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OFFICIAL REPORT
(HANSARD)

Wednesday, April 28, 2004

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Wednesday, April 28, 2004

The House met at 2 p.m.

Prayers

• (1400)

[*English*]

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

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

STATEMENTS BY MEMBERS

• (1400)

[*English*]

BALDOON BICENTENNIAL

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, Wallaceburg is one of the largest communities in my riding. The evolution of Wallaceburg is a Canadian success story.

The community traces its beginnings to the landing of 101 Scottish on the banks of the Chenal Ecarte in southwestern Ontario 200 years ago. The settlement was founded by the fifth Earl of Selkirk.

Baldoon's Bicentennial has many events planned and is an opportunity to tell the whole story of Wallaceburg. It is a community of over 10,000 people in some of the most fertile farmland in Canada. It has been known for its inland port, its glass making, and its tool and dye industry.

In early September events include a highland games and the re-enactment of the Selkirk settlers' landing celebrating the Scottish and frontier roots.

Selkirk's belief in the strength of people who agreed to establish Baldoon was well-founded. For 200 consecutive years, quiet heroes worked to build a better future. The years have not been without struggle but Baldoon survives as Wallaceburg thrives.

I extend a warm welcome to everyone to come and participate and see what the generations of Wallaceburg residents have built and enjoy.

THE ENVIRONMENT

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, have you heard the latest emanation from Ottawa? The government is launching a \$50,000 study to find out how much methane is coming out of both ends of Canada's cows. This is not a joke.

This supposedly is to help the Liberals meet their promised greenhouse gas quota in their useless Kyoto accord.

What are they going to do, tell farmers to get rid of their cows if they burp and pass gas too much? Like the Liberal government has not done enough to harm the cattle industry by mismanaging the BSE crisis.

Before the Liberals waste another fifty grand, maybe they should do a study of Ottawa's gaseous output, especially the amount of hot gas coming off the Liberal's front bench when they criss-cross the country spending billions of taxpayer money making announcement after announcement, while at the same insisting they are not campaigning. Now that is a lot of hot air.

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[*Translation*]

CLAUDE POULIN

Mr. Gilbert Barrette (Témiscamingue, Lib.): Mr. Speaker, I am proud to inform this House that, on April 25, Claude Poulin, a retired teacher from Abitibi-Témiscamingue, was awarded the 2004 Beppo prize, at Montréal's Biodôme. This prize honours the exceptional work of an assistant of Professor Scientifix of the Club des débrouillards.

I would like to take this opportunity to draw attention to the remarkable work of Mr. Poulin. He has been with the Club des débrouillards as a volunteer for many years, in addition to being one of the creators of the science fair, an activity in which he is deeply involved.

Congratulations to Mr. Poulin.

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[*English*]

NATIONAL MENTAL HEALTH WEEK

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, this week is National Mental Health Week. I want to take this opportunity to raise awareness about an illness from which none of us are immune and which has devastating effects on the person with the illness, their family and society. The illness is schizophrenia.

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One in every 100 Canadians will be diagnosed with some form of schizophrenia in their lifetime. Schizophrenia is a biochemical brain disorder which usually strikes in adolescence. Persons with schizophrenia tend to lose contact with reality and deteriorate in their ability to function.

However there is hope. Schizophrenia can be very effectively managed with early intervention and appropriate supports.

Today it is with great sadness that I offer, on my own behalf and on behalf of my colleague, the member of Parliament for Winnipeg South, our deepest sympathies to the family of Arun Sud. Arun Sud, who had schizophrenia, went missing in Winnipeg a month ago and today his body was found.

I encourage my colleagues to join me in helping to raise awareness across the country in order to help prevent this sort of tragedy from occurring again.

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• (1405)

FOREIGN AFFAIRS

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, I rise today to thank the Canadian government and officials in the Department of Foreign Affairs for their tireless work and commitment in bringing Fadi Fadel, the Canadian aid worker, home safely to his family in Laval.

[*Translation*]

Today, I have invited Fadi, who is accompanied by his parents and his brother, to meet with members of Parliament.

