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(HANSARD)

Monday, April 26, 2004

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, April 26, 2004

The House met at 11 a.m.

Prayers

• (1100)

[*Translation*]

BUSINESS OF THE HOUSE

The Acting Speaker (Mr. Bélair): 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, there being a serious democratic deficit in Canada, particularly in the domination of the executive over the House of Commons by providing to the Prime Minister the sole political prerogative to determine when Parliament should be dissolved for the purposes of a general election;

That, unless the government loses the confidence of the House, general elections should be held on fixed dates; and

That the government should bring in measures to establish fixed election dates to be held on the third Monday of the month that is four years after the month in which the polling day for the most recently held general election fell.

This motion, standing in the name of the hon. member for West Vancouver—Sunshine Coast, is votable. Copies of the motion are available at the table.

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

OPEN GOVERNMENT ACT

The House resumed from February 24, consideration of the motion that Bill C-462, an act to amend the Access to Information Act and to make amendments to other Acts, be read the second time and referred to a committee.

Mr. Roy Bailey (Souris—Moose Mountain, CPC): Mr. Speaker, I am pleased to support my colleague's bill, Bill C-462, an act to amend the Access to Information Act and to make amendments to other acts.

I would like to begin by posing a question. Has there ever been a time in our history since Confederation in 1867 that we needed more timely and quicker access to information than we presently have today? If we were to put that question out there, not only to the House but to the public in general, I think they would say that we need this act very badly.

That is why we in this party will be supporting the bill in principle. When we take a look at the amount of information and what a government does today and compare it to even one generation ago, the business, the budget and everything else, we need that information and Canadians need that information. I am saying that the bill is very important mainly because of the democratic deficit that we are facing in this country.

I want to tell a little story about accountability and access to information. It goes back many years ago when I was principal of a school. My office was at one end of the building and my youngest daughter was in a classroom at the extreme other end of the building. When she would drop into my office to say hello I would ask her what she was doing at this end of the building. She would say that she had come to use the washroom. I would tell her to go back and use her own washroom and back she would go.

I received some information about six or seven years later concerning my daughter. She told me that during those times she had been sent down by her teacher to see the principal and to tell him that she had been misbehaving in class. When she went back to her classroom the teacher would ask if she had spoken to her father and she would say "yes".

I tell that story because it compares very much to what happens when someone puts in a request for access to information. They want the story. They want everything. Sometimes we get asked, if nothing else, to rewrite the question. The questions in many cases do not need rewriting. It is the answers that are rewritten so as we and Canadians do not get the total information.

For instance, suppose I were to ask questions through access to information about the Saskatchewan junior hockey league at the present time, which receives no salaries, and asked why the only pure amateur hockey league in Canada was subjected to an audit when no other pure junior hockey league in Canada was. Would I get an answer? No, I would not get an answer because there is no excuse for that happening. We need to correct problems like that and I believe Bill C-462 would correct a great deal of that.

The bill proposes 37 different amendments. What we find in those amendments is that Canadians, through their members of Parliament, would be able to get information that otherwise they would not be able to get as individuals.

Private Members' Business

•(1110)

I will give a case in point. At one of my border crossings, a huge building has been constructed, apparently by the government. The building has now been sold. Was it legally tendered? Nobody out there knows. How many private offers were received? Nobody knows. What did the building sell for? Nobody knows. How much was paid for the building? Nobody knows. That type of information is not doing anything to knock down the democratic deficit, not one little bit.

This bill reflects the work of an all party committee formed two years ago. For two years they have worked on this bill and I think that the two years' work done by this committee deserves the proper attention of this House. I think it deserves the support of every member of this House. Albeit it is a private member's bill, but every member should support this bill so that we can go to the people—it is much more timely now, with an election coming up—and say that we now have an access to information bill through which they can, through their member of Parliament, get the information they want and should have.

I know, and every member of this House knows, that there are certain bits of information that are private. There are certain bits of information that should not be divulged, such as when courts are in session and all the rest of it, but at the same time, the government can manufacture more excuses for not providing Canadians with the information they need.

As I said at the outset, and I will repeat it again, there has never been a time in the history of this country like this, when Canadians need to get that information and they need to get it quickly. Canadians have a right to know what is going on in government.

At the present time, the committee on public accounts cannot even get the information it wants from the people who could and should be giving them that information. This is what is upsetting Canadians today. This information is guarded, it is secret and it is locked away. That has created in this country a democratic deficiency like we have never had before. These 37 amendments would do a whole lot to prevent the government from acting and working in secrecy.

For instance, back in the 1930s, the Prairie Farm Rehabilitation Act was passed to help rejuvenate the three prairie provinces, mainly with pastures, water, dugouts, dams and so on. Do members know that if a farmer puts in a requisition for a deep well, a dugout or a dam at the present time, there is a two year waiting list? In other words, this portion of that act simply does not exist.

We need to know and they need to know why there is such a long waiting list. Is it the funding? What is wrong with this? Why is it not working? The simple answer from a minister that government is putting its money in other places does not really tell the whole story. And this is just one area.

As I said at the beginning, never in the history of this country have we needed information more than we do right now. I want to close by asking a question, not only of the House but of this country. Can any nation that declares itself a democratic nation ever have too much accountability in regard to the operation of government? I do not believe it can.

That is why I am asking all members of this House to take a look at my colleague's bill. It will do a whole lot for democracy in Canada. Let us not turn it down. There is too much good in this bill.

•(1115)

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-462, which is a lengthy private member's bill that would make a considerable number of amendments to the Access to Information Act. Indeed, I do not think it is going too far to say that Bill C-462 constitutes a major effort to overhaul the Access to Information Act.

Clearly, the member for Ancaster—Dundas—Flamborough—Aldershot once again has focused our attention on the Access to Information Act by bringing forward his extensive bill. Accordingly, my purpose today is to comment on the member's bill, which I intend to do from more than one perspective. Before doing that, I want to take a moment or two to make some introductory and background comments.

I do not know if all the members of the House are aware of how long the member has been working on reforming the Access to Information Act. I believe I am right when I say that he first introduced a private member's bill to amend the act in the fall of 1997. The bill was then numbered as Bill C-264. The member made certain improvements to Bill C-264 and reintroduced it in 1998 as Bill C-206. In the summer of 2000, Bill C-206 was defeated. Prior to this, the member had twice obtained more than 100 signatures in support of his bill.

I want to elaborate on a point to which I alluded a moment ago, which is the importance of access to information legislation. Here in Canada, we are fortunate to have had such legislation in place at the federal level since Canada Day 1983. As so often happens, we have a tendency to take this for granted because we have benefited from the Access to Information Act for more than 20 years.

The Supreme Court of Canada has said that one of the pillars or cornerstones of a democracy is a law that gives citizens a right to gain access to government information. Of course, this right to government information is not absolute or unfettered, and certain government information must still be kept confidential. Some good examples of this are taxpayer information, sensitive and confidential business information that a company provides to the government, sensitive government information such as the contents of an upcoming budget, and information relating to the defence of Canada.

These examples do not detract from the general principle that most government information should be accessible so that Canadians can, if they wish, find out what the government is doing. Put simply, allowing Canadians to check up on the government is an important part of our democracy.

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Although many may not realize this, Canada is viewed as somewhat of a pioneer in the field of access to information legislation. Various countries in the world are developing democratic principles for themselves and some of these countries seek Canada's advice on how to create access to information legislation for themselves. In some of these countries, the government can, based on whimsy or whatever good or bad reason it chooses, completely ignore a citizen's request for government information or untruthfully tell the citizen that the information does not exist. Regardless of whether our Access to Information Act is out of date and in need of some modernization, the fact remains that, fortunately for us, the situations I just mentioned are contrary to our federal law.

So far I have attempted to make the general point that we are fortunate to have access to information legislation. I wish now to turn to Bill C-462 itself. What I intend to do in the next few minutes is mention a number of proposed amendments in the bill that are worthwhile and then draw the House's attention to a few proposals that I think require some additional thinking, examination and refinement.

Before doing this, let me say that, as we know, the Minister of Justice is responsible for any reform of the Access to Information Act. The minister does not oppose the general direction of this bill. However, certain concerns need to be addressed.

In the category of worthwhile amendments that are proposed in Bill C-462, I want to begin with one in particular. As everyone in the House knows, the repercussions of the horrifying attacks that took place on September 11, 2001, are still with us. In this regard, this bill proposes a seemingly small but, in my view, quite important addition to the Access to Information Act.

Currently, section 20 of the act essentially protects trade secrets and other confidential commercial information that a government institution receives from a third party, usually a company. The proposal in this bill is that this exemption be amended to add a specific protection for information relating to critical infrastructure. As I mentioned earlier, the right to gain access to government information is not absolute. Certain information must be kept confidential, and I think that for security reasons information on critical infrastructure falls neatly into this category.

• (1120)

Sometimes an issue arises when a request is made under the act for records subject to solicitor and client privilege. Certainly, the act currently contains an exemption that can be used to protect records covered by this privilege. However, when the government is willing to discuss part of a record covered by solicitor and client privilege, there is concern that the privilege in relationship to the remainder of the material might be endangered. Bill C-462 tries to address this concern by specifying that the disclosure of part of such a record does not constitute a waiver of the privilege in relationship to the remainder of the record. This proposal is worth examining further.

I have one further comment to make in the positive category before moving to some of my concerns. At present, the act states that if a requester is unhappy with how her or his request has been handled, or with the records that she or he has been given, the requester can complain to the information commissioner within one year from the date on which the request was made.

The difficulty that requesters can encounter with this section is that sometimes, legitimately or not, government institutions do not respond to requests until later than one year after the date on which the request was made. The proposal in the bill, which I view as entirely sensible, is to amend this section to say that a requester can complain within 12 months from the date of the request or such other time as the information commissioner may allow.

Turning now to my concerns, the following two proposals concern me because I believe they go further than necessary to accomplish the policy goal. Therefore, at the very least, they need to be very carefully scrutinized. First, the bill is proposing the outright repeal of section 24 of the act. Let me take a moment to describe what that section does.

As I mentioned earlier in this speech, the Access to Information Act contains several specific exemptions that serve to protect from disclosure certain types of confidential information. One exemption, section 24, is slightly different. It requires the protection of information that is described as confidential in other statutes.

Attached to section 24 is a schedule that lists the confidentiality provisions in the other statutes of Parliament. Included in the list are, for example, a section of the Canadian Security Intelligence Service Act, the Defence Production Act, the Income Tax Act, the Marine Transportation Security Act, the Statistics Act, the Transportation of Dangerous Goods Act, 1992, and sections of the Criminal Code and the Patent Act. In addition to these, the list in the schedule contains about 50 other statutes. I do not believe the complete repeal of section 24 is the correct approach.

No conclusion regarding section 24 should be reached until after each and every confidentiality clause listed in the schedule has been examined and evaluated, and every entity that could be affected, for example, CSIS, Statistics Canada and the anti-money-laundering agency, Fintrac, has been thoroughly consulted. We simply cannot afford to not get this right.

The second proposal that causes me considerable concern again does so because I think the proposal in its current form may well go too far. I am referring to the proposal in the bill that the definition in the act of a government institution be expanded to include not only parent crown corporations but also their wholly owned subsidiaries and "any incorporated not for profit organization which receives at least two-thirds of its financing through federal government appropriations".

I am not entirely sure what this proposal would mean in practice. It seems to mean that any charity that receives most of its money from the government would be subject to the Access to Information Act. This might require charities to expend time and money on creating the necessary infrastructure to deal with requests under the act. If I am right, is this result desirable? It is a question.

Regarding the wholly owned subsidiaries of crown corporations, we need to have a complete and up to date list of these so we know exactly which entities we are talking about.

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Furthermore, a related proposal in Bill C-462 makes it clear that the CBC would be covered by the Access to Information Act. Would this mean that people could send Access to Information Act requests to the CBC in the hope of discovering information about confidential sources or investigative reports? Again, if I am right, is it appropriate and desirable?

• (1125)

I wish to move now to certain points that concern me less but to which I still want to draw the House's attention. We are puzzled with one proposal in Bill C-462. A few years ago, as a result of another private member's bill, C-208, a criminal offence was added to the Access to Information Act to cover essentially the intentional destruction, alteration or concealment of a record in order to thwart the Access to Information Act. Accordingly, I do not understand why the member sponsoring this bill is proposing to add another quite similar criminal offence to the act.

The final concern is related to an issue I mentioned a moment ago, and that is the coverage of crown corporations and their wholly owned subsidiaries.

The Minister of Justice does not oppose the general direction of the bill, nor does he oppose this bill going to committee. However, he strongly believes that certain concerns need to be addressed. I mentioned a few. It remains an open question whether this bill could in fact be repaired at the committee stage. That is the position of the justice department.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to make a couple comments with regard to Bill C-462, a bill which has been worked on for a great deal of time by the member for Ancaster—Dundas—Flamborough—Aldershot.

Certainly, one of the areas in which a lot of debate has occurred is with regard to the extension of the Access to Information Act to crown corporations. I would point out that we just tabled in the House, a couple weeks ago, the whistleblower act. The whistleblower act has been referred to committee and the minister will appear before the committee tomorrow. This bill will now also apply to crown corporations. This is the first indication that there is an opening here to consider whether or not crown corporations are in the family of the public service.

I was a member of an all party ad hoc committee that was chaired by the member who sponsored this bill. The committee worked diligently. It set up a website, which I think is still accessible. The witnesses that came before that committee were very instrumental in focusing our consideration with regard to the Access to Information Act, and at looking at opportunities to broaden the exposure and reach of it for the principles for which the act exists in the first place.

The act has not been amended since it was brought in, I believe in 1982. There are very few pieces of legislation in the laws of Canada that have not been reviewed substantively and amended from time to time to take into account the changes that occur within Canada, within the value system, and within the needs that have been demonstrated from time to time.

Therefore, it is very important to understand what has happened in Canada since 1982. There have been significant developments, not only in Canada, but globally, and of course, we are a global nation. With regard to access to information, this has a tremendous significance with regard to the evolution of Canada, its role, not only as a sovereign nation, but as a global nation that participates in matters which affect all Canadians, and in fact people from all around the world.

I simply wanted to raise this issue about the period of time over which we are talking. Clearly, there are some valid issues which should be addressed, not only with regard to whether or not the reach should extend to crown corporations. We had discussions even right down to something as fundamental as what is the relationship between the Office of the Privacy Commissioner and the Office of the Information Commissioner. In most jurisdictions, those offices are combined as one office. The principles regarding privacy are somewhat the complement or mirror image of the Access to Information Act.

In terms of my involvement with the ad hoc committee that we had, reflecting on some of the work we did, there were questions of whether or not there was abuse within the system. I would think that from time to time, no matter what we look at, we will always find that some people are going to find ways to push the envelope a little bit. In fact, I remember one government official that came before us and told us of an information request that required the printing of some two million pages of documents. In that regard, clearly, there is a suggestion that somehow the act was being used maybe beyond the nature for which it was originally intended.

I believe it was Wesley Wark who came before us, who is an expert in these matters. He suggested to some extent that the Access to Information Act, the way it sits now, is being used by a number of people as basically a research tool. It is an opportunity to get others to do the work on our behalf and to look for opportunities to either support other work that is being done by researchers in a variety of fields. Canadians have to be assured that there are no levels of abuse that are occurring with the act.

• (1130)

Having said that, we must also look at whether or not there are restrictions on the application of the act for the purpose for which it was intended. It is very important obviously that members would agree. What is the purpose of the act? How far do we go here? What is public?

We have had cases where applications have been made for the daily agenda, the diary of meetings of the Prime Minister of our country. We ask the question, is it relevant and is it fair ball for someone to want to see exactly what we did every period of the day, who we met with for what purposes, et cetera? I am sure there are some good arguments that would be quite interesting.

However, I also saw examples of things where someone would write to a minister—I think it was the industry minister at the time—and asked for copies of every piece of correspondence he received from the public on this subject matter.

It was fair ball; it was there. However, it also put the government in an awkward situation, or at least the minister under the scope of the rules of the Access to Information Act as to what could be done with regard to information that was not solicited but was given out. It theoretically would involve a ministry to go to each of those persons and ask permission to release documents, in some cases. The fact that someone has said something, maybe unsolicited, may be under the purview of a minister that the subject matter may be used for legislation purposes or other things like that. To the extent that Canadians would provide their opinions is kind of interesting.

I have another example. I recall receiving a letter from the justice ministry advising that a letter that I had sent to the justice minister with regard to a constituent's concern was being sought and would be released under the Access to Information Act.

It made me wonder all of a sudden, where does this stop? Where do we start pushing the envelope and where are we providing matters which are in the public good? I almost hesitate to use that phrase because it has been used in some other context which I find a little inappropriate. It has to do with possession of child pornography.

In regard to communications, there must be some comfort level to the extent that there are matters going on in the normal course of business. That is one matter. However, what is happening that may provide influence, or maybe even undue influence, on legislators as they conduct their work? Is the act being used for the purpose for which it was intended and, does it have the scope or the latitude to be able to achieve the goals for which it was intended?

I also recall from our ad hoc committee that we had representations that there was not a significant abuse of the system with regard to people using the system as a research instrument. I also believe that there were some representations for departmental officials that the work involved in providing that information was not significantly onerous on the department that in the normal course of its operations those matters could be handled.

It is important to have that assessment from a broader representation. The ad hoc committee covered a great deal of information. I think what it demonstrated, if nothing else, is that there were a number of questions with regard to the Access to Information Act which legitimately and properly should be addressed by Parliament. As a consequence, I think the bill has given the opportunity, once again, for the Parliament of Canada to look at the bill from that context, to raise these important questions, and to have a committee consider them.

I thank the hon. member for his honourable work.

• (1135)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, CPC): Mr. Speaker, I would like to begin and summarize the contents of Bill C-462, so that people watching from outside will see that the proposals in the bill are for the most part very reasonable.

First, the bill would change the name of the act to the open government act.

Second, it would require government records that are more than 30 years old to be automatically opened, except when specifically

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exempted for reasons of national security, public safety or international obligation.

Third, it would establish the principle that records be provided without unreasonable barriers as to time and cost.

Fourth, it would provide protection of information relating to endangered species and threatened ecological or archeological sites.

Fifth, it would bring cabinet confidences under the act.

Sixth, it would protect information related to critical infrastructure.

Seventh, it would extend the act to crown corporations and agencies previously excluded and to all incorporated not for profit organizations that receive at least two-thirds of their funding from federal government sources.

Eighth, it would make ministers of the Crown, their exempt staff and officers of Parliament subject to the act.

Ninth, it would make travel and hospitality expenses of MPs and senators subject to the act.

Tenth, it would allow the disclosure of retained records pertaining to public health and safety, and the environment to be disclosed in the interests of public safety.

Eleventh, it would specify what cabinet records must be disclosed.

Twelfth, it would give the Prime Minister discretion to release the records of previous cabinets under previous administrations.

Finally, it would provide public access to government records pertaining to third party contracts and opinion polling.

I believe we would agree in the House that the majority of those suggested amendments are not controversial and would vastly improve the effect of the act. However, I would like to address some of the criticisms advanced by the member for London West.

She made three points expressing, I presume, the concern of the government. One was the allusion to section 24, which pertains to all kinds of clauses in various legislation that cite exemptions and protections from the Access to Information Act.

I think she made a very valid point that totally eliminating section 24 could have all kinds of unintended consequences. I say before the House right now that if the bill were to go to committee stage, I would be prepared at the outset to suspend that section of Bill C-462 which would eliminate section 24. I am afraid the committee would be bogged down for months, if not years, discussing the implications of that particular amendment. Right at the outset, let us put it aside now so that the bill can go forward quickly.

Government Orders

The other two points the member made, she expressed the concern that the CBC would be afraid that the confidences of its journalists would be affected by this legislation. I can assure her absolutely, that is a red herring from the CBC itself. The Access to Information Act, as presently constructed, provides all the protections needed for not only MPs' confidences, but also the confidences of journalists and the confidences of the operations of ordinary corporations. That is not a problem.

Finally, she expressed the concern about the provision that non-profit organizations receiving two-thirds of their funding from the federal government would be included in the act. She is quite right. The intention is to capture charities and it is to capture foundations that receive most of their money from the federal government.

I point out that the Foundation for Innovation and the Millennium Scholarship Endowment Fund, which are almost totally funded by the government, have been the subject of a lot of concern in the House because they are not suitably transparent. They are a means of the government to put money aside through a third party agency that is not accountable directly to the people and not as transparent as the government would be if it spent the money itself.

Yes, that is the intention. I would be prepared to defend it in committee. I think the member would find very broad support among Canadians. Wherever federal taxpayer money is spent in large sums, there should be the same regimes of transparency and accountability as exist when the federal government is spending the money directly.

• (1140)

Bill C-462 reflects an effort that goes back far beyond me. The actual origin of the access to information bill was the initiative of backbench MPs. This initiative of bringing transparency and accountability to government has always been an initiative of all members of the House, regardless of party. It has not been an initiative of government.

What we are dealing with here is the recognition by MPs, generally, that transparency and accountability is the heritage of Canadians, it is the right of Canadians. Because backbench MPs are not hooked up with government, as it were, they tend to be more sensitive to this.

I would propose that all backbench MPs in the House, at the very least, support Bill C-462 on principle because it is a principle, I believe, that is in the interests of all Canadians.

[*Translation*]

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

• (1145)

[*English*]

The Acting Speaker (Mr. Bélair): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, April 28 immediately before the time provided for private members' business.

Hon. Sue Barnes: Mr. Speaker, I rise on a point of order. Is this on division?

The Acting Speaker (Mr. Bélair): There was one dissenter and that is why I asked for the yeas and nays. The recorded division will be taken on Wednesday after private members' business.

SUSPENSION OF SITTING

The Acting Speaker (Mr. Bélair): As it is 11:45 a.m., the Chair will suspend the House until 12 p.m. to move to orders of the day.

(The sitting of the House was suspended at 11:45 a.m.)

SITTING RESUMED

The House resumed at 12 p.m.

GOVERNMENT ORDERS

• (1200)

[*English*]

INTERNATIONAL TRANSFER OF OFFENDERS ACT

The House resumed from April 23 consideration of the motion that Bill C-15, an act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences, be read the third time and passed.

The Acting Speaker (Mr. Bélair): At the end of the debate on Bill C-15 last week, the hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development still had seven minutes left in questions and comments. I am informed that he was in the middle of answering the first question or comment, and he wants to finish this point.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I would just like to finish answering comments on the bill. Through you, Mr. Speaker, for the new people watching on television and in the gallery today, I would like to review what we are talking about.

The bill provides for the transfers of offenders from one country to another if they happen to be put in a jail that is not in their home country, and it makes for better rehabilitation. A bill has been in effect since 1978 and this bill amends that bill to improve on it.

Government Orders

The amendments would expand the classes of categories of when the transfers could be made. It also would expand the jurisdictions, where Canada has these agreements, to some non-sovereign states and jurisdictions such as Taiwan and Hong Kong. It would expand from whom the consent must come. That is it would ensure that prisoners themselves would consent as well as provincial and territorial governments if the sentence were under two years because they would have to pay for that incarceration. It also would mandate that the prisoner must be informed and must give his consent to that transfer.

Based upon those comments, I will answer further questions.

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I have a concern about the bill, and I would certainly like to be assured on this point.

We have a very liberal parole system in Canada. People can get three or four year sentences, get time off for their weekends and generally get an automatic one-third off their sentences just for being there. The three year sentence turns into a one year sentence and then they are back on the streets.

Canadians know this. We are not fooling anybody about our parole system. People know that three years does not mean three years; it means one year or a year and a half.

In a lot of other countries, when three or five year jail sentences are imposed, they will serve that time and they have to earn their parole. They do not have revolving door policies. A concern I would have is that there would be a big flood of people back to Canada so they could access the liberal parole system.

Hon. Larry Bagnell: Mr. Speaker, I am not sure that the hon. member's question is relevant to this bill. The probation system in Canada is based on committees of peers. The whole idea is related to behaviour and reintegration into society.

As I said in the previous part of the debate, the most important thing Canadians want, after a crime is committed, is not revenge. It is rehabilitation and safety so they are not at risk again when a person evolves back into society. That is why the whole probation and parole system is in place.

With respect to the bill, it is actually meant to help improve the safety of Canadians or people in the other countries to which Canada is signatory. If a Canadian is in a foreign institution where another language is spoken, or where there might not be the services of rehabilitation, such as anger management and occupational teaching which will help a prison reintegrate into Canadian society, obviously those services will be less effective and quite obvious less numerous in another country.

I know the hon. member would want to have the person rehabilitated socially and educationally so that person could safely reintegrate into society.

The bill does that. Canadians would be transferred back to Canada where, with the same length of sentence, they could get that type of training, anger management and social management, so they could reintegrate into our society, and then go through the various steps. We just do not send a hardened criminal back into society and expect a miracle.

That would happen if we did not have this bill. The person would finish his or her sentence in a foreign country, be thrown back into Canada and out on the streets and all of us would be at risk. Whereas with this bill, persons would be transferred early so training inside the prison could occur. As the member mentioned, the probation and parole system puts limited controls on these people. We can see if they are integrating properly and adjusting without hurting other members of society.

In this respect, the bill will help us be safer.

• (1205)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, in all the discussions with regard to this issue I have never once heard the word "victims". Where do the victims fit into this big picture? What about justice? Victims expect justice.

The member continually talks about the Canadian system of rehabilitation. What about the Canadian system of justice and the victims? Why does he not address their needs and cares with regard to the commission of a crime?

Hon. Larry Bagnell: Mr. Speaker, I know this is a passionate topic for the member.

This is not meant to change the justice system in either of the countries involved. The bill is basically for the transfer serious criminals. They need to have more than six months waiting in their sentences before serious criminals can be transferred from one country to the other.

The determination of justice, in whatever country it is made, will be carried out. This is to determine in which country the sentence will be carried out.

In Canada justice is often selected by a jury of peers, so the jury of Canadians decides the level of justice. Canadians as a whole determine the penalties in the justice system through the election of their parliamentarians who make the laws.

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BUSINESS OF THE HOUSE

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, discussions have taken place between all parties and there is an agreement, pursuant to Standing Order 45(7), to re-defer the recorded divisions scheduled for Tuesday, April 27 from 3 p.m. to 5:30 p.m.

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

Some hon. members: Agreed.

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INTERNATIONAL TRANSFER OF OFFENDERS ACT

The House resumed consideration of the motion that Bill C-15, an act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences, be read the third time and passed.

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Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, Bill C-15, the international transfer of offenders act, is very important legislation and one which responds to a number of concerns that I have heard from constituents about foreigners who are jailed in Canada and Canadians who are jailed in foreign jurisdictions. I have had many calls to my office over the years asking me why we keep prisoners from other nations in Canada and why do we not transfer them out and have their countries assume their costs.

We do have a system as we are party to number of treaties and administrative arrangements with international partners. If we look back at the period of 1978 to 2003, a total of 118 prisoners were transferred from Canada to a total of six nations. The overwhelming majority of these individuals, 106, were transfers to the United States. Over the same period 1978 to 2003, 1,066 prisoners were transferred to Canada from a total of 25 different nations. The overwhelming majority again, 836, were transfers from the United States. The other nations returning the most number of prisoners to Canada were Mexico with 54, Peru with 29, the United Kingdom with 31, and Thailand with 17.

What is the system that we have in place? We already have a system that enables offenders to serve their sentences in the country of which they are citizens or nationals. This bill would repeal and replace the Transfer of Offenders Act, which sets out the principles that govern the international transfer of offenders, and would authorize Canada to enter into administrative agreements for those international transfers of offenders.

The bill would also expand the class of offenders that may be transferred, expand the class of jurisdictions with which Canada may enter into transfer agreements and, very important, expand the number of individuals who have to consent to such a transfer. For instance, if the sentence were two years less a day, the province in which the person was sentenced would need to consent to the transfer.

To answer the concerns of my colleague opposite, the act would clarify the sentence calculation rules that apply to transferred Canadian offenders. Let us be clear that a transfer is not available unless the Canadian offender's conduct would have constituted a criminal offence if it had occurred in Canada at the time the Solicitor General received the request for a transfer.

The verdict and the sentence imposed by a foreign entity are not subject to any appeal or any other form of review in Canada.

Along with setting out the conditions for transferring offenders, the bill makes consequential amendments to the Corrections and Conditional Release Act.

Canada has been a party to offenders treaties since 1978. There are 13 bilateral treaties and we accede to three multilateral conventions on the transfer of offenders, totalling some 60 sovereign entities.

With regard to the United States, the treaty between Canada and the United States of America on the execution of penal sentences applies not only to the U.S. federal authorities but also to all the states, except for Delaware and West Virginia.

The international transfer program is administered by the Correctional Service of Canada's international transfers unit, with

the assistance of the consular services of the Departments of Foreign Affairs and International Trade.

As I mentioned, Canada has several international multilateral conventions to which we are a party. One is the Council of Europe's convention on the transfer of sentenced persons. That entered into force on July 1, 1985 and applies now to some 53 states. It is primarily a treaty that is intended to facilitate the social rehabilitation of prisoners by giving foreigners convicted of a criminal offence the possibility of serving their sentence back in their own countries. As to the concern of my colleague opposite about victims, if we rehabilitate individuals we can prevent the further victimization of individuals here in Canada or abroad.

● (1210)

In the past there were some difficulties and there continue to be some difficulties in communications for some of the offenders, perhaps because of a language barrier or the absence of contact with relatives, which we know has a positive effect on those who are in prison. Sadly, too many of our prisoners have no familial contact, which increases their risk to reoffend when they return to society.

The transfer may be requested by way of this convention by either the state in which the sentence was imposed or the state in which the sentenced person is a national. The transfer is subject to the consent, as I mentioned, of those two parties, as well as that of the sentenced person. A condition of any transfer is that the acts or omissions on account of which the sentence has been imposed must constitute a criminal offence in the administering state, the state in which a person is a national.

Other conditions are that the sentenced person must have at least six months left on his or her sentence to serve and the convention sets out the procedure for enforcement of the sentence following the transfer. We have to be very clear, on the point of the member opposite, that we in fact have these sentences, that if it is a period of incarceration it continues, that if it is a period of probation it continues and that the terms are consistent.

I would remind the member for Prince Albert that judges know full well how sentencing works. I think we should be honest with Canadians. If judges impose a period of 10 years, they know that a third of that is definitely behind bars, a third of that is with probation and a third with some other kind of release. They know whether someone is a long term offender and they understand that the sentencing is indefinite. Judges are aware of the rules and to suggest otherwise is a bit inappropriate.

Whatever the procedure chosen by the administering state, a custodial sentence may not be converted into a fine and any period of detention already served by the sentenced person must be taken into account by the administering state. The sentence in the administering state must be no longer nor harsher than that imposed by the sentencing state but it has to be consistent.

All parties to this convention are obligated to inform sentenced persons of the substance of this convention so that people can make arrangements. Once a transfer has taken place, the enforcement of the sentence is governed by the law of the administering state only. That is the state to which the person is transferred.

Government Orders

While the administering state is bound by the legal nature and duration of the sentence as determined by the sentencing state, if that sentence is incompatible with the law of the administering state that state may adapt the sanction to the punishment prescribed by its own law for a similar offence. The administering state shall not aggravate by its nature or duration the sanction imposed by the sentencing state nor exceed the maximum prescribed by the law of the administering state. The sentencing state alone, and only the sentencing state, which is the case of someone being transferred out of Canada, has the right to decide on any application for review of the judgment but either state may grant pardon, amnesty or commutation of the sentence.

