, that the government actually already had all the means it required to respond to what happened as a result of the events of September 11.

However, the debate continued. We made representations, particularly as regards controlled access military zones, about which we were very concerned. During oral question period and in our comments, we often mentioned, as an example, that overnight the federal government could unilaterally decree Quebec City a controlled access military zone, since there are military facilities within that city.

Fortunately, the government realized the excessive nature of Bill C-55. The issue of controlled access military zones is completely or almost completely solved, largely because of the work of opposition and Bloc Quebecois members. This proposal was removed from the legislation in the form that it had when Bill C-55 was introduced.

The other issue is that of interim orders. We also fought this proposal when it was made in Bill C-55 and, later on, in Bill C-42. Bill C-17 also includes provisions on interim orders, but the timeframes for their tabling in Parliament and approval by cabinet have been considerably reduced. However, these interim orders and timeframes remain. Our main problem is the lack of prior verification for compliance, as the hon. member for Laval Centre mentioned earlier. There is still no prior verification for compliance in the case of interim orders.

The third problem that we mentioned at the time was the exchange of information. Personally, I am very concerned that the government may again create a file that will include information on a large segment of the public, on travellers, on air passengers. This file will be created. The government says yes, but the information that will be included in this file will have to be destroyed within 48 hours by the Royal Canadian Mounted Police. However, a small provision provides that, if necessary, the RCMP will be allowed to keep this information for a longer period.

I am quite concerned about this file that would be set up. We have seen cases in the past where files have been created. Orders were even given for those files to be destroyed. Just think about the Department of Human Resources Development, for example. Later on, we discovered that, unfortunately, the files had not been destroyed, that they still existed and that they contained a great deal of information about people.

At the time, a lot of the information was false. The data were completely wrong because the file had not been properly kept. Somehow, all the information got mixed up. So I am concerned about that. Unfortunately, this kind of file is still mentioned in the bill. The privacy commissioner also shares this concern.

Finally, I would say that, as citizens, we are the ones responsible for protecting our privacy. As citizens, it is our responsibility to tell the government that we will not accept any further interference in our private lives and that we do not want the government to create files. We will not allow the government to once again take our privacy and use it for its own purposes, whether the motive is security or something else.

● (1750)

The Acting Speaker (Mr. Bélair): I must inform the member for Matapédia—Matane that he will have 14 minutes left when we resume debate on Bill C-17.

It being 5.53 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

PENSION BENEFITS STANDARDS ACT, 1985

Ms. Pauline Picard (Drummond, BQ) moved that Bill C-226, an act to amend the Pension Benefits Standards Act, 1985 (investment criteria), be read the second time and referred to a committee.

She said: Mr. Speaker, I would first like to thank my colleague from Sherbrooke for seconding this very important bill. I am a bit disappointed because I know that Parliament refused to make it a votable item. I would still like to make you and the population aware of the intent of this bill.

The purpose of this bill is to amend section 7.4 of the Pension Benefits Standards Act, 1985, by adding the following after subsection (1):

> (1.1) The administrator shall, after the end of each fiscal year, prepare a report setting out the social, ethical and environmental factors that have been considered, during that period, in the selection, retention and liquidation of investments under the administrator's responsibility and in the exercise of any rights related to those investments, including voting rights, and shall provide a copy of the report, free of charge, to every member who requests it.

What this means is that pension fund administrators, such as those responsible for the government's superannuation fund, would be required to prepare a report to inform the shareholders of the factors that were considered in the selection of investments.

This bill asks: why did you invest in a particular company and how did you invest? It does not require pension fund administrators to make socially responsible investments, but it is a step in the right direction. Administrators would be required to tell us why they invested in a particular company. It is a small step in the right direction but, unfortunately, the government chose to ignore it.

However, other countries have done something about that. For example, in July 2001, France enacted legislation to include in its social security code the requirement to take social, ethical and environmental factors into account.

Until now, both the law and the practice limited this legal concept, simply requiring administrators to defend the proprietary interest of investors in the funds. Beyond the quest for a satisfactory financial return, we are now looking at the means to achieve that. Are all the means acceptable? That is the question we must ask ourselves.

I know that pension fund administrators have an obligation to ensure a high return on the investments for which they are responsible, but more and more countries are adopting a code of ethics that prohibits them from investing in companies that have no respect for human rights.

It is not the first time that the Bloc Quebecois has spoken in favour of socially responsible investments. Since Parliament will not vote on this issue, members can be sure that I will make other efforts to have a simple principle included in legislation: that social, ethical and environmental factors be taken into account in pension fund investments.

● (1755)

It is possible take action to ensure that the funds destined for providing a future for the men and women of this country are not invested in companies the operations of which are liable to increase the social and environmental risks to which we are exposed.

This means that, if people were more aware, or if they were to learn that their savings were invested in companies using child labour for instance, in order to get a high rate of return, would these people who entrust their savings to administrators not make those administrators more aware of how they feel, by telling them “We want a high return, yes, but not at any price”.

I gave an example of companies using child labour. There are also companies that pollute our environment. We know that there is increasing public awareness of those industries that emit greenhouse gases. The investors are more and more aware. They do not want to see their money going to help pollute the planet. That is why I say it would be desirable for fund administrators to have the possibility of putting a code of ethics in place so as to be able to listen to their investors and to be more attuned to where investments should go.

We are all aware that, in this era of globalization, companies move from one country to another according to the laws of the market place. Unfortunately, what attracts companies to certain countries too desperate to refuse such investments is their lack of respect for human rights, social rights and the environment.

Socially responsible investment consists in integrating social or environmental criteria, or both, into every investment decision, without giving up on financial advantage. These criteria are complementary to the traditional financial analysis, and make it possible to have specific investment funds tailored to an individual or institutional clientele.

In its final report tabled last January, the Canadian Democracy and Corporate Accountability Commission reached a consensus on 24 recommendations. As well, a national survey carried out between September 28 and October 8, 2001 by Research and Development Inc. concluded that Canadians, as well as Quebeckers, whether business people or not, are wondering more and more about businesses' responsibility to the society of which they are a part.