[*English*]

Fadi, a Canadian of Lebanese-Syrian origin, was kidnapped while working in Iraq with the International Rescue Committee. At the time he was helping Iraqi children. He was held for 10 days, tortured and interrogated by his captors.

I want to assure Fadi and all Canadians that our government will continue to do everything possible to secure the release of other Canadians held captive in Iraq.

[*Translation*]

On behalf of all the residents of Laval and of all the Canadians who prayed for his safe return to Canada, we welcome Fadi home.

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[*English*]**NEWFOUNDLAND AND LABRADOR**

Mr. Norman Doyle (St. John's East, CPC): Mr. Speaker, Newfoundland and Labrador's minister in the cabinet says that he cannot obtain changes in the equalization program that would allow the province to keep its offshore oil revenues.

However, the minister indicates that he can help the province in project specific ways. Given that the federal government is selling its shares in Petro-Canada, now is the time for the minister to make good on his commitment to have the 8.5% federal share in Hibernia dealt with and turned over to the province.

The Atlantic accord promises to make Newfoundland and Labrador the primary beneficiary of its offshore oil revenues. This has not happened, and I look forward to hearing how the minister intends to achieve that goal.

In the meantime, dealing with the 8.5% share of Hibernia would be a good start. We are still waiting for Newfoundland and Labrador's minister to deliver on his promises. He must deliver before, not after, the federal election.

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FIREARMS REGISTRY

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, gun control is central to this government's strategy to protect all Canadians, especially women and children, from violent crime. This investment in public safety is supported by more than three-quarters of Canadians, and with good reason.

Since 1998 over 9,000 firearm permits have been revoked or refused from potentially dangerous individuals. Police and law enforcement officials are using the firearms registry an average of 2,000 times a day.

The public hotline, created for spouses of applicants or others who may have concerns about their safety, received over 26,000 calls between December 1998 and October 2001.

Firearms deaths in Canada are at their lowest rate in 30 years, and rates of murder with rifles and shotguns have dropped more than 60% since 1991.

Our gun control laws are among the toughest in the western world. I am proud that this Liberal government is committed to continuing to protect Canadian women and children.

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[*Translation*]**HOUSING**

Mr. Réal Ménard (Hochelaga—Maisonnette, BQ): Mr. Speaker, after repeated requests from the Bloc Québécois and FRAPRU, the federal government finally decided to free up the \$320 million already announced in its 2003 budget to fund the second phase of the agreement on affordable housing.

However, we were stunned to learn that this money will not be distributed on the basis of those provinces that need it most. Indeed, the Liberal government stubbornly insists on allocating it on a per capita basis, which means that Quebec, which accounts for 27.4% of families living in core need will only get 23.7% of the \$320 million, or \$75 million.

This shows how the government is talking out of both sides of its mouth. On the one hand, it boasts about being receptive to the needs of the public, but in fact the amount it is offering falls well short of the estimated \$90 million Quebec is asking for.

•(1410)

THE ENVIRONMENT

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, I rise today to report a happy ending in the case of the municipality of Shannon, located in my riding. It is a case which, as the House knows, is very close to my heart, and on which I have worked for three years.

On April 23, the Minister of National Defence granted \$19 million to the citizens of Shannon to develop their drinking water system. For many years, the citizens of Shannon have faced a serious public health problem, the presence of TCE in the town's groundwater, which could cause serious, long term problems. Extending the water system will make it possible to hook up more homes that may have been affected by this contamination.

Once again, I would like to congratulate the federal government on its initiative to make the environment and the health of Canadians a high priority. In particular, I tip my hat to the citizens of Shannon, to Mayor Clive Kelly, and to Jean-Marc Beaulieu, who showed courage, perseverance and patience as they moved toward a long-term solution with the government, in order to safeguard the health of all Shannon's citizens.

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[English]

HEALTH CARE

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, health services in British Columbia have ground to a halt as more than 40,000 hospital employees have gone on strike. Hospital closures, shortage of doctors, nurses, beds and equipment have resulted in overworked and demoralized staff. Thousands of British Columbians are suffering with operations postponed and appointments cancelled.