As I mentioned, Canada is party to two other multilateral conventions: the scheme for the transfer of convicted offenders within the Commonwealth, which came into place in 1990, with seven nations adhering; and the inter-American convention on serving criminal sentences abroad which came into effect in 1996. These agreements have been ratified or adhered to by nine nations. I assume those are the agreements by which we had prisoners moved from Peru.

Both of those conventions state that prisoners are not allowed to be moved between nations against their will and must be informed of the consequences of agreeing to such a transfer. The conventions have other requirements in common. One is that the governments of both the sending and receiving nations must agree to the transfer, which is a pretty important agreement.

In Canada, as I mentioned, for offenders who are sentenced to two years less a day, the approval of the relevant province or territorial government is required, along with that of the federal government. The convicted person must be a national of the receiving state. We cannot, for instance, transfer from Canada to France a German citizen. It would have to be a French citizen.

•(1215)

It is also a general requirement of eligibility that a prisoner shall be considered for transfer only after all appeals have been settled and he or she has no further legal matters pending.

A sentence may not be lengthened by the receiving state but the enforcement of the sentence is governed by the laws of the receiving state. For instance, if they do not have the same kind of Corrections and Conditional Release Act that we have, perhaps they have a 50:50 split or they have less than a third-third split, then they would be able to govern the sentence arrangement.

In both of these conventions, the sentencing state retains full jurisdiction to grant pardon, amnesty or commutation of the sentence.

Interestingly enough, in 2001 some 5% of all offenders under the jurisdiction of Correctional Service Canada were foreigners: that is 5% of all offenders in Canadian jails. This is an important point since we often hear about foreigners coming to Canada and committing crimes. In fact, only 5% of all offenders in the federal corrections system were foreigners.

The overwhelming majority of those individuals, who total 1,100 people, come from the United States. As I mentioned, we have transferred 118 prisoners from Canada to a total of six nations, the

majority of which were transferred to the U.S. Over the same period we have transferred some 1,066 prisoners to Canada from 25 different nations.

That is a fairly conclusive description of what this act seeks to do: how we must have agreements from both our nation and the receiving nation and the prisoners themselves; how we have to exhaust all the appeals; and how the sentencing nation, in this case if we are transferring somebody out of Canada, has the power to decide on any application for a review of their judgment. In fact, either state may grant a pardon, amnesty or commutation of the sentence.

I am sure Canadians will remember the intense lobbying that took place over the Canadian individuals who were sentenced to jail in Brazil. There was an agreement, they were brought home and they are serving out the rest of their sentences in Canada.

I hope that all members of the House will support the bill and ensure that we are implementing the treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences, and pass Bill C-15 forthwith.

•(1220)

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I want to say a few words on Bill C-15, the international transfer of offenders act.

I will give the House a bit of the background of the bill. The bill would allow Canada to implement treaties and administrative arrangements with other nations for the international transfer of offenders. The purpose of the act is to allow Canadians convicted abroad to serve their sentences here in Canada.

This legislation would close the identified gaps in the existing Transfer of Offenders Act and aims to ensure consistency with other legislative provisions. By allowing offenders to serve their sentences in Canada, we would ensure that the public's interest is also served, because offenders are gradually released into the community in accordance with an overall Canadian rehabilitation strategy rather than simply having offenders arrive in Canada at the end of their sentences without any checks on their reintegration into society.

The bill would permit Canadian offenders who face incarceration in foreign prisons, which may include unfamiliar and difficult situations, to serve their sentences in Canada, and vice versa. This function is crucial for Canadian nationals where foreign states do not accommodate Canadian standards of rights and rehabilitation. In a case where no transfer agreement exists between Canada and a foreign entity, the countries could nevertheless enter into an administrative arrangement and provide for the transfer of an offender.

The provisions of the act would apply to criminal offenders, including young offenders and mentally incompetent offenders. Consent to be transferred must be given by the offender, the foreign state and Canada. All three must consent before transfer is made. The act and the consent thereunder are governed by the Solicitor General of Canada.

Government Orders

This bill, which we are dealing with at third reading, has made some progress in the committee. An amendment presented by our NDP caucus passed in the committee by a seven to six vote when, before Christmas, the chair of the committee, who is now in cabinet, broke the tie in our favour.

The amendment adds the following to the list of factors the minister should consider when determining whether to accept the transfer of a Canadian offender:

- (c) whether the offender has social or family ties in Canada; and
- (d) whether the foreign entity or its prison system presents a serious threat to the offender's security or human rights.

Hopefully this will help guide the decision of the minister and create a more explicit link between the threat a foreign state or prison poses to an offender and the need to repatriate our own. It simply creates an explicit link where one is obviously implied in the spirit of the bill. It becomes explicit rather than just implied.

There are some additional arguments in favour of the bill. The NDP amendment passed by the committee will ensure that the minister would consider the humanitarian circumstances of an offender incarcerated in a foreign state. It would help to ensure that our citizens who are incarcerated abroad are going to have their safety and human rights taken into consideration when asking for a transfer.

The act maintains the integrity and values of the Canadian justice system and correctional system by transferring offenders back to Canada where these values prevail. Foreign nations often have different standards in their prison systems, which may be considered a violation of rights in Canada, or may do nothing, on the other hand, to rehabilitate the offender.

The act would give Canada custody of Canadian offenders abroad and would make Canada responsible for the enforcement of its own values. The act is also humanitarian in the fact that it would allow for foreign offenders to serve their sentences in their countries of origin if they wish and consent to do so.

Our main concern was addressed at committee, where an amendment was passed. The humanitarian spirit of the act should be applauded. These proposals would permit Canadian offenders abroad to be transported back to Canada where they can be detained and rehabilitated in accordance with the standards and principles of Canadian justice. It also would allow foreign nationals to serve their time in their home countries.

Since this proposed act is based on treaty negotiations, its benefits are mutual. The treaty negotiations and administrative arrangements contemplated by the bill would give equal protection and advantage to Canada and foreign states alike. This reciprocity has the added benefit of enhancing certainty and good faith in international relations and negotiations.

• (1225)

Bill C-15 should be supported for its humanitarian purpose, but we should not assume that the transfer of prisoners back to Canada necessarily results in humane treatment. We should not allow the government to pat itself on the back for too long, because we have our own major problems in our own Canadian correctional system. One need only think of the lack of correctional services and facilities

for women or the lack of services and facilities for aboriginal people to realize that there is a great need for development of our own prison system in Canada.

Moreover, cases like that of Maher Arar—and of course there is going to be an inquiry into that case—demonstrate that we have serious problems not only in how we treat offenders but also in how we go about investigating and deciding who is an offender and who is not. Let us not rest on our laurels for too long. There is still a great deal more progress to be made.

Bill C-15 is a step in the right direction and, because of that, we will certainly be supporting the bill on third reading. We hope that it does have some real impact in terms of being a step along the road toward the reform of our correctional system.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I appreciate the member's comments on the bill. The member raised the issue of the justice committee report. I noted that the very brief report simply makes one amendment to Bill C-33, which is the previous incarnation of this bill back in the second session of the 37th Parliament. It added that phrase on determining residency as well as paragraph 10(d), which states:

whether the foreign entity or its prison system presents a serious threat to the offender's security or human rights.

I think this is an excellent amendment, but it also raises the concern about our track record in negotiating with countries that do not share Canada's principles with regard to human rights. The issue in the bill that is most interesting to me is the whole aspect of human rights; the member raised the Maher Arar case and the fact that a Canadian citizen was deported not to Canada but to Syria.

I think the member is quite right in highlighting this. I wonder if he would like to comment a little further on the consequences of failing to defend at every opportunity the human rights of all, regardless of citizenship, and also to protect the human rights. I would like him to comment on whether or not there is any case in his view where the human rights of someone should be seconded or discounted for security reasons.

Hon. Lorne Nystrom: Mr. Speaker, the Maher Arar case is a very good case in point for why we have to be concerned about human rights. In that case, a Canadian citizen was deported from the U.S., not to Canada but to Syria. He languished in a Syrian prison and was tortured in that prison. Now we have a national public inquiry.

I just want to underline that this is why these treaties are important. We must have treaties that respect human rights for every single Canadian citizen or any citizen of the world, regardless of who that citizen is.

For the transfer of prisoners, for someone who may be watching, as I said earlier, under this bill there has to be an agreement by three parties: the prisoner himself or herself, the country in which the prisoner is in prison, and Canada. There has to be agreement by all three parties before that can occur.

Government Orders

We know that some of the conditions in some of the world's prisons are exceedingly bad and that some of the justice systems are very archaic in many prisons around the world. About 10 years ago today, I was in South Africa as part of a United Nations group that was observing the election in South Africa in the region of KwaZulu-Natal. One polling station was in a South African prison. Let me say that I would not want to wish that anybody spend any time in that kind of prison. We spent an hour or so in there observing that the voting practice was proper and so on. Some of those prison conditions are pretty deplorable and South Africa is by no means the worst of different countries in the world. Many years ago, I had a chance to visit a Chinese prison. Again, those were not exactly the kind of prisons that would be a model for the world.

I think this is a good bill. It is a step in the right direction. We must have a tough criminal justice system, but we also must have a system that respects basic human rights and basic decency in how we treat human beings.

• (1230)

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I briefly want to speak on this bill entitled the International Transfer of Offenders Act.

Briefly, several questions have been raised about this bill in the House of Commons. For example, a bit earlier today, we heard a member of the Conservative Party of Canada say that, in his view at least, existing legislation on parole is extremely liberal.

In my opinion, that is the wrong approach here. Canadians need to know that the transfer of offenders at the end of their incarceration and their reintegration into society must be subject to supervision and, of course, be done gradually, so that they can then function like any other member of society.

This is not a western where the guy gets out of prison with his belongings strapped to his back, not knowing a soul, and is expected to be fully reintegrated into society and to never make another mistake, because he has already been incarcerated and certainly has no desire to repeat the experience. We all know that real life is more complicated.

When that person leaves, after being incarcerated with other prisoners and knowing little else but the prison system during his years in jail, there has to be a kind of transition into the same kind of life as all those who function in society.

How? It is done, of course, through parole. I want to mention certain statements and say that I disagree with the members opposite who are saying that there should be no more parole. That is ridiculous. I think that the prison system in general must include parole if, in the future, it seeks to rehabilitate individuals, and I hope it does.

Members should ask the question the other way around. We certainly do not want individuals to reoffend. Therefore, if we do not want them to reoffend, obviously, we want to rehabilitate them to ensure they do not act the same way in the future. This is already positive not only for them but also for society, because a crime is clearly a wrong done not to oneself, but to society in general. That is the definition of a crime.

That is why we should have the system we have. Is it perfect? Of course not. It would be ridiculous to say that it is. There is always room for improvement to reintegrate into society those who were offenders in the past and those who are on parole, while at the same time ensuring maximum public safety.

Clearly, this can be quite a difficult balance to maintain in society. Nonetheless, to members opposite who say that offenders commit all sorts of horrible crimes when they are on parole, I would say that first, the members tend to make a lot of unwarranted assertions.

Second, do those members not think that the rate of recidivism, since that is what we are talking about, would be worse if individuals suddenly left the penitentiary system from one day to the next, like the cowboy I described earlier with his backpack, no money and no idea where to go?

• (1235)

If offenders were so ill-prepared to reintegrate into society, then of course they would reoffend, if only to survive.

I am someone who believes that a parole system is essential to public safety. It does not reduce public safety, but can improve it greatly.

Let me get back to the matter at hand, the Transfer of Offenders Act. Some have asked why the Transfer of Offenders Act needs to be amended. The reason is this. Only technical amendments have been made to it since it came into effect in 1978. A quarter century later, there have been no substantive amendments. It goes without saying that, for better or worse, many things have changed in society and in international relations.

We are told that the amendments will provide a far more modern and complete framework for the negotiation of international treaties on offender transfer and the administration of transfers.

The hon. member for Burlington has just been telling us that, for the most part, these offenders come from the United States, that this is the country from which the highest number of offenders are transferred back to Canada. That is fairly normal, given the high number of border crossings between our two countries. Then, of course, there is the geographic proximity for trade, holiday travel and so on. So it is not unusual that the highest number would come from there.

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The second country is Mexico, we are told. Once again, this is a favoured holiday destination for many Canadians. It is therefore not unlikely for crimes to be committed there, but I must admit I am surprised to learn that the third-ranking country is Peru. I did not know that were high numbers of Canadians incarcerated in Peru, and that many were repatriated to Canada under existing agreements.

Another question that has been asked on several occasions concerns the nature of the proposed changes.

In-depth consultations have been held and the legislation thoroughly examined. The amendments introduced in Bill C-15 can be placed in one of three categories, which I will list here. The first are amendments that reflect the traditional treaty principles that have developed over time. The second, are those that address the gaps in the Transfer of Offenders Act and are aimed at ensuring uniformity with other legislation. Finally, the last category of amendments contains proposals that would contribute efficiencies to the current process, thereby enabling it to operate as expeditiously and well as possible.

The NDP member who has just spoken has used the case of one Canadian incarcerated in another country as an example. An investigation has been carried out into this specific case, because it would appear that he was mistreated in the prison system of the country in question. On top of that, the individual in question was deported to that country even though he was in transit through the United States when arrested by U.S. authorities. All these are the specific circumstances in this case.

I do not know whether this bill could have improved that individual's situation. The underlying issue still remains, without a doubt.

• (1240)

Canadians want such a system to work well for the largest possible number of individuals wherever, of course, it applies.

There is also another issue. I am sure that a number of Canadians are already wondering whether the bill will help deport or extradite foreign nationals from Canada. Indeed, if a Canadian is incarcerated abroad and everyone agrees that this individual should be brought back to Canada, I am convinced that a number of voters want to know if this also means that the individuals who are imprisoned in Canada and who are citizens of other countries could go back to their country. This situation is already covered by the existing legislation.

The bill before does not have anything to do with deportation and extradition. These are totally distinct processes, which are managed by the Department of Citizenship and Immigration and by the Department of Justice. They have nothing to do with the bill before us. This bill replaces an existing act, but nothing is changed in this regard.

The bill will implement the treaties signed by Canada and other countries to allow Canadian or foreign nationals who have been found guilty and who are serving a sentence abroad to be transferred and to serve the rest of their sentence in their country of origin. The legislation applies to such cases, where people are incarcerated, but has nothing to do with deportation or extradition.

People wondered how many Canadians are being detained in jails abroad and would be eligible for a transfer to Canada under this legislation. I must say that I am always stunned by these figures because, as Canadians, it is hard to imagine that a large number of our fellow citizens are in imprisoned abroad.

As parliamentarians, we are usually informed of such situations when the parents of a young person incarcerated abroad come and ask us: "What can you do for my son?" This is typically what happens in our constituency offices. However, people often think that there is only one such case at a time in a riding. Unfortunately, the reality is different.

In fact, some 3,000 Canadians are being detained in foreign prisons. In fact, about 2,700 of them would be eligible for a transfer to Canada under the act. Each year, some 85 Canadians return home to serve their sentences. These are the approximate figures; I know a number of people wanted them.

We have also been asked how many foreign nationals are detained in Canadian penitentiaries—coming back to the question asked a while ago—and how many are eligible for transfer to their home countries under the act. On this point, we are told that there are about 1,000 foreign prisoners in Canada's penitentiaries. Under the act, nearly one third of them are eligible for transfer to their own country.

It is interesting to note that there are three times as many Canadians incarcerated abroad as there are foreigners incarcerated in Canada. How can that be explained? I do not know, but it is probably that Canadians travel a lot, and often work abroad in all kinds of fields. Of course, it is probably for these reasons that we see more Canadians in foreign jails than the opposite.

Every year, two or three foreign nationals are transferred to their own countries. That is not surprising. The number is quite small. Still, it is another reason for us to improve the act now before us, as this bill intends.

Now, as for public safety and rehabilitation, we have been asked why Canadian offenders should be transferred to Canada instead of finishing their sentences abroad before returning to Canada.

• (1245)

Some are asking this. Some members have learned of very sad cases of constituents imprisoned abroad, often in less than adequate conditions, sometimes in even worse conditions. Parliamentarians, when dealing with such cases, do not ask themselves such questions but others do. The answer to that question is obviously for humanitarian reasons, as I just described. It must also be recognized that Canadians incarcerated abroad are subject to extremely harsh conditions, making their lives very difficult.

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I know that some people will say that the offenders should have thought of that before they committed their crime and so on. Of course, anyone committing a crime should first consider the consequences, not only of getting caught, but also the harm to society and individuals where the crime is being committed. Clearly, this is very true. Nevertheless, humans are not perfect and they make mistakes or missteps and must pay the price.

We do not want, however, to bring these people back to Canada to release them unconditionally. It is to allow them to serve the rest of their sentence in Canada. So, their sentence is not being erased.

I would like to come back to a question from a member of the Conservative Party of Canada. He asked how the Canadian public will be protected from criminals who are transferred to Canada. I told him that the purpose of the International Transfer of Offenders Act is to ensure that offenders do not escape justice. Back to what I was saying a little earlier, when a Canadian is transferred under a treaty, that person must serve the remainder of the sentence that was imposed abroad under the supervision of correctional authorities.

In other words, this is all part of the treaty. The goal is not to release these people when they arrive, but to respect the treaty and other countries by ensuring that the offenders serve the rest of their sentence.

The protection of society is ensured by the gradual and controlled reintegration of the transferred offender through our parole system, as I said at the beginning of my speech.

People wonder how much these proposals will cost the Canadian taxpayer. The answer is short: there is no additional cost.

Another question was raised: Will the amendments aggravate the problem of overcrowding in Canadian prisons? We know there is a problem. Moreover, many countries have this same problem. We are told not. The proposed changes should not increase the number of transferred offenders.

So there is an overview of the measures in the bill and the questions some people have. In conclusion, I ask all my colleagues to support Bill C-15, to vote for it so that it can take effect as soon as possible.

• (1250)

[*English*]

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would ask my colleague this. I have had occasion over the years where parents have come to my constituency office quite distressed. They are working parents in Canada, but they have a child incarcerated, often in the United States. To visit and see their child creates considerable hardship on the parents who often take time off work.

We know the support of family is ultimately one of the factors that helps people change behaviour. This is especially true when these are sentences that will come to an end at some point in time. However, the safety of the community is very important.

Has the hon. member had experience with this type of situation in his area?

Hon. Don Boudria: Mr. Speaker, there are a number of interesting questions that come out of this.

The first proposition is that it is the criminal who committed the crime, not the rest of the family. Often what we are faced with are these terrible conditions where there could be, typically I suppose without making anything too stereotypical, a man somewhere in prison and the young wife and two or three children having to take the bus, for 25 or 30 hours, to see the incarcerated member of the family in a penitentiary someplace.

There are cases even far worse than that. I had a case in my constituency, which was quite well publicized in the media. An individual had a commercial difficulty with a partner in an African country. They got into a tiff over the value of, as it were, diamonds. Under the laws of that country, this constituted a crime. How the law was structured to achieve that, I was unable to understand. It seemed to me that they were debating the cost of the product and they got into this commercial rift. The individual was incarcerated for two years in a prison in West Africa.

I tried to negotiate with our embassy in the neighbouring country, because it was one of those countries where we did not have permanent staff. We have a consul there, but only on a part time basis because the individual does international cooperation projects. Therefore, the individual will go and visit in that situation.

First, this is a rather different case than the second part of the hon. member's question. This person did not seem to be much of a danger to anybody. Actually, he came back to Canada eventually and was freed right away. Had this individual committed another kind of offence by any measure where rehabilitation would have been, for instance, of the order before the individual was freed, he certainly would not have had it there. He was lucky if he could get a blanket where he was incarcerated. Had the individual been dangerous, he could have been dangerous when he got back because there was no treatment.

Second, on a humanitarian level, the kind of treatment the individual got over a dispute about a commercial transaction was something we would not do to the absolute worst criminals in our own country. It was so bad. I talked about it to the ambassador of that country. I do not want to name the person. My purpose here is not to offend anyone. The ambassador said to me that they did not have what he called five star accommodations for prisoners, and certainly they did not. However, to me, having a blanket does not constitute that, especially when it is a cold winter night or having certain basic things of decency, such as not having to sleep on the floor where there are infestations of rats and other kinds of roaches and whatever, especially in a climate in West Africa. I think one can see how terrible these things can be.

There are a couple of other cases I would love to describe and how these things should operate, but I want to leave an opportunity for other members to continue making remarks on the bill.

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• (1255)

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I wish to participate in the debate today because it deals with an issue of concern to some of my constituents, thankfully, a small portion of them. I am pleased today to participate in the third reading debate of the government's initiative to update the Transfer of Offenders Act. It has been quite some time since it has been updated.

The parliamentary Standing Committee on Justice and Human Rights gave detailed consideration of the measures, and has returned Bill C-15 to the House for final consideration. I see nothing in the legislation that might delay its passage.

Before proceeding to the specifics of amending the Transfer of Offenders Act, I believe members of the House would indulge me for a brief reflection on the progress of the bill since its introduction.

It is gratifying to see and observe the spirit of cooperation that has brought us to third reading of Bill C-15. I am aware that some hon. colleagues opposite do not feel the same strength about humane treatment where offenders are concerned, but I think the vast majority in the House agree that this is not only right but necessary. However, the broad support of most of my colleagues in this place reflects several factors in relationship to the proposals contained in this legislation. First, there is recognition that the legislation is necessary. Second, the confidence of hon. members in the proposals put forward by the legislation is a fair indicator of the thoroughness of the consultative process that preceded the introduction of Bill C-15.

There is no doubt that all parties, with a stake in this area of criminal justice, were carefully canvassed. The bill reflects a broad range of inputs in numerous sensitive areas in such a way that the approbation of the House and the committee were forthcoming with neither delay nor, I am glad to say, rancorous debate.

I would like to thank the members and the chair of the standing committee for their timely review of the legislation and approval of the bill. This committee has had much business before it. It always has a busy schedule and all of that schedule is important.

There are those who would ask why we should concern ourselves with the circumstances in which offenders serve their sentences in lands foreign to them. I must point out that Canadians who offend abroad and those from foreign lands who are sentenced by Canadian courts are as worthy of humane treatment as are Canadian inmates punished in Canada.

We have laws, policies and practices applicable both at home and abroad that recognize that the deprivation of liberty should be the only penalty for an offence against society. Capital and corporal punishments are things of the past in most democratic countries and we, as Canadians, would support efforts to eliminate physically onerous penalties anywhere in the world.

Offenders come from communities and are our brothers and sisters, sons and daughters and our extended family. In Canada, almost one in ten citizens has some sort of criminal record. No right thinking individual would maintain that one in ten of his fellow citizens in Canada presents a continuing, serious threat to the community.

I have had parents come to my constituency office, trying to get a child back to Canada to complete a sentence that has been doled out in a foreign jurisdiction. It is a difficult situation, as my hon. colleague pointed out, not just for the offender but also for the extended family who are trying to support that member of their either immediate or extended family.

By the same token, it is not up to us to determine that a Canadian teenager convicted of drug abuse abroad, that might result in a fine in Canada, should serve a sentence of a number of years in an overcrowded jail with adults serving sentences for much more serious offences, and this does happen. Even if it were true that the offender apparently deserved the extent of the foreign sentence, is it up to us to decide that he or she should always serve time in an environment foreign to the individual in all ways, where nutrition, health care and attention to human rights may all be compromised in comparison to the Canadian correctional milieu?

I am not saying that our correctional milieu is without fault. There are some jurisdictions that have quite difficult positions, and I think I am being generous when I say that.

• (1300)

Do the families of our Canadians incarcerated abroad deserve to be deprived of their loved ones and kept in uncertainty as to their condition and whereabouts for the duration of their sentences? It is well known to practitioners in the areas of corrections and conditional release that offenders do far better upon release if they have the support within the community, both during and after their incarceration.

If we leave Canadians abroad for the full term of their sentences, we will welcome them back, untreated and not rehabilitated, as offenders to our own shores inside Canada. It is far better if they are returned to Canadian custody, to the support of their families and communities and eventually to supervised release. I think it is apparent to us that this latter course is a preferable course for our jurisdiction.

I agree that the community at large should be protected from the reoccurrence of criminal activities to the extent possible. The legislation before us contributes to that goal. It will provide the framework by which Canada can continue to treat its citizens humanely while ensuring that they are gradually and safely reintegrated into Canadian society. It is because of initiatives such as the one before us that Canada is a respected leader in criminal justice and corrections in the international community.

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As pointed out by others in the House and in deference to those who promote “the law and order approach” above all others, it is recognized that the legislation contains principles that ensure that due deference is shown to the sentences handed down by any of the courts that may be involved. Each country receiving one of its nationals from a foreign correctional system is bound to respect foreign sentence as rendered to the extent that it is compatible with our own legislation. As with all other international agreements, any variance of this practice would soon lead to the disuse of the very mechanisms established by the bill before us.

Some hon. members opposite have asked if the bill is more concerned about offenders than victims. I heard that again this morning. As my colleagues have pointed out, we are considering a bill that is not only designed to implement transfer of offenders treaties, but also to assist in carrying out the correction principles and practices that are known to work.

Some hon. members find these measures unpalatable and that is most unfortunate. What is preferable? Transferring Canadian offenders back to Canada while under sentence so that they can be gradually reintegrated into our society under the supervision of correctional authorities or having a foreign state deport them at the end of sentence to arrive here without any controls? Our research has shown that the control on the offender is helpful to the safer reintegration into society.

I put that this option is by far the most sensible. Once offenders are transferred to Canada, correctional authorities carefully assess their needs and the risk to the public. Those who are eligible and can be safely managed in the community are released under supervision. Offenders, on the other hand, who pose a risk and cannot be managed in the community remain in incarcerated in Canada. This is not coddling offenders. It is realistic, it is appropriate and it is the responsible management of offenders in keeping with sound correctional principles and practices.

It does not make sense to incarcerate offenders beyond the point in the sentence that they can be safely reintegrated into society. In fact research indicates that the extension of imprisonment by itself does not contribute to public safety. Members opposite who favour penalties that would extend incarceration for reasons of deterrence should take heed.

Victims are not excluded from the process. An offender who wishes to leave Canada will have been convicted in open court and held at a penal institution. In both instances it is common for victims to make statements that will henceforth follow the offender as part of his or her record. A victim impact statement may influence sentencing or it may be germane to the administration of an offender's sentence in determining the security level of an offender's custody, for example. Those with an interest in the circumstances of how a foreign offender might be serving his or her sentence can make their view known for the record.

In the case of a Canadian offender wishing to leave a foreign penal system, local laws would prevail. Before the application is processed, we know that the foreign state has consented to the transfer. Presumably, if a mechanism exists for hearing victims' views, the state would factor that input into its decision.

●(1305)

There is nothing in Bill C-15 that would prevent victim participation at either end of the process. It seems to me that victim participation should be considered entirely relevant to the international transfer process, but by the time a transfer to or from Canada could be considered, victim input would have already been on the record. Therefore it is outside the process in this particular bill. I do not want to say that victims are not important in the system. That is not the case.

Although not directly related to the bill before us, it has come to my attention that an hon. member opposite has recently stated in the House that Bill C-16, the sex offender information registration act, does not have a retroactive application. Let me set the record straight. Bill C-16 is retroactive. It provides for inclusion in the federal registry all offenders previously convicted of a prescribed offence who were under sentence as of the date of coming into force of the legislation, as well as offenders registered under the provincial Ontario sex offender registry act. This is what all provinces and territories agreed to and that is what is provided for in Bill C-16. I just wanted to take a moment to clarify that.

In the case of the proposals we have before us today in Bill C-15, the government of the day, in recognizing the importance of implementing change in the area, and quite frankly for modernization since it has been since approximately 1978, proceeded to study options for reform and to present a government bill to the House. This bill proposes simple but comprehensive reform and results from a consensus of those with knowledge in the subject.

The justice committee was fully informed of the balancing of the various interests and alternatives considered before the objectives of the legislation crystallized. They were cognizant of the need to create an act and have acted accordingly. Bill C-15 in my opinion, and I hope in the opinion of many hon. members in the House, clearly promotes public safety by allowing offenders to resume productive lives in their home countries.

Therefore I do urge all hon. members of the House to help with the passage of this necessary and sensible legislation.

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I am sure the hon. member has studied the bill a lot more than I have, so I am seeking information and clarification.

The Supreme Court, on deportation of people who are alleged to have committed crimes in other jurisdictions, at different times has made rulings that it would not permit those deportations because the other jurisdictions' criminal sentencing processes might expose the people to cruel and unusual punishment.

Government Orders

In some of the jurisdictions, such as in the United States for capital offences, it is not unusual to have three consecutive life sentences imposed on an individual. That basically means the person will be in prison for the rest of his or her life without any right to parole. There are a lot of serious offences in other jurisdictions where the courts impose minimum mandatory jail sentences on convicted felons. That means nobody gets out of jail until he or she serves at least that minimum period of time. Some of those minimums are quite lengthy according to our liberal justice system in Canada which deplors those sorts of sentences.

Some members have said that the bill respects those sentences that were imposed in other jurisdictions and when the offenders came back to Canada, the sentences would be respected. I am assuming consecutive life sentences would be followed. Minimum mandatory jail sentences would be respected. Our system would not apply to them. I would like a yes or no answer to that.

I am also concerned about whether the committee has looked at what the Supreme Court of Canada might say on having those sentences enforced in a Canadian prison system. Would the court not make a ruling that it is unconstitutional because it is cruel and unusual punishment?

• (1310)

Hon. Sue Barnes: Mr. Speaker, I know the hon. member is asking me a serious question. The only thing is, I cannot speak on behalf of the Supreme Court of Canada.

What I know on the bill and what I believe to be exactly true is that a sentence may not be lengthened by the receiving state, but the enforcement of the sentence is governed by the laws of the receiving state. There has to be some comparability in the charges and the sections of the codes that we are dealing with. That is partially what this modernization is doing. It is trying to bring these bills up to date.

There are situations where what happens overseas in some countries is not a criminal offence here. There has to be some comparability in the situation. It is always in the parameters of this bill that to have a transfer occur, there have to be three consents: that of the offender; that of Canada, whether it is as the receiving nation or the sending nation; and that of the other jurisdiction.

In a situation here in Canada, if it was an offence where the sentence would be two years less a day whether it be in our provincial or territorial court system, we would have to go to the consenting mechanism there. This is not unilateral. It is a multi-party effort to make sure that everyone is in agreement. If it is a situation here, the receiving state has some regulations and rules to be followed if there has been consent.

I hope that clarifies the situation in some form. If it does not, I would suggest the member contact the officials in the justice department for even greater clarification. I could help facilitate that if he so wished.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I wanted to add some input as a non-lawyer on Bill C-15. Members will know that the bill was reintroduced in this session of Parliament from the second session of the 37th Parliament. Formerly it was Bill C-33.

It would be appropriate to remind the House of the purpose of the bill. This enactment repeals and replaces the Transfer of Offenders Act, sets out the principles that govern the international transfer of offenders and authorizes Canada to enter into administrative agreements for international transfers of offenders.

The enactment expands the class of offenders who may be transferred. It expands the class of jurisdictions with which Canada may enter into agreements. It identifies who must consent to a transfer. It sets out how the foreign sentences of transferred young persons are to be enforced in Canada. It clarifies the sentence calculation rules that apply to transferred Canadian offenders and aligns them with those contained in other federal legislation. It also contains transitional provisions and makes consequential amendments to other acts, as is normally the case.