France, the United States, the United Kingdom and Germany already have innovative policies in place. In the U.K., there is a minister whose portfolio covers corporate social responsibility. In the U.S. a number of states have expanded the powers of company boards. The European Union has even published a discussion paper on corporate social responsibility.

What has Canada done? If it had been chosen as a votable bill, Bill C-226 would have been a first step. Instead, Canada is sitting back and falling far behind compared to other countries that are pioneers when it comes to making corporations more socially responsible. While Canada is lagging behind, initiatives are sprouting up all over the place. After the wave of activist shareholders, now we are seeing portfolio managers who can be considered equally activist.

The unions have also discovered that they wield considerable power through their members' pension funds. This is the case with the CSN and the FTQ, who are interested in the socialization of capital.

● (1800)

In Ontario, one of the largest pension funds, the Ontario Teachers' pension plan, has adopted the following policy:

> Consequently, non-financial considerations cannot take precedence over risk and return considerations in the management of the pension fund. Nevertheless, we believe that careful consideration of issues of social responsibility by companies and their Boards will enhance long-term shareholder value.

In the United States, one out of every eight dollars in pension plans will be invested in socially responsible investments. This will likely increase, since we have seen how people are concerned about financial scandals. More and more pension plan administrators are making socially responsible investments, with the support of their members.

Just this Friday, the University of Montreal announced that it was implementing a policy to invest in ethical funds. The university management came to this decision based on a report from a task force on responsible investing and purchasing. The university accounts add up to close to $2 billion. That is a lot of money, when you think of $2 billion for the University of Montreal alone.

From now on, the pension plan administrators will ensure that all of their capital is invested in companies that are concerned about the social development of the societies in which they do business.

The decision made by the University of Montreal is not unique in Canada. The University of Toronto is already on stream. Chances are that this is a growing trend and that other Quebec universities will follow suit.

In Canada, we find that without a clear definition of their fiduciary obligations pension plan managers believe that they do not have enough flexibility to take social responsibility into account when making a decision. Such managers do not want the rate of return to be relegated to the back seat. They lack the framework and the legislation that would give them the authority or the means to consider ethical factors. These managers are afraid of being accused of not yielding a high rate of return. This is why today it is very important to raise the issue and give these managers in Canada a code that would allow them to invest in socially responsible investments.

Such investments are not aimed at diminishing the wealth of the pension plan members. Several studies were conducted on the performance of ethical funds. The results do not confirm the fears of certain managers, who believe that ethical funds yield lower rates of return than similar funds.

In 1998, the Weisenberg firm looked at the performance of some 183 American ethical funds. It reached the conclusion that these funds had better rates of return than others in the same category, and that they have a slightly higher level of risk. So we should not be afraid of putting our money into funds where the companies are concerned with ethics, the environment, and support, or do not violate human rights. These 183 American funds that deal with ethical investments are said to have a high rate of return. This does not eliminate the level of risk, which is slightly higher than for funds that do not deal with ethical investments.

In conclusion, I will say that the debate on the social responsibility of companies is ongoing in our society. The purpose of the legislative amendment I wanted to introduce through Bill C-226 was to make the work of pension plan managers more transparent and to better inform plan members. Knowing what considerations were taken into account when making investments, employees could better influence the decisions made by their portfolio managers.

I will rise again later to properly conclude this debate.

● (1805)

[*English*]

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the Standing Committee on Finance is travelling the country as part of the prebudget consultations. Therefore, I am pleased to rise on behalf of my colleague and seatmate, the Parliamentary Secretary to the Minister of Finance, to speak today to Bill C-226 which proposes to amend the Pension Benefits Standards Act, 1985 with respect to reporting to plan members.

The interest of the bill's sponsor, the hon. member for Drummond, in this issue is appreciate and duly noted. I thank my hon. colleague for bringing this matter to the floor of the House for debate.

Basically, the amendment in Bill C-226 would require the administrator of federally registered pension plans to prepare an annual report on the social, ethical and environmental factors that were taken into consideration during the previous fiscal year in the selection, retention and liquidation of investments.

Before directly addressing the amendment, I would like to provide some background that will help to put this matter in context. I will begin with a general overview of the pension plan system in Canada.

As hon. members know, the purpose of pension plans is to provide retirement benefits for plan beneficiaries. Our system includes both public pension plans and private pensions. The public pension plans include the Canada pension plan, the Quebec pension plan and old age security.

Private pension plans consist of occupational pension plans, otherwise called registered pension plans. They cover both defined benefit and defined contribution plans which are provided as part of an employment contract. The PBSA sets minimum standards for registered pension plans.

The federal and provincial governments also provide tax assistance to savings in registered pension plans and retirement savings plans or RRSPs to encourage and assist income replacement in retirement. It should be noted that private pension plans are voluntary but must be registered, either federally or provincially.

The bill before us today proposes to amend the Pension Benefits Standards Act, 1985. The PBSA, as the act is usually referred to, is the main federal statute that regulates private pension plans in federally chartered areas such as banking, interprovincial transportation and telecommunications. Over 1,100 pension plans fall under the purview of this Act. The Office of the Superintendent of Financial Institutions, otherwise known as OSFI, administers the PBSA.

I should mention, too, that other federal statutes like the Income Tax Act impact on private pension plans. In addition, it should be noted that most private pension plans are governed by pension standards legislation in the provinces, except for Prince Edward Island, which is the only province without its own pension legislation.

The PBSA has several goals. It sets minimum standards for funding, investments, membership eligibility, vesting, locking-in, portability of benefits, death benefits and members' rights to information.

In its role as administrator of the Pension Benefits Standards Act, OSFI makes every effort to protect the rights of pension plan members, having due regard for the voluntary nature of pension plan sponsorship. OSFI is committed to ensuring that losses to plan members are minimized.

Bill C-226 focuses on the duties of pension plan administrators under the PBSA. As we know, a pension plan administrator is the entity responsible for running a pension plan. Allow me briefly to review their role.