Federal cuts are the root cause of this suffering. The Prime Minister wants credit for fixing health care, but he is the one who broke it. As the finance minister, he unilaterally slashed \$25 billion in provincial transfers.

Federal spending on health care has gone down from 50% to 16%, with the provinces left holding the bag, while the Liberals run up surpluses and blow money on one boondoggle after another.

Who is to blame when someone dies while waiting to have an operation or to see a doctor? The Liberals have had more than a decade to fix the problems ailing our health care system, but they have only made matters worse.

It is time for Canadians to seek a second opinion. It is time to elect a Conservative government.

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[Translation]

ENFANTS D'ICI OU D'AILLEURS

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I would like to speak about the excellent work being done by the entire team in the organization Enfants d'ici ou d'ailleurs and how pleased I was to sign my name, as Canada's representative, to the friendship treaty between the young people in the Christ-Roi and

S. O. 31

Gilles-Vigneault schools in Montreal and those in Benin and Cameroon.

The EIA mandate, accomplished through its educational kits, is to promote the cultural, educational and human development of children in La Francophonie. The organization works with children aged 9 to 14 and tries to introduce tomorrow's citizens to democratic values, the advantages of cultural diversity, and the concept of human security.

A non-profit organization, EIA works in collaboration with the departments of political science, communications and education at the Université du Québec à Montréal and the Université de Montréal.

Since it was created, EIA has had an impact on children from Tunisia, Benin, Senegal, Gabon, Côte d'Ivoire and Canada. Congratulations to the whole team.

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[English]

DAY OF MOURNING

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, today is the 20th anniversary to remember workers killed and injured on the job and demand safer workplace practices and stronger legislation. It began in 1984 because the Canadian Labour Congress launched April 28 as a Day of Mourning. In 1991, thanks to Rod Murphy, the NDP MP for Churchill, the day was also recognized by the Canadian Parliament.

Despite this focus, workplace injuries and deaths continue to worsen. Last year, 953 Canadian workers lost their lives, two-thirds of them young people working in dangerous conditions with little or no safety training.

I know first-hand about a father who goes to work and never comes home, and the trauma and grief for the family members left behind.

While we all remember these fatalities and injuries on this day, it is crucial that we work every day to reduce and eliminate deaths and injuries for people whose only mistake was going to work.

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[Translation]

DAY OF MOURNING

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, today the flags are at half-mast to acknowledge the International Day of Mourning for Persons Killed or Injured in the Workplace. According to CSST data, 175 people died in Quebec in 2003, half of them in workplace accidents or from occupational diseases.

Over this same period, the CSST received just over 135,700 claims for compensation for workplace injuries.

Oral Questions

Behind all these statistics there are men and women who are suffering. The best way to address this problem is to promote prevention and education as they relate to health and safety in every workplace.

The Bloc Québécois pays tribute to all those who lost their lives on the job. Our thoughts are with their families and those whose quality of life has been affected. Let us be smarter and step up our efforts to make the workplace safer.

* * *

● (1415)

[English]

POLISH COMMUNITY

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise today to commemorate a tragic episode during World War II that is very much alive in the memories of my constituents of Polish origin and the Polish communities throughout Canada: the murder of some 4,000 Polish officers, prisoners of war, in the former Soviet Gulag camps in the Katyn Forest.

Initially, during the Nuremberg trials, the Soviet government blamed the massacre on the Nazis. It took almost 50 years for the Soviets, under Gorbachev, to admit in 1989 that it was the work of the Stalin regime, allied with the Nazis.

With the help of the Canadian government, in 1980 a memorial to the massacred prisoners of war was erected in the heart of my riding. The annual commemoration gathers numerous veterans of Polish origin whose relatives and friends perished in Soviet camps.

The memories of the Katyn massacre serves as a living reminder of the importance of defending human rights wherever they are being violated. For the same reason, memories of Katyn strengthen our resolve to make human rights the cornerstone of our Canadian democracy.