It is interesting that there are very few people who are speaking against the bill. In fact, what is happening is we are having an opportunity to speak about related areas, and that is always a good thing. Members will know that when this bill, formerly Bill C-33, went to the justice committee, it did the appropriate review. The justice committee has a good reputation of being rigorous in its review of legislation. It came back with a report on the bill, Bill C-33, with one amendment to the entire bill after doing a rigorous review.

That amendment was to clause 10 and added one additional clause. I will read that into the record because it touches on an area on which I would like to make a few comments. Clause 10 in the bill as reprinted states:

In determining whether to consent to the transfer of a Canadian offender, the Minister shall consider the following factors—

The first is whether the offender's return to Canada would constitute a threat to the security of Canada. That is understandable.

The second item is whether the offender left or remained outside Canada with the intention of abandoning Canada as his or her place of permanent residence. That is a fairly straightforward criteria.

The third was that the offender has social or family ties in Canada. That obviously is quite relevant.

The last item that was added by the justice committee and is now part of the bill we are debating today is clause 10(1)(d) which states:

—whether the foreign entity or its prison system presents a serious threat to the offender's security or human rights.

All of a sudden the context of human rights has become a matter for consideration. The justice committee agreed that human rights considerations should be taken into account with regard to the transfer.

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Members started to talk about cases such as the Maher Arar case in which a Canadian citizen was deported, not to Canada from the United States, but to Syria. It is a very serious situation which occurred. Thankfully, Mr. Arar is now back in Canada and reunited with his family and friends, but very serious questions have arisen with regard to the human rights issues. Members will know that this matter will be before the courts as well. Not being a lawyer, I am not in a position to talk about the elements of the case, but simply from the standpoint of the human rights component which is now incorporated in the bill.

● (1315)

We are in a much different world than we were prior to September 11. There have been an enormous number of changes into how we have looked at our provisions in law, and in fact, the event of September 11, 2001, has spawned a substantial amount of legislation with regard to security and sovereignty issues.

The transport committee visited our counterparts with regard to issues flowing out of September 11. The United States had taken the position that virtually everything that anybody wanted, it was going to put into legislation. It was almost an overreaction and some would question whether or not there was an overreaction which may in fact have lead to not good laws. We say prayers as we start the House each day, that we make good laws and wise decisions.

If we react over the top, as it were, and ask all things that anybody could ever want to increase the safety and security, whether it be of airline travel or border protection et cetera, all of a sudden there are some questions that come to mind. In recent months I had a personal challenge of sorts in terms of my own nomination. During my nomination, one of the issues that came up within the community was in regard to the charter of rights and the human rights provisions provided thereunder, and the need for security concerns to be embraced as well.

We now have a question, when can human rights be discounted somehow by the need to protect the sovereignty or security of a country? I took a very strong position during the last few months. I could not think of an appropriate time when human rights should be somehow discounted or set aside for safety and security reasons. Within the Charter of Rights and Freedoms, we have wonderful protection that Canadians have earned and that all residents enjoy.

The Maher Arar case was a dramatic example of where a person's rights were set aside under the guise of security reasons. I think that most Canadians, and most observers objectively would say, what happened was wrong.

In this particular bill we are talking about something slightly different. We are talking about the transfer of prisoners who are in one jurisdiction, but under certain circumstances could be transferred back to their own jurisdiction, their own home. What are the rules surrounding that?

There are a number of provisions within the bill. I found it interesting that it dealt with a wide range of items including special treatment for young offenders. It dealt with probation and a number of aspects that I would think that Canadians otherwise would not be very familiar with, but the principles still remain fundamentally sound.

In 2003, when Bill C-33 at the time came forward, the Solicitor General of Canada spoke to the bill. I would like to remind the House of a couple of things that the Solicitor General had to say.

He said:

The Transfer of Offenders Act serves an important public protection purpose. Offenders incarcerated in foreign states may be deprived of the opportunity to rehabilitate themselves in the absence of treatment programs in those countries, in the absence of a structured parole system, and in the absence of direct contact with family and friends in their home community. As a result, the chances of long term reintegration of these offenders, and ultimately of better public safety, are greatly reduced. This holds true even when offenders are incarcerated in a country with social standards and customs relatively similar to Canada's.

● (1320)

I thought that was a very interesting statement. I think that I understand and I am quite sympathetic to the reasons why.

But we can also understand how it is very easy for some to say that we are now talking about the best interests of someone who has been convicted of a crime. Members will, and have, in the debates that have occurred before, and again today, talked about victims. There is no question in my mind that the debate surrounding the rights of those convicted, and the rights of victims and families will always be an issue in Canada.

The Solicitor General spoke of rehabilitation. The previous speaker spoke very well about the need to show a rehabilitation balance so that when people are finished their sentence, they can reintegrate into society.

In some cases, where people are emotional about an event, about a crime that occurred, or about a victim's circumstances, it is really easy to say that we should forget about those who committed the crime, put them in jail, throw away the keys and we do not want to see them ever again. That usually tempers itself down and says the sentence is the sentence. Maybe we ought to consider having harsher sentences or longer sentences.

We can start talking about the faint hope clause. We can start talking about other conditional release programs. We can talk about probationary provisions. We can talk about every case where it is clear that the probationary system has let us down.

The expectations of Canadians should be to the highest possible standard. I wonder whether or not in times of emotion, never mind just the public at large, but even members of Parliament can be objective enough to say that our system should not be totally black and white. There has to be some flexibility built into the system. There has to be principles which allow people to rehabilitate themselves so that one day, once they have served their sentence, they can get back into society, and that they stop being a burden on society.

I heard members in this place argue that it costs so much to have someone in jail. This is awful. That is a problem. But the very next debate, we will have someone saying they are not away long enough. So how do we balance this?

Government Orders

The issue or the concept of public good has come up. Unfortunately, even that terminology has been jaundiced somewhat because the concept of the public good has been talked about in legislation dealing with child pornography. Is there a public good which is served by someone being in possession of child pornography? I would say absolutely not.

I have said it in many speeches in this place that the existence of children pornography must necessarily mean that a child has been abused and, therefore, by possessing child pornography, whether one is the creator or the perpetrator of it, one is a participant. Public good gives me some difficulty.

However, we do have a criminal justice system. There are people who do things which are wrong and contrary to our laws, some of them very heinous. We have just had the case of the young girl who was killed by her parents. They were found guilty of killing and dismembering the body of their child. The father has been sentenced to 25 years, without chance of parole. I think the mother has been sentenced to second degree murder, with a 10 or 15 year sentence.

Is it enough? Should those persons ever come out of jail? For some, I am sure that the answer will always be no. They took a life. They should never be able to enjoy what we have here in Canada.

However, what is the humane thing to do with people who commit crimes? For some, it is hard to understand and have compassion for them, other than the fact that they are human beings and as human beings we are all vulnerable. We are all weak by our very nature. We want our sentences to be tough; we want them to be fair, but we also want to deal with the situation about what happens once a sentence is finally discharged.

● (1325)

In the absence of capital punishment, which we do not have here, that means that members are either going to have to argue in favour of capital punishment and let us go that way, and see whether or not there is an appetite in Canada. If not, there must be a justice system which is based on rehabilitation, which acknowledges that people eventually come out of jail and that rehabilitation is better than simply incarcerating them and letting them rot in a cell until their time is done, and then throw them out into society without the tools that prepare them to be able to integrate and be safe themselves, and safe for others to be back in society.

This is a very difficult question. It is a question that I think will always be with us because there will always be heinous crimes. There will always be bad people out there out there who do bad things. However, should our laws continue to be directed at those who commit the most serious of crimes?

I recall that some years ago I gave a speech related to the crime of murder and sentencing. I do not remember the statistics specifically, but the incidents of murder committed by a family member against another family member was very high.

Murder is murder, but now we have to look at what happened and why, and what are the other reasons why things occurred. Those are taken into account by the courts and by the justice system as to what is an appropriate way to handle things.

Sometimes there are circumstances which take some understanding. I do not think very many people in this place have the training that people have in being judges, people who are involved in the parole system, and people who are lawyers and argue these cases and have eminent experience in how to deal with them. However, if we were to put all that wisdom together, I doubt it would be found in any one person in this place.

We acknowledge that. That is why we will be bringing in and discussing points on legislation, just as with this one, which are elements of a much broader picture.

What does our criminal justice system look like? I have looked at some of the debate that occurred back about a year ago, last April. I believe one of the points put forward by the member for Crowfoot when he was talking about clauses 13 and 14, concluded by saying:

—a Canadian citizen can go to another country, commit a crime, for which there could be a much more substantial penalty, and be transferred back home here to serve a much lesser sentence

I suppose technically and mathematically that may be the case where the sentencing provisions in one jurisdiction might be different than another. However, the principle of the law in this bill is that the sentence will be the sentence had the crime been committed within Canada. That is the principle, notwithstanding what the other jurisdiction may have.

Members must keep in mind that it will be very difficult to balance or to understand and equate two systems of justice, how they are arrived at and what the provisions are, whether or not there is any chance of parole, whether there is any chance of rehabilitation, et cetera. The systems are very different. I am sure we could think of many countries where in fact the provisions of the criminal justice system are quite different.

I am confident that the justice committee has done its job with regard to this bill and that there was the one amendment to clause 10 (1)(d) that would provide this humanitarian element, which I think has been very appropriate.

Having listened to members, I have been reminded about their concerns and about the criminal justice system generally. However, with regard to the principle of the bill to permit where a sending country, a receiving country and the person who has been convicted of a crime and is serving a sentence all agree that this is an appropriate thing, and takes into account existing treaties, it would probably give us a better opportunity to expand those treaties to other countries where we have Canadians abroad.

I understand others have given the numbers. Generally, from what I have heard, the House believes that the principles are fundamentally sound. For that reason I will also be supporting this bill.

Government Orders

• (1330)

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I must confess—and maybe I am misinterpreting the government members—that I am getting a mixed message about which sentence would be imposed, the foreign jurisdiction's sentence or the Canadian standard for that offence. I am given to understand from a previous speaker that we would respect the sentence imposed by the foreign jurisdiction, but if I correctly understand the member for Mississauga South, we would be using the Canadian standard. There seems to be some ambiguity about that.

I have another concern that I think is very, very important to consider and I would like the member to respond to it. We have the British criminal justice system process in Canada. We bend over backwards to make sure that people are not going to be incarcerated without having a very fair trial. We must prove every element of guilt beyond a reasonable doubt before we convict. We have a very elaborate appeal process to correct errors and mistakes in the process.

Despite that, let me say that I have a penitentiary in my riding of Prince Albert and I do talk to inmates from time to time. A large majority of them say they are victims of the justice system, that they are innocent, that they have been falsely convicted. I have often thought that for true rehabilitation one has to take responsibility for one's actions. One has to look in the mirror and say, "I did something wrong and I have to do something to change my ways". However, I find that a large majority will not accept responsibility, even under our system.

There are a lot of countries with criminal justice systems or processes that are very different from Canada's. They have no concepts like the right to counsel, a fair trial, reasonable doubt and all of the rest of it. However, people are convicted under those systems. I wonder about them coming back to our Canadian system. Will our courts and our system start reviewing the process employed in those other jurisdictions to determine that these people were guilty of an offence? Will we be saying that they did not get charter protection, that they did not have a right to counsel, that they were not presumed innocent before they were found guilty and so on?

There are a whole lot of differences in the justice systems around the world. I just wonder what this act does in this area. When they come back here, are we going to use the Canadian standard to evaluate the process that these people were convicted under in other jurisdictions or are we going to accept it?

I would like to have clarification on the first point too, if I may.

• (1335)

Mr. Paul Szabo: Mr. Speaker, I think the member has raised a good question. On the first one, let me quote from the Solicitor General's speech when he said:

When Canadian offenders are transferred to Canada to serve the remainder of the foreign sentence until warrant expiry, they arrive here under the supervision of the Correctional Service of Canada or of provincial correctional authorities who oversee their gradual and controlled reintegration into society.

I believe the question is—or at least between the speakers—about what happens in the case where there are not the same kinds of probationary provisions, let us say, or early release programs, et cetera. I think that to the extent there is still something going on, it

may not be full incarceration for the full period; that may have been prescribed in another jurisdiction, so it is simply period. Even someone who has a life sentence, even in Canada, may not be in jail for life, but the provisions or the controls regarding them still continue for the rest of their lives. The member is quite right, though: it is the sentence as prescribed in the foreign jurisdiction, but it may not be in precisely the same form, i.e., incarceration.

As for the second part, this is, as I indicated in my speech, the whole question of whether we are preoccupied with the rights of an offender as opposed to the rights or the interests of victims and victims' families. I think the member will know that this bill in fact deals with the treatment of those who are convicted of crimes, either in Canada and who are going to be transferred back to their own home country, or vice versa.

However, should there have been in clause 10 an additional provision with regard to taking into account, let us say, a victim impact statement or victims' rights considerations? I think that is a very good question. The justice committee did in fact review the bill in its totality and came back with one amendment, which is simply with regard to whether or not the human rights of the offender were being appropriately protected.

At this point, I am not exactly sure why an amendment with regard to victims' considerations was not considered—if it was not—in justice committee. All I can say is that I understand the point. I cannot explain why it was not dealt with.

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, on December 12, when the new government took over, one of the offices established by the Prime Minister was that of Parliamentary Secretary to the Minister of Foreign Affairs with special emphasis on Canadians abroad. As hon. members will recall, I and the member of Parliament from Ottawa West went to Damascus to bring Mr. Arar home.

My question for the hon. member is, what impact will this have on the office of the parliamentary secretary, a job now being done by our colleague from the Pickering area? I wonder if there is any relationship he can see there with regard to transferring a prisoner here from overseas or from here to overseas. What job does he see for this new position established last year by the Prime Minister?

• (1340)

Mr. Paul Szabo: Mr. Speaker, the parliamentary secretary position referred to is with regard to Canadians abroad who are in jeopardy or difficulty in another jurisdiction. As the member will know, there are cases where someone has been abducted or somehow or other taken into incarceration perhaps without having all the facts known by those who have taken them. I think that in the last case it was not even clear to the abductors what the nationality was of the person who was abducted. I think there was another case where it was not clear whether or not it was citizenship by landed status as opposed to born in Canada status and what the relationship was.

Government Orders

When there are questions—which can be very simple questions—that may affect the lives of individuals, it is very important that this position exists. I know that the parliamentary secretary has hopped on a plane and flown to Syria on a moment's notice to go there to advocate on behalf of Canadian citizens who have been in difficulty. I do not see any implications with regard to that position and the importance of that role with regard to the act. The act is with regard to those who have had due process of law in another jurisdiction and have been convicted of crimes. We are talking about where they serve their sentences.

Mr. Brian Fitzpatrick: Mr. Speaker, the more I think about this bill, the more questions I seem to come up with. There are things that happen in Canada that we do not consider crimes, while in other countries they are considered crimes. There are nations in the world where adultery is a serious offence or consumption of alcohol is a very serious offence. As well, participating in an abortion would be a very serious offence and one would be looking at serious jail time.

How does the bill deal with these sorts of offences for which somebody is serving a jail sentence for something that we would never consider a criminal offence in Canada? If the offender is transferred back to a Canadian prison, to our system, is the hon. member telling me the bill would still impose that sentence on a person? Let us use the example of somebody who is serving five years for committing adultery somewhere and is transferred back to Canada? Would we honour that sentence from that jurisdiction, that full five years or whatever it was?

Mr. Paul Szabo: Mr. Speaker, one of the features that I identified in reviewing some of the debate on the bill, and even within the bill itself, is the element of flexibility. As I said in my speech, to compare the laws of the criminal justice system in another jurisdiction to those of Canada and the Criminal Code would be an enormous task. It would be an enormous task to somehow find that simple formula that is going to translate things.

I take some heart from the member's question. I would simply refer back to the representations of the Solicitor General when he spoke to Bill C-33, the predecessor bill of this one. He closed by saying:

...there is a clear need for legislative flexibility in Canada to further the humanitarian objective of transfers. There is a clear need for international cooperation in matters of criminal justice and there is a clear need for public protection with the safe and gradual reintegration of offenders into society.

In the minister's remarks, he goes on to enunciate that the process involved here with treaties, et cetera, has to do not so much with swapping identicals but rather with looking at and investigating and negotiating transfers that make sense from the standpoint of a humanitarian objective.

[*Translation*]

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I would like to indicate my support of Bill C-15, the International Transfer of Offenders Act. The amendments it contains will modernize the legislation in order to reflect the numerous changes that have taken place since it was enacted back in 1978.

The provisions of Bill C-15 will allow Canada to negotiate the transfer of offenders in a manner consistent with current international

standards, and will provide a mechanism for cooperation in criminal justice cases.

In short, the International Transfer of Offenders Act will enable Canada to enter into treaties with other countries for the transfer of offenders. Under the terms of such treaties, Canadian citizens convicted and sentenced in another country may serve the rest of their sentence in Canada, while foreign nationals convicted and sentenced for crimes in Canada could return to their country of origin to finish serving their sentence.

I must point out that the provisions of the International Transfer of Offenders Act would apply only to those persons actually convicted of a criminal offence, and not to those in preventive detention awaiting trial or appeal.

As well, I should point out that transfers under this act would require the full consent of the offender, as well as that of the receiving state and the sending state. Without the full consent of those three parties, an international transfer cannot proceed.

Some people may wonder why we ought to be concerned about Canadian citizens who are incarcerated in a foreign jurisdiction. Why not leave them there to serve their sentence? Why not let them learn a lesson from their experience, and serve as a warning to others tempted to commit crimes while abroad?

To answer that, I would draw attention to two interdependent objectives of the International Transfer of Offenders Act: the humane treatment of offenders and public safety. The purpose of these objectives is to ensure the human rights of the incarcerated offender, as well as to confirm the concepts behind Canada's criminal justice policy.

These objectives recognize that the vast majority of offenders will eventually be released back into the community and that the best way of ensuring public safety, in the long term, is to prepare them for their eventual return to society as law-abiding citizens. I am well aware that there are some who would challenge the notion that Canada's approach to criminal justice, generally, and corrections, specifically, is effective in protecting Canadians from crime.

In this regard, I would point to public records showing a steady decline in crime rates across most of Canada. In addition, the success rates of offenders released from our penitentiaries while under supervision are available and speak very positively for themselves.

The International Transfer of Offenders Act would ensure that Canadians who are sentenced abroad and who elect to return to Canada while under sentence would be managed in accordance with the policies and programs proven to reduce the long term risk to the Canadian public.

During the debate on Bill C-15, we have become aware of the issues facing Canadians sentenced abroad, often under difficult conditions. I am referring specifically to factors relating to human rights, sanitation, health care and nutrition.

Government Orders

I am also referring to the added burden associated with the differences in culture and language and to the hardship of being far removed from friends and family. The International Transfer of Offenders Act would take into account these humanitarian considerations, while also protecting public safety by addressing the offenders' criminogenic factors before sentence expiry.

• (1345)

Nevertheless, we must be very clear. The International Transfer of Offenders Act is not based solely on humanitarian intentions. The treaties enabled by this act do not allow offenders to somehow evade justice. These treaties stipulate that the receiving state shall neither interfere with the finding of guilt nor lessen the sentence handed down by the sentencing state.

I noted earlier that the Transfer of Offenders Act dates from 1978, which is some time ago. Principles of good governance require that legislation be reviewed from time to time in order to evaluate its continuing relevancy and effectiveness.

Consequently, the Transfer of Offenders Act was the subject of broad consultation, which included over 90 private and public sector agencies. This consultation revealed strong support for the Transfer of Offenders Act. However, the consultations also revealed that the act could benefit from some amendments, which are included in Bill C-15.

The amendments introduced in Bill C-15 can be placed in one of three categories. The first type are amendments that reflect the traditional treaty principles that have developed over time. The second, are those that address the gaps in the Transfer of Offenders Act. Finally, the last category of amendments contains the proposals that would contribute efficiencies to the current process.

I would now like to cover the main points covered by these reforms in Bill C-15.

First, the purpose and guiding principles of the act are identified. This is an important feature of modern legislation, and it helps promote consistency within Canada's body of criminal law, namely the Criminal Code and the Corrections and Conditional Release Act. Specifically, the purpose of the new international transfer of offenders act is to, and I quote, "contribute to the administration of justice and the rehabilitation of offenders and their reintegration into the community by enabling offenders to serve their sentences in the country of which they are citizens or nationals".

Second, the international treaty obligations and principles considered legally essential are included. These principles include those that ensure offenders have access to processes consistent with natural justice and due process. Enshrinement in the act of legally sound principles is necessary to ensure that the courts do not strike down the transfer process that could result in the unsupervised release of an offender into the community.

Third, eligibility criteria have been broadened to permit an increased range of Canadians to be transferred. Presently, young persons under probation, children, and mentally disordered persons are ineligible for transfer under the Transfer of Offenders Act. Amendments introduced in Bill C-15 would make these individuals eligible for transfer. This proposed amendment is in line with the

humanitarian objectives of the new international transfer of offenders act.

Fourth, clarification on the decision-making provisions have been included where provincial consent is required for the transfer of offenders on probation, provincial parole, provincial temporary absence and for offenders under a conditional or an intermittent sentence.

Fifth, updated provisions are included that would result in the consistent and equitable sentence calculation for transferred offenders and would ensure the equitable treatment of transferred offenders when a pardon is granted or when a conviction or sentence is set aside or modified.

• (1350)

Sixth, reforms have been introduced to allow the negotiation of transfers on a case by case ad hoc basis between Canada and states with which Canada has no treaty or jurisdictions, or territories that are not yet recognized as a state, or other entities such as Hong Kong or Macao. In light of today's rapidly changing political landscape, this is a particularly relevant feature.

There is one last point related to the reforms introduced by Bill C-15. Most states are convinced in today's global climate of the need to work multilaterally and bilaterally to address criminal conduct in a way that is in harmony with longstanding principles of territoriality. In the absence of an instrument to enforce foreign laws, crime could be encouraged rather than prevented.

By working together through the transfer agreements enabled by the new International Transfer of Offenders Act, Canada would have the flexibility to work with a broad range of countries and other entities in matters of criminal justice in a way that would lead to public protection through the safe and gradual reintegration of offenders into society.

In conclusion, and for all the reasons I mentioned here, I ask my colleagues from all parties in this House to fully support this legislation.

• (1355)

[English]

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, in listening to the hon. member, it sounds like we are taking a very progressive step but we seem to not necessarily include all the countries of the world in this process.

Does the hon. member have any suggestions as to what we might be able to do to further advance the cause as it relates to other countries in the world that may not be specifically included through an international treaty?

Mr. Clifford Lincoln: Mr. Speaker, as I mentioned, the bill provides for flexibility in regard to territories and places that have not signed definite treaties with Canada so that there could be negotiations for their inclusion within the framework of the legislation as it evolves.

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I gave the examples of territories such as Hong Kong and Macao that are now being included within the Chinese sphere versus their previous status as a British colony on the one hand and a Portuguese colony on the other. We have provided for the gradual inclusion of countries and territories that are not specifically bound with Canada by treaty.

The Deputy Speaker: After question period, the hon. member for Lac-Saint-Louis will have approximately eight minutes left in the period of questions and comments.

The Chair will now proceed to statements by members.

STATEMENTS BY MEMBERS

[*English*]

LAKEFIELD MARINA

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, last summer was a difficult tourism season in Ontario because of SARS. On top of that problem, the people of Lakefield had their main dock closed while the township and the Department of Fisheries and Oceans negotiated over the cost of repairing it. I have received petitions from many residents about this.

I urge the Minister of Fisheries and Oceans to continue to negotiate with the township of Smith-Ennismore-Lakefield. The dock must be refurbished and reconstructed so that it will last for many decades to come.

In the meantime, I urge the minister to have the dock tested immediately and, if it is safe, have it opened as is for this important tourism season. Let us do all we can to help the people and businesses of Lakefield now.

* * *

ELECTIONS

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, on the eve of our own federal election, the Conservative Party and Canadians would like to congratulate the people, election organizers and the elected governments of Malaysia, South Africa, Sri Lanka, Spain, South Korea, Taiwan, Indonesia, Austria and Russia for having successful elections.

We would also like to congratulate those countries either undergoing elections or about to have them in the near future, such as India, the Philippines, Panama, the Dominican Republic and Malawi. These countries are fast closing the democratic deficit in their respective countries. The Liberals need to take notice of this trend.

Canada sends our best wishes.

* * *

FOREIGN AFFAIRS

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, the Prime Minister of Spain, Jose Luis Zapatero, has made a decision of great political importance by deciding to withdraw Spanish troops from Iraq.

He has at the same time put into question the assertion by the U.S. and U.K. governments that the basic mission of the coalition troops is to bring democracy to Iraq. The question is, can western democracy be imposed with armed forces?

Mr. Zapatero's decision is based upon impeccable logic. Governments of countries, such as Denmark, Italy and Poland, may well wish to reflect on and adopt Spain's sensible decision. Parliamentarians in Denmark, Italy and Poland may well decide to press their governments because it is becoming more and more evident that the presence of foreign troops in Iraq is not helping the cause of democracy.

* * *

• (1400)

WOMEN ENTREPRENEURS

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, the government recognizes how vital women-owned businesses are to the Canadian economy. The fact is there are 821,000 women-owned businesses in Canada which contribute in excess of \$18 billion every year to our economy, quite a significant sector of our economy.

The government has a proven track record in supporting the growth of small businesses. Our five year tax plan helps them retain more of their earnings and enhances opportunities and incentives for investors.

The report of the 2003 Liberal task force on women entrepreneurs contained recommendations that were in fact included in budget 2004: accelerated initiatives to provide more quality child care; working to update labour market programming to better reflect the realities of work in the 21st century; and announcing venture capital investment programs through the Business Development Bank of Canada and Farm Credit Canada, totalling \$270 million.

The government is proud to help women business owners across Canada scale new heights.

* * *

CAMBRIDGE CLASSIC MILE

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, Run for Life Inc., a non-profit organization promoting grassroots running and fitness programs, is hosting the first annual Cambridge Classic Mile Run for Life on June 18 at Galt Collegiate Institute.

Hundreds of children and adults of all ages will participate in a day-long series of one mile races, with elite runners competing in a special invitational race to climax the event. The event marks the 50th anniversary of the historic breaking of the four minute barrier at Oxford University.

Special guests will include two-time Olympian Grant McLaren, and Dave Bailey, Canada's first sub-four minute miler. A GCI teacher, Bryce Macey, and his grade 11 leadership class will resurface the track with the same material used 50 years ago.

I am pleased to join the House in wishing Run for Life chair, John Carson, and all participants and volunteers every success as they compete and raise greater awareness about lifelong fitness.

ELECTIONS

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, over the weekend I had the privilege of meeting hundreds of my constituents at the Cranbrook Trade Fair. It was very gratifying to get their positive response to me and to our new party but members should have heard what they had to say about the federal Liberals.

They cannot believe the way the Liberals squander taxpayers' hard-earned income. Incompetence, arrogance, waste and downright criminality are only what I can repeat in the House. However the number one issue on their hit parade, and I mean hit parade, was the breathtaking conceit of the Prime Minister as he toys with setting an election date. This is in stark contrast to the leader of the Conservative Party who is committed to establishing fixed election dates, thereby putting Canadians and Canadian interests first and foremost.

Canadians are truly in tune with what we are saying: demand better, vote Conservative.

* * *

[*Translation*]

SMALL CRAFT HARBOURS PROGRAM

Hon. Georges Farrah (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, Lib.): Mr. Speaker, I was delighted last week to be able to announce, on behalf of the Minister of Fisheries and Oceans, an investment of \$275,000, which must have also delighted the fishers of the Gaspé Peninsula.

This investment, within the Small Craft Harbours Program, will be used for dredging at the fishing harbours of Gascons, L'Anse-à-Beaufils, Cloridorme, Saint-Godefroi and Sainte-Thérèse-de-Gaspé.

As I have pointed out before, this investment is vital to the fishing communities of the Gaspé Peninsula. Local fishers require a well-maintained, operational harbour in order to successfully undertake their fishing season.

The dredging to be undertaken with the funding from our government will ensure that vessels have adequate water depth for safe navigation.

Dredging will begin in May, and harbour authorities should shortly be receiving work schedules so that they may inform the fishers of the expected dredging dates.

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OLDER WORKER ADJUSTMENT PROGRAM

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the recently announced closures at Whirlpool in Montmagny and Abitibi Consolidated at Port-Alfred are sad examples of the importance and urgency of restoring POWA, the program for older worker adjustment. This program helps such workers live decently when they lose their jobs in circumstances beyond their control.

Often such workers have paid into EI for years, and never benefited from it. Quebec has seen its share of plant closings in recent years, with major lay-offs, and each one of these has been proof that a permanent support program like POWA is essential.

S. O. 31

These closures have affected thousands of older workers who have suddenly found themselves looking for work.

In the past, POWA has proven highly successful and the Liberal government ought to understand that additional employment insurance benefits are needed if older workers are to be able to make ends meet until they start receiving retirement benefits or find another job. Action must be taken now, as time is running out.

* * *

● (1405)

[*English*]

VAISAIKI

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I rise in the House to join with Sikhs in Canada and throughout the world in marking the celebration of *Vaisaiki*.

From its origin in the Indus Valley, the Sikh faith has spread throughout the world, including Canada where the first Sikh pioneers settled over 100 years ago.

Over the past two weekends I joined with many of my Sikh constituents in a wonderful celebration of faith and pride in their culture. Congratulations to the Canadian Sikh community on the celebration of *Vaisaiki*.

[*Editor's Note: Member spoke in Punjabi*]

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SPONSORSHIP PROGRAM

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): [*English*]

Mr. Speaker, Canadians are outraged that desperate Liberals have turned their guns on the Auditor General.

A Liberal member on the public accounts committee makes repeated efforts to distort the AG's concerns about the \$100 million siphoned off to Liberal friendly ad agencies for little or no work. The President of the Treasury Board made an irresponsible statement in a bizarre attempt to minimize the \$100 million figure. He hastily backed off when promised proof turned out to be a figment of his imagination.

The Prime Minister and the Liberal government have been caught red-handed in Liberal abuse of millions of tax dollars taxed from struggling Canadians. To escape justified anger, the Liberals are now trying to shoot the messenger by outrageous attacks on our respected Auditor General.

What does it say about a Prime Minister who engages in such disgusting tactics? Canadians will demand better in the coming election. The new Conservative Party is committed to cleaning up the Liberal mess. It cannot come soon enough.

S. O. 31

CURLING

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Canadians are celebrating the magnificent victory of Colleen Jones, Mary-Anne Arsenault, Nancy Delahunt and Kim Kelly on their gold at the women's world curling championships. Congratulations are also in order for the bronze won by the Canadian men's team, also from Halifax, of Mark Dacey, Bruce Lohnes, Robert Harris and Andrew Gibson.

For the Jones team there is no resting on their laurels. As the twice over world champions and six-time Canadian champions, they prepare to make their bid in Halifax to represent Canada at the 2006 Olympics.

Haligonians and all members of Canada's Parliament extend heartiest congratulations and thanks for putting Canada on top of the world.

* * *

[*Translation*]

TAXATION

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, this morning the Bloc Québécois released the third report of the committee chaired by Jacques Léonard, this time on the evolution of federal transfers to the provinces and to individuals. There are two main findings.

When the current Prime Minister was the finance minister, transfers for health, education, and social assistance decreased in Quebec, while they continued to increase in other Canadian provinces. The same is true for individuals with respect to employment insurance.