In many cases, the administrator is the employer who established the pension plan. However the administrator may also be a board of trustees if the plan is a multi-employer pension plan or a pension committee defined in the terms of the pension plan.

The administrator is charged with several responsibilities, including ensuring that the pension plan and its funding are administered in accordance with the law and the provisions of the plan. Among other things, an administrator is responsible for: registering the pension plan and plan amendments; providing information to members; responding to member questions about the plan; prudently managing the pension fund; and filing required documents with OSFI. These are serious responsibilities.

● (1810)

[*Translation*]

May I remind the House that, back in 1998, this House passed Bill S-3, which included various measures designed to enhance the supervision of federally regulated private pension plans.

One of the changes back then included a means to facilitate agreements between employers and plan beneficiaries on the distribution of pension plan surpluses.

Of direct interest to this debate were two other measures in that bill, both of which affected pension plan administrators. Those changes included: enhancing plan governance by placing more emphasis on the importance of the responsibilities of plan administrators; and requiring the administrator to provide more information to plan members and former members on the financial condition of the plan.

Honourable members should also know that pension plan administrators have a duty-of-care requirement. This means that they must take all relevant matters and issues into consideration when making decisions affecting plan assets.

It is the plan administrator's duty to act in the best interest of the employer and the plan's beneficiaries. They have a fiduciary duty to maximize the rate of return, while at the same time ensuring the solvency and security of the fund and its ability to pay out promised benefits.

Turning to Bill C-226, let me say at the outset that I agree that transparency of pension plan investment policy is a key priority.

In my remarks today, I have outlined several measures in our current system, which ensure that this goal is met. Let me expand further.

As I indicated, the Pension Benefits Standards Act already requires that a pension plan administrator act in the best interests of the employer and the plan's beneficiaries.

In addition, the administrator is required to provide a written statement of investment policies and procedures—often called an SIP&P—with respect to the plan's portfolio of investments and loans to a member or other beneficiary, if requested. The SIP&P must communicate the investment philosophy of the plan administrator and, among other things, provide details on all categories of investments and loans.

● (1815)

Further, pension plan administrators must reference all factors that may affect the funding, solvency and ability of the plan to meet its financial obligations. These rules are already on the books.

Another built-in check in the system is the fact that pension plan members have the right to establish a pension council and the council may ask the plan administrator to disclose any ethical, social and environmental concerns taken into consideration in making investment decisions.

In other words, the current statute already largely meets the purpose of Bill C-226. The government believes that the Pension Benefit Standards Act and its Regulations establish the right climate to ensure that pension administrators are responsive to the concerns and objectives of plan members and employers. Under the current system, pension plan members through their pension councils have the flexibility to decide on the appropriate reporting for the plan—and this reporting could include ethical, social and environmental factors.

At this point, the government does not believe that reporting on these factors should be a requirement as proposed by this bill. Ensuring sound secure pension systems is a priority for the government. Recent reforms to the Canada Pension Plan together with recent PBSA amendments and regulations demonstrate this commitment.

I can assure the House that the government will continue to make changes to the Pension Benefits Standards Act when, and if, required. However, given the built-in checks and balances and the existing duties and responsibilities of pension plan administrators under the PBSA, the amendment we are debating today is not necessary.

Therefore, I am unable to support Bill C-226 and would encourage my honourable colleagues to follow suit.

● (1820)

[*English*]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, I too am addressing Bill C-226, an act to amend the Pension Benefits Standards Act, 1985 (investment criteria). It is a very small act that would modify section 7.4 of the Pension Benefits Standards Act of 1985.

Section 7.4 of the said act has the effect of requiring the administrator of any registered pension plan to file certain documents. These are pretty straightforward under the current act. They simply give information to ensure that various duties are being carried out, that the administrator's name and address is provided, and that the names and addresses of the persons who work with the body, that is the administrator, if the administrator is some kind of corporate or collective body.

The proposed act would add the following:

> The administrator shall, at the end of each fiscal year, prepare a report setting out the social, ethical and environmental factors that have been considered, during that period, in the selection, retention and liquidation of investments—

I will return to that in a second, but before I do I want to stop and say that the bill, whatever its merits, is a non-votable item, and that is regrettable. The whole question of the administration of our pension system is one that deserves to be discussed at length, including all private proposals on it. Indeed, all private members' business brought before the House ought to be votable, not to simply die after one hour's debate. I would go on at more length about it except that it eat into the time I have to debate the issue at hand.

The substantive comments I have in regard to the proposed bill fall under three heads. First, I want to mention the fact that the bill relates to our registered pension system. We have a number of pension systems in Canada that overlap the Canada pension plan which is a mandatory contributory plan that is income dependent and is meant to replace income. We have the old age pension and the guaranteed income supplement which simply provide a base level of income that no pensioner can fall beneath, regardless of their income during their working years. We also have a registered system, which is also like the Canada pension plan, contributory, but is administered outside of government under government regulations.

This group of pensions, which tends to be known as RSPs, registered savings plans, or RRSPs, registered retirement savings plans, is part of the pension system that is perhaps the most actuarially secure and which I think has the greatest promise of providing for the retirement income of persons who are reasonably far from retirement age due to the actuarial insecurity, both of the Canada pension plan and of the other pensions plans that I described.

The registration system, which the Pension Benefits Standards Act controls, has some benefits but it also leads to a great deal of administrative expense. This is a fundamental problem with our registered pension system. The costs that are accumulated over the life of a registered retirement savings plan to administer and to comply with the reporting requirements of the Pension Benefits Standards Act are very considerable. Because they are accumulated within the RRSP and prevent the RRSP from accumulating greater wealth over time, this actually results in each registered retirement savings plan being substantially smaller than it would otherwise be when it is rolled over. That is particularly true with regard to the smaller pensions that are accumulated by persons of more modest means.

It seems to me that in general the practice of requiring very detailed reporting of registered retirement plans is one that is not beneficial to pensioners and which could be amended easily by the government so as to provide the same level or even better level of security for pensioners but not the tremendous regulatory burden. Of course, the proposals that are put forward in Bill C-226 do add, to a modest degree, to that regulatory burden.