* * *

DAY OF MOURNING

Mrs. Elsie Wayne (Saint John, CPC): Mr. Speaker, 20 years ago the Canadian Labour Congress remembered workers killed, disabled or injured in the workplace with the first Day of Mourning, held on April 28, 1984. It is a tradition that is now observed across Canada and in 80 countries.

Every 20 minutes a worker is injured on the job in New Brunswick. Some will die, as did eight this past year.

In Nova Scotia there have been terrible accidents, such as the Westray mine explosion where 26 men perished.

We must all learn from these tragedies and do everything in our power to improve workplace safety through legislation, through actions and our every thought.

What is more important than preserving life and limb? I ask your permission, Mr. Speaker, to have all the members of Parliament rise today in this House for one minute of silence for those who lost their lives working for you, for me and for Canadians.

BRANDON WHEAT KINGS

Mr. Rick Borotsik (Brandon—Souris, CPC): Mr. Speaker, the headlines in the local newspaper said it all: “National Champions”. Indeed it was true of Brandon's own AAA Midget hockey team when it won the 2004 National Midget championship Sunday afternoon in the Kenora recreation centre.

I would like to send my congratulations to the coach, Craig Anderson, and the entire team for their outstanding effort. The Brandon Wheat Kings were clear underdogs, but true to prairie form, they overcame all adversity to clinch an unbelievable 2 to 1 overtime victory upsetting the heavily favoured Riverains du Quebec.

While it was a strong team effort that got the Wheat Kings to the final, it was team captain Taylor Langford's goal with 13 seconds left in overtime, and outstanding goaltending from Tyler Plante that lifted the team to the national championship.

Sunday's win is the first ever AAA Midget championship team from Brandon or indeed Manitoba. Congratulations. Brandon is proud of them.

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[Translation]

DAY OF MOURNING

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, as is our tradition, we will observe one minute of silence to honour the memory of persons killed or injured in the workplace.

Each year, 900 Canadians die in workplace accidents. One worker in 15 is injured every year.

Government efforts to focus on prevention and workplace safety are starting to show positive results, but we must continue the battle.

The Speaker: Order, please. I invite members to rise and observe one minute of silence to commemorate the National Day of Mourning and honour the memory of workers killed or injured on the job.

[Editor's Note: The House stood in silence]

ORAL QUESTION PERIOD

● (1420)

[English]

HEALTH

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, the Liberal government has spent the last four years overseeing the expansion of private health care delivery within the public system.

Yesterday the minister said, “If some provinces want to experiment with the private delivery option...we should be examining these efforts”. Today he said it is not his intention to favour private delivery, except that last week he said, “We know the public administration principle of the Canada Health Act already provides flexibility on private delivery”.

*Oral Questions***GOVERNMENT CONTRACTS**

Is it not the case that the government is so busy trying to attack this party on health care it does not have a clue on what its own position is?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the Alliance Conservative position on health care is one that is not acceptable to Canadians and is of very little interest to us.

This party, the Liberal Party, brought into being the universal, accessible public health care system. That was our position at the time it was brought in, that is our position today, and that will be our position tomorrow and for the years to come.

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, unlike that Prime Minister, this leader does not need a press conference every day to clarify his health care position.

Last year, Mr. Chrétien and the provinces produced a five year proposal for the reform of health care, including a drug plan, home care, primary care reform and a promise of performance measures on things like waiting lists.

Yet the Prime Minister hedged on whether he supported the deal and has done nothing to implement it. Why does the Prime Minister want to scrap a detailed five year reform proposal in favour of a non-existent 10 year agenda?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, not only did I support the health accord, but I also supported the provision of \$37 billion over a five year period to finance it.

Let us be very clear. The fact is that the vast majority of health care experts, including the major provinces, support the idea of a 10 year plan. In fact, they want to see us put in a solution that will last for a generation. We are not here to cast into doubt the basic fundamentals of what is one of the most important parts of the Canadian social fabric and that is the way we take care of our health care: based on need, not on wealth.