Moreover, during that same time, the Prime Minister of Canada mismanaged the national debt by quickly paying down the federal debt—the least costly portion—thereby causing an increase in debt for the governments of Quebec and the provinces.

From this study and the two previous ones, it is quite clear that the current Prime Minister has contributed to financially choking Quebec and that year after year, under the federal system, Quebecers are increasingly losing the ability to determine their own future.

* * *

[*English*]

NEW MINAS, NOVA SCOTIA

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, the village of New Minas, Nova Scotia has a long history that can be traced back to 1604, but it is the explosive growth of recent years that confirms its attractiveness as a great place to live.

The *National Post* newspaper, however, chose to portray the village in a different way. In a recently conducted survey, the newspaper invited readers to name the “crappiest town in Canada”. Based on a single anonymous letter, it picked New Minas as the winner.

New Minas is the home to the challenging Ken-Wo golf club. It is home to the largest annual soccer tournament in Atlantic Canada and

is known as Canada's soccer capital. It has an abundance of recreational facilities and over 300 commercial outlets for eager shoppers.

It is truly the residents who make this community great. Earlier this month New Minas feted its volunteers at a volunteer luncheon. I salute them for making New Minas a great place to live. The *National Post* newspaper would do well to retract its slam on this community and salute their efforts too.

* * *

● (1410)

KELOWNA CITIZENS AWARDS

Mr. Werner Schmidt (Kelowna, CPC): Mr. Speaker, it is my pleasure to bring to the attention of the House the names of this year's outstanding citizen awards in Kelowna.

Woman of the Year, Beryl Itani; Man of the Year, Mel Kotler; Athlete of the Year, Sarah Charles; Team of the Year, the Kelowna Rockets; the Bob Giordano Memorial Award for sports volunteerism, Ken Wilson; Young Citizen of the Year, Rachel Leier; the Augie Ciancone Memorial Award for high school athletes, Katie Woodman and Kyle Murphy; KADAC honour in the arts, Roslyn Frantz, and in teen honours, Devin Roth; Organization of the Year, the emergency social services team; the Anita Tozer Memorial Award for outstanding community service, the city staff and firefighters of the emergency operations group.

Congratulations to all. They exemplify the heart and soul of our community. We thank them for their leadership and commitment.

* * *

YEMEN WATER PROJECT

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I draw to the attention of the House the signing by a Calgary company, Canadian Nexen, of the first community water project in the Middle East under the UN secretary-general's new global compact initiative. The pilot project in the rural village of Rassib in Yemen will be a model for other communities.

In rural Yemen only 17% of the people have access to safe water. Hygiene practices are poor. Sanitation and waste disposal facilities are inadequate. Children are particularly susceptible to water-borne diseases.

The agreement was encouraged by the government of Yemen and was signed in Sa'ana on April 24. Canadian Nexen will contribute up to \$1 million U.S., and the UNDP up to \$500,000 U.S.

As a corporate citizen, Canadian Nexen sets high standards for Canada and the world. Now it is taking the lead in making the UN's global compact initiative a reality, fighting poverty and improving the basic health of thousands of people in a part of the world where Canada can make a significant difference.

Oral Questions

[Translation]

THE ENVIRONMENT

Hon. Serge Marcil (Beauharnois—Salaberry, Lib.): Mr. Speaker, the Government of Canada recently launched the One-Tonne Challenge, which calls on Canadians to reduce their greenhouse gas emissions by one tonne, or roughly 20%.

The challenge is to think about the little things we do each day and the more important choices we make less often, such as buying a new lawnmower. Until May 2, Home Depot stores across Canada, through the Mow Down Pollution campaign by the Clean Air Foundation, are offering Canadians the opportunity to get rid of their old gasoline mower and receive a rebate of up to \$100 on the purchase of an electric, push power, or low emission gas mower.

In so doing, they will be taking a step toward meeting the One-Tonne Challenge.

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UNIVERSITY OF OTTAWA

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I would be remiss if I did not mention an event as important as the 50th anniversary of the University of Ottawa's civil law program.

Last week, some 350 graduates of this program gathered together in the capital to mark this important milestone in the history of the university.

The most illustrious graduates of this program include of course the Chief Justice of the Supreme Court of Canada and her colleague, Michel Bastarache. A total of 13 provincial and federal current ministers are graduates of the University of Ottawa's civil law program.

I would invite hon. members to join me in urging Dean Louis Perret to continue the excellent work that has produced such fine results.

ORAL QUESTION PERIOD

[Translation]

NATIONAL UNITY FUND

Mr. Stephen Harper (Calgary Southwest, CPC): Mr. Speaker, when the Liberals' secret national unity fund was revealed last month, the Minister of Finance assured this House that it amounted to only \$40 million per year. However, we have learned today that the federal government actually spent twice the finance minister's original estimate.

My question is simple. Why did the Minister of Finance mislead this House regarding the size of this secret fund?

[English]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, it was my understanding that the estimate put forward was an approximate average. The amounts used varied from year to year. These programs were administered within existing departmental

programs and the money was obtained through submissions to Treasury Board.

• (1415)

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, more money, just like CSL all over again.

It is clear that this so-called unity fund was used when the Liberals wanted to hide questionable spending from Canadians: \$4.5 million to top up the sponsorship program; \$3 million for ministers to campaign in western Canada; \$4.5 million to supposedly fight Quebec separatism in Europe, now all double the amount the minister claimed.

Why does the Prime Minister not simply come clean and admit to Canadians that the unity fund was a secret Liberal slush fund to hide questionable spending?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, this reserve was absolutely not secret. The very first time questions were put to the Prime Minister in the House by the member for Roberval, the Prime Minister acknowledged its very existence.

It has been very helpful. It helped the battlefield of the Plains of Abraham in Quebec City. It was a very solid investment to promote bilingualism in New Brunswick. It helped les Jeux de la Francophonie as well. It has done a lot of good in prolonging and extending some very legitimate programs in this country.

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, if it was so legitimate, it would have been front and centre in the government's spending reports for the last 10 years.

Over the last 10 years the Liberal government has funnelled about half a billion dollars into the unity slush fund. That is in addition to the quarter billion dollars on the fraudulent sponsorship program; \$1 billion for HRDC boondoggles; approaching \$2 billion for the gun registry fiasco; and of course the money that went to Canada Steamship Lines. On all of these things, the Prime Minister claimed he knew nothing about the way the spending was going.

Why did the Prime Minister not speak up when all of these questionable cheques were being signed in the first place?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I was just drawing the attention of the Leader of the Opposition to the great work of this reserve used by the prime minister to help bilingualism. Is it a good thing or a bad thing? The Conservative leader, the real alliance leader, will not tell us whether he supports bilingualism. He will not tell us whether he believes that doing that promotion in New Brunswick was a good or a bad thing, so much so that the member from Calgary does not want that guy to become the prime minister of Canada because—

The Speaker: The hon. member for Pictou—Antigonish—Guysborough.

Oral Questions

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Balderdash, Mr. Speaker. What is it with the Prime Minister and money? Instead of the original \$40 million that was to be spent on the unity fund last year, it turns out that the figure has more than doubled. This is not about the typical Liberal Party slush fund; this is deliberate deceit and massive mismanagement.

Eddie Goldenberg, the former prime minister's chief of staff, said unequivocally that the current Prime Minister had personal knowledge of the secret fund every year since its existence.

Why did the Prime Minister mislead Canadians in the information contained in the last budget about this unity fund?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, we have said time and again in the House and elsewhere that the Prime Minister has a reserve that can help extend an existing program when it is needed and when there is a legitimate application for money. It needs to be a regular program. It goes through the regular program and it needs to be approved by Treasury Board every time. That is absolutely clear, but the opposition will just not hear about it.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, the point is it was secret and it did not go through the proper channels. It was not only kept secret from Canadians, but it was kept secret from some members of the Liberal caucus. Not only that, but only those in the upper echelon of the Prime Minister's Office and their staff knew about this fund.

There is a disturbing trend developing here. When the Prime Minister feigns ignorance about something, the truth eventually comes out, whether it is government grants to CSL, contracts with Liberal friendly firms, and now it is the unity fund.

Why is it that the Prime Minister has repeatedly demonstrated that he will only come clean when he gets caught?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, the Prime Minister has been absolutely transparent about this. He has explained things better than anyone else has ever done it. Certainly, the Prime Minister has ensured that things would be absolutely discussed at the public accounts committee. All the budget lines were approved and discussed at the public accounts committee as well.

These things are absolutely transparent.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on March 24, the Prime Minister's Office agreed to make public, within 48 hours, the list of events financed by the national unity fund, a fund that was used to finance the sponsorship scandal. A month has gone by and nothing has yet been disclosed.

Since the Minister of Intergovernmental Affairs keeps saying that it will take some time because there is no such list, while the newspapers fill their pages with the list, can the Prime Minister tell us what his government has to hide?

• (1420)

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, the Treasury Board Secretariat is working with all departments to collect information on the use of the unity reserve. Getting this information requires close scrutiny of government programs and activities over a number of years. Thus, it will take some time to do it. The Treasury Board is doing its job.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the list has existed for a number of years. It is all on a list and it exists. This list is being hidden from us. They cannot make us believe it does not exist; it has been seen.

I challenge the minister and the Prime Minister to provide us, within 24 hours, with all the information concerning the national unity fund, namely, what events it funded and what amounts were granted. It exists; it must be shown, otherwise the House has been misled, and the truth not told.

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, if the leader of the Bloc has seen it, perhaps he could make it public. What I can say is that our officials in the Treasury Board are working on this list. It must deal with the last few years because some of the budget lines are recent. I know that the Treasury Board is doing its job with great diligence.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I want this to be clear to the Minister of Health: the list exists; a journalist referred to it in his article. The list was seen. The minister cannot be unaware of its existence.

I am asking the government this question. Is this not another example of the usual government strategy to avoid having to be accountable in the House: pretending they are doing all they can to provide us with the information, when in fact there is a list? Let them table that list.

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, the journalist alluded to certain bits of information. However, what the opposition is asking for and what the government wants to make public is a full list indicating all the expenditures from this reserve fund, not just a partial list.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, what the government wants to do is increasingly clear, it wants to continue looking until the general election. That is what it is trying to do.

We were not told about this list. The amounts were minimized. Furthermore, the former president of the Privy Council just told us that he did not know how it worked, but he found it useful to keep both hands in the bag.

I want to ask the government a question. Who made the decisions and who used our money, who decided how much these amounts would be, and who chose the events? In short, who spent \$600 million in taxpayers funds without telling us?

Oral Questions

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I can assure the House of one thing and that is that the amounts invested from this reserve fund went to very legitimate programs. They were systematically approved by the Treasury Board and made public in the Standing Committee on Public Accounts. This did not prevent the riding of the Bloc leader from getting several millions of dollars for several very worthy activities.

* * *

[English]

HEALTH

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, yesterday the health minister said beyond any doubt that the Liberal government would use P3 privatization in health care, allowing private for profit delivery of health care. On Friday, the health minister was crystal clear that he supported the private for profit delivery of MRIs.

The Liberals like to pretend that they do not want what the Conservatives want on health care, but what the minister is saying is exactly what the Conservatives want on health care.

How can the Prime Minister pretend there is a difference, when his own health minister keeps talking about private for profit delivery of health care?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I do not have a clue about what the member is talking. I have never talked about privatization in the way he is attributing to me.

The government stands by the five principles of the Canada Health Act. I am looking for ways of better enforcing the five principles of the Canada Health Act, and working in cooperation with the provinces.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, if the minister does not know what I am talking about, he should open up his ears. It is indeed true that private, for profit health care has increased under the Liberals because they support a private health care system, just as the Conservatives do.

On the other side of the river, in Gatineau, a person can enter a private MRI clinic and receive health care more quickly. This is not a hypothetical solution. That is what the Liberal Minister of Health wants to implement.

Can he explain why he wants a system in which a person can enter a private clinic and pay to receive health care more quickly? Now does he know what I am talking about?

• (1425)

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, it is the current governing party that created the health insurance program based on the experience in Saskatchewan. Our government is totally committed, along with the

provinces, to ensuring that the system lasts for a long time because it is very dear to Canadians.

Nonetheless, we are going to sit down with the provinces in order to determine the best approach for promoting this system across the country.

* * *

[English]

NATIONAL UNITY FUND

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, one would think that after the sponsorship scandal, the Liberal government would be too embarrassed to bend the truth about slush funds, but I guess I underestimated it. It seems to have no shame at all.

Why would Canadians believe that the Prime Minister wants to clean up the sponsorship slush fund, when the government is so actively hiding the true size of the unity slush fund?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, this is absolutely false. The Prime Minister has already stated quite clearly in the House that he has, as Prime Minister of Canada, initiated no new projects at all using this reserve.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, the problem is that the Prime Minister simply was not telling Canadians all the facts about what was going on.

The Treasury Board president promised that there would be a list of unity projects by the end of the first week, but we just cannot count on him.

The finance minister said that it cost \$40 million. It actually cost \$80 million.

The Prime Minister said that he had never heard of the unity fund. Then all of a sudden Eddie Goldenberg blew the whistle on him and said that he did know about it.

Is it not clear that the last people to tell the truth about the sponsorship scandal are the same people who are bending the truth today on the unity fund scandal?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, as is becoming increasingly characteristic in this place, what the hon. member just said is absolutely untrue.

What I have said on this is that we are assembling the information. Most of it has been reported in public accounts. We are collecting the rest. It has been already shared with people. We will share the whole list once it is brought together. We have been saying that over and over again.

Remember, this covers two governments and three prime ministers. There is a great deal of detail to be dug out here and we are working on it. However, these accusations that there is a secret are completely untrue.

Oral Questions

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, the President of the Treasury Board said clearly, on March 25, that all unity funds were identified in the estimates. Thirty-two days later, the unity funds are still not identified.

Is the minister responsible for the Treasury Board keeping the information hidden to cover up Liberal incompetence or to avoid another scandal prior to the next election?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I think I also offered to run a workshop for the members on how the federal government finance works.

The existence of reserves in the fiscal framework is quite common. There are a number of them that are used for a variety of purposes because it is impossible to predict the exact amount of spending, and one wants to ensure that we never go into deficit.

The Auditor General has commented on the use of these funds as being perfectly normal.

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, that is just a lame answer. The President of the Treasury Board has pointed Canadians to imaginary Ernst & Young audits in the past. Thirty-two days after pointing to the national unity funds in the estimates, the list of projects has yet to materialize. Where is the list? We need to see it.

Is the minister making up more imaginary lists, which he is perfectly capable of, or is he hiding them until after the next election? Which is it?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, it is true that my attribution to Ernst & Young was wrong. However, the information was correct. It is freely available, publicly, on the website of Public Works and Government Services.

* * *

• (1430)

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, reliable estimates have set the losses by the unemployed of the Gaspé Peninsula, the Lower St. Lawrence, the North Shore and Charlevoix at \$1.5 billion over 10 years. This does not even include the huge losses in the Saguenay—Lac-Saint-Jean and other regions of Quebec.

Is the Prime Minister aware that the decisions he himself made while finance minister to raid the employment insurance program have penalized the Gaspé Peninsula, the Lower St. Lawrence, the North Shore and Charlevoix at \$1.5 billion from the pockets of those in need. This is disgraceful behaviour, no doubt about it.

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, this is question period, not fantasy time.

We have a task force made up of Liberal members. They have travelled to all regions and tried to obtain realistic facts by talking to local men and women who are dealing with the problem. I am in the

process of examining a preliminary report, which ought to provide us with some long term solutions using all possible benefit programs.

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the government has had 10 years to come up with solutions and they are still not forthcoming. It has settled for a committee. The Prime Minister will never be able to undo the harm he has done to these workers and these regions.

Is he aware that the decision to use EI funds for other purposes has forced a financial burden on the workers in seasonal industries that is heavier than that on anyone else in society, including his well-off friends? That is the outcome of his choices.

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, all this show of outrage will not solve the problem. The truth is that the unemployment rate has dropped in the region. It is about 8%, that is all, but even that is too high for us. That is why the task force has presented some very definite proposals that are also very realistic and aimed at resolving long term problems that affect not only seasonal workers but also seasonal industries.

* * *

FOREIGN AFFAIRS

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Prime Minister is about to meet with President Bush to discuss a number of very important issues, including the missile defence shield, softwood lumber and mad cow disease.

Does the Prime Minister intend to tell President Bush that Canada will not participate in the missile defence plan, and will he be very clear on that?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Prime Minister and the government have always been very clear on this issue. We are examining, along with our American counterparts, how we can contribute to North America's security. Our concern is what Canadians want. We are partners in North America. The Prime Minister discussed this issue with Mr. Bush. We will see whether the testing of the missile defence system meets Canadian needs or not. This has yet to be determined. We will examine the plan and ultimately make a decision based on Canada's needs.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, will the Prime Minister rely on the rulings by trade tribunals in favour of Canada regarding the softwood lumber issue, including the most recent one, issued today, which is yet another total victory for Canada?

Will the Prime Minister make it clear to President Bush that he must take strong action with the American industry to ensure a complete return to free trade?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, this is precisely our goal, free trade for softwood lumber. Our approach will continue to be twofold in that we will pursue legal discussions while also trying to achieve some results through negotiations.

Oral Questions

[English]

NATIONAL DEFENCE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, by delaying the purchase of military replacement equipment that would put us in sync with our NATO partners, scarce defence department dollars are wasted maintaining obsolete equipment and systems. The money would be better invested now.

Why does the Prime Minister insist on pledging troops overseas with no long term commitment to modern equipment?

● (1435)

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, we have a very clear commitment to modernize the equipment of the Canadian Forces. It is contained within the strategic capability investment plan which provides for a total expenditure of approximately \$27.5 billion over the next 15 years.

In the first four months of this government, we took action to move forward on \$7 billion worth of procurement items for the Canadian Forces. I think the record speaks for itself.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, military spouses are asking what good is a tax exemption if their spouses do not come home from overseas. The Minister of National Defence is afraid to sign off on the strategic capability investment plan because that will confirm Liberal policy of shortchanging our military.

Will he at least authorize those purchases that will ensure the safety of our troops?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, there is some confusion with respect to whether or not my signature is required on this particular document. In fact, it is not required. It is an internal planning document of the Department of National Defence and the Canadian Forces.

As I indicated earlier, decisions have already been made to move forward on a number of capital items and we will continue to work from the basis of that plan which continues to evolve.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, the latest attempt by the defence department to outline its basic needs has been sitting on this minister's desk for the past four months. All it needs is his signature to get moving.

Apparently the Liberals are delaying for a possible election call this spring or summer. Why are the Liberals using our military as a campaign announcement?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, clearly the hon. member was not listening to the answer I gave to the previous question.

This document does not need my signature to give it effect. It is a planning document. It is an internal document of the Canadian Forces and the Department of National Defence.

If the hon. members want a copy of the document, it is available in the reading room of the Department of National Defence library. It is all there for them to see.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, the strategic capability investment plan does not require more military

spending. It simply reallocates current resources from lower to higher priorities. It has been ready since November.

Why are we not moving? Why is the minister waiting for an election call to speed up the purchase of badly needed equipment? Let us get with it.

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, if I say this three times, maybe they will get it. The important thing about the SCIP is that it is an evolving document. It is a planning document.

The fact that we allocated \$1.3 billion in the budget for a new fixed wing search and rescue aircraft is an example of the government's commitment to the Canadian Forces. In fact, that is going to allow us to advance projects that had been in the medium term and move them to the left in terms of being able to acquire more equipment for the Canadian Forces.

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[Translation]

THE ENVIRONMENT

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, today I admit I must take my hat off to the Minister of National Defence.

Since the year 2000, I have been defending the people of Shannon in the issue of the high TCE contamination of the groundwater. Since that time, the government has been seeking a long term solution to this problem. Last Friday, the minister came to make an announcement at Shannon.

Could he tell the House all about this announcement?

[English]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the Department of National Defence is very committed to the health and welfare of people living in the vicinity of Canadian Forces bases. We are also very much committed to the principle of sound environmental stewardship.

That is why, on behalf of the government, I announced \$19 million for a new water system for the residents of Shannon.

I would like to pay tribute as well to the tireless efforts of the member for Portneuf, without whose efforts this would not have been possible.

* * *

● (1440)

JUSTICE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Prime Minister.

Oral Questions

The Liberal member for Mississauga South is Parliament's most vocal opponent of a woman's right to choose. The Liberal member for Scarborough Southwest is Parliament's fiercest opponent of equality for gays and lesbians, with the Liberal members from Pickering and London—Fanshawe close seconds.

The majority of the Prime Minister's newly appointed ministers voted against marriage equality. The Prime Minister himself continues to bob and weave on same sex marriage.

Can the Prime Minister explain why intolerance is bad when it comes from Conservatives, but not bad when it comes from his own Liberals?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I do not understand any reference to imputed intolerance among Liberals with respect to this question and the comments of the hon. member.

* * *

THE ENVIRONMENT

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, as we speak, bulldozers are at work to divert dirty, polluted water from Devil's Lake, North Dakota into the Red River and Lake Winnipeg. This inter-basin transfer of water poses a serious threat to Manitoba's aquatic ecosystem.

Will the Minister of Foreign Affairs assure the House he will urge the Americans to refer this clear violation of the boundary waters treaty to the International Joint Commission? Will he further urge them to stop construction of this diversion until the IJC can present its findings?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows, we have raised this with Secretary Powell and other American authorities for years and have had assurance that the federal government in the United States was monitoring this process. The state government has decided to go ahead without federal government oversight.

I can assure the hon. member and members of the House that we have requested the United States—and I will be speaking to Mr. Powell when I see him later this week—to move this matter to the International Joint Commission. This needs a review. It has to be a joint Canada-U.S. review. We have to jointly protect our border waters from pollution from one side or the other.

* * *

GOVERNMENT CONTRACTS

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, seven months ago the government cancelled the \$1 billion relocation contract after it found wrongdoing on the part of both Royal LePage and Public Works Canada. After reviewing the new requests for proposals, businesses are claiming that the process is still rigged toward Royal LePage, despite the assurances made by the minister.

Before the government allows Royal LePage to rebid on this contract, will it release the internal investigation into the scandal, which it has been hiding from Canadians?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it is true that there was a re-

tendering of the relocation contract after one of the unsuccessful parties went to the CITT and made some complaints, as it should do. That is the process.

It has been re-tendered. The CITT had not determined that there was bias or that it was incorrect. It felt that some of the selection criteria should be re-evaluated.

In an overabundance of caution, the Department of Public Works and Government Services decided to re-tender the whole project and that tender has now been made and we will go through the results. Any party—

The Speaker: The hon. member for Lakeland.

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, I did not ask for the history of this whole scandal.

The government has had more than seven months to clean up this contract and the mess surrounding this contract. Because of its corruption and incompetence, the government is facing allegations that the contracting process is rigged to favour Royal LePage over other bidders, the same allegation that was out there seven months ago.

Will the minister either exclude Royal LePage from the process, or release the results of the internal investigation, which now indicate that the wrongdoing it found seven months ago has somehow disappeared?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am not sure why the hon. member seeks to have something released that he pretends to now have knowledge of. In fact, there has been no corruption suggested by anybody in this case.

A party who did not win the original bid followed its rights and went to the Canadian International Trade Tribunal. There were some suggestions that some of the evaluation criteria should be reconsidered. However, the government went beyond that, in an overabundance of caution, by re-tendering the project to ensure that everything would be open, transparent, accountable and fair.

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GOVERNMENT ASSISTANCE

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, last Friday, the Minister of Agriculture and Agri-Food informed the House that he had sent 54 cheques to British Columbia farmers to cover the cost of poultry inventory that had to be destroyed because of a decision made by the CFIA to contain avian flu.

In a similar situation in Nova Scotia, woodlot owners cannot harvest their trees damaged by hurricane Juan because of the moratorium imposed by CFIA to contain the longhorn beetle.

Would the minister agree to provide exactly the same kind of compensation to Nova Scotia woodlot owners for their inventory as he did with B.C. poultry farmers?

•(1445)

Hon. Bob Speller (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member is right that the Government of Canada, through the Health of Animals Act, was allowed to compensate British Columbia producers because of avian influenza.

In terms of the longhorn beetle, we are working very closely with both the communities and those who have had trees destroyed by the longhorn beetle.

In terms of Nova Scotia and hurricane Juan, those are different circumstances. I know the Government of Canada has been working very closely with the Government of Nova Scotia on that issue.

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, the minister said the government is working closely with the people of Nova Scotia, but he is sending cheques to the people in British Columbia. We would just like to have equal treatment.

Other than the fact that one is a flu and the other is a beetle, it is the same situation. In British Columbia the CFIA policy caused farmers to lose their entire inventory and the minister paid. In Nova Scotia they are losing their entire inventory, but the government is not paying.

We want equal treatment. Why the discrepancy?

Hon. Bob Speller (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Government of Canada has been working very closely, both in Nova Scotia and in and around the Toronto area in terms of the eradication of the Asian longhorn beetle.

As the hon. member knows, this pest and a number of other ones, and one other one in Nova Scotia, are creating havoc in forestry areas throughout Ontario. I want to give him my assurance that the Government of Canada will do everything in its power to eradicate it.

In terms of the issue with regard to hurricane Juan and the circumstances that were created because of that, that is a different issue dealing—

The Speaker: The hon. member for Lac-Saint-Jean—Saguenay.

* * *

[Translation]

OIL INDUSTRY

Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, in an electorally motivated move, the federal Liberal Party candidate in the riding of Jonquière—Alma has denounced the federal government and the Minister of Natural Resources because they refuse to establish the petroleum monitoring agency recommended by the Standing Committee on Industry.

Does the Prime Minister not realize that even the Liberal candidates agree with the Bloc Québécois on the creation of a petroleum monitoring agency? When faced with such facts, does that not mean it is time for action?

[English]

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, I do not know what it takes to get through to the hon. members opposite on this issue. I have said it time and time again,

Oral Questions

and the answer will not be any different than the answer I gave last week. We have not made any decision on setting up a monitoring agency for gasoline prices.

In Quebec, P.E.I., and Newfoundland and Labrador, it is presently set up by the provinces. It will not work the way the hon. member says it will work.

[Translation]

Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ): Mr. Speaker, the Prime Minister complains about the democratic deficit. He does not even respect the recommendations of a committee of the House. He refuses to listen to the elected members and prefers to protect the oil companies.

Is the Prime Minister not, by his attitude, demonstrating that he prefers to defend the oil companies rather than consumers?

[English]

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, it is not accurate for the hon. member opposite to say that we want to protect the big oil companies.

In Newfoundland and Labrador three years ago there was a monitoring agency set up to monitor gasoline prices. Today in Newfoundland and Labrador the cheapest gas we can buy is 89.9¢ per litre. That is with an agency set up.

If there are unfair practices with oil pricing or any other pricing structure in Canada, the hon. member should go to the Competition Bureau and lodge a complaint.

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CORRECTIONAL SERVICE CANADA

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, the last two Liberal solicitors general talked the talk but failed to walk the walk when it came to contraband in federal prisons. As a result, an alarming amount of drugs, drug paraphernalia, and alcohol and weapons continue to endanger the lives and the security of our correctional officers.

My question is for Minister of Public Safety. What does she plan to do exactly that will stop this illegal activity, or will she too simply talk the talk?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the hon. member raises a very serious question. I know, because of the hon. member's interest in this area, he understands that every correctional system in the world has a problem with drugs and contraband in general.

CSC's approach is a comprehensive one. We are controlling the supply of drugs through interdiction activities. We are reducing the demand for drugs through prevention and treatment. We are also putting in place and have in place harm reduction approaches, including bleach and immunization programs for hep A and B.

Oral Questions

●(1450)

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, inmates demanding the right to vote, bleach kits to clean illegal needles, drugs, government tattoo parlours and pornography. It would appear that the only solution the government has is to give in to the inmates' demands. It is a little different when the needs of the correctional officers are brought forward: improper level of staffing, handcuffs, inadequate security measures.

My question is for the Minister of Public Safety. Why are the criminals getting a better deal than our correctional officers?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, obviously correctional officers are a very important part of our law enforcement and safety system in this country. Correctional officers do a very important and very dangerous job on a daily basis.

Let me go back to the hon. member's overall comment around contraband in prisons. As I say, this is a problem that has been identified by every correctional system around the world. We have to take sensible long term approaches to this. I wish there were a quick fix but I think the hon. member is intelligent enough to know there are no quick fixes.

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AGRICULTURE

Mr. Gary Pillitteri (Niagara Falls, Lib.): Mr. Speaker, the plum pox virus is a serious plant disease that threatens the tender fruit growing, processing and nursery industry in parts of Canada.

Could the Minister of Agriculture tell us what efforts the government is taking to eliminate the virus from Canada?

Hon. Bob Speller (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the plum pox is a very serious disease for the tender fruit processing and nursery industry across the country. That is why I was pleased today to announce, with the member for Niagara Falls and the member for Erie—Lincoln, a contribution by the Government of Canada of some \$80 million to help eradicate the virus.

The Government of Canada takes very seriously its responsibilities to eradicate viruses such as that and will continue to work with the provinces of Ontario and Nova Scotia to do exactly that.

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HERITAGE CANADA

Mr. Gary Schellenberger (Perth—Middlesex, CPC): Mr. Speaker, my question is for the Minister of Canadian Heritage.

There are many cultural and recreational projects that are planned for my riding. These include the living life project in St. Mary's, the Mitchell Arena, the Discovery Centre in Stratford and the Canadian Baseball Hall of Fame.

Our communities support these projects and volunteers are bearing the burden of fundraising. They are forced to watch the Prime Minister doling out money to vulnerable Liberal ridings.

Why is it not possible to treat all Canadians equally?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, I have to tell my hon. colleague that every riding is treated equally and that we are looking at all requests.

I have had calls and meetings with my colleagues on the other side of the House. I have treated each and every one exactly the same way.

* * *

INFRASTRUCTURE

Mr. Gary Schellenberger (Perth—Middlesex, CPC): Mr. Speaker, my question is for the Minister of Finance.

Several municipalities in my riding need to improve their water sewage infrastructure to meet current standards and regulations.

The Liberals announced \$1 billion for rural municipal infrastructure last year. The province has committed the money. The clock is ticking.

If the federal government does not commit its share, the projects will be lost. When will the government keep its commitment to our rural communities?

Hon. Andy Scott (Minister of State (Infrastructure), Lib.): Mr. Speaker, the member's question gives me the opportunity to say how optimistic I am that there will be an agreement on the municipal rural infrastructure fund with the province of Ontario very soon.

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[Translation]

AGRICULTURE

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, in addition to softwood lumber and the missile defence shield, there is another matter that deserves special attention: mad cow.

During his upcoming visit to Washington, will the Prime Minister spread the word that there was only one case of mad cow in Canada and that the Americans can open their borders not only to young animals but also to animals over 30 months of age? This affects cull cattle producers, most of whom are in Quebec.

●(1455)

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, I thank the member for this question. Obviously, many issues will be discussed in Washington. It is also an opportunity for the two leaders to get to know one another.

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[English]

HEALTH

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, National Immunization Awareness Week and the Pan American Health Organization's Vaccination Week begin in the Americas today. Immunization, as the member for Crowfoot knows, is a very important public health issue.

I wonder if the Minister of State for Public Health could tell us what the government is doing to ensure that Canadian children are adequately immunized.

Hon. Carolyn Bennett (Minister of State (Public Health), Lib.): Mr. Speaker, in the most recent budget the Government of Canada provided \$300 million to the provinces and territories for the new vaccines as was recommended by the national advisory committee on immunization.