● (1825)

Let me go on to my second point, the question of whether this is needed. Is the kind of reporting proposed here needed? I can certainly see the reason why the hon. member, in proposing the bill, put forward these suggestions. She has a genuine concern that our investments in Canada be channelled into ethical, environmentally responsible and socially responsible investments. That is a worthwhile sentiment to have.

I do think it is worth noting that this kind of investment vehicle is already available in Canada. There are already ethical investment funds that set out different kinds of criteria. If we are particularly concerned about the environment and we wish to make sure that our investment moneys will go only to funds that are environmentally responsible, we can direct our money in that direction. Similarly, there are ethical investment funds that have made sure, for example, to steer clear of investments in foreign countries that engage in human rights abuses. Those vehicles are available as well.

It seems to me that in fact the need being addressed here is already largely being addressed by the marketplace itself. I worry when the government starts to interfere and get involved in this kind of regulation that rather than the openness that the hon. member talked about in her speech when introducing this bill we are going to see strict rules developed that would limit the kind of reporting that can go on. I think that is a very real concern. It is not implied in the text of this bill, but I think we need to be aware of that danger. This is often what happens when government gets involved in promoting openness. In fact, it does not promote openness in practice.

The next point I want to raise, and this deals directly with the text of the bill, is whether or not this would actually work, whether or not we actually would get the kind of openness in reporting that the member is hoping to achieve. Under the terms of the bill as it is written we would have a report once a year in which the administrator would set out the social, ethical and environmental factors that have been considered. What strikes me about this is that what the administrator is reporting on are the administrator's own motivations. As for self-reporting on something that went on within one's own head, I am not sure we can guarantee that we will get a full, open and honest consideration or revelation of what was going on. One always hopes that is the case but there is no guarantee, so for that reason I am not sure that anything is actually being accomplished through the bill.

If it is a corporate body, it is a bit different. I can see that perhaps there would be some revelation of the minutes of meetings and discussions that had gone on. Perhaps there would be some form of administrative guidelines adopted by the corporate group administering the fund to state that they do not want to invest in the following kinds of investments, perhaps investments that might in some way endanger an endangered species, or perhaps they want to steer clear of investments in areas where it might lead to human rights abuse or be seen as human rights abuse. I can see how that could be done, but I wonder if we would achieve the kinds of goals being laid out here through following the text of the law as it is written.

I do think that when we set out to write laws we ought always to remember, as they say, that the devil is in the details. It is not enough to express the sentiment. I think it is necessary to actually sit down and make sure that those sentiments will be reflected in concrete action.

I must say that the bill strikes me as being more a motion, and it would perhaps have been better to bring it before the House in the form of a motion, expressing the sense of the House and then encouraging the House to develop rules that are more concrete than those laid out here. As a bill I think it is not really that workable, although as I said before I do respect the sentiment that the hon. member is expressing in putting forward this piece of legislation.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, it is my pleasure to rise today to speak to Bill C-226, an act to amend the Pension Benefits Standards Act, 1985. The intent of the bill is to have an administrator prepare a report each year setting out the social, ethical and environmental factors that were considered in the investment of the money in the fund each year.

I am in total support of this private member's bill and I believe the NDP is as well. The NDP is in solid support of any measures which would strengthen and deepen the transparency and accountability of public pension funds.

Canadians depend on the viability of their pension funds. It is clear and simple. We need them for our old age and for times of vulnerability. Whether it is QPP or CPP Canadians with disabilities depend on these funds to provide them with income support when they are no longer able to work. We must have confidence that the investments which our pension managers are making are effective and we must ensure that they are ethical.

I agree with the member for Drummond that we must have a rigorous and regular reporting on how our funds are being invested because our future depends on it. This is in fact our future nest egg as a nation and as a people.

Recently my colleague from Winnipeg Centre spoke about Bill C-3, the act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act. He spoke about the alarming state of the Canada Pension Plan Investment Board. He asked the question which needs to be addressed by all parliamentarians: Is it a good idea for us to be investing on the open market with Canadian pension plan savings?

If we look at the actual experience in the last period of time since the Canada pension plan board was struck and put in charge of investing our hard earned pension contributions, the experience has in a word been terrible. One could have done better by playing pin the tail on the donkey when it comes to the stock market investments it made.

Unfortunately, the investment board chose to enter the stock market at exactly the wrong time. It was seduced by the high earnings in the bubble that took place in the high tech sector when people were getting returns of 20% and 30% per year on their investments. The board wanted a part in that but in fact entered at the wrong time and lost a fortune. It was our fortune.

Originally the board was given $11 billion to invest on our behalf. In the first return that came back it had lost $1.5 billion. Not only did this management board manage our funds badly but it then proceeded to reward the chief administrator of the fund. In the first quarter financial statement the board doubled the CEO's salary even though he lost $1.5 billion in the first venture in the stock market. It also doubled his performance bonus. His performance bonus went from $140,000 a year to over $200,000 a year. If the board rewarded bad behaviour so generously I wonder what it would do if it showed a profit?

We seem to have adopted the worst corporate models in the structure of this board but not the best practices or some of the unique structures that we must have in place now to manage the money of Canadians. This is taxpayers' money being invested on the private market.

The fund has grown not because we have made smart investments but because the rate of contributions has been massively increased. It is now at $53 billion in spite of the fact that at the next quarterly report the board reported a loss of $800 million. In the quarter after that it lost $1.5 billion. In the quarter ending in September 2002 it lost $1.3 billion. The fund is hemorrhaging. We are making bad investments. The people we have put in charge of our retirement savings are investing badly on our behalf.

● (1830)

Whether it is a good idea or not to be involved in the stock market, we cannot argue with the fact that if we had not gone down that road there would be billions of dollars which would not be lost and would at least be sitting there and could in fact be invested in other ways. It could be invested in municipalities, in provinces, or in low interest infrastructure loans that would benefit Canadians. It would not have been invested offshore, which is the experience we have now.

The NDP promotes socially responsible investment of workers' benefit funds, such as the Crocus Fund in Manitoba. We support this bill. We support the call for any regular critique of the social, ethical and environmental considerations involved in the investment of our public funds. We support the idea of an ethical screen for the CPP investment fund through public hearings and consultations with those who have developed ethical screens in the private and cooperative sector. We support the ban of CPP investment in industries that harm people, such as big tobacco industries.

The considerable experience with ethical screening has shown that introducing an ethical screen when making investment decisions does not mean earning a lower rate of return on investment. Experience has shown that ethical investments not only enhance social capital but are financially wise investments as well.

The NDP is committed to continuing a publicly funded pension plan because it works. Our public pension system is the cornerstone of Canada's retirement system. The CPP has brought most Canadians seniors out of poverty and allowed them to retire in dignity.

We support Bill C-226 and the safeguards it would put in place to protect the ethical, environmental and social standards. I regret that so far the bill has not been made votable because it would have a considerable impact on strengthening the public pension plan structure.

● (1835)

Mr. Inky Mark (Dauphin—Swan River, PC): Mr. Speaker, on behalf of the PC Party of Canada it is a pleasure to rise to take part in this debate on Bill C-226, an act to amend the Pension Benefits Standards Act.

This bill would amend the Pension Benefits Standards Act insofar as it would require the administrators of a pension plan to prepare a specific annual report. This report would summarize the social, ethical, and environmental factors that were considered during the previous fiscal year in the selection, retention and liquidation of investments under the administrator's responsibility. A copy of the report would have to be provided to every member who requested it.

The PBSA is an act respecting pension plans that are organized and administered for the benefit of persons employed in connection with certain federal works, undertakings and businesses. The Canada pension plan does not come under the auspices of the PBSA. This proposed requirement to compel an administrator to file a report listing the social, ethical and environmental factors that might have been involved when making investments seems, perhaps, redundant if, in fact, it is accountability on investment criteria that the private member is seeking.

One can only assume why this amendment was put before the House. Possibly the hon. member did not want any pension administrator investing funds in certain companies for various reasons, ethical governance breaches, companies having suspect foreign practices or companies operating with a poor environmental track record. These are important issues that the employees and employers party to any private pension plan in a federally regulated undertaking should take note of. However, there is more than one way to ensure that pension plan administrators invest in an economically sound and prudent fashion.

The increase of regulatory requirements, which is what this bill would bring, might not be the answer to any real or perceived accountability problem. Parliament should be looking at ways to reduce regulatory requirements as opposed to increasing them while still ensuring the efficacy of any legislation.

Bill C-226 proposes to amend subsection 7.4(1) of the act, ostensibly to ensure that the administrator's investments are ethically and environmentally sound, et cetera. This amendment might not be needed considering the other sections that already exist in the act.

Section 7 of the act currently stipulates how some administrators are appointed. This section could possibly be used to ensure that any administrator appointment invest according to the wishes of the employer or employee. There are accountability safeguards already in place. Section 7 reads as follows:

7. (1) The administrator of a pension plan shall be

(a) in the case of a multi-employer pension plan established under one or more collective agreements, a board of trustees or other similar body constituted in accordance with the terms of the plan or the collective agreement or agreements to manage the affairs of the plan;

(b) in the case of a multi-employer pension plan not described in paragraph (a), a pension committee constituted in accordance with the terms of the plan, subject to section 7.1, to manage the affairs of the plan; or

(c) in the case of a pension plan other than a multi-employer pension plan,

(i) the employer, or

(ii) if the plan is established under one or more collective agreements and the terms of the plan or the collective agreement or agreements to manage the affairs of the plan provide for the constitution of a board of trustees or other similar body, that body.

(2) In the case of a simplified pension plan, the administrator of the pension plan shall be the prescribed person or body.

7.1 A pension committee must

(a) if a majority of the pension plan members so requests, include a representative of the plan members; and

(b) if the pension plan has fifty or more retired members and a majority of the retired members so requests, include a representative of the retired members.

Thus, we already have in place provisions where investors can actually be involved in scrutinizing the investment.

● (1840)

Section 8 of the act also deals with accountability issues, namely the standard of care that must be exercised by administrators when investing funds.

Section 13 deals with information that the administrator must furnish to the Superintendent of Financial Institutions. Section 13 states:

The administrator of a pension plan shall provide to the plan members, former members and any other persons entitled to pension benefits or refunds under the plan, at the time and in the manner specified by the Superintendent, any information that the Superintendent specifies.

Section 13, if utilized, could possibly be used as a tool to get the information that Bill C-226 seeks without the amendment. In other words there are already sections in the act to do what the amendment intends to do.

Furthermore, not rooted in any legislation is the premise that pensioners need only ask administrators for the social, ethical and environmental indices he or she took into consideration when administering the pension's funds.

Should the administrator not want to furnish the information, there are certain avenues open to the information seeker. Some are legislated avenues and some are not.

In addition, if the administrator feels unduly constrained by various criteria concerning investment standards, environmental or otherwise, the pensions and pensioners might suffer financial hardship if an administrator shied away from excellent investment opportunities that have negligible environmental breaches.

The bottom line is that pensioners want money in their bank accounts so they can put food on the table and a roof over their head.

On strictly a housekeeping note, this amendment should not be proposed as subsection 7.4(1.1). Rather the new amendment should properly be placed with the rest of the administrative reporting requirements as listed under section 12. It is important to keep legislation coherent and all possible provisions that deal with similar matters should be grouped together. Section 12 is titled "Duty to Provide Information". This, one would think, is where the amendment should go.

On a final note, sections 33 to 37 are the inspection and enforcement provisions of the act. Certainly at first glance they seem fairly well equipped to deal with unruly administrators.

[*Translation*]

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

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, the intent of Bill C-226 is to require the administrator of a pension plan to prepare an annual report on the social, ethical and environmental factors that have been considered, during the previous year, in the selection, retention and liquidation of investments under the administrator's responsibility.

That means the administrator presents an annual report and indicates how and why the funds were invested. Ultimately, the intent of the bill is to increase transparency regarding the choices made by the administrator of the workers' savings.