During this National Immunization Awareness Week, and as a family physician and Minister of State for Public Health, I add the voice of the Government of Canada to encourage all Canadians to ensure that their children receive the immunizations they need against these truly preventable diseases.

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INDUSTRY CANADA

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the Minister of Industry.

The Competition Bureau charges a flat fee of \$50,000 to review a merger. It is the same \$50,000 fee for reviewing a big bank merger worth billions of dollars in assets or two small credit unions that might be worth only a few million dollars.

Would the minister now review this unfair practice of a flat fee that discriminates against small credit unions, such as Dysart in my riding, and come up with a progressive fee scaled on ability to pay?

[*Translation*]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, this is certainly a matter that deserves consideration. I will ask the commissioner of the Competition Bureau to look into it.

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[*English*]

ETHICS COMMISSIONER

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, the Prime Minister has chosen Dr. Bernard Shapiro as the new ethics commissioner. Oh yes, there are a few formalities to complete: an interview by a Liberal dominated committee and a vote by a Liberal dominated House. However, beyond that, it is a done deal.

We asked for an equitable process involving all political parties in the House. How does the Prime Minister justify ignoring all calls to make this a truly independent, non-partisan appointment?

[*Translation*]

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, in accordance with the act, the opposition party leaders must be consulted, which was done. Then the House must vote, which it will once the committee has tabled its report. We went even further. The matter was referred to the Standing Committee on Procedure and House Affairs for consideration.

No process is more responsible and more deeply rooted in democracy. There is no point in pretending otherwise, when it is

quite obvious how the process worked. It is perfectly clear, transparent and respectful of our democratic reform.

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PUBLIC SERVICE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, in the dispute between Canadian Heritage and Édith Gendron, the Minister of Canadian Heritage keeps on evading the issue and refuses to take a position.

Will the Minister of Canadian Heritage finally accept her responsibilities and tell us just how Ms. Gendron's position as president of the organization Le Québec, un pays constitutes a conflict of interest with her administration of French courses for Newfoundland and Nova Scotia? Where exactly does the minister see the conflict here?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, I repeat what I have said the past two times I was asked about this matter. This is a matter between the department and an employee, a human resources matter. There will be no interference. I have given no directive, nor will I in future.

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[*English*]

FISHERIES AND OCEANS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I would like to remind the government and the Department of Fisheries and Oceans that its main mandate is the protection of fish and fish habitat but it appears that DFO has now changed its name to the department for oil.

The department's own scientists say that there are down to 130 northern bottlenose whales left in the world and they are off Sable Island Gully right now. The government's own scientists say that these animals should be protected under an endangered species act but the government refuses to act because it may interfere in oil and gas exploration.

My question is for the Minister of Fisheries and Oceans. Why are these 130 bottlenose whales not protected?

● (1500)

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, my hon. colleague should know first that the marine protected area for the Gully was announced last year for that exact reason, the protection of bottlenose whales and other species.

Extended consultation periods are required for species whose listing could have significant and widespread impacts on the activities of aboriginal peoples and commercial and recreational fishers, farmers and others.

The fact is that stakeholders need to be clearly informed of the potential impacts of the listings and given a chance to advise the government of their opinions, including ways to protect the species and help them recover.

*Routine Proceedings***POINTS OF ORDER**

HON. MEMBER FOR NEW WESTMINSTER—COQUITLAM—BURNABY

The Speaker: To conclude question period, I have a question. On Thursday the deputy government House leader raised a point of order alleging that the hon. member for New Westminster—Coquitlam—Burnaby was in the House earlier that day taking photographs.

I wonder if the member for New Westminster—Coquitlam—Burnaby could clarify the situation for the House in respect of that point of order?

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, CPC): Mr. Speaker, this question comes as a complete surprise to me.

Normally I believe the Speaker would notify me that such a question would be given. It is interesting that we are on national television, that even the side comments are taken by the people at the desk and that often we have at least two staff photographers loaded with cameras walking around taking pictures every which way, which is very nice.

It sounds to me as though the member over there is concerned whether we have a cell phone, a Blackberry, a computer or whether the cell phone now has the capability of taking a picture.

I took pictures without a flash following the protocol of the House. I feel it was a silly matter for the House leader to raise. He never phoned me and never talked to me. He raised the issue and that is the case of the matter.

The Speaker: The hon. member may be unaware but it is the practice that pictures not be taken in the House. Pictures are not permitted from the public galleries of the House. The only two people who are allowed to take pictures and sometimes three are the official photographers who do, as the hon. member indicated, take pictures during proceedings in the House.

Previous Speakers have ruled that it is out of order for members to take photographs during House proceedings and, indeed, have seized films and cameras from members who have done so.

I hope the hon. member will bring out the pictures that he has taken and see that they are disposed of in accordance with the usual practice since I do not think it is proper for hon. members to do that.

There are certain rules and guidelines applicable to those who are permitted to take photographs in the House. I think if the hon. member were to consult with his House leader or whip he would get the appropriate advice as well.

I am sorry to shock the member without notice but I assumed he was aware of the point of order raised in *Hansard* last Thursday. I understood he would not be rising in the House on his own, hence my question.

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, I trust then that you will also chastise the member for Mississauga South whom I have observed taking pictures in the House.

The Speaker: One of the precedents I referred to in saying there were precedents involved the hon. member for Mississauga South. I

did chastise him and he indicated to the House at the time that he had erased the pictures and destroyed any that were printed.

The Chair feels reasonably comfortable on that score. I believe that practice has stopped.

We will deal with that in due course. I trust we will hear further, if necessary, from the deputy government House leader.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I am pleased to table, in both official languages, the government's response to one petition.

* * *

● (1505)

CRIMINAL CODE

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.) moved for leave to introduce Bill C-32, an act to amend the Criminal Code (drugs and impaired driving) and to make related and consequential amendments to other acts.

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

* * *

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have the honour to present the fourth report of the Standing Committee on Government Operations and Estimates in accordance with its order of reference of Tuesday, February 24, 2004.

Your committee has considered vote 10 under Canada Customs and Revenue Agency, vote 100 under Canadian Heritage and vote 40 under Justice in the main estimates for the fiscal year ending March 31, 2005, and reports the same without amendment.

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have the honour to present the 21st report of the Standing Committee on Procedure and House Affairs regarding democratic reform.

I have the honour also to present the 22nd report of the Standing Committee on Procedure and House Affairs regarding the question of privilege relating to the disclosure of confidential proceedings of an Ontario Liberal caucus meeting. I would point out that this report includes some reconciliation of the French language and English language text.

I have the honour to present the 23rd report of the Standing Committee on Procedure and House Affairs regarding provisional Standing Order 36(8)(b). If the House gives its consent, I intend to move concurrence in the 23rd report later this day.

CANADA BUSINESS CORPORATIONS ACT

Mr. Pat Martin (Winnipeg Centre, NDP) moved for leave to introduce Bill C-517, an act to amend the Canada Business Corporations Act (qualification of auditor).

He said: Mr. Speaker, in the interests of good corporate governance and in trying to restore investor confidence in our equity stock markets, I am introducing this bill that would change the Canada Business Corporations Act so that an auditor would be unable to provide other financial services to a company that he or she was auditing. In other words, the bill would ensure the independence of auditors who provide the financial statements on a business.

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

* * *

CANADA BUSINESS CORPORATIONS ACT

Mr. Pat Martin (Winnipeg Centre, NDP) moved for leave to introduce Bill C-518, an act to amend the Canada Business Corporations Act (annual financial statements).

He said: Mr. Speaker, further on our theme of introducing good corporate governance and trying to instill investor confidence, especially for institutional pension investors, the bill seeks to change the Canada Business Corporations Act to outlaw the practice of providing loans and guarantees to directors and officers of corporations.

It also dictates that if the company is using shares and stock options as part of the executive compensation of a company, those shares and options have to be listed in the expense column of the financial statements.

We also further ask for changes to the Canada Business Corporations Act in terms of offences that would be created for failing to provide information dealing with the financial condition of the company, and also provide restitution of money to persons who may have suffered financial losses as a result of the conduct of the corporation or its auditors or its directors, and the forfeiture of certain bonuses and profits from those directors and officers if they are not completely forthright in their annual financial statements of the company.

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

* * *

•(1510)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, if the House gives its consent, I move that the 23rd report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to)

Routine Proceedings

[Translation]

PETITIONS

EMPLOYMENT INSURANCE

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, pursuant to Standing Order 36, I rise today to present a petition signed by several hundreds of residents of the North Shore region. This petition is in addition to the numerous petitions already tabled in the House regarding employment insurance.

Every year, this issue affects an increasing number of people. The softwood lumber crisis is making the number of unemployed swell, but the government is constantly postponing a fair reform to adequately support workers.

These people have been asking for years that employment insurance benefits be increased, but the government has yet to react. Therefore, the petitioners are hoping that Parliament will bring pressure to bear on the federal government to end transitional measures, increase workers' benefits and adopt a universal employment insurance plan.

[English]

MARRIAGE

Mr. Chuck Cadman (Surrey North, CPC): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition signed by over 500 of my constituents. The petitioners call upon Parliament to immediately reaffirm, as it did in 1999, the commitment to take all necessary steps to preserve marriage as the union of one man and one woman to the exclusion of all others.

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have three petitions today. The first petition is on the issue of stem cells. The petitioners would like to draw to the attention of the House that Canadians do support ethical stem cell research, which has already shown encouraging potential, and that non-embryonic stem cells, also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

They, therefore, call upon Parliament to support adult stem cell research to find the cures and therapies for Canadians.

BILL C-250

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition is on Bill C-250, the hate crimes bill. The petitioners want to bring to the attention of the House that Bill C-250 is one of the most dangerous pieces of legislation brought before the House. It must not be passed in law because it would threaten all those opposed to special rights for homosexuals, including same sex marriage, with prosecution on the basis of alleged hate.

The petitioners, therefore, petition Parliament to stop the passage of Bill C-250 as it would severely limit the religious freedom and freedom of speech of all Canadians.

Routine Proceedings

MARRIAGE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the final petition is on the subject matter of marriage. The petitioners would like to draw to the attention of the House that protecting the moral good of society is a natural and serious obligation of elected officials and cannot be left only to religious leaders or institutions. They also point out that the defence of the traditional marriage as the bond between one man and one woman is a serious and moral good.

They, therefore, call upon Parliament to maintain the current definition of marriage in law in perpetuity and to prevent any court from overturning or amending that definition.

HUMAN RESOURCES DEVELOPMENT

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, it is my pleasure to bring forward a petition on behalf of my constituents who note that Human Resources and Skills Development Canada has ceased funding for SMART, the only specialized service in the Durham region that assists women who have lived with abuse and violence to move toward gainful employment and economic independence.

These 370 petitioners, therefore, pray that Parliament enact legislation against ceasing funding for SMART.

The Speaker: It is my duty, pursuant to Standing Order 36(8)(b), to inform the House that the matter of the failure of the ministry to respond to Petition No. 373-0501 is deemed referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

* * *

• (1515)

QUESTIONS ON THE ORDER PAPER

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 66 and 67.

[Text]

Question No. 66—**Mr. Peter MacKay:**

With regard to the Atlantic Canada Opportunities Agency's expenditures over the last three years, what grants and contributions have been awarded to each of the following Atlantic provinces: (a) New Brunswick; (b) Nova Scotia; (c) Prince Edward Island; and (d) Newfoundland and Labrador?

Hon. Joe McGuire (Minister of Atlantic Canada Opportunities Agency, Lib.): Mr. Speaker, insofar as the Atlantic Canada Opportunities Agency is concerned, \$916,825,163.97 in grants and contributions were approved between April 1, 2001 and March 9, 2004 to assist clients throughout the Atlantic provinces. Over 99% of this amount represents contributions.

Below is a report of grants and contributions to indicate the distribution of funding on a provincial basis as well as assistance provided to pan-Atlantic initiatives. This report illustrates both the total amount of assistance approved and the actual disbursements incurred to date under these grants and contributions.

Also included is a report identifying all Infrastructure Canada funding approved by the agency on a provincial basis between April

1, 2001 and March 9, 2004. The total amount approved is \$142,757,422.89.

All Approved Grants and Contributions from April 1, 2001 to March 09, 2004:

Province	ACOA Amounts	Disbursed Amount
Newfoundland and Labrador	\$301,886,229.85	\$171,366,529.59
Prince Edward Island	\$106,170,005.00	\$62,431,871.96
Nova Scotia	\$236,378,106.10	\$144,052,964.64
New Brunswick	\$233,226,705.02	\$127,965,917.78
Atlantic Provinces	\$39,164,118.00	\$22,655,536.22
Grand Total	\$916,825,163.97	\$528,472,820.19

All Approved Infrastructure Funding from April 1, 2001 to March 09, 2004:

Region	ACOA Amounts	Disbursed
New Brunswick	\$48,192,393.00	\$23,871,354.48
Newfoundland and Labrador	\$33,281,799.89	\$20,991,563.29
Nova Scotia	\$49,145,279.00	\$16,563,873.53
Prince Edward Island	\$12,137,951.00	\$6,176,479.75
Grand Total	\$142,757,422.89	\$67,603,271.05

Question No. 67—**Mr. Peter MacKay:**

With regard to the conference entitled the "Sommet de la Francophonie", that was held in Moncton, New Brunswick, in 1999: (a) what are the names of all companies, groups and individuals who were awarded contracts or money from the government in connection with the conference; (b) what was the reasoning behind the awarding of these funds; (c) what are the dates on which the funding was awarded; and (d) what is the detailed breakdown of the total value of each contract awarded?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, given that Canada is represented within the Francophonie by not only the federal government but also by the governments of Quebec and New Brunswick, it was decided that the organization of the Moncton summit of the Francophonie would be conducted by a joint committee comprised of representatives from all three governments. This committee was the decision making organ for the summit. It was equipped with a joint secretariat which dealt with the summit's financial decisions.

The joint committee and the secretariat were dissolved shortly after the summit and in accordance with a federal-provincial agreement, the secretariat archives have been conserved by the New Brunswick Ministry of Inter-governmental Affairs, in the Fredericton warehouses of the Provincial Archives Division.

* * *

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 9 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

Government Orders

[Text]

Question No. 9—**Mr. John Williams:**

For each of the following categories of items purchased either by Public Works and Government Services Canada for departments, agencies or Crown corporations, or by the individual department, agency or Crown corporation in fiscal years 2002-2003, namely: (1) teapots, (2) televisions, (3) briefcases, (4) umbrellas, (5) sewing machines, (6) microwaves, (7) flatware, (8) clothes hangers, (9) wine glasses, (10) cameras, both regular and digital, (11) golf balls, (12) golf tees, (13) beverages, alcoholic, (14) jams, jellies and preserves, (15) land mines, (16) games, toys and wheeled goods, (17) phonograph records, (18) perfumes, toilet preparations and powders: a) by department, agency or Crown corporation, how many in each category were purchased; b) what was the total cost spent by either Public Works and Government Services Canada or another department, agency or Crown corporation on each category?

Return tabled.

[English]

Hon. Roger Gallaway: Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed

The Speaker: It is my duty, pursuant to Standing Order 39(5), to inform the House that the matter of the failure of the ministry to respond to the following questions on the Order Paper is deemed referred to several standing committees of the House as follows: Question No. 60, standing in the name of the hon. member for South Shore, to the Standing Committee on Environment and Sustainable Development; Question No. 63, standing in the name of the hon. member for South Shore, to the Standing Committee on Finance; and Question No. 72, standing in the name of the hon. member for West Vancouver—Sunshine Coast, to the Standing Committee on Government Operations and Estimates.

GOVERNMENT ORDERS

[English]

INTERNATIONAL TRANSFER OF OFFENDERS ACT

The House resumed consideration of the motion that Bill C-15, an act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences, be read the third time and passed.

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, it is a pleasure for me to speak in support of Bill C-15, which is the international transfer of offenders act.

The amendments introduced in Bill C-15 would modernize the Transfer of Offenders Act to reflect the many changes that have occurred since this legislation was proclaimed in 1978.

The provisions contained in Bill C-15 would allow Canada to negotiate the transfer of offenders in a manner consistent with current international standards and would provide a mechanism for cooperation in criminal justice matters.

To elaborate, the Transfer of Offenders Act allows Canada to implement treaties with other countries for the transfer of offenders. Under the terms of these treaties, Canadians convicted and sentenced

in a foreign jurisdiction would be allowed to serve the remainder of their sentences in Canada. Similarly, foreign nationals convicted and sentenced for crimes committed in Canada would be permitted to return to their home country and to serve the remainder of their sentence there.

I should make it clear that the terms of the act would apply only to individuals actually convicted of a criminal offence and would not apply to individuals held in remand or detention, awaiting trial or appeal. In addition, I would like to note that transfers, pursuant to the Transfer of Offenders Act, require the full consent of the offender, as well as the receiving and the sending state. Without the full consent of all parties, an international transfer cannot proceed.

Some might wonder why we should occupy ourselves with the plight of Canadians who find themselves incarcerated in a foreign jurisdiction. Why not let them stay there and do their time? Why not let the experience be a lesson to them and a warning to others who might be considering criminal activities while abroad?

To those who would respond in this way, I would draw attention to two interrelated objectives of the transfer of offenders act, namely, public safety and the humane treatment of offenders. These objectives, which derive from Canadian criminal justice policy, recognize that the vast majority of offenders will eventually be released back into the community and that the best way of ensuring public safety, in the long term, is to prepare them for their eventual return to society as law-abiding citizens.

I am well aware that there are some who would challenge the notion that Canada's approach to criminal justice generally, and corrections specifically, is effective in protecting Canadians from crime.

To those who take this view, I would point to public records showing a steady decline in crime rates across most of Canada. At the same time, I would invite critics of Canada's criminal justice policy to examine the impressive success rates of offenders released from our penitentiaries while under supervision. These results are a product of sound, evidence based policies and programs for the treatment of offenders, and clearly they work. The Transfer of Offenders Act ensures that Canadians sentenced abroad and who elect to return to Canada while under sentence will be managed in accordance with the policies and programs proven to reduce the long term risk to the Canadian public.

During the debate on Bill C-15, we have become aware of the issues facing Canadians sentenced abroad, often under difficult conditions. I am referring specifically to factors relating to sanitation, health care and nutrition. I am also referring to the added burden associated with the differences in culture and language and to the hardship of being far removed from friends and family. The Transfer of Offenders Act responds to these humanitarian considerations while protecting public safety by addressing the offender's criminogenic factors before sentence expiry.

Government Orders

• (1520)

Let us be clear. The Transfer of Offenders Act is not based on some well-intentioned but misguided humanitarian notion. The realities are that Canadian offenders sentenced abroad would in all probability be deported back to Canada following the end of their sentence without any supervision and lacking the benefit of rehabilitation programs.

The treaties enabled by the Transfer of Offenders Act do not allow offenders to somehow evade justice. These treaties allowed by the act stipulate that the receiving state shall neither interfere with the finding of guilt nor lessen the sentence handed down by the sentencing state.

At the outset, I noted that the Transfer of Offenders Act dates from 1978, which is some time ago. Principles of good governance require that legislation be reviewed from time to time in order to evaluate its continuing relevancy and effectiveness. Consequently, the Transfer of Offenders Act was the subject of broad consultation, which included over 90 private and public sector agencies.

Pursuant to this review, there was strong support for the Transfer of Offenders Act. However, the consultations also revealed that the act could benefit from some amendments, which are included in Bill C-15.

The amendments introduced in Bill C-15 can be placed in one of three categories. First are amendments that reflect the traditional treaty principles that have developed over time. Second are those that address the gaps in the Transfer of Offenders Act. Finally, the last category of amendments contains the proposals that would contribute efficiencies to the current process.

Allow me to cover the main points covered by these reforms in Bill C-15. First, the purpose and the guiding principles of the act are identified. This is an important feature of modern legislation. It helps promote consistency within Canada's body of criminal law, namely, the Criminal Code and the Corrections and Conditional Release Act.

Specifically, the purpose of the proposed new international transfer of offenders act is:

to contribute to the administration of justice and the rehabilitation of offenders and their reintegration into the community by enabling offenders to serve their sentences in the country of which they are citizens or nationals.

Next, the international treaty obligations and principles considered legally essential are included. These principles include those that ensure offenders have access to processes consistent with natural justice and due process. Enshrinement in the act of legally sound principles is necessary to ensure that the courts do not strike down the transfer process that could result in the unsupervised release of an offender into the community.

Eligibility criteria have been broadened to permit an increased range of Canadians to be transferred. Presently, young persons under probation, children, and mentally disordered persons are ineligible for transfer under the Transfer of Offenders Act. Amendments introduced in Bill C-15 would make these individuals eligible for transfer. This proposed amendment is in line with the humanitarian objectives of the new international transfer of offenders act.

Clarification on the decision making provisions has been included where provincial consent is required for the transfer of offenders on probation, provincial parole and provincial temporary absence and for offenders under a conditional or an intermittent sentence. Also, updated provisions are included, which will result in the consistent and equitable sentence calculation for transferred offenders and will ensure the equitable treatment of transferred offenders when a pardon is granted or when a conviction or sentence is set aside or modified.

As well, reforms have been introduced to allow the negotiation of transfers on a case by case, ad hoc basis between Canada and states with which Canada has no treaty or jurisdictions, or territories that are not yet recognized as states, or other entities such as Hong Kong or Macao. I would just note that in light of today's rapidly changing political landscape, this is a particularly relevant feature.

There are other primarily technical amendments introduced in Bill C-15, which will strengthen the provisions of the current Transfer of Offenders Act, but time does not permit me to elaborate on them.

However, there is one last point related to the reforms introduced by Bill C-15. Most states are convinced in today's global climate of the need to work multilaterally and bilaterally to address criminal conduct in a way that is in harmony with longstanding principles of territoriality.

In the absence of an instrument to enforce foreign laws, crime could be encouraged rather than prevented. By working together with others through the transfer agreements enabled by the new international transfer of offenders act, Canada will have the flexibility to work with a broad range of countries and other entities in matters of criminal justice in a way that would lead to public protection through the safe and gradual reintegration of offenders into society.

In conclusion, let me say that Bill C-15 builds on a proven and effective correctional policy, a policy that delivers public safety by treating offenders fairly and humanely during their period of incarceration and by preparing them for their eventual safe reintegration into society. As such, the reforms introduced through Bill C-15 demonstrate Canada's enduring commitment to maintaining public safety and a willingness to work cooperatively with our global partners on criminal justice issues.

Finally, I would like to thank the members of the standing committee for their perseverance and responsiveness in the examination of Bill C-15 throughout their deliberations and for presenting a bill that is worthy of support within the House.

Government Orders

• (1525)

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I am pleased to rise on behalf of the government to speak to Bill C-15. As we all know, the bill was reinstated after the House resumed, having been thoroughly reviewed by the justice committee when it was Bill C-33. The fact that we are debating final reading so soon after the deliberations of the committee speaks volumes about both the work of the committee—and I compliment members from all parties on the work they did on this bill—and the importance of the piece of legislation in front of the House.

The bill before the House repeals the current Transfer of Offenders Act, which was passed in 1978 and really has had fairly minor technical amendments since then. It replaces that act with an enhanced and modernized version that reflects international developments since the original piece of legislation was passed.

Legislative initiatives such as those contained in Bill C-15 form an important part of the work of Parliament. This bill is a good example of the effective modernizing of an existing scheme in order that it remain true to its objectives and current world developments.

As I said, Bill C-15 updates the original Transfer of Offenders Act in accordance with its basic principles and guarantees that the legislation in this area continues to meet its public safety and humanitarian objectives. These are achieved through cooperation with other nations. In fact, the concept of transfer of offender legislation and international treaties originated in discussions held at a United Nations meeting attended by many of our global neighbours.

At that time, it was agreed that it was necessary to create a system for the international transfer of offenders so that individuals convicted of a crime in a foreign state could, under specified circumstances, be allowed to serve their sentence in their home country. This has ramifications both for the convicted offender and for family and friends here in Canada, about which I will speak more later.

The Transfer of Offenders Act that created the framework implemented specific treaties which set out the circumstances in which offenders may be returned to their home country to serve their sentences. The legislation operates so that foreign offenders who are convicted in Canada also do not escape justice, as might be the case if they were simply deported from this country.

Since the present version of the act was enacted nearly 30 years ago, Canada has ratified treaties and conventions that allow transfers between us and over 40 countries, including, among others, the United States, Mexico, France and Egypt. In accordance with these arrangements, approximately 85 offenders are transferred to Canada each and every year. Ensuring that the legislation governing the transfer of offenders is modernized is vital if we wish other countries to sign treaties with us so that they can be used when the situation warrants.

Transfer of offenders legislation accomplishes several valuable purposes. The legislation makes contributions to public safety, a priority of the government, and this objective is met by a number of means. First of all, it is commonly recognized that the existence of a support system for offenders serving a sentence, a support system of

family and friends, is a factor in the rehabilitation of offenders and their eventual reintegration into society. As for allowing Canadian offenders to serve their sentence in Canada with that kind of a support network, allowing them to maintain contact with family and friends, the research has shown us that the positive effect is less recidivism, less returning to a life of crime.

• (1530)

In addition, the legislation enhances public safety by virtue of the fact that an offender who is returned to Canada is then exposed to our correctional system's rehabilitative and other programs, including the processes for the gradual and controlled reintegration of returned offenders into society under supervision. This might not be the case if they served their sentence in another country and then returned to Canada.

Another aspect, however, is that it serves an essential humanitarian role. I would not for a moment question that those found guilty of crimes in other countries should be subject to punishment according to the laws of the country in which the illegal acts were committed. However, it must be recognized that situations exist where a foreign sentence and the associated foreign standards of justice and conditions of confinement might very well result in the imposition of severe hardship on Canadians when those conditions are compared to our North American standards.

For instance, hardships suffered by Canadians are generally seen to be the result of cultural and language differences. That can lead to Canadians being subjected to severe psychological stress brought about by language isolation, an unfamiliar legal system, and different lifestyle, health care, religion and diet.

Finally, on the compassionate front, it is important that we not ignore the distress and anguish suffered by family members and friends of Canadians held abroad, even though they, as family and friends, are totally innocent of any wrongdoing. For example, it is often the case that travelling to visit an imprisoned loved one and obtaining legal representation on their behalf can involve prohibitive financial costs. There are also cases where family and friends feel obligated to provide considerable sums of money to ensure that the prisoner receives basic nutrition, for instance, and medical services and other necessities of life. The hardship suffered by an offender's family and friends may also be aggravated by their lack of familiarity with the foreign legal system, culture and language.

Although the Canadian diplomatic corps strives to do its utmost to ease the difficulties associated with being under sentence in foreign countries, one must acknowledge that there are real and substantial limits to what they can do, to the role they can play abroad. Generally speaking, the role of the consulate does not go beyond efforts to ensure that the offender's rights under the domestic law of the country where the offender is being held are respected, to assist in retention of legal representation, and to endeavour to facilitate family contact.

Government Orders

It should go without saying that the government continues to encourage all citizens to observe the laws, regardless of what country they happen to find themselves in, and at the same time continues to be responsive to the circumstances of Canadians sentenced abroad and their families back home. Therefore, the international transfer of offenders accomplishes both the objective of reducing both recidivism, or the return to crime, and the objective of reducing the hardship suffered by Canadians in other countries and by those persons who wish to provide support to the person serving the sentence and assist in their ultimate rehabilitation.

This bill contains amendments that meet several vital objectives. I said that things have developed internationally and, in order to ensure that countries will continue to enter into treaties with us, we need to update our legislation substantially. The bill adds several legally essential treaty obligations and principles such as the non-aggravation of the sentence by the receiving state. In other words, a prisoner who returns to Canada should not be subject to a lesser sentence than he or she would have received or in fact was given in the country where they were tried and convicted.

The bill also extends the eligibility criteria to include Canadians who are not currently eligible for transfers, such as young persons on probation, children, and persons with mental disorders. It clarifies the provisions related to the decision making process by such measures as requiring provincial consent for the transfer of offenders within provincial jurisdiction, and I should say here that the provisions in the bill that affect the provinces and territories have been accepted by the provinces and territories of Canada.

● (1535)

The bill also aligns the sentence calculation provisions with other legislation to ensure the equitable treatment of transferred offenders and to ensure that Canada takes appropriate action where the foreign state grants relief in respect of the offender's foreign sentence.

Finally, it adds provisions enabling the negotiation of administrative arrangements on a case by case basis to extend the act's humanitarian objectives to offenders held in harsh conditions in foreign states with which Canada does not have a treaty, or is negotiating but has not yet concluded a treaty, or in foreign entities which are not yet recognized as states. For instance, Canadians incarcerated in jurisdictions such as Hong Kong or Taiwan cannot be repatriated to serve their sentence at this time because the current legislation does not authorize arrangements for the transfer of offenders to be negotiated with countries that are not legally recognized states.

I ask members of the House to support the passage of Bill C-15 so that Canada can have the ability to be responsive to international developments in this area and so that we can move forward in the spirit of international cooperation.

● (1540)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I wonder if the member could elaborate a little on offenders who may be children, who fall into the category of young offenders. What would the application of the bill be where children would be found guilty perhaps in a very harsh extraterritorial environment when they are transferred to Canada? What aspects of Canadian codes and jurisdiction apply in those cases?

Ms. Marlene Catterall: The important factor, Mr. Speaker, is that right now the Transfer of Offenders Act does not apply to children at all. With the changes to the act, a child sentenced in another country could be brought back to Canada and whatever sentence had been applied could be served here in Canada rather than in a foreign country.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I am pleased to participate in the third reading of the government's initiative to update the Transfer of Offenders Act.

The Standing Committee on Justice and Human Rights, as it then was, after diligent and detailed consideration as has been pointed out by previous speakers, has returned Bill C-33 for the House's final consideration. These legislative proposals have since been reinstated as Bill C-15. I agree with previous speakers who have noted that there is nothing in the legislation that might delay the passage of the bill.

Bill C-15 is an important and necessary piece of legislation in which we take great pride in helping to fashion it into a final product that will become law. As the name implies, the force of the legislation will be felt far beyond Canada's borders. It provides the international community with yet another example of Canada's progressive criminal justice system which combines the best aspects of correctional practices and the implementation of the law. Bill C-15 would do so by balancing the need on one hand for fair and humane treatment of offenders with on the other hand the need to respect the systems and philosophies of other countries.

The proposed bill maintains most of the purposes and principles of the Transfer of Offenders Act as it was proclaimed back in 1978. However, it should not be surprising to any members that a 25 year old law might well be due for some important changes.

At the outset, I would like to answer a number of questions raised during committee proceedings and asked by hon. members opposite.

The government has been asked if the amendments to the Transfer of Offenders Act violate in any way Canada's sovereignty or bring into disrepute the administration of Canada's justice system. The answer is in the negative. They do not. As a matter of fact, most states wish to cooperate with one another within the parameters of criminal justice. All states prohibit certain conduct and attempt to deter it through the enforcement of criminal laws and penalties.

Modern technology and the ability to travel very quickly have increased the opportunities for the commission of crimes in countries other than one's own. Numerous examples of that have occurred in the last few weeks.

States have a common interest in working together to prevent and respond to criminal conduct that transgresses and transcends those boundaries. Such cooperation actually protects the sovereignty of states by preventing offenders from escaping the justice systems. This is exactly what the transfer of offenders scheme allows states to do by allowing for the transfer of offenders and the enforcement of the foreign sentence by the receiving state.

Government Orders

One of my colleagues has described how the bill deals with differences in the severity of sentences. In brief, if a foreign sentence by its nature or duration is incompatible with the law of Canada, the sentence must be adapted to the sentence prescribed by Canadian law for a similar offence. For example, a foreign court may hand down a custodial sentence of 10 years for common assault. In order to be enforced here in Canada, the foreign sentence would be adapted to the maximum custodial sentence of five years for assault provided by the Criminal Code of Canada. Bill C-15 would reflect the standard treaty of provision of adaptation of foreign sentences to meet the parameters of Canadian legal requirements.

● (1545)

Finally, how will Canada deal with a different system of offences where the offence is not recognized under Canadian law? The answer is somewhat technical.

Bill C-15 sets out what is known as the rule of dual criminality. This rule is satisfied when an act is criminal in one state and has the same general qualification in another. This is a rule of customary international law and a requirement of most treaties signed by Canada, because the enforcement of a foreign sanction for an offence that does not exist in Canada, such as adultery, could violate essential constitutional principles or even contravene protected fundamental human rights. Bill C-15 sets out the concept and principles of dual criminality as a condition of transfer.

Having said that, Bill C-15 provides that the rule of dual criminality does not apply to the transfer of children. That was the intent of the question that I asked the previous speaker. Although a child may have been convicted of an offence for which there is no equivalent in Canada, this will not preclude his or her transfer to Canada.

Let me add that Bill C-15 provides that children are not incarcerated when they are transferred to Canada. They are remitted to their legal guardian and the child welfare system will provide the framework within which their particular needs will be met.

Providing necessary continuity, the new international transfer of offenders act will continue to provide for the implementation of treaties with other countries for the international transfer of offenders.

The purpose of the act and the treaties signed between Canada and foreign states could be generally described as essentially humanitarian. Canadians convicted and detained abroad in difficult conditions may be allowed to serve their sentences at home and foreign nationals may be returned to their home country. In the case of returning Canadians, the treaties promote public protection, as offenders are allowed to serve their sentences in Canada and to be gradually released into the community according to the legal restrictions that are applied through the criminal justice system. Otherwise they would simply be deported from the country where they were convicted of an offence, however serious, at the end of their sentences and would arrive in Canada with no controls being put upon them whatsoever.

At the same time, as has been mentioned, the treaties in all cases respect foreign sentences. Countries that send offenders back to Canada are assured that the sentences determined by their courts will

be enforced by the Canadian criminal justice system. Let us make it clear that offenders who are returned to Canadian institutions will not be coddled. Other nations recognize this and agree with the condition that will be imposed and implemented through this treaty, that the terms of transfer before the offender is moved will be agreed upon.

The Transfer of Offenders Act as it stands continues to serve useful purposes. We are here today to bring it up to date. The world has changed; to say that would be an understatement. The style and content of international treaties must change to keep up with these circumstances.

There are the obvious changes brought about by the birth of new nations and the rebirth of others. We need only look today at the expansion of the European Union by 10 nations to know that the map of the world is in a state of change itself. Many of these are also nations that have become independent of former allegiances, thereby growing more attuned to democracy and a concern for human rights.

● (1550)

These countries have a need to express these transformations internationally. What better way to extend our hands across cultural divides than by getting together to negotiate meaningful treaties, in particular within the criminal justice realities that we all face. This is the essence of international co-operation. I would suggest that within the context of international terror and the deportation of it, those are the kinds of treaties and relationships that we should be building upon.

In the process we learn from each other and forge new bonds of international understanding and co-operation. In this regard I might mention that the very first country with which Canada negotiated a treaty to transfer offenders was of course our friend and ally to the south. This treaty, dating back 25 years, with the United States is but another example of how the policies and programs with our American neighbours coincide with our own.

Since the act's proclamation in 1978, only technical amendments have been made to it, although more substantive issues have been identified. These issues have been brought forward with a broad range of interested parties since a consultation document was released in 1997. We have been developing in a very progressive way the stages and steps, and meeting different thresholds in the evolution of this legislation.

The wide ranging consultation identified what amendments would be advisable and necessary. This exercise has been followed by an exhaustive drafting exercise during which expert officials have identified what changes are possible given Canadian and international law.

As was outlined when Bill C-15 was introduced, central clauses of the amended act will set out the purposes and principles of the legislation. This may seem to be an obvious consideration in the formulation of a statute but a cursory survey of existing laws soon indicates otherwise.

Government Orders

An outstanding example of a statement of principles and purposes may be found in the Corrections and Conditional Release Act as passed by Parliament in 1992. These important clauses have been invaluable as a guide for correctional practitioners. Having the force of law, they cannot be easily modified or tampered with and therefore they set a precedent of consistency in the administration of sentences.

In this age of mission statements and similar corporate commitments, one can easily recognize the importance of clear and steady guidance for those who must work within the confines and spirit of an act established to carry out the will of Parliament.

An equally modern aspect of these legislative proposals is that measure requiring a new level of information sharing between government authorities and offenders. Simply put, Canadian officials will be obligated to inform a foreign citizen under its jurisdiction of the existence and substance of an international transfer treaty between Canada and the country of citizenship, a function that our Department of Foreign Affairs carries out with regard to Canadians convicted abroad. While the duty is routinely discharged, the added force of law will formalize the practice to the satisfaction of those signing treaties with Canada.

Another new provision will make it possible for a foreign offender in Canada to reverse his or her application for transfer at any time before the physical transfer takes place. This important change would accommodate the rare occurrence where circumstances in the offender's home country change negatively in the period between application and the actual transfer.

The last specific point I would like to mention may prove to be the most important. This entails the new provisions to extend certain aspects of the transfer of offenders scheme to nations that have not yet joined the family of countries that currently have treaties with Canada for the transfer of offenders. One can see that circumstances might arise where such an accommodation would be essential to the well-being of a Canadian incarcerated abroad.

• (1555)

There are other aspects of Bill C-15 to explore but I will leave those to my hon. colleagues and, in due course, to the consideration of those in the other place. I urge them all to join in the passage of these necessary measures. I urge all members of the House to support the bill and send it on to be scrutinized and passed in the other place.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I listened to the member's speech. I think it was the ninth or tenth Liberal speech in a row on this particular item. I realize these are all canned speeches put together by the justice department and that the Liberals have to take their turns picking up a speech and giving it but we have been listening to the same information over and over again. Quite frankly, we cannot ask any more questions pertaining to the bill because we have done that.

Friday, after checking with the Speaker's chair, I was told that the procedure of filibustering one's own bill was a very unusual procedure but suddenly here they are doing it again. They did it last Friday with one issue and now they are doing it again.

What is it that is causing the government to filibuster this particular bill? Is it because it has nothing else on the agenda to discuss? Is it because it does not want to get on with governing the business of the country? Is it because it is afraid to discuss other issues? What is the reason?

The Acting Speaker (Mr. Bélair): Let us try to keep some relevance to Bill C-15, please.

Mr. Alan Tonks: Mr. Speaker, under other circumstances I am sure the concerns and points raised by the member would have some application, but if the member would look at the record of speeches on second reading, this was one that I particularly was very interested in and I spoke to the bill at that time. I am sure the member will appreciate that not everybody has the opportunity to sit and listen to all the speeches. We have certain aspects that we are interested in responding to.

I was extremely interested in how the bill would in fact fit the circumstances that are evolving with respect to terrorism. I thought I made it quite clear that this framework of legislation would respond and make it, through treaties, better for the international community to mobilize its resources to deal with cross border realities such as those that are related to weapons of, not mass destruction but of great destruction to civil society as we know it.

I do not question what the member has raised in terms of what he thinks is the motivation of the government. I can only respond with respect to my interest in the bill. I am sure there are other members who feel exactly the same way. I would hope that when they do rise to speak to a bill of this nature that they would not be subjected to any unfair commentary that would question their motives.

• (1600)

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, we have had one opposition member and nine government members speak to a bill at third reading that has no amendments. I have been expecting, for over three hours now, to speak to Bill C-23, which I hope is coming up very soon. I can go back to last week where the government was filibustering bills also. This is going back to more than Friday. I can go back to last Thursday.

I would like to get on with the government agenda, which last week was that aboriginal bills would be upcoming, and that was what it wanted to serve up, and Bill C-23 is an aboriginal bill.

The Acting Speaker (Mr. Bélair): I am sorry to interrupt the hon. member, but does he have a question or comment on Bill C-15?

Mr. John Duncan: Mr. Speaker, I think I said what I needed to say, which is that this is third reading with no amendment and we have heard nine government speakers. I think we have heard enough.

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, it is ironic to hear the opposition complain that there are too many people speaking to bills when I have often heard them say that we unduly cut off debate. The fact that the opposition has no questions and no comments on this only tells me that they must be bankrupt of ideas on the legislative agenda that is before them.

It gives me great pleasure to discuss the bill entitled international transfer of offenders act. If members were to look back they would see that I also spoke to this legislation at second reading.

Government Orders

This is important legislation for a number of reasons. Canada has a long history of dealing with corrections in the sense of the need to reintroduce people who have offended into the milieu of their environment. I am not so sure that is true of other jurisdictions. What the legislation would basically do is guarantee Canadian citizens, who for some reason or another committed a crime in another country, the same due process that exists in Canadian law, and obviously we need a way to effect that. We need to be able to go to foreign powers, where they believe these people have offended within their jurisdictions, and find a way to bring those people back to Canada, with a similar set of rules obviously for those from foreign jurisdictions who have offended in Canada, we need to find a way to send those people back into their communities.

Why is that important? I know members of the opposition have probably raised the issue that they do not believe that is important and it seems like we are coddling convicted felons or whatever the case may be but I do not believe that is really the case.

Within two years of being elected I did a long study of Millhaven Penitentiary. I actually had the advantage of spending about five hours in there, going through and talking to offenders and so forth. I quickly gleaned the importance of the reintroduction process. If we were to wait until the last minute to reintroduce offenders into the non-offending population we would run the risk of those people reoffending.

The whole concept of parole allows us to introduce those people into the polity under observation. People say that we just release them. The fact is that they are still being scrutinized by the penal system. There is a process where they can be re-incarcerated if they offend their parole jurisdictions.

I do not have the statistics on this but, statistically speaking, after Canadians, who offend in foreign jurisdictions, are released they likely will come back to Canada. However those people who have served time in a foreign institution could pose a significant risk if they are brought back into the non-offending population without some kind of oversight mechanism.

It is important that we effect these kinds of treaties. Clearly it is important that we have as many treaties on our books as possible because we can expand the number of possible countries where Canadians might be offending.

The other thing that is important here is the cultural differences between some of what we do here in Canada, in the western world, and what is done in other countries, such as what we would not consider certain acts an offence or we may think that the sentencing is more severe than a sentence that would exist in Canada. I know there are those who will stand and say that if a person went to a foreign country and committed an offence then that is their problem, that he or she should not have been there in the first place, but that is oversimplistic of a very difficult argument.

• (1605)

The fact of the matter is we pride ourselves in a certain humanitarian aspect and the way we treat each other as Canadians. That, unfortunately, also includes also how we treat each other, even those Canadians who offend in our country and outside our borders.

It is important that we try to apply as much as possible Canadian jurisprudence to those cases even where an offence has been committed in a foreign jurisdiction. The popular press is replete with all kinds of cases of Canadians who are incarcerated in jurisdictions where they possibly come under Islamic law, communist law or other laws that for many of us would seem very harsh and inhumane. Personally, I would have to say that those types of laws, that kind of jurisdiction, criminal prosecution and incarceration is inhumane. Being Canadian citizens should give us some kinds of rights, even in our offence, that give us access to a fair proceeding.

That does not mean the cases will be tried over again in Canada. That is not the intent of this act whatsoever. What is the intent is that the crime or the conviction would be weighed against a similar conviction which occurred in Canada and how it is likely that the sentencing provisions would have occurred.

In other words, there is provision obviously within the act to be more lenient in those cases where there is a severe penalty for something that possibly we did not consider severe. I know some people will bring up the issue of marijuana. In some jurisdictions, clearly, marijuana is a very significant and serious offence, not least of which to our neighbour to the south. We have a different attitude toward the sentencing provisions, not that we condone the use of marijuana. It is unclear to us why some jurisdictions are harsher on some of these areas when we have clinical studies and others that tell us that that need not be the case.

I can assure the House it is very important that the legislation proceed. It is also commendable that the government would bring this legislation forward at this time. Clearly, this type of legislation is not technically popular with the masses in general because it deals with a portion of our population which, quite frankly, many Canadians would like to forget about.

The underlying aspect of this is that Canada promotes human rights, whether they are for a non-offending public or whether they are for an offending public. We promote human rights because they are Canadian, and they are Canadian values that we share as a country.

It is very important that the legislation go forward, that we give the government the opportunity to negotiate a wider, broader based and different ways of interpreting the international transfer of offenders and that we allow our offending public, whether they be domiciled here in Canada or otherwise, the rights and privileges that exist within our Canadian judicial system.

I support this legislation. I am surprised once again that the opposition cannot think of any good questions to ask. It is certainly very profound legislation.

• (1610)

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I have a straightforward question and would ask for a very specific answer. I would prefer not to have talking points of justice officials on the issue.

Government Orders

A Canadian commits an offence in the United States and it is an offence that has minimum mandatory jail sentence, without parole, let us say five years. If that person were transferred under this legislation back to the Canadian correction system, would the legislation require that person to serve the full five years without any rights to parole and without time off for weekend time, which is part and parcel of our parole and early release system in Canada? Would that person be required to serve the full five years, yes or no?

Mr. Alex Shepherd: Mr. Speaker, the hon. member is asking me a very specific question and I will first temper that by saying I do not know 100%. The wording of the legislation, as I understand it, is that it would have to apply to the normal sentencing provision of a similar offence as if it occurred in Canada. Somebody would have to consider whether a similar offence would have a similar sentencing provision in Canada as it would in the United States and adjust it accordingly.

Mr. Brian Fitzpatrick: Mr. Speaker, I just want to make one comment on this. I have heard a lot of the speeches on the bill from government members today. The answer I have just heard now flies in the face of answers that have been given by other members earlier who have said that we have to honour those sentences from other jurisdictions. Now we are being told that Canadian sentencing principles would be in place.

My observation is that either government members do not know what they are talking about or somebody from the justice department or from the back rooms has been giving them some bad advice because I am not getting consistent answers to the questions I have been asking today.

Mr. Alex Shepherd: Mr. Speaker, the first comment was that the opposition members did not want canned speeches. The second comment is they do not want originality. I do not understand what the opposition's problem is. Every member has his or her own opinion as to what the legislation says.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I would not rise on this, but I just want to bring clarification to the question about whose sentences apply.

First, there is a principle in the bill that the sentence cannot be any more severe. If an offender is sentenced in Canada or Peru or somewhere for seven years, the other country cannot extend that. However, if an offender is sentenced in Peru for seven years and Canadian law has only five years sentences maximum for that offence, the person would get out of jail earlier in Canada.

It is done on the agreement. They would sit down and determine what the effect would be in Canada. That is how we would have to deal with it. Then the other country, the prisoner and the country that is receiving the offender all have to agree to that. That way no country lets a prisoner get off earlier if they do not want to, but it is possible to negotiate.

The Acting Speaker (Mr. Bélair): I would say the question was not addressed to the member for Durham. I do not know if he wants to answer the comment.

• (1615)

Mr. Alex Shepherd: Mr. Speaker, I will simply just confirm. Basically, what I have said is where there is a sentencing provision,

that cannot be greater than the sentence, but conceivably it can be less than those sentences. However, once again, it is a determination that is made through a negotiating process between prisoners and the judicial authorities in both countries.

Mr. Brian Fitzpatrick: Mr. Speaker, this is another avenue I want to pursue too, because I am not getting clear answers on it either. We know in Canada that when it comes to extradition of people, criminals who have committed serious criminal acts in other jurisdictions flee to Canada. Our Supreme Court of Canada has taken the position that if, in our value system in Canada whatever that is, the country's system of punishment would be cruel and unusual, we will not extradite those people to those jurisdictions. We have had numerous cases of that. The most recent was a murder committed in Washington State. Our Supreme Court said that we would not deport the person back to the United States, because he might face the death penalty.

If we bring people back under this negotiated package with other jurisdictions, what assurance do we have that the Supreme Court of Canada or our judicial system will not interfere with that agreement and say—

The Acting Speaker (Mr. Bélair): Order, please. The hon. member for Durham.

Mr. Alex Shepherd: Mr. Speaker, I think it is clear in the legislation that the sentencing provision would not be greater than that which was given in another jurisdiction. Therefore, I do not really understand the example. Clearly, if somebody were given a murder conviction in Washington state and the penalty was capital punishment, we would not carry out that sentence in Canada because we do not believe in capital punishment. The reality is it is the better of all of those things, which happens to be the Canadian model.

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, would the member for Durham like to comment on perhaps the member for Prince Albert's suggestion, or implication by his questions, that somehow judges in Canada do not know how they are sentencing people, or that somehow these judges give out these sentences and then other things happen in the system, like parole and conditional releases, which they never even realized existed, or that somehow foreign jurisdictions have somebody under a sentence of 10 years when perhaps the maximum in Canada is eight and when they sign these agreements, they might not know or be aware of what they have signed?

We are talking about intelligent individuals, our judiciary and ministers of justice in the foreign jurisdictions. They will be signing off on these exchange orders. Also our own minister of justice would be competent to understand what they were signing.

Could the member for Durham clarify his perception of the misunderstanding of the member for Prince Albert's suggestion that they are somehow fools who are not aware of what they are signing.

Mr. Brian Fitzpatrick: Mr. Speaker, I rise on a point of order. In that question I never referred to anybody as being fools. I resent that accusation being made here.

The Acting Speaker (Mr. Bélair): Your message has been made. The hon. member for Durham.

Government Orders

Mr. Alex Shepherd: Mr. Speaker, the important aspect of what the intervention is all about is, by virtue of the fact these are agreements or treaties, that it takes two parties to make a treaty. Obviously, those people in the judiciary of those other countries fully understand the concept of entering into these agreements with Canada, where those sentences may be reduced in Canada. However, it is a recognition of the importance of a return of people to their home countries to be close to their families and to possibly help them go through a process where they can get help and be reintroduced to the society as useful and gainful people.

• (1620)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Call in the members.

And the bells having rung:

[*Translation*]

The Acting Speaker (Mr. Bélair): For the benefit of those who are watching us, the chief government whip has requested that the division be deferred until tomorrow afternoon, after government orders.

* * *

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

The House proceeded to the consideration of Bill C-23, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts, as reported (with amendments) from the committee.

SPEAKER'S RULING

The Acting Speaker (Mr. Bélair): Here are the rulings, by groups.

There are 18 motions in amendment standing on the Notice Paper for the report stage of Bill C-23. The Chair has been asked to use its

discretionary power to select all the motions in amendment under the name of the Minister of Indian Affairs and Northern Development.

[*English*]

I am informed that there has been an understanding between the Minister for Indian Affairs and Northern Development and opposition critics concerning the selection of these amendments. Notwithstanding any reservation the Chair may have, I agree that the motions in the name of the minister should be all selected. The motions will be grouped for debate as follows: Group No. 1, Motions Nos. 1, 2, 11 to 16 and 18; and Group No. 2, Motions Nos. 3 to 10 and 17.

[*Translation*]

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

[*English*]

I shall now propose Motions Nos. 1, 2, 11 to 16, and 18 in Group No. 1 to the House.

• (1625)

MOTIONS IN AMENDMENT

Hon. Bill Graham (for the Minister of Indian Affairs and Northern Development) moved:

Motion No. 1

That Bill C-23, in Clause 2, be amended

(a) by replacing lines 1 and 2 on page 3 with the following:

““first nation” means

(a) in any provision of Part 5, a band; and

(b) in any other provision, a band named in the schedule.”

(b) by adding after line 4 on page 4 the following:

“(3) At the request of the council of a band, the Governor in Council may, by order, amend the schedule by adding, deleting or changing the name of the band.”

Motion No. 2

That Bill C-23 be amended by adding after line 34 on page 11 the following new clause:

“13.1 Paragraphs 83(1)(a) and (d) to (g) and section 84 of the Indian Act and any regulations made under paragraph 73(1)(m) of that Act do not apply to a first nation.”

Motion No. 11

That Bill C-23, in Clause 141, be amended by replacing lines 21 to 23 on page 60 with the following:

“141. (1) By-laws made by a first nation under paragraph 83(1)(a), or any of paragraphs 83(1)(d) to (g), of the Indian Act that are in force on the day on which the name of the first nation is added to the schedule are”

Motion No. 12

That Bill C-23 be amended by deleting Clause 148.

Motion No. 13

That Bill C-23 be amended by deleting Clause 149.

Motion No. 14

That Bill C-23 be amended by deleting Clause 150.

Motion No. 15

That Bill C-23 be amended by deleting Clause 150.1.

Motion No. 16

That Bill C-23, in Clause 151, be amended

(a) by replacing line 35 on page 62 with the following:

“the Indian Act before paragraph (a) is replaced by”

(b) by replacing line 39 on page 62 with the following:

“province, but subject to section 83 and”

Government Orders

Motion No. 18

That Bill C-23, in Schedule, be amended by adding after line 8 on page 70 the following:

“SCHEDULE

(Subsections 2(1) and (3))”

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am delighted to speak to the first group of amendments to Bill C-23 at report stage. Although I will be talking just about technicalities in my speech, I know there will be a number of more passionate speeches given later on with regard to the benefits of the bill.

In the previous stages of the bill, a couple of concerns were raised either by committee members or by people not involved in the committee. These amendments basically remove the most strenuous of those concerns. The amendments make the bill optional and they make it quite clear that it is optional. For first nations and aboriginal people who want to buy into the bill, who want to use the institutions, it is totally optional. The bill does not place an onus on first nations that have no desire to collect property taxes to do so. It does not force any first nation to go into debt.

No first nation has to use the institutions created by the bill, but these institutions have been developed over the years by first nations people themselves to help them in the financial area after their experience with section 83 of the Indian Act relating to property tax and their difficulties in getting large loans to build infrastructure at reasonable rates. They were also developed to provide first nations with a financial institution to provide them with financial consulting, and there was as well a lack of sufficient statistics to help them in their work.

Certain first nations have been working for years to develop these institutions that would perform these functions. They would be managed by first nations people. Once again, let me say that they are totally optional. No one has to use them or buy into them or be involved with them in any way. In fact, sections 83 and 84 of the Indian Act are being left in because a number of first nations are now quite successfully collecting property tax through these sections. They are welcome to keep using them as opposed to this new, more transparent method.

I will now talk about the technical points of the amendments.

Motion No. 1 relating to clause 2 is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested that the governor in council include the name of their band on the schedule attached to the bill.

This amendment does two things. First, it limits the application of the term first nation in all parts of the bill, except part 5, to just those first nations who appear on the schedule attached to the bill.

Part 5 of the bill outlines the scope of the work of the statistical institute in the collection, analysis and dissemination of data relating to first nations and other aboriginal groups. Had the term first nation as applied to this part been limited to only those first nations on the schedule, the statistical institute would have been prevented from working with data pertaining to any first nation not on the schedule. This would have seriously limited the effectiveness of the institute.

Second, the amendment provides authority for the governor in council, upon the request of a council or first nation, to add the name of the first nation to the schedule, to delete its name from the schedule, or to change the name as it appears on the schedule. Any first nation can buy in at any time or can leave at any time. It is through an order in council that they would be added to the list, so it would be transparent for everyone to see.

Motion No. 2 in relation to clause 13.1 is one of a series of motions to amend the bill to limit its application to just those first nations whose councils request the governor in council to include the name of their band on the schedule attached to the bill. It is also proposed that the provisions of section 83 of the Indian Act, which deal with real property taxation, be retained in order to provide first nations with a choice to undertake property taxation under Bill C-23 or under the Indian Act. This amendment is required to clarify that should a first nation opt to tax under the bill, the property tax provisions of sections 83 and 84 of the Indian Act would not apply to that particular first nation.

• (1630)

Motion No. 11 amending clause 141 is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include the name of their band on a schedule attached to the bill.

It is also proposed that those provisions of section 83 of the Indian Act which deal with property taxation be retained to provide first nations with a choice to undertake property taxation under the bill or under the Indian Act.

This amendment modifies the current wording of clause 141 so that the property tax bylaws of a first nation made under section 83 of the Indian Act would be deemed to be laws made under clause 4 of this bill on the day the name of the first nation is added to the schedule of the bill. This supports the smooth transition of first nation property tax bylaws from one act to another.

The next amendment is Motion No. 12 on clause 148. This is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include the name of the band on a schedule attached to the bill.

It is also proposed that those provisions of section 83 of the Indian Act which deal with real property taxation be retained to provide first nations with the choice to undertake property taxation under this bill or under the Indian Act.

The current wording of clause 148 of the bill removes the reference to section 84 of the Indian Act from section 4.1 of that act. This amendment deletes clause 148 of the bill, thereby ensuring that the reference to section 84 is retained.

Next is Motion No. 13 on clause 149. This again is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include the name of their band on a schedule attached the bill.

Government Orders

It is also proposed that those provisions of section 83 of the Indian Act which deal with real property taxation be retained to provide the first nations with a choice to undertake property taxation under this bill or under the Indian Act.

This amendment would delete clause 149, which would otherwise have repealed the authority for the governor in council to make regulations for empowering and authorizing the council or the band to borrow money for band projects under paragraph 73(1)(m) of the Indian Act.

Next is Motion No. 14 on clause 150. It is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include their name of their band on a schedule attached to the bill.

It is also proposed that those provisions of section 83 of the Indian Act which deal with real property taxation be retained to provide the first nations with a choice to undertake property taxation under this bill or under the Indian Act.

This amendment would delete clause 150, which otherwise would have repealed those provisions of section 83 of the Indian Act concerning the making of first nations property tax bylaws.

Motion No. 15 relates to clause 150.1. It also is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include the name of their band on a schedule attached to the bill.

It is also proposed that those provisions of section 83 of the Indian Act which deal with real property taxation be retained to provide the first nations with a choice to undertake property taxation under this bill or under the Indian Act.

This amendment would delete clause 150.1, which would otherwise have repealed section 84 of the Indian Act, which deals with the recovery of property taxes pursuant to a bylaw under section 83.

Motion No. 16, the second last one in the group, is on clause 151. This is one of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include the name of their band on a schedule attached to the bill.

It is also proposed that those provisions of section 83 of the Indian Act which deal with real property taxation be retained to provide the first nations with a choice to undertake property taxation under this bill or under the Indian Act.

This motion would amend clause 151 to clarify that provisions of section 87 of the Indian Act dealing with tax exemptions would not apply both in the case of laws made under clause 4 of the bill and in the case of bylaws made under section 83 of the Indian Act.

The last amendment, Motion No. 18, is about the schedule. This is the last of a series of motions to amend the bill to limit its application to just those first nations whose councils have requested the governor in council to include the name of their band on a schedule attached to the bill. This motion would add the schedule to the bill.

In summary, we have ensured that the Indian Act provisions related to property tax in sections 83 and 84 can carry on, but if people want this new system to help them obtain loan financing at lower rates, to have management, and to have a transparent property tax system, they can utilize this bill.

• (1635)

[*Translation*]

The Acting Speaker (Mr. Bélair): Before we continue the debate, pursuant to Standing Order 38, it is my duty to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Charlesbourg—Jacques-Cartier, Quebec City Airport.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I am pleased to speak today to the bill before the House. It goes back to my first love.

Are you signalling me, Mr. Speaker?

The Acting Speaker (Mr. Bélair): I think there has been a mix up. I thought the hon. member for Vancouver Island North wished to speak, but he did not stand up.

[*English*]

Is it the case now that the hon. member wants to speak to this bill?

Mr. John Duncan: Mr. Speaker, I thought you were reading a separate intervention and then you were going to call for resumption of debate. I never heard you resume debate, so that is why I did not stand up.

The Acting Speaker (Mr. Bélair): Just to solve the problem, the hon. member for Vancouver Island North has the floor.

[*Translation*]

The hon. member for Saint-Jean.

Mr. Claude Bachand: Mr. Speaker, when I saw that no one had stood up I naturally did so, and you gave me the floor.

Am I to understand that you are now taking it away and giving it to my colleague, and that my turn will follow?

The Acting Speaker (Mr. Bélair): That was my intention in order to be fair to everyone, but the hon. member for Vancouver Island North has just informed me that he will allow you to finish your speech and he will speak afterward.

The hon. member for Saint-Jean.

Mr. Claude Bachand: Mr. Speaker, I want to thank my colleague from the Conservative Party for his generosity.

As I was saying before we ran into a procedural problem, I am coming back to my first love. I had the honour of being the Indian affairs critic for seven years and, I must admit, it warms my heart to talk about aboriginal matters again. It is an area where there are always marvellous new developments.

I have made a lot of aboriginal friends across Canada. I recall the debate about the Nisga'a, the debates about land claims and self-government. This is an area that I greatly enjoyed. Since my colleagues were unable to attend today's debate on the bill before us, I was delighted to stand in for them.

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There was something else I noticed when I was the critic for this area. Whenever a series of bills about aboriginal peoples was introduced in the House, it was often because there was nothing left on the legislative agenda. I always deplored this. When talking about aboriginal peoples, if we recognize that they are nations, I believe they must be accorded a little more importance, rather than simply using them to fill in the gaps when the government has no bills left.

That is what is going on right now. We are about to debate a bill concerning the financial administration of the first nations because the government has nothing left to introduce. This is what happened in 1993, the year I was first elected, and I see that it is much the same thing today.

I must also admit that a bill on financial administration, if these people are recognized as nations and peoples, should ordinarily be between equals. We in Quebec are rather sensitive to this issue because we are in somewhat the same situation as the first nations. We recognize ourselves as a people; we recognize ourselves as a nation.

When the federal government shows its intentions to control the first nations with a bill such as we have before us today, we are quickly inclined to take the side of those who are to be controlled.

We must show them some respect. My vast experience in this field tells me that these people are perfectly able to govern themselves. Of course, government money is involved and such money should be monitored, but not to the extent suggested in Bill C-23; we think that is going too far. That is why we have objected to this bill from the beginning.

Thus, we can empathize with a nation that the central government is trying to control. I am not saying that it does not have the right to control it, because the Indian Act is quite clear. The aboriginal peoples have very little to say about the way they are governed. We see it otherwise. Until they attain self-government and until the land claims are settled, it will be difficult for them to catch up. They are reliant on the Indian Act and the sums of money given to them each year.

To this end, I think that the balance has not been attained between the respect we should have for the fact that they are self-governed and the fact that they are also accountable to Parliament, which determines the funds they receive.

These bills are not new. Piecemeal legislation is constantly being introduced. However, important commissions considered this issue, such as the Penner commission, which examined the new relationship and how it could be changed since there was still a relationship of dependency. People wanted to change all that. Now, what we are seeing is the same old pattern along the lines of the philosophy in the Indian Act, which has been condemned by many people.

The Erasmus-Dussault commission did a great deal of work on this. I can only remind the House of its efforts. It cost taxpayers \$70 million and today, the report is collecting dust on a shelf somewhere in the Department of Indian and Northern Affairs. However, the report made several extremely important points. At the time, there was a desire to totally change the relationship and ensure greater respect for aboriginals.

● (1640)

In fact, much effort was made and a great deal of emphasis was placed on self-government and land claims. There can be no self-government without sufficient resources and an adequate land base.

I think that the Erasmus-Dussault commission did an excellent job on this. It is too bad that its work is not reflected in the legislation now before Parliament.

This bill is along the lines of the philosophy behind the Indian Act. The Bloc Québécois considers that keeping aboriginals dependent is taking a step in the wrong direction. This bill is, in our opinion, also a step in the wrong direction.