● (1845)

To answer the question of the government member, the legislative amendment will not force pension committees to make socially responsible investments. That would be desirable. That is what we would like, but this amendment would go as far as to compel them to adopt a policy of making socially responsible investments and informing the plan's members about it.

What we are asking for today is just a step in the right direction. Let us take that step and, later, we can strengthen the legislation or amend it to make that demand on administrators. For the time being, however, the responsible thing to do would have been for the government to support this bill, which would have allowed us to do so. Administrators would like to be required to submit an annual report, but this possibility is not available to them at present because of the absence from the legislation of a specific definition of what fiduciary obligations are.

Our government colleague said earlier that the amendment would impose an obligation on administrators. That is not the purpose of this bill. Noting in this bill will force pension committees to make socially responsible investments. What the amendment does say, however, is that it would desirable for them to do so.

Canada-wide, this represents nearly $600 billion, including $90 billion for federally regulated corporations. This money collected from the workers has become one of the major forces driving globalization. These investors have in their hands considerable power to influence the creation of sustainable development all over the world.

The legislative amendment would have businesses draw up a more detailed balance sheet than a mere financial statement. My colleague also said that all investors have to do is ask for the statement and the administrators will provide it. However, we seldom see a single investor ask for a statement. It would take someone with no concern for transparency to say, "No problem; they will get a statement if they ask for it". Often, one has to go through access to information to get it. That can take months. These are cumbersome administrative procedures.

To ensure maximum transparency and flexibility, why not ask pension plan administrators to present an annual report—that is perfectly acceptable—and tell us how they invested our money?

Mr. Speaker, at this time, I wish to seek the consent of the House to make this bill votable.

The Acting Speaker (Mr. Bélair): You have heard the question. Is there unanimous consent to make this bill votable?

Some hon. members: Agreed.

Some hon. members: No.

● (1850)

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired. As the motion has not been designated as a votable item, the order is dropped from the Order Paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

ONTARIO HYDRO

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, one of the most important issues facing consumers in the province of Ontario these days is the cost of hydro. As a result of that, a few weeks ago I posed to the Minister of Finance the question, why are Ontario consumers paying goods and services tax on what is called the debt reduction charge on their hydro bill?

The debt reduction charge is a device of the provincial government that is based upon a percentage of consumption. It is money which is extracted from hydro users in Ontario. It flows directly from their bill through their local utility to a corporation called the Ontario Electricity Financial Corporation which pays off the debt of the former Ontario Hydro.

GST is a rather innocuous thing; we pay 5¢ here or 7¢ there. Let us consider that Ontario residents are going to repay a debt which is in excess of $17 billion. On that amount, they have the pleasure of paying GST at the rate of 7% which amounts to more than $1.2 billion.

We are in the remarkable scenario where one level of government has written up a very large debt and another level of government will benefit because the other was incompetent. Let me give an example of how this whole scenario is so outrageous. If one were to borrow $1,000 from a bank at 10% and agreed to repay it in one year, one would pay $1,100 and would be done with it. If the bank were to call and say it wanted another $77 in GST, the person would be outraged.

People in Ontario are outraged because the finance department is saying the GST is fixed in, that there are a lot of reasons and it is all very technical, but it gets to collect more than $1.2 billion. The finance department is the beneficiary of the misfortune of the consumers in Ontario.

It is fine to say that Mr. Eves should change his position and should restructure his bill. That is easy to say in this place also. However the end result is that Ontario consumers are going to shell out $1.2 billion which we are going to receive here and we have delivered neither goods nor services. It comes as a great surprise to people who understood that the GST was to be paid if they received some tangible good or service. Neither apply in this case. The end result is that people are outraged.

We are now in a scenario where we should come around to something called equity, and I am referring to equity as being fairness. It is incumbent upon the finance department to think about the fairness of this. The finance department should think about Ontario consumers. Those who are hard pressed to pay their hydro bills are now enriching the finance department by more than $1 billion simply because they have the misfortune of living in Ontario where Ontario Hydro ran up a debt.

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I appreciate the opportunity to comment on the hon. member's question regarding the application of the GST to the Ontario debt requirement charge.

Let me begin by saying that the GST is calculated on the final amount charged for supply of a good or service. That final amount includes most federal and provincial levies, duties and fees imposed upon the supplier or the recipient of the supply. The debt retirement charge is part of the total price paid by consumers for electricity. As indicated in a Government of Ontario press release of October 17, this charge replaces debt servicing costs previously included in electricity bills as part of the price paid by consumers. In other words, consumers have historically paid GST on hydro rates. That included a component used to service Ontario's debt. The amount was not previously shown separately on the electricity bill.

The fact that electricity bills in Ontario now include an explicit charge in respect of debt servicing by the province does not affect the application of the GST. The general rule that was adopted at the inception of the GST is that any federal, provincial or municipal levy in respect of a good or service is included in the value on which the GST applies unless a specific exception is made for it. The notable exceptions are the general sales taxes of the provinces, which since the inception of the GST obviously have not been part of the GST base.

In accordance with this approach, the GST currently applies to all federal excise taxes and duties. The GST also applies to the air traveller's security charge. Some examples of provincial and municipal taxes and fees included in the GST base are gasoline and tobacco taxes, liquor taxes or mark-ups, environmental levies such as the tire taxes, parking fees, and certain utility surcharges. This approach therefore maintains the broad base and the fairness of the GST.

Finally, I would add that the Government of Ontario made the decision to charge Ontario electricity consumers for the servicing and repayment of the former Ontario Hydro debt through a charge applying to their consumption. The provincial government had every reason to expect that by adopting that particular approach GST would apply in the normal manner, consistent with the approach I outlined earlier. Had the province of Ontario decided to fund the servicing and repayment of the debt through general taxation revenue there would have been no application of GST, again consistent with the normal rules. Again, it is just the Ontario government not taking the route that was available to it.