Consultation with the aboriginal nations is highly debatable, because the Assembly of First Nations spoke out about this. Yes, consultations were held, but the vast majority of those consulted voiced their objections.

Why is the federal government stubbornly introducing legislation on the first nations nonetheless? If we want to respect these nations and give them some measure of autonomy, we should not tell them that the Canadian Parliament will make all their decisions, as the Indian Act has done for over 100 years now, nor should we tell them we will now enforce legislation on financial administration that they must respect.

First nations have objected, and now we are talking about methods they will have to use without taking into account their self-governance and land claims, ignoring the treaties signed at the time, and imposing something new, somewhat as we did when we imposed the Indian Act. In my opinion, the federal government is headed in the wrong direction with this.

The government should have taken this consultation into account. Aboriginals have said that the bill is so terrible that even amending it would do no good. Today 18 amendments are being put forward. To us that is not enough because the fundamental philosophy underlying this bill is flawed.

We must recognize the autonomy of the aboriginal peoples and talk with them equal to equal. We should be able to tell such a nation how we could administer with them the money they are sent and how it would be acceptable to them. Unfortunately, this was not done, and that is why we are saying that this discussion between equals does not exist and has not existed. The concept of nation to nation does not exist either.

As I was saying, and I will conclude with this, as Quebeckers we consider ourselves to be a people and we would not want the same thing done to us, which is why we resist every time the federal government tries. Accordingly, we understand perfectly why the first nations are again resisting intrusion and a lack of respect toward them. Discussions are not being held equal to equal or nation to nation. They are having a bill imposed on them that they do not want. The Bloc Québécois is on the side of aboriginals. We will vote against this bill.

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•(1645)

[English]

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, the public is perhaps wondering what we are talking about here. Bill C-23 is designed to strengthen first nations real property tax regimes, create a first nations bond financing arrangement and in the process would create four institutions: the first nations tax commission, which would replace the Indian Taxation Advisory Board; a first nations financial management board; a first nations finance authority; and a first nations statistical institute.

There were 18 amendments tabled by the minister. We are speaking to one grouping of the two groupings that were created by the Speaker.

They accomplished several things. One thing they did not accomplish was that they did not separate the statistical institute from the rest of the bill. That was a significant request that had been made by a broad range of interests, including the Conservative Party. I find that somewhat unfortunate.

We will be supporting Group No. 1 amendments because there was widespread concern and desire to have this act ascertained as an optional exercise for the band level governments and this clearly specifies that. We are in pretty good shape that way.

I have been speaking about private property and have been looking at quite a bit of literature in relation to private property on reserves in Canada. There has been some very good literature produced recently. I will specifically make reference to a publication called *Masters In Our Own House*, published by the Skeena Native Development Society in May of last year.

The book talks about three cornerstones that are required in the way of bringing success and prosperity to first nations. We are making great progress on this front from the standpoint that there is some real leadership that is starting to be exhibited. Sometimes this cannot be one gigantic step but a series of smaller steps.

It is worth referencing that we have had taxation power available to bands across the country for about a dozen years or so. Today, 25% of the bands in British Columbia are exercising the authority and about 10% nationally. When we include the fact that British Columbia has almost a third of the bands in Canada, we can see that very few of those bands that are taxing are outside British Columbia. It is something that has led us to things like the bill we are discussing today.

The authority has been delegated to the bands under section 83 of the Indian Act and it would allow them to carry out this taxation scheme.

There are three cornerstones of successful governance; first, the market system must be allowed to function, it must be enabled; second, there must be an ability for the people to control the use and development of their lands to enable capital formation; and third, entrepreneurial thinking needs to be enabled for effective entrepreneurship to flourish.

•(1650)

I found this publication, produced by the Skeena Native Development Society, to be pragmatic and practical in terms of

pursuing those three cornerstones within the context of the Indian Act and the other sort of albatrosses that have pre-empted that from occurring. The Indian bands are trying to go somewhere important, and I think we went somewhere important last week when we talked about Bill C-11 in the House, the Westbank first nation self-government agreement. This publication talks quite a bit about that and I want to shed a little light to that whole subject at this time.

When this group looked at the problems inherent in developing the first nations, they actually talked about going from a command economy to a market-based economy. The Indian Act has created a command economy where the Government of Canada, through the Department of Indian Affairs and Northern Development, has been the one that was entrusted with all of the decision-making in almost every way. One can view that, as they did, through the lens of communist China. I will quote right from the document which states:

They were struck by the parallels between the economic development problems experienced during the Chinese transition to a market-based economy, and those presently confronting native communities.

This brought them to some not startling but pretty important conclusions because they were coming to those conclusions themselves. They were not conclusions that some academic or someone else in some other community was imposing upon them. These were conclusions they arrived at themselves and it was leading to major progress that would have major economic consequences downstream. They went so far as to quote from Hernando de Soto that:

The single most important source of funds for new businesses in the United States is a mortgage on the entrepreneur's house.

They went on to say:

Without this fundamental capability, will the financial institutions continue to avoid providing mortgage funds to First Nation entrepreneurs? In many ways, the ability to mortgage is the litmus test of property rights.

The irony is that in Canada we now have many native individuals with the earning power to afford to carry a mortgage and build a home off reserve, but they cannot get the banks to lend them funds because they cannot collateralize the loan on the reserve because of the lack of simple title. There is a clear recognition about the concern about clear and enforceable property rights, which is compromising transactions both on and off reserve.

I would like to conclude by saying that this concern has been addressed partially by the first nations land management act, more wholly by the Sechelt agreement in British Columbia, more wholly again by one small part of the land allocation to the Nisga'a, and almost completely by the Westbank agreement, Bill C-11, before the House.

•(1655)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it was one week ago today that the Prime Minister, the Minister of Indian Affairs and Northern Development, and others held an aboriginal summit just down the street from this place. They brought in aboriginal leaders from around the country and told them that from now on the government was going to do things differently, and that there was going to be a whole new fiscal relationship between first nations and the federal government.

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Yet, exactly seven days later we are in the House of Commons and the first nations people are faced with the government ramming legislation down people's throats that they have expressly stated they do not want and are not interested in. I wanted to point out this glaring contradiction. This bill of goods has been sold to aboriginal people across the country that things are going to be different. As a cautionary note, we have with us today dramatic evidence that things are no different. Things are exactly the same.

Having said that, let me say that it is the height of Eurocentric arrogance, a European model of paternalism that imposes governance rules and systems of governance on people such as first nations without their full participation and opting into that sort of process. What we have today is the tail end of the first nations governance act suite of legislation that was introduced by the last minister of Indian affairs. This is the rump of that initiative.

We managed to stop Bill C-7 with great effort in the House of Commons and with aboriginal people around the country mobilizing to put the brakes on this ill-conceived first nations governance act. What we have today is an aspect of the FNGA. It is an integral part of that suite of legislation that was so soundly rejected by aboriginal people across the country.

All we really need to know in the House today, as we debate these amendments to a flawed bill, is that the governing councils of first nations in this country, the Assembly of First Nations, have looked at this bill and rejected it. They have done so on a number of occasions.

In November 2002 there was a resolution. The Assembly of First Nations, at a meeting held in Ottawa on November 19 and 20, 2002, looked at the fiscal and statistical management act, and the proposed first nations fiscal institutions bill. I am holding the resolution here. I do not need to read all of the "whereas" and "therefore be it resolved" paragraphs, but members can take my word for it that they overwhelmingly voted down this bill. They reconvened again on February 20 and 21, 2003. In fact, this time it was the AFN's fiscal relations committee. It reconsidered this particular bill and again voted it down.

We either have respect for the legitimately elected leadership of first nations in the form of the Assembly of First Nations or we do not. The Prime Minister cannot on one day, Monday of last week, say that he has respect for the leaders that he brought to the table and then one week later act in a way that clearly shows that he does not have any respect for these particular resolutions, democratically asked at the legislative Assembly of First Nations.

Even more recently, in October 2003, I actually went to the Squamish first nation where it had called a meeting of the Assembly of First Nations to deal with this very bill at that time. The B.C. chiefs, who are actually interested in this bill, felt they had enough interest from the other chiefs to vote in favour of what was in Bill C-19 at the time. When the two day meeting was convened, even the chiefs in B.C., of whom there are over 200, could not carry the day and again it was voted down.

• (1700)

The only thing members of the House of Commons need to know is that the Assembly of First Nations met three times in the last year and half, looked at Bill C-19, now Bill C-23, and categorically

rejected it. They were not interested. They go to the basic core of the issue in their objections. They are looking at this from the point of view of section 35 of the Constitution, inherent and aboriginal treaty rights, the inherent right of aboriginal people to govern themselves. This is not in that vein. This misses the boat.

Even if there were elements of the bill that would be helpful and useful, and some first nations may in fact wish to avail themselves of elements of this bill in terms of pooling their borrowing capabilities, even their ability to issue bonds, et cetera, those are things that can be done and are being done even outside of the legislative framework.

What we find here is a growing mobilization across the country to bury the bill altogether. In keeping with the promises and the sentiments of the meeting of last Monday, aboriginal people and first nations across the country are mobilizing to kill Bill C-23.

People from around the country are on their way to Ottawa right now, busloads of people mobilizing to come forward to tell you and to tell members of Parliament through you, Mr. Speaker, that they do not want Bill C-23. Who are we then to dictate to them what they should have and what we think their system of government should look like? We are a bunch of white guys and a couple of white women in suits who are going to once again, in a Eurocentric, colonial style, dictate to them what we think their way of life should look like.

I have a fax here which says "red alert". Right across the country there is a red alert going out stating that Bill C-23 will be coming up for debate in the House of Commons on Monday and that people should mobilize, come together and defeat the bill. People will be coming to Ottawa and they will tell the Liberal government in no uncertain terms that this is not in keeping with any kind of new fiscal relationship between first nations and the federal government.

The bill is a disappointment. Some hope and optimism was dangled under the noses of aboriginal people just a week ago today. I think it is a cynical gesture on the part of the House leader of the Liberal Party to table this bill today and have us debate the bill at all in the context of those promises made just one week ago. It is not lost on the leadership of aboriginal communities across the country. In fact, people are taking note that we are having this debate today.

The amendments put forward would have members believe that these first nations' fiscal institutions will be optional. Those who are pushing this bill are saying that they do not know what the aboriginal peoples are concerned about because this is an option for which they can avail themselves.

The bill is optional in the same way that a driver's licence is optional. People do not have to go out and get a driver's licence but if they ever want to drive a car they do. That is the same logic that applies to these pieces of legislation.

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First nations do not have to avail themselves of the new fiscal institutions and the tax commission but if they go to the federal government under their formal relationship that they have today, the fiduciary obligation with the federal government, and ask for help for economic development, the federal government will say, "Your options lay over in the first nations fiscal institution. Sign on your community to this new package of four financial institutions and you can borrow money on the open market to build your own sewage treatment plant. Do not come running to me." That is the fear that small communities have that will happen. This is what the predictable consequences of the bill will be.

● (1705)

Even though the parliamentary secretary has dutifully put forward amendments, we cannot accept them and we cannot accept the bill. We think the bill flies in face and is in direct contrast to the commitments made to aboriginal people last Monday. It is a load of hooley.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I stand today in support of Bill C-23, a bill that I believe is good for all first nations and also for Canada.

I particularly wanted to mention Chief Tom Bressette who is in southwestern Ontario, the area of the country in which I live. I know he has worked very hard, as have other distinguished people working on this bill. I think the bill is a tribute to the hard work of these individuals who gave their input so that we could be in this chamber today discussing the bill.

The four institutions that are central to the legislation will provide a means for aboriginal peoples to participate more actively in the Canadian economy and foster business friendly environments while meeting the specific needs of their communities.

Just a few short decades ago the economic prospects for first nations and Inuit communities were extremely limited. Government policies restricted the ability of these communities to exploit natural resources on their ancestral lands. Many communities, already geographically remote, were further isolated by undeveloped communications and transportation links.

Today it is different. Aboriginal businesses operate in every sector of the economy: in primary industries, such as mining; in secondary industries, such as manufacturing; and in tertiary industries, such as telecommunications. More and more aboriginal businesses export their goods and services abroad and aboriginal trade associations help fledgling entrepreneurs grow their businesses.

Despite these improvements, first nations still face many barriers to sustainable growth and economic development. These obstacles include the challenge faced by aboriginal entrepreneurs and communities in acquiring sufficient equity and debt capital to undertake development initiatives.

Many first nations have already demonstrated that once they gain access to capital they can invest wisely. In the western oil patch, for example, the Dene Tha' and the Saddle Lake First Nations have acquired stakes in a total of five oil rigs that operate under contract to petrochemical companies. Squamish First Nation, as another

example, is participating in a \$17 million hydro-generation project on Furry Creek.

These investments create employment and training opportunities for band members. The projects also generate profits that can be reinvested in the local community: in social services, in health care and in education.

I believe the first nations fiscal and statistical management act, a first nations-led initiative, would offer first nation communities access to tools that will enable greater economic development and growth and improve the quality of life in the communities.

While the benefits of the act would be many, I believe its potential to unlock economic development opportunities for first nations deserves some very special attention.

The legislation, the result of more than a decade of work by first nation leaders and other partners, would establish four institutions that will be operated by and for first nations. These institutions would improve the ability of first nation governments to provide services, build infrastructure and, most important, create employment.

For example, one of the institutions, the first nations finance authority, would enable a band council, just like any other local government, to raise long term private capital at preferred rates. Currently, first nations seeking to borrow funds for community infrastructure face prohibitive transaction costs, processing times and interest rates. Due to the lack of an appropriate legislative and institutional framework, \$1 of first nations' tax revenue buys 30% to 50% less in capital works than the revenue of other governments. I think this has to be changed.

Improving first nation access to affordable capital would help pay for much needed economic infrastructure, infrastructure that would not only make a difference to the lives of the people in first nation communities but would also increase first nation participation in the economy, make first nation communities better able to draw investors and enable first nation entrepreneurs to launch successful businesses and attract partners.

Aboriginal entrepreneurship represents a tremendous opportunity for all Canadians. Indeed, I am convinced that fostering aboriginal entrepreneurship is vital to Canada's long term prosperity.

Let us consider for a moment Canada's changing population. We are currently experiencing an aboriginal baby boom, particularly in the western provinces and in the northern territories. The aboriginal population, already significantly younger than the rest of the Canadian population, is also growing much more quickly.

● (1710)

Furthermore, aboriginal young people are twice as likely as other Canadian youth to start businesses. I think that is an important statistic. I believe these trends represent significant opportunities for economic growth.

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To make the most of these opportunities though, aboriginal communities must be able to participate more readily in the economy. To do this they must have clear access to their resources and to affordable capital for economic development. Entrepreneurs require business partners.

With the practical fiscal management tools that are at the heart of the legislation, first nations would be able to better manage their land and could more easily acquire the funds that they need to engage in community building projects.

Bill C-23 would also lead to greater and more immediate decision making powers, enabling the first nations themselves to capitalize on existing business relationships and build new ones.

As first nation economic development expands, the range of work experience available to first nation peoples will continue to broaden. It is precisely that breadth of experience that will foster ongoing innovations and stimulate Canada's economy.

A new generation of aboriginal entrepreneurs, bursting with ideas, energy and confidence, is keen to make a mark on the business world. Canada, the major exporter in an increasingly competitive business world, cannot afford to waste any of that talent nor that energy.

A second of the four institutions that would be created by the act is the first nations management board. The board would certify financial management systems, practices and standards of first nations that choose to participate and would also ensure financial performance remains constant. Certifying the credit worthiness of first nation communities will strengthen their ability to gain access to low cost capital.

As well, the institution would promote financial management capacity development and encourage adherence to sound financial management practices. This is being done already in a lot of the communities and I encourage this practice.

I believe the first nation communities and businesses that are built on solid financial management foundations will attract more investors and a greater number of business partners from private sector and public sector alike.

As the House will recall, the government made a pledge in the Speech from the Throne to see real economic opportunities for aboriginal individuals and communities.

Over the last 10 or 11 years I have had the pleasure of chairing the aboriginal committee and the finance committee. In my capacity as Parliamentary Secretary to the Minister of Justice, I now get to travel the width and the breadth of this nation. I have met with many of the aboriginal people and leadership across the country and I see that we can be moving forward. Sometimes it will be in partnership and sometimes it will be the entrepreneurs but the talent and the expertise is there.

We are getting the education in place for the younger people. I think we have to be facilitative, encouraging and be champions for the things that can better the lives of our aboriginal Canadians. The Bill goes in that direction.

●(1715)

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, I too rise today in support of Bill C-23, the first nations fiscal and statistical management act.

This important legislation will provide first nation peoples with access to the tools they need to increase their participation in our economy. Under the provisions of Bill C-23, as I think my colleague has mentioned, first nations will gain access to the financial instruments and mechanisms used by municipal governments to raise capital and secure investment. With this capacity, first nations will be able to realize their dreams of self-sufficiency and prosperity.

The impetus for this legislation originates with first nation leaders from across the country. For many years, residents of aboriginal and first nation communities have had difficulty accessing the mainstream economy. First nation communities have struggled to raise capital needed to develop on-reserve infrastructure.

To address these issues, Bill C-23 will establish four distinct yet complementary institutions: a financial authority, a tax commission, a financial management board, and a statistical institute.

Once these institutions are in place, first nations will have many of the practical tools long enjoyed by other governments, such as the ability to borrow money at competitive rates, to develop effective real property tax systems, and to ensure that the interests of taxpayers are adequately represented. First nations that choose to participate in these institutions will also be able to increase financial management capacity and improve long term planning through greater use of accurate and current statistical information, the very things that my municipality and other municipalities have. In short, first nation communities will exercise greater control over their economic and social destinies. Real choices will exist.

Solid infrastructure is fundamental to the health and sustainability of every community in Canada. It is the reason why we have invested so heavily over the past seven years in municipal infrastructure. This government has had successive waves of, in my case, Canada-Ontario infrastructure programs, which have made a real difference in my community and in other communities across the country. Transportation links, water and sewage treatment facilities and other components of modern infrastructure are absolutely essential to economic growth. Local governments across Canada have long funded infrastructure projects through low interest, long term loans. Lenders were keen on these investments because of the legal, political and social stability of such governments.

However, and sadly, first nation band councils do not enjoy the same legal status as local governments. As a result, these councils are often charged prohibitively expensive transaction costs and interest rates. Administrative burdens and lengthy approval processes often delay the start of projects, leading to additional costs. The combined effort of these impediments is that few first nations can afford to undertake capital projects, the capital projects that, I will state again, are important to the health and social services of communities.

Several years ago, thanks to the leadership of Westbank First Nation, one of the most progressive and prosperous aboriginal communities in Canada, a new financial instrument was created. The First Nations Finance Authority Incorporated, or FNFA Inc., enabled member communities to pool their resources.

As the number of first nations participating in FNFA Inc. grew, so did the feasibility of issuing debentures to access longer term money at lower interest rates. The concept attracted the support of a key partner, the Municipal Finance Authority of British Columbia. That authority has 30 years' experience and a triple-A credit rating.

Bill C-23 provides the legal framework for first nations to fully participate in the bond markets. The legislation establishes the First Nations Finance Authority, FNFA. The FNFA will enable first nations to raise private capital at preferred rates to build roads and undertake other capital infrastructure projects such as roads, bridges, sewers and water systems. In a process similar to the one used by local governments, a participating first nation can scrutinize a portion of its long term revenues such as those generated by real property taxes.

● (1720)

Analysts estimate that by scrutinizing the real property tax revenues of interested first nations, approximately \$125 million in debt financing could be raised within just five years. An investment of this magnitude in this specific time period would have a significant impact on the communities of participating first nations, communities that are ready to go and want to offer important opportunities to their constituent members.

The ability to generate property tax revenue is a crucial part of a community's financial stability. A growing number of first nations have collected these taxes since the Indian Act was amended in the 1980s. Tax revenues have enabled band councils to provide services, build infrastructure and create jobs and businesses.

Bill C-23 will establish the first nations tax commission, or FNTC, to facilitate the establishment of property tax regimes by band councils who choose to do so under this bill.

The FNTC will develop the standards which underlie the first nations property tax system and which are needed to effectively balance community and ratepayer interests. Dispute resolution and law approval processes will be established. The net result of these actions will be a secure and stable fiscal environment, something that all of us need in each of our municipalities, in each of our communities.

As the Prime Minister has said so many times, strong communities develop a strong nation. That is what we are achieving with Bill C-23.

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For this environment to thrive over the long term, it is imperative that first nations have adequate financial management standards and procedures in place. Lenders must have a clear and accurate picture of the fiscal health of borrowers. Independent assessments must be readily available.

The first nations financial management board, or FMB, will help to meet these requirements. There are two components of the FMB's mandate. The first focuses on first nations that collect property tax and seek to borrow against these revenues. The FMB will certify financial management systems, practices and standards and monitor the performance of these first nations. The FMB will be able to intervene promptly and decisively when needed.

Under the second part of the mandate, the FMB will provide a range of professional services to first nations. The FMB will assist with research in advocacy, policy and capacity development, along with financial management, reporting and standards. These activities will help first nation communities to make the very most of their financial resources.

As part of building to a better future, first nations need to have accurate and current statistical information as a basis for informed decision making. Unfortunately, to date, the quality, consistency and accuracy of statistical systems in first nation communities are very inconsistent. There is a very great lack of accurate and current statistical information.

The fourth institution included in Bill C-23 will address this specific issue. The first nations statistical institute, or FNSI, will create a common database of information accessible by all first nations. The database will provide first nation leaders with the accurate information they need to make sound decisions; predictability, accountability and transparency.

I believe that the tools available through Bill C-23 will help to close the considerable gaps that exist between aboriginal and non-aboriginal communities across this country. By providing institutional support and embedding rigorous standards, the legislation prescribes a balanced approach to long term financial health for first nations. Clearly, all Canadians stand to benefit, particularly our first nation peoples, who are ready to go and are tired of seeing economic opportunities pass them by.

I urge all hon. colleagues to lend their support to this bill. This is a set of four very important tools for first nation communities. These tools will make sure that they can participate fully in our Canadian economy. They will make sure that first nations have the opportunity to be who they want to be in terms of economic progress and opportunity so that kids do have a real future and better economic success.

● (1725)

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise to address the House at the report stage of Bill C-23, the first nations fiscal and statistical management act.

Government Orders

It is well known that many first nations support this bill, while there are indeed others who oppose it. While previously passing many resolutions in support for development of the institutions, the Assembly of First Nations voted last fall to withdraw its support. More recently, however, National Chief Phil Fontaine expressed a preference that the bill be optional so that legislation does not prevent other first nations from pursuing alternative approaches to economic development, sole source revenue and resource revenue sharing.

This government remains respectful of the democratic process within the AFN. We value the still considerable support for the bill among a large number of first nations and we remain steadfast in our belief that Bill C-23 is a valuable financial tool for those first nations who choose to benefit from its opportunities. We continue to support Bill C-23 on behalf of those many first nations who have worked long and hard toward its development.

Bill C-23 was led by first nations for interested first nations. Furthermore, Bill C-23, like all federal legislation, is developed in the context of the Constitution. Section 35 of the Constitution Act, 1982, provides substantial protection for aboriginal and treaty rights. Legislation, including Bill C-23, cannot lessen that protection.

We equally support the optional nature of the bill on behalf of those first nations who oppose it. Indeed, even in its opposition to the bill, the Assembly of First Nations does not deny the options under the bill that are open to those first nations that wish to exercise them.

First nations both for and against the bill continue to look toward the negotiation of claims and self-government agreements with Canada and, from these, new fiscal relationships. We must continue to work on those broader issues.

Bill C-23 flows from many years of work that began with Bill C-115, the 1988 amendment to the Indian Act. A first nation led amendment, Bill C-115, set out first nations authority to collect real property taxes on first nation lands. In fact, it corrected a situation whereby property tax revenues were flowing to neighbouring communities and no services were flowing back. Development funds were being lost.

Over the past 15 years, 98 first nations have exercised their property tax powers and more are developing laws to do so. More than \$43 million is now generated annually, which is being used to deliver quality local services, support economic growth and improve the quality of life in first nation communities.

Since its creation in 1989, the Indian tax advisory board, a first nations board, has looked toward securing a legislative base by which to better advance first nation interests. Bill C-23 would do exactly that.

It would also address many of the issues first nations have faced in building their property tax systems and in working effectively with taxpayers, potential business partners and also investors.

Bill C-23 would also realize a dream of the First Nations Finance Authority Incorporated, known as FNFA Inc., which was incorporated in 1995. Its all first nation board has led the work to see first

nations gain access for the first time to the bond market in order to secure affordable capital through Bill C-23.

Today first nations pay 30% to 50% more to finance capital works because they lack the legal and institutional framework by which to issue securities on the bond markets. The extraordinary transaction costs and time, and the crippling interest rates they must pay, are major barriers to economic, social and cultural development.

To remove these barriers, FNFA Inc. has lobbied the Government of Canada for many years for a legislated basis. Bill C-23 would allow first nations to issue investment grade securities. There is much interest in these securities on the part of the investment community, including the ethical funds.

● (1730)

The bill would provide first nations with modern tools of government already enjoyed by other governments in Canada. While the proposed financing authority would be fully independent from the Government of Canada, the other institutions, the proposed tax commission, financial management board and statistical institute would operate at arm's length.

This structure recognizes the continuing relationship between first nations and the Government of Canada and the need to work cooperatively on complex questions such as building a new fiscal relationship. The institutions would help interested first nations develop a more effective voice in these long term development issues.

The Prime Minister hosted an aboriginal round table on April 19 of this year, looking to speak to aboriginal leaders and discuss their concerns and formulate solutions. Assembly of First Nations National Chief Phil Fontaine, spoke to the press after this round table and laid out the critical elements of successful nation building and economic development, as cited in a study from Harvard University, including:

Capable governing institutions that exercise power effectively, responsibly, and reliably;

and Cultural Match, which means creating institutions that reflect First Nations values.

Leadership and strategic direction underlie all these principles...This means we must work out arrangements for resource-sharing and power-sharing.

Bill C-23 meets these guidelines and in fact epitomizes them.

Over the course of the bill's legislative history, we have heard first nations people speak both for and against the proposed first nations fiscal and statistical management act.

Government Orders

Many of those speaking against the bill also acknowledge that first nations are diverse in nature and do not seek to deny access to those first nations who see opportunity in Bill C-23. Some even have noted that their community might have an interest in Bill C-23 at some time in the future, particularly if their economic situation were to change through future negotiations or developmental activity.

First nations do indeed have diverse views. Bill C-23 would honour this diversity. Bill C-23 would allow each first nation to decide if and when it would make a law in order to exercise a power pursuant to the bill or would request a service from an institution. It would give first nations the choice to access a valuable tool, and the choice to realize their unique visions for developing their communities on a level playing field.

I support Bill C-23 and I hope to see my fellow members do the same thing.

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, the suggestion has been made that Bill C-23, the first nations fiscal and statistical management act, does not address the real priorities of first nations in the areas of basic services, health, education, and social services. Indeed, it has been suggested that it is a waste to be investing in strengthening first nations governance and institutional capacity.

First, let me remind the House that Bill C-23 stems from a vision of certain first nations leaders who chose not to delay their opportunities for brighter futures by waiting for the Government of Canada. Instead, they exercised their control and created a pact that would include working to develop this legislation, making certain that it would bring greater certainty to their people in giving back greater control over their futures with better opportunities, especially for their children.

In many respects, Bill C-23 complements the positive action taken by Indian and Northern Affairs Canada in line with the first nations' priorities, among them social programs, education and employment opportunities.

Indian and Northern Affairs Canada is working to ensure that social services reach those in greatest need, with a focus on first nation children on reserve. This focus on children recognizes that positive impacts made in the early years of life have a direct bearing on a child's healthy, long term development and well-being, which is a key to accessing longer term opportunities.

INAC's work emphasizes ongoing collaboration with federal and other partners to deliver important initiatives, such as the aboriginal head start program which helps prepare young first nation children for their school years by meeting their emotional, social, health, nutritional and psychological needs. Other programs and services cater to the needs of lower income families and the immediate community. As well, there have been improvements in the areas of child care, child nutrition, community and cultural enrichment, family violence shelters and prevention programs, all of which are culturally sensitive.

INAC is also working to provide first nations with the tools to improve quality of education from early childhood development to preparation for access to the workforce. A national working group of first nation education, for example, was created in partnership with

first nations to look at ways to foster excellence in first nation education and help narrow gaps in economic results.

In consultations with first nations and the Assembly of First Nations, INAC has adopted a case management approach which guides income assistance recipients through a continuum of training and support services, enabling participants to benefit from and remain in federal-provincial welfare to work initiatives.

Aboriginal employment programs and services are also part of INAC's strategic priorities. Improved employment opportunities for first nations people have also come about from programs like the aboriginal workforce participation initiative, which partners governments with business to fill human resource needs with a trained, qualified aboriginal workforce to INAC's own commitment to a 50% aboriginal-external hiring strategy.

First nations people do not want to continue the status quo. They want greater control over their own affairs and an improved quality of life. As well, they seek more opportunities for themselves and for their children. To this end, they want to ensure that their programs are effectively delivered, opportunities for economic growth are created, and they are engaged in the discussion of a new fiscal relationship between first nations and Canada as a way to sustain their programs and services.

Bill C-23 would provide first nations with the tools needed to help meet these three objectives, and therefore should be viewed as an investment in a brighter future for first nations.

With respect to the first objective of ensuring effective program delivery, first nations look to build the tools they need as they assume greater control over their own affairs. They look to strengthen financial management and accounting practices, the facility to demonstrate transparency and accountability, and the capacity to effectively manage scarce resources.

The work of the financial management board would be valuable in this area. The board would provide leadership and support to strengthen the financial operations of participating first nations. The board would coordinate its efforts with those of the Aboriginal Financial Officers Association of Canada which is affiliated with the Certified General Accountants Association of Canada.

Through its work as a centre of excellence, the board would help first nations and their enterprises elevate standards, establish and maintain sound financial management, and ultimately to adopt financial systems based on national standards comparable to other governments.

Government Orders

The second objective that I mentioned was that first nations were seeking to participate more fully in the Canadian economy in order to improve the quality of life for their people. To help meet this objective, a strengthened first nations tax regime, managed by the Tax Commission, would help first nations to build predictable tax revenue streams which the financial authority would apply to secure long term debt financing for major capital projects.

• (1735)

This integrated system is optional in all respects. It would give first nation governments that wish to participate their first access to the bond markets. It would unlock real and significant opportunities for sustained economic growth and, ultimately, a better future for first nations.

It is true that not every first nation is interested in or able to build a tax system. First nations are diverse in nature. However, this does not diminish the importance of the bill to a number of first nations now poised to bring its benefits to their people.

Today, all first nations enter into many different borrowing arrangements with banks and suppliers. This option will remain open with Bill C-23. However, the creation of the first nations finance authority will make it possible for first nation governments to borrow money through the bond market and at lower interest rates than otherwise available.

The use of lower cost capital would increase the construction of in-ground infrastructure that is ready for commercial use, and give prospective private developers a favourable view in their decisions about establishing businesses on reserve lands. In the same way, and without a waste of first nations financial resources, new recreational facilities or community centres could be built at lower costs. I could see communities that would benefit from access roads and upgraded water and sewer lines which support economic ventures, such as a gas bar or a strip mall.