● (1855)

[*Translation*]

FOREIGN AFFAIRS

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, on October 30, I asked the Minister of Foreign Affairs a question on the confinement in a Maine jail of Michel Jalbert. Mr. Jalbert was jailed for neglecting to declare a gas purchase made at a gas station located on the other side of the border. Mr. Jalbert was arrested on October 11.

In response to my question—and I thank the foreign affairs minister for this—somebody was assigned to meet with Mr. Jalbert and his lawyer to make sure that he was treated fairly and rapidly. Unfortunately, even though Larissa Blavatska, the person who has been assigned to his case, has met with Mr. Jalbert, it seems that the American authorities still want to make an example of this case.

I would urge the foreign affairs minister and his department to double their efforts, to return to the charge and to approach the American government once more. We obviously cannot interfere with the American judicial system, but I think that we have pertinent information that could be communicated to the Americans.

For example, there is a precedent dating back to 1980. There is a letter on file that shows that Americans were tolerant of citizens who went to buy gas at this station. There was a practice that had been accepted for a long time. Also, Mr. Jalbert is not a terrorist. He is not someone who intended to cross the border to commit some crime.

Despite the climate that exists on the American side and that we can understand because of the whole issue of terrorism, I am asking the minister and the Department of Foreign Affairs to make additional efforts to ensure that Mr. Jalbert rapidly receives fair and equitable treatment and, if possible, is reunited with his family before Christmas.

Unfortunately, at the present time, if he does not plead guilty to the charges, he may stay in jail for several months. We are talking about two to six months. If he pleads guilty to the two charges, he will have to face the immigration officials.

Thus, in this situation, I think there is room for some common sense. The department must continue to take action that will persuade the Americans to agree to treat this case as what it is—an unfortunate situation in a context where the Americans have tolerated the same thing by many people in the past.

I ask the department to take further action along these lines.

● (1900)

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, first of all, I would like to thank the member for his work on this case.

Our colleague and members of Mr. Jalbert's family can rest assured that our consular representatives in the United States are taking this case very seriously and that all appropriate consular services will be offered to Mr. Jalbert. We will also continue to provide Mr. Jalbert with all the help he needs.

The authorization to allow foreigners or visitors into a country is the sole prerogative of that country alone. In Mr. Jalbert's case, the country in question is the United States. After September 11, the Immigration and Naturalization Service of the United States implemented the changes made in the American immigration legislation. That legislation was strengthened and is being rigorously enforced.

Since September 11, the Canadian government also made changes in its own legislation and its personnel at the border. We also want to strengthen security at the Canada-United States border, while ensuring the free circulation of goods and people.

We know that the new security measures put in place by our two governments closely affect residents of communities located along the Canada-U.S. border. In several places, it is no longer possible to cross the border as easily as it used to be. This is a reality that we must adjust to, regardless of where we live, whether it is Windsor, in Ontario, Coutts, in Alberta, or Pohénégamook, in Quebec.

However, rest assured that we continue to work in close cooperation with the U.S. authorities to establish an intelligent border for the 21st century, an effective and safe border, a border that is closed to terrorism, but open to trade.

Over 300,000 persons cross the Canada-U.S. border daily. In the vast majority of cases, these crossings do not pose any problems. Unfortunately, in some cases, people are stopped by Canadian or American customs officials because they violated the laws of the country.

As for Mr. Jalbert, he was arrested, according to U.S. authorities, because he crossed the border without the necessary authorization. According to the U.S. customs officer, he was also in possession of a firearm. Moreover, U.S. authorities said that Mr. Jalbert did not legally have the right to enter the United States, because of his criminal record. Like all Canadian citizens, Mr. Jalbert has the right to see a consular official while he is jailed abroad.

On November 1, a consular officer from the Canadian consulate general in Boston travelled to Bangor to meet with Mr. Jalbert and his lawyer. Our consular officer was able to talk with Mr. Jalbert for close to 30 minutes. She explained the charges against Mr. Jalbert. She also offered her complete support if Mr. Jalbert and his lawyer needed her help.

However, the consular officer cannot put an end to the legal proceedings. Her role is to ensure that Canadian nationals imprisoned abroad are treated properly.

It is up to Mr. Jalbert and to his lawyer to take the necessary decisions about the charges laid against him.

Our thoughts are with the family and friends of Mr. Jalbert. They can rest assured that Mr. Jalbert is benefiting from the complete support and services of our consulate general in Boston. We hope that this issue will be positively resolved as soon as possible. Obviously, the Government of Canada intends to do everything it can to help Mr. Jalbert.

● (1905)

Mr. Paul Crête: Mr. Speaker, I will use the minute I have left to reiterate the need to increase the number of representations.

I have a letter signed by a U.S. treasury department customs official on June 18, 1980, that clearly claims a certain tolerance at this border point.

We are indeed asking for a smart border, in other words a border where customs officials can make decisions according to reality, having regard to the actual circumstances. The idea is not to exempt Mr. Jalbert from the application of the law. He told me this personally. I think he learned the lesson of his life at this border point.

Would it not be possible for the Canadian government, by circulating this document or using some other means, to keep making representations without being accused of interference with the U.S. legal system, so that Mr. Jalbert can go back to his family and we can resolve the custom issue in Pohenegamook? The bottom line is that the cause of the present situation is much more than a simple matter of physical installations.

[*English*]

Ms. Aileen Carroll: Mr. Speaker, I appreciate that this area of Quebec and the adjacent American property is an area which in the past always had an easy and relaxed border. Unfortunately since September 11 there are few easy and relaxed borders.

I will say that we do appreciate very much the work that the hon. member is doing on this. Mr. Jalbert is receiving the services and the full support of our consular representative in Boston as well as the services of an American lawyer, but he must now make a decision with regard to the charges brought against him. We are not in a position to comment on the legal process underway.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on October 30, 2002, I asked a question in the House of Commons. My question started like this:

> Mr. Speaker, the employment insurance fund has a surplus of $40 billion. The Auditor General says that this is $25 billion too much.

Under the law or the regulations, a cap of $15 billion is adequate for the employment insurance fund.

My question was for the Prime Minister and I asked him if he was "not tired of balancing the budget on the backs of workers who have lost their jobs?" Was he not tired of seeing all those workers who had lost their jobs and of taking their contributions to balance his budget or to get rid of the deficit? The Prime Minister answered as follows:

> Mr. Speaker, the member should appreciate the fact that when we came to power, the premiums were supposed to be $3.30.
>
> We cancelled the increase planned by the Tories and reduced the premiums for workers and employers. Workers now contribute $2.20. I presume this will continue to drop as the economy continues to perform well.

He went on to say:

> There are 2.5 million more people working in Canada since we implemented sound economic policies for the country. I hope the hon. member will one day acknowledge this.

How can I acknowledge this when, just yesterday, we heard again in the media that 300,000 children have to rely on food banks every month? That is the Liberal legacy. They should not be proud of that.

In a few moments, the Parliamentary Secretary to the Minister of Human Resources Development, the member for Laval West, will rise, and I am eager to hear what she has to say about my question and these comments. Following the 2000 elections, the parliamentary committee made proposals to the government. We all agreed that changes to the employment insurance plan were required.

It is not the first time that I say in the House of Commons that I have never seen anyone protest in the street because premiums were too high. I have never seen an employer cry because premiums were too high. But I have seen people cry because they could not get employment insurance. People phone my office because we have a 20% unemployment rate.

My question is for the government. Was employment insurance not created to help the workers? In 1989, members of Parliament voted unanimously to end poverty in Canada. Only yesterday, we learned that 300,000 children go to the food bank every month. The federal government cannot be proud of what it has done to our economy. Where did the 2.5 million people who got jobs come from? Are they foreigners who have settled here?

People are still not working in my riding, where the unemployment rate is 20%. Where are the economic programs that were supposed to put the people back to work instead of helping big cities like Toronto, Vancouver, Montreal, Laval and other such areas? It just does not cut in my riding. Some of our unemployed cannot even get EI benefits. Even the Auditor General has said that the surplus is $25 billion too high.

I would like to know what the federal government intends to do to solve this problem and help the unemployed, to whom the EI fund belongs?

● (1910)

Ms. Raymonde Folco (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, I thank the hon. member opposite who asked for clarifications on such a complex issue. In spite of his good intentions, I would like to correct some of the points he made, which I feel are completely wrong.

Allow me first of all to say that we have taken a balanced and careful approach in our management of the employment insurance account, improving the benefits and reducing the premiums.

In fact, the employment insurance plan is working well. It is strong and meets the needs of Canadians when they need help. According to the 2000 Employment Insurance Monitoring and Assessment Report, 88% of paid Canadian workers would be eligible for benefits it they needed them.

[*English*]

In fact the surplus in the EI account today is due largely to the fact that the economy is doing well and unemployment rates are lower. More people are paying premiums than collecting benefits, and this is good news.

Since 1986, the EI account has been consolidated with the books of Canada on the advice of the auditor general at the time. On March 19 the current Auditor General said, at the public accounts committee, and I quote, "In our view, this is the correct method of accounting and it complies with accounting standards".

Moneys can only be charged to the EI account to be spent for purposes of the EI program but revenues in the account are available for general purposes until required for EI expenses. In recognition of the temporary use of EI revenues, interest is credited to the EI accounts when it carries a surplus.

[*Translation*]

We must be cautious in our management of the funds in the employment insurance plan in order to ensure its viability. Of course we do not want to find ourselves in the situation where we would have to increase the premiums to absorb a deficit.

The employment insurance premiums have been reduced over the last eight years. Indeed, we reduced the rates from $3.07 in 1994 to $2.20 in 2002. This decrease will allow contributors to save approximately $6.8 billion in 2002 compared to 1994.

I challenge the hon. member's comments about the employment insurance account. We have improved the benefits; we have extended from 25 to 50 weeks the parental and maternity benefits period. Mothers who apply for sickness benefits before or after having applied for maternity benefits can now get all their special benefits. The pilot project for small weeks is now an integral part of the employment insurance plan. We have removed the intensity rule and adjusted the clawback provision.

The member opposite was present at the committee meetings when we discussed this. Moreover, the employment insurance plan includes several provisions to help low income families. The Government of Canada is committed to keeping a close eye on the employment insurance plan and assessing it to ensure that it keeps meeting the needs of Canadians.

● (1915)

Mr. Yvon Godin: Mr. Speaker, the hon. member opposite says I was sitting on the committee. She is right. But she was also on the committee which recommended changes that her own government subsequently refused. I wonder why she recommended changes and why she is suggesting now that I do not have my figures right.

The parliamentary secretary is also telling us that, at this time, 84% of those who apply would qualify—

Ms. Raymonde Folco: It is 88%.

Mr. Yvon Godin: —88% or whatever. Does she not agree that 88% of those who qualify do get EI benefits, but not 88% of those who contribute? Only 40% of contributors are eligible. Those are the hard facts of the EI plan.

Why do we have a $40 billion surplus in the fund? Because only 40% of contributors get benefits because of eligibility rules. For example, you need 910 hours to qualify. That is why people cannot qualify.

Everything depends on the region where one lives. In northern Ontario or northern New Brunswick, areas with a high unemployment rate, workers can qualify, but, in Toronto, they cannot.

That is the harsh reality of the EI plan. Canada's Auditor General has said there is too much money in the fund. Will they accuse her of being a liar?

Ms. Raymonde Folco: Mr. Speaker, I did not have time, in my initial presentation, to complete my list. This list is important. It shows that the Canadian government, people on this side of the House, did a lot of work on the EI issue and are committed to the well-being of all Canadians.

Allow me to give you another equally important example. The family income supplement is designed to help low income families with children. Just recently, the level of benefits was increased from 55 per cent to 80 per cent of their income. I will not go through the whole list again. I just wanted to remind you that we made a campaign promise in 2000 and the second thing we did when we came back to the House was to get rid of the intensity rule, a measure which allowed more people access to a higher level of employment insurance benefits, in order to help them get through periods of unemployment.

[*English*]

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:18 p.m.)

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