In time and with experience, new financing options may even be developed to increase the construction of houses and help deal with a backlog in housing units in first nation communities. The potential benefits to first nations people would be significant in terms of increased employment, income, self-reliance, control over their own futures and community growth.

Finally, the third objective I mentioned was that first nations could look to build a new fiscal relationship with Canada. They are looking to break the cycle of dependency by realizing legitimate opportunities for themselves and for their children. With that objective in mind, first nation proponents of this legislation have pushed for and have actively engaged in dialogue with the Government of Canada on a broad range of issues.

As a result of their consultations on enhanced statistical capacity, for example, first nations people are now poised to become more self-reliant by using the tools offered by Bill C-23 to engage in the joint policy discussions required to unlock critical social, educational and economic opportunities.

That is why the first nations statistical institute will focus on bringing timely, relevant and credible information to bear on policy development and program management. The institute would assist

first nations in developing the systems that chiefs and council would require to meet their leadership responsibilities.

Statistics Canada and first nations statistics would have separate but complementary roles. For example, with proposed cooperative data sharing regimes, first nations statistics would draw data from many reliable sources, including Statistics Canada, giving first nation decision makers the essential access to reliable statistical information which they have lacked. As most Canadians can appreciate, the social benefits of reliable and timely statistics seem well worth the cost.

As well, both the financial management board and first nations statistics will offer professional research and policy development services on behalf of all first nations and thus strengthen their capacity to participate at intergovernmental discussions on building new fiscal relations.

Allow me to summarize the advantages that can be garnered under Bill C-23.

I have mentioned the importance to first nations that their programs are delivered effectively. Under the legislation, the financial management board could assist individual first nations to better manage their program costs, more effectively deliver their programs and thereby improve the results for first nation people.

As well, I have mentioned the importance to first nations of creating opportunities for themselves and their children. Under Bill C-23, the first nations tax commission would help to strengthen first nation real property tax regimes. First nations may use their tax powers and work with private developers to establish the infrastructure needed to trigger sustainable business development and to help build a better future.

I have mentioned the importance to first nations of discussing a new fiscal relationship with the Government of Canada. Under the legislation, the first nations finance authority would offer mechanisms necessary for first nation governments to participate in the complex world of bond markets and capital financing similar to other governments.

Discussion of fiscal matters would then take place on a more equal footing. The work of first nations statistics would bring more reliable and timely statistical information to inform discussions between first nations and the federal government.

The proposed first nations-led legislation was developed through the investment of many visionary cooperative efforts over a number of years, which bodes well for its acceptance and implementation. It will help them meet important objectives.

Government Orders

• (1740)

Let us lend our support to their vision by passing this legislation so that first nations people will be able to access real opportunities which will improve their lives.

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I am pleased to stand today to speak in support of Bill C-23, the first nations fiscal and statistical management act. I intend to support this legislation at report stage. This bill was introduced last year as Bill C-19 and its passage has been long awaited by many first nations leaders. The bill is clear proof that the government is serious about fulfilling its commitment to first nations and aboriginal peoples.

The House will recall that in the recent Speech from the Throne the government committed to address the difficult but essential work of renewing its relations with Canada's first nations. The government vowed to undertake a new, collaborative approach in working with aboriginal leaders. The government also pledged to rekindle this relationship based on equality, trust and mutual respect. The government clearly indicated that fostering economic development in first nations communities and narrowing the gap in living standards between aboriginal and non-aboriginal peoples was a foremost priority and a measure of what we are as a country.

A number of significant steps have been taken to begin removing barriers to economic progress for first nations. Land claims have been negotiated, self-government agreements have been signed, and modern governance regimes have been developed and implemented.

Together, first nations leaders and the federal government have taken much action to encourage first nations entrepreneurs, attract investment, and create jobs in first nations communities. These measures are creating genuine hope and opportunity in first nations communities, thereby enabling first nations families to share in the prosperity that many other Canadians take for granted.

In recent years aboriginal economic development has undergone a truly remarkable transformation. Indeed, aboriginal owned businesses now operate in virtually every sector of the economy. Although factors such as improved transportation links and communications technologies have certainly contributed to the shift, I believe the principal difference has been a significant change in attitude.

I believe that in the past few years a spirit of collaboration has grown among aboriginals and non-aboriginals in both public and private sectors alike. Regrettably, not all aboriginal peoples have fully shared in this country's wealth and good fortune. Despite many positive strides forward, the economic condition of many aboriginal communities are simply unacceptable.

Bill C-23 is a vitally important measure to help bring first nations people into the economic mainstream of this country and to help first nations raise the living standards of their members. This legislation, led by first nations able and eager to wield increasing fiscal and administrative authority, would create four innovative institutions. These institutions are designed to support the sound fiscal management and encourage robust economic development in communities.

First, is the first nations finance authority, which would enable participating first nations to issue bonds and raise long term private capital at preferred rates to construct roads, water treatment plants,

sewage systems and other crucial capital infrastructure. The first nations tax commission, which would evolve from the Indian Taxation Advisory Board, for those first nations who choose to participate would streamline the real property tax law approval process and help to reconcile community and ratepayer interests.

The first nations financial management board would provide professional advice and guidance in the development of financial management capacity on reserve, and the independent and professional assessment services required for entry into borrowing pools. Finally, the first nations statistical institute would assist first nations to meet their own statistical needs while encouraging participation in and use of the integrated national system of Statistics Canada.

• (1745)

Together, these four institutions would provide first nations with vital tools to foster economic development. These institutions are an essential means to help first nations access and manage the capital they require to grow and prosper. They are crucial levers for first nations people to raise living standards in their own communities.

It is important to note that much of the credit for this legislation lies with visionary first nations leaders. Rather than wait for the government to act, they took it upon themselves to address the absence in their communities of fiscal powers and institutional support, and to respond. These forward thinking men and women devoted an enormous amount of time and energy to develop the principles behind the bill. Many months ago they turned to the government for support in placing this fiscal, administrative and statistical framework on a strong legal foundation of fundamental requirements in seeking to attract investors and cultivate business development.

The result of these efforts is this pioneering piece of legislation. Bill C-23 would help first nations foster a business friendly environment, investor confidence and economic growth. The legislation would enable participating first nations to enter the economic mainstream by giving them the practical tools already used by many other governments. In fact, Bill C-23 would help first nations communities to be on the same level as other local governments. It is this fact that makes this truly a ground breaking piece of legislation.

Government Orders

The institutions created by the bill would provide first nations with access to capital markets already available to other governments. It made me ask, why is this so important? As hon. members may know, community infrastructure is fundamental to the quality of any community's life and economic growth. However, first nations seeking to borrow funds for such infrastructure currently face prohibitive transaction costs, processing times and interest rates. In fact, due to a lack of applicable legislative and institutional framework, a dollar of first nations tax revenue buys 30% to 50% less in capital works than revenue of other governments.

By making it possible for first nations to pool their borrowing requirements, Bill C-23 would enable many first nations, like other local governments, to raise long term private capital at preferred rates and it would provide first nations with institutional support to ensure they operate within their debt carrying capacity.

Bill C-23 is not a panacea for the challenges facing first nations. The legislation however is an important step forward for first nations people. The institutions created by Bill C-23 would lead to practical and long lasting benefits for communities. These institutions would improve the ability of first nations governments to address the social and economic well-being of their communities. The legislation would provide participating first nations with tools that other levels of government take for granted, essential tools needed by first nations to build their economies and to improve the quality of life on reserve communities.

It is important that all members support Bill C-23.

• (1750)

[*Translation*]

Mr. Gilbert Barrette (Témiscamingue, Lib.): Mr. Speaker, I would like to speak to Bill C-23, the First Nations Fiscal and Statistical Management Act in the debate at report stage.

The last time this assembly discussed the First Nations Fiscal and Statistical Management Act, some people wondered whether the first nations in fact supported the bill. Not only do many of them support it, they have worked long and hard to move it forward. These first nations deserve our support.

Bill C-23 is an extension of a series of measures initiated some fifteen years ago. In 1988, the House of Commons passed an amendment to the Indian Act which had been proposed by a first nation, a historical first.

This amendment, commonly referred to as the Kamloops amendment, in honour of the Kamloops first nation, had to do with the economic development of first nations. The amendment clarified the authority of first nations to collect property taxes on reserve lands. Before this amendment, taxes paid by non-aboriginals on property located on reserves often went to nearby municipalities.

As a result, many first nations did not have access to a revenue source they absolutely needed to provide services to their community and improve their local economy. Consequently, this deprived them of opportunities for economic development, job creation and improved quality of life for residents of the reserves.

All parties in the House gave their support to the 1988 amendment. Those who voted in favour will all be pleased to learn

that it did indeed generate new possibilities for the first nations. Bill C-23, inspired by the lessons learned since 1988, should have that same unanimous support.

The 1988 amendment created new conditions. In 1989, the first nations headed the creation of the Indian taxation advisory board, the purpose of which was to help the first nations establish a property tax system. In 1995, they set up the first nations property tax commission. Since then, this administration has helped first nations to raise private capital mainly via the bond market, using tax revenues in order to finance the infrastructures needed for their economic growth.

Bill C-23 is largely based on the research done and the experience gained by these two first nations bodies. Over the years, these organizations have consulted the first nations that were collecting property taxes, including the taxpayers and the financial and commercial sectors. These efforts proved very successful.

This budding tax system has allowed for the construction of public facilities on reserves, including drinking water supply and sewage treatment systems to support commercial development. Indeed, this tax system has allowed for the construction of public facilities that benefit all residents and that facilitate the delivery of public services to which these people are entitled, in return for the property taxes that they pay.

The current first nations property tax system provides greater financial leeway to local decision-makers. This has allowed them to improve public services for their community and to build their local economy. However, like any new system, experience tells us what improvements need to be made. This is why Bill C-23 is based on some 15 years of experience and seeks to strengthen the tax system to make it a real tool for sustainable economic development.

Bill C-23 will improve benefits for participating first nations. It will build a more comprehensive and more transparent tax system that will provide greater certainty to taxpayers, commercial partners and potential investors. These conditions are necessary to ensure thriving economies.

The bill also establishes the legal and constitutional framework that first nations need to set up a bond financing system.

• (1755)

This system will be available to all first nations that meet the eligibility criteria, and will reduce their borrowing costs by 30% to 50%. It will provide a better return on taxpayer dollars and a better balance between costs and benefits.

Although a growing number of first nations have adopted property tax bylaws in accordance with federal legislation, others have opted out of these provisions.

Government Orders

Each community can decide whether or not to exercise its taxation authority. Bill C-23 simply makes the necessary tools available to them. Each nation can choose to start imposing property taxes, using the provisions in the federal legislation. To do so, each nation must adopt its own bylaws. To date, 98 first nations have imposed property taxes in accordance with the provisions in the Indian Act, and 30 other nations are preparing to do so.

Agencies established under Bill C-23 will provide first nations with the professional support they have until now not had, which limited their potential for economic development in the Indian Act taxation system.

The first nations who choose not to levy property taxes or issue bonds will nevertheless benefit from the provisions of Bill C-23, which sets up dynamic statistical and financial management systems. These systems will be of interest to a number of nations trying to successfully complete their transition to self-government.

The bill makes it possible for individual first nations to choose the laws and services they need. It is a kind of menu perfectly suited to the first nations of Canada, whose interests and perspectives vary considerably.

Bill C-23 offers opportunities to the first nations—they can choose to take them or not. The experience of 1999 with the First Nations Land Management Act has shown the wisdom of this approach.

When that legislation was introduced, only a few first nations saw the advantage of establishing a legal framework that would give them greater mastery of their lands. These first nations called for changes and put their energy into achieving them. Today, more than 100 first nations want to use the tools in the First Nations Land Management Act to meet their needs.

The Auditor General of Canada consulted 13 first nations and 4 tribal councils and governments in 5 provinces. Her 2003 report describes the three main obstacles to economic development for the first nations, namely, barriers to accessing economic development resources, barriers to accessing federal business support programs, and barriers resulting from federal management and institutional development approaches.

Bill C-23 illustrates the work of a group of first nations who came together to overcome some of these barriers to their development. They did so for a good reason: they knew their members were suffering everyday because of the presence of these barriers causing lost opportunities and reducing their quality of life.

These first nations deserve our full support for this bill.

The time has come to go ahead with Bill C-23. The time has come to support the first nations who will take advantage of these provisions in order to attract and maintain investments in their communities. The time has come as well to give them the tools that non-aboriginal communities have taken for granted for a very long time.

● (1800)

[*English*]

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, I am pleased to rise today to debate Bill C-23, the first nations fiscal and statistical management act.

What we have before us is truly unique. The proposed legislation is first nation initiated; its development was first nation led; and the institutions it would create are first nation controlled.

I believe that all members will agree that we want to improve the quality of life in first nations communities. A number of steps have been taken over the past few years to begin removing barriers to first nation economic progress, self-reliance and self-government, but much more is needed and is needed now. The status quo is not acceptable.

Rather than wait for government, certain visionary first nation leaders took it upon themselves to address the gaps in fiscal powers and institutional support. They have devoted an enormous amount of time and energy to developing this initiative. Many months ago, they turned to the government for support in establishing its legal foundation, a particularly important aspect of the initiative as first nations seek to attract investors and business development. This is the purpose of Bill C-23.

Bill C-23 is a lengthy and technically complex bill, and I cannot hope to address all of its provisions in the time I have been allotted today. However I would like to quickly review the key elements in the bill.

As a first step, Bill C-23 defines first nation property taxation powers in much more detail than does the Indian Act. The bill also features provisions for property assessment, rate setting and budget based expenditure systems that continue first nation provincial property tax harmony while reconciling the interests of first nation governments and those of their taxpayers.

Bill C-23 provides for the evolution of the existing Indian Taxation Advisory Board into the first nations tax commission. This commission will build on the work of the Indian Taxation Advisory Board which has helped 98 first nations enter the field of property taxation since 1989. I should note that those first nations are now collectively raising more than \$40 million annually in tax revenue.

Under Bill C-23, ratepayers will be assured a role in policy development and an improved system for hearing appeals and resolving disputes than is the case under the present Indian Act.

Government Orders

The proposed legislation will also clarify certain borrowing powers of first nations and create a first nations finance authority. Through the work of this institution, first nations, like other local governments in Canada, will have access to bond markets to raise long term private capital to finance the construction of roads, sewers, water and other types of infrastructure. This will be a first for aboriginal people in the world.

Assisting first nations to access the bond market will help them participate in the economic mainstream, better balance taxpayer costs and benefits, and realize a better return on tax dollars. The cost of borrowing will be reduced 30% to 50% compared to the current situation.

The first nations finance authority is modelled on the Municipal Finance Authority of British Columbia, which has 30 years of experience and a triple A credit rating. The proposal has been endorsed by major underwriters and credit raters and is expected to raise \$125 million in private capital over its first five years of operation.

There is yet another gap that needs to be addressed, a gap in the financial management capacity of first nations. To this end, Bill C-23 will create a completely new institution, the first nations financial management board, which will offer a full range of services to support first nations financial management and accountability. This will be accomplished through the establishment of financial standards, promotion of capacity development, and ensuring that the rigorous systems and assessment services are in place to maintain the confidence of the markets.

• (1805)

Finally, Bill C-23 provides for the establishment of first nations statistics to fill the current gap in reliable data and well targeted analysis on first nations populations, economic growth and other matters. Good quality information is needed to support first nations decision making both at the national level and locally. To this end the statistical institute may work with the first nations, federal departments, Statistics Canada and provincial statistical agencies to help the first nations meet their information needs while at the same time building the shared data required to support effective Canada first nations developmental activities.

Many first nations, particularly the 98 that already have a tax system in place, will be quick to opt into the borrowing regime and other services provided through the bill. Other first nations may take more time to take up these opportunities and still others may decline them outright. Participation in this new initiative will be completely optional, a very key part of the bill.

First nations choosing not to proceed with property taxation or borrowing under the bill may still benefit from the specialized advisory and support services regarding financial and statistical management.

As we can see, each of these institutions, the tax commission, the financial authority, the financial management board and the statistical institute has a unique independent and professional role.

This is important legislation for first nations. Together, these institutions will provide first nations with the right tools needed to foster a business friendly environment, investor confidence,

economic growth and sound governance. Bill C-23 will help participating first nations advance into the economic mainstream by giving them the practical tools already used by other governments. It will help them to ensure that the first nation real property tax financing, financial management and statistical systems are harmonized in a way that facilitates shared efforts with other governments. It will provide better representation and more certainty for on reserve taxpayers and a better return to the community as a whole from the tax dollars raised.

As I noted at the outset, the proposed first nations fiscal and statistical management act is a first nations solution. It was developed through the National Table on Fiscal Relations, a body established some five years ago as a consultative forum between the Assembly of First Nations and the Government of Canada.

Key players in Canada's financial markets, such as the Royal Bank of Canada, Dominion Bond Rating Services and Moody's Investor Services, have provided valuable input on the structure and operations of these institutions.

I want to conclude my remarks with this thought: Economic development is the road ahead. This is the path sought by first nations to improve their quality of life. Many first nations have begun this journey but have encountered obstacles which we can help them remove.

In order to seize control of their own economic future, first nations do not need to have their hands held, but they cannot succeed with their hands tied. These initiatives in the area of fiscal management are aimed at untying those hands. Let us support the bill.

• (1810)

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I want to raise a question about the raising of capital through the financial markets presumably by the issuance of bonds and debentures. My learned colleague referred to Dominion Bond Rating Services, Moody's and the Royal Bank participating in setting up this legislation.

In order for a band to issue a bond or a debenture to the public, a debt instrument that is an investment, the question I have for my learned colleague—

The Deputy Speaker: If the Chair could just interject for a moment, I would like to remind the House that while we are at report stage of the bill, there are no questions or comments. However I am quite prepared to give the floor to the hon. member if he wishes to continue his remarks under the guise of debate, but there will not be a question or an answer.

Mr. Brian Fitzpatrick: Mr. Speaker, the concern I have is whether the Government of Canada would become the backstop for bonds and debentures which would default in the marketplace. I will have to look into the matter further.

Government Orders

Most of the bands I know of in Saskatchewan probably would find it difficult to issue bonds and debentures that would be investment grade unless there were some sort of guarantee from the federal government to back up those bonds and debentures.

Mr. Rick Laliberte (Churchill River, Lib.): Mr. Speaker, it is truly an historic time to be discussing legislation that is going to deal with tax collection and real property assessment of value of land.

In large part, the whole reason this country was created was the premise that the Crown, negotiating by treaty with the original nations of this land, would co-exist and co-administer this country. In light of that, the understanding is that the Crown has taken the affairs of the defined Indians, the first nations of this land, in its power, and now is making adjustments in legislation and subsequent amendments that flow through the creation of the Indian Act.

The Indian Act created band councils. In this country we have up to 650 band councils that want to be recognized. This bill defines a first nation as a band council of an Indian Act.

I want to raise this for the attention of the House and the government. Why not define the first nations for who they really are? The first nations are the nations of this land, the original nations. We should define them as who they are, because Bill C-23 even defines "taxpayer", and taxpayer interests and responsibilities are going to be protected and represented in the bill.

So I say, why can we not discuss the interests of the original nations: the Nehiyawuk, the Oneida, the Mohawk, the Okanagan, the Tlingit, the Tlicho, the Blackfoot, the Lakota, the Mi'kmaw, the Innu. These are the original nations of this land. Why can we not create legislation or provide a means in legislation to respect and protect the interests and representation of those original nations? Why can we not do that?

Instead, this bill protects the interests of taxpayers who will reside on first nations. It will protect the interests of borrowing agents that will be lending moneys to first nations that deem they will need those moneys.

The bill is a signal to us, and not only to us as a government, as a Parliament, but also a signal to our people, the original nations, that we are misguided. This bill, this kind of financial relationship that the first nations and the band councils are seeking, the investment opportunities they need, should be based on the certainty that the original nations are respected, recognized and represented appropriately in this Government of Canada. Why are there not representations of our nations in this Parliament?

I have spoken many times suggesting that there maybe should be a third house of Parliament. A Senate and a House of Commons are created in these square chambers, but there is a round room in this building. It is called the Library of Parliament. It is a round room shaped like a teepee, a medicine wheel, a symbol of unity. Why can we not take our place in there as an aboriginal first nation house? Then, that place, a governing house, respected by this Parliament and the legislatures of the provinces and territories and the municipal governments, would be recognized as a house and government, not as a lobbying group that is being recognized by ministers at the whim of cabinet or a governor in council. It would be a thoroughly recognized house of government representing our nations.

●(1815)

Our nations have many responsibilities. They assess taxation on the value of land. They look at the services required for utilities. They are responsible for fire protection, police services, housing needs, protecting the quality of water and ensuring sewer retention and treatment. Those are all major responsibilities.

We are responsible in our relations to all living things on the planet and the medicines that grow on this Mother Earth. These are major responsibilities that the original nations carry and there are the relationships that they have with their language.

The Mohawk language, as an example, is a responsibility of the Mohawk Nation. The Cree language is a responsibility of the Cree Nation, of which I am a part, and the Métis. I am a half-breed of the Cree Nation.

[Editor's Note: Member spoke in Cree]

[English]

I know my first nation brothers and sisters. They are of Cree descent. I know my language. It is based on the Cree culture and language. Even Cree is the wrong word for us, as is Indian the wrong word for the first nations of the land.

It is for the purview of the original people that they be given proper respect. I am telling the House that Bill C-23 is in the wrong sequence of events. It should be the last of the arrangements. The first arrangement should be the proper relationships that our Prime Minister was discussing at the aboriginal summit one week ago. At that aboriginal summit a proper relationship should have been established with the first nations, the Inuit and the Métis nations of the land. That relationship should have been founded first before we enter into financial arrangements like this.

A tax commission would be established and somehow, by the minister or the government's will, the head office would be located in Kamloops. Why could it not be discussed by the first nations of the land? Why could they not gather in council as nations so that they would decide where the headquarters of these commissions, boards, authorities and institutes would be located? Why should it be the minister? Why should it be the governor in council making the final decisions on who will be appointed? The bill calls for up to 52 appointments which is a sacred number because that is the number of recognized nations in the land.

Why could the government and minister not recognize the 52 nations and create 52 seats representing all the nations of the land, one seat each for the Mohawks, one seat for the Oneidas, one seat for the Tuscaroras, one seat for the Senecas and one seat for the Cayugas? Why were these nations not thoroughly recognized?

Why are we presenting a financial institution bill before we create the proper relationship that was based on the peace and friendship treaties that created this country? We are making a grave mistake. The will and intent of the bill, of creating financial opportunities to provide services and infrastructure development on first nations reserves, is well-intentioned but there is also fiduciary responsibility that the government has, and it has not defined that.

Adjournment

The government has no obligation to recognize what those obligations are under treaty. The treaty obligations are not described in the bill and we dismiss those obligations by saying that it is an option for a first nation to enter into these provisions and commitments if they so decide.

It is the first nations' decision but I ask members of the government, of the House of Commons and of the Senate to search within themselves and ask why, in the year 2004, the original nations of this land are not properly recognized in legislation, in definition, as original nations.

• (1820)

Why can this statistical institute not describe who the first nations are? It is going to describe our languages and our culture but it will not describe who the nations are. It is time.

[Editor's Note: Member spoke in Cree]

[English]

—all the children's children to come. There is a means for us to live together in this land but the wisdom and the responsibility of the original nations is locked in with the original nation in its embodiment and that nation has to be recognized.

I call upon my colleagues in the House to give us the proper respect as the first nations, the original nations of this land, to guide members in governing this country as well.

The bill would pre-empt that relationship because it would start carving out ways of assessing and putting value on land, a value that never existed before on first nations properties. How can we put value on land where the land, a secluded reserve in northern Saskatchewan as an example, is to be assessed at the same value of land on an urban reserve in Vancouver? That value of land is unequal and this bill would start doing that.

Mr. Speaker, if you would allow me another day of debate I would explain to you a vision of a country because it is time. The year is 2004 and Canada would be remiss not to officially recognize and respect the original nations as nations.

• (1825)

[Translation]

Ms. Yolande Thibeault (Saint-Lambert, Lib.): Mr. Speaker, I am pleased to take part in this debate at report stage of Bill C-23, the First Nations Fiscal and Statistical Management Act.

Some have argued that the proposed legislation would have the effect of isolating first nations from the rest of Canadian society. In fact, nothing could be further from the truth, because this measure will help break the cycle of isolation, economic marginalization, dependency and social problems.

Bill C-23 is led by a group of first nations that share a common vision. They are trying to get legislative amendments that will provide a better future for their members, as full fledged participants in the Canadian economy.

They also want to forge new relations with national and international institutions, including bond underwriters, rating agencies, potential investors and commercial partners, federal and

provincial statistical agencies, neighbouring communities and accounting firms. In fact, the consultation process conducted for this bill has already achieved a lot in terms of promoting communication where it had never existed before.

The 2003 report of the Auditor General underlined the increasing number of partnerships that are based on economic development among first nations communities. These include partnerships with non-aboriginal communities.

Bill C-23 will help first nations strengthen these new ties. It will provide first nations with a legal and institutional framework to meet economic challenges more effectively together as first nations or with a wide range of other stakeholders.

The following examples illustrate the importance of this bill. Members of the Canadian Energy Pipeline Association shoulder the biggest part of the property tax base in Canada. In a letter dated February 11, 2002 addressed to the chairman of the Indian Taxation Advisory Board, the association expressed its opinion that the proposed legislation would implement standard, fair and predictable approaches to assessment and taxation in all first nations territories in Canada. The commission then thanked the Board for the opportunity to participate in the creation of this new institution through discussions and comments.

In the same vein, the Canadian Property Tax Association executive sent an email to all its members on May 16, 2003 stating, "It is our belief that by working with the First Nations Tax Commission—which is proposed in this bill—we will perpetuate the harmonious relationship we have established with the Indian Taxation Advisory Board".

The Canadian Energy Pipeline Association and the Canadian Property Tax Association are both major Canadian Institutions that have expertise and significant interests in property tax. They point to the positive relations that they have established with aboriginal developers—

The Deputy Speaker: I am sorry to interrupt the hon. member for Saint-Lambert, but the time has expired.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

• (1830)

[Translation]

QUEBEC CITY AIRPORT

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the Quebec City airport is essential to Quebec City and the surrounding area, to its influence and economic development.

The employees of that airport have been without a collective agreement since November 2000, that is for more than one and a half years. They have been on strike since February 9, 2003. The union is negotiating in good faith in that it is prepared to go to arbitration on five problematical points. Unfortunately, the employer wants to submit only one of these to arbitration.

Adjournment

On March 17, following what has become his usual pattern, the Prime Minister met with the airport employees and promised he would intervene in the matter. Yet nothing has been done by the government. It treats us to the usual rhetoric and empty promises, but no concrete actions.

On April 1, I asked a question of the government, and the response by the Minister of Labour clearly indicated her total lack of knowledge of an issue as important as the strike at the Quebec City airport.

On April 15, again as evidence of its good faith, the union made new offers and submitted new proposals to the employer, but the employer has not deigned to respond, although that is more than ten days ago.

There is nothing surprising about this. I feel obliged to speak out against this government, which talks a good game, makes promises as the PM did on March 17 to the employees, but does absolutely nothing. Worse yet, not only do the Prime Minister and the Minister of Labour do nothing, but the Minister of Canadian Heritage, with ministerial responsibility for Quebec City area, does nothing either. Yet she ought to get involved and take a close look at what is going on, given how essential the Quebec City airport is to the city's influence, as I said.

Hon. members will no doubt agree that it is likely because the heritage minister is focussed more on election preparations for the sponsorship party than on paying any attention to the influence and economic development of Quebec City and working to settle this longstanding and constantly deteriorating situation.

It is unbelievable that an issue so essential to the Quebec City area could be so far below the radar as to be invisible to a government with but one obsession: when the election will be.

Hon. Serge Marcil (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, we can see that my colleague from the Bloc Québécois is also on the campaign trail. We can hear electioneering language coming from him already.

He refers to us as members of the sponsorship party; I, in turn, would call them the candidates of the disinformation party. We have had evidence of precisely that in my region, where the Bloc candidate has circulated a piece of totally false information in order to mislead people.

Getting back to the issue raised by the Bloc Québécois member, first, a preliminary collective agreement is currently being negotiated for a group of about 50 white collar workers, blue collar workers and firefighters.

On May 7, 2003—and this is something that people need to know—the Minister of Labour appointed a conciliation officer to help the parties negotiate a collective agreement. This officer met with the parties on July 10 and 11, September 15 and 17, October 8, 10, 29 and 31, and November 3 and 4, 2003. An agreement was not reached, however.

The parties agreed to extend the term of the conciliation officer to November 16, 2003. On November 12, 2003, the union submitted an offer from the employer that members voted to reject. The conciliation officer met the parties on November 13, 2003. On

November 14, 2003, the union voted unanimously to go on strike. The conciliation officer met the parties on December 2, 3 and 16, 2003. On December 16, 2003, the parties reached an agreement in principle with the help of an officer of the Federal Mediation and Conciliation Service. Consequently, the two parties negotiated an agreement in principle, which the union executive then approved.

On January 7, 2004, the union rejected the agreement in principle of December 16, 2003. On January 8, 2004, the minister spared no effort. She immediately intervened, appointed a mediator to help the parties continue to negotiate in order to reach a new agreement.

The mediator met the parties on January 15 and February 2 and 3, 2004. The union went on strike on February 9, 2004. The union and the employer agreed on the maintenance of certain services such as firefighting and runway maintenance during the work stoppage.

On February 11, 2004, the Superior Court of Quebec upheld an application for an interim interlocutory injunction ordering union members not to harass or intimidate employees required to fulfill their duties under the agreement signed by both parties. This agreement is valid until May 18, 2004. On February 23, 2004, workers on strike also prevented customs from accessing the airport but this was immediately resolved. Obviously, we learned that vandalism and other acts had been committed. Two union members were dismissed for public mischief, sabotage and vandalism.

In fact, there were negotiations with the conciliation officer appointed by the Minister of Labour. On two occasions, the employer and the union reached an agreement in principle. Unfortunately, workers voted to reject those agreements. The workers are now on strike.

At this time, we hope a mediator is still available to bring the parties together. Ideally, the parties would sit down together again to try to hammer out an agreement as soon as possible.

•(1835)

Mr. Richard Marceau: Mr. Speaker, the parliamentary secretary gave us a quick chronology of the events. Unfortunately, he did not answer my basic question as to whether his government is prepared to settle this deteriorating dispute by doing something other than appointing a conciliation officer.

I am putting the question to the hon. member. I hope that the imminent federal election will not stop his government from assuming its responsibilities and that the parliamentary secretary will not only call for conciliation, but also arbitration to settle as quickly as possible this dispute which, unfortunately, is deteriorating and affecting workers who deserve better than that.

So, I am asking the government to take its head out of the sand and to settle this issue as quickly as possible. Let us not forget that the Quebec City airport is a fundamental tool for the Quebec City area.

Adjournment

Hon. Serge Marcil: Mr. Speaker, I fully agree with my colleague from the Bloc Québécois. Yes, the Quebec City airport is fundamental to the development of the region, Yes, it is essential for a negotiated agreement to be reached as soon as possible. The government and the Minister of Labour both want this. The minister is prepared to intervene. She has informed the parties and has invited them to sit down with the mediator in order to get this agreement signed as soon as possible.

Imposing arbitrators is not how we do things. An arbitrator is appointed at the request of both parties. Both parties must, however, consent to this.

In this case, I feel that labour and management both need to act in good faith, and must try one last time to sit down together to reach an agreement.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 6:39 p.m.)

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