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, we just had a 10 year plan to fix health care, called the Liberal government, and it did not work out. The Prime Minister said he agreed to fund the commitments made by Mr. Chrétien only after he hedged all through the prebudget discussions over the spring. Then he finally conceded it, but he said in his budget there was no new additional money for health care.

Now he is going around promising the provinces there will be more money. There was not in the budget. Now there is. How can the Prime Minister promise new money for this summer's health care discussions when his own budget said there was no—

The Speaker: The hon. Minister of Health.

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, there was a further \$2 billion in the last budget. The Prime Minister and the finance minister have already acknowledged the necessity to increase the Canadian federal funding for health care.

We will stand by the commitment. We will be working with the provinces. We will be delivering at the next first ministers meeting a great health plan for the future.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, in 1999, Earncliffe received a \$1.2 million contract for a “brand Canada” pilot project through Industry Canada. In January, Earncliffe provided a critique of the then minister of finance's speech in New York. The pricey report included indepth analysis of his performance and even commentary from the member for Calgary Southeast. Clearly Earncliffe was providing the then minister, now Prime Minister, with political advice, and it had more to do with branding the Prime Minister than branding Canada.

How many more of these cozy contracts exist and why should taxpayers pay for them?

• (1425)

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, all contracts are posted on the Contracts Canada website whether they are for Earncliffe or any other consulting company that bids on government business. These are done in a competitive way with rare exceptions: unless they are under \$25,000, whether there is some intellectual property, or whether it is an urgent situation.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, the Prime Minister is suffering from convenient political amnesia or, maybe, sore knees. He has denied knowledge of the sponsorship scandal, does not know anything at all about contracts to his shipping empire, and of course does not know anything about the unity fund.

The Prime Minister is embroiled now in a major conflict of interest with Earncliffe boss Michael Robinson, who was simultaneously heading up Earncliffe while leading the Liberal leadership campaign for the Prime Minister. Earncliffe then got a \$1.6 billion contract.

Why should political advice and repayment of political friends be paid for by Canadian taxpayers?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the statement made by the hon. gentleman is factually wrong. There is nothing on the public record, either of the government or in the media, that would support one shred of that allegation. It is simply false.

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[Translation]

EMPLOYMENT INSURANCE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, for the past three years, the Liberal government has done nothing with a unanimous report by the Standing Committee on Human Resources Development, which is recommending significant improvements to employment insurance. Then, suddenly, just before the election, as they did in 2000, the Liberals are dangling changes before the workers in seasonal industries.

Oral Questions

Instead of again making promises they will later break, will the Prime Minister, who claims he wants to govern, now introduce a comprehensive plan to reform employment insurance as outlined in the unanimous report that the government has had for the past three years?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, right from the start, when changes needed to be made to employment insurance, the government made them. We recognize quite clearly that there are flaws in the system that need to be fixed. I can assure the House that it is in our interest and we intend to fix it.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it is in the Prime Minister's interest to promise this, as was the case in 2000, but he has done nothing. It is in the Liberals' interest to have signed the unanimous report of the Standing Committee on Human Resources Development in 2001, which made 17 recommendations that they immediately tossed. Guarantees are needed to prevent the Liberals from making more promises they have no intention of keeping.

I am asking this of the Prime Minister. From now until the House adjourns for the election, can he commit to tabling in this House a comprehensive reform, similar to the plan they signed three years ago?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, as I have been saying for several weeks, I am currently considering all the recommendations, including ones made in the past.

Clearly, it is not realistic to think that a series of recommendations and changes can be tabled today. The leader of the unofficial opposition may not perhaps be living in the real world, but here, we are trying to work with all the recommendations made by those with—

The Speaker: The hon. member for Matapédia—Matane.

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the real world is the world of the regions, the world that has suffered for 10 years because of this government's hard-heartedness as far as employment insurance is concerned.

The Minister of Human Resources sloughs off the unanimous recommendations of the House committee, made up of members from all parties, which propose changes to the employment insurance program, and opts instead for just the suggestions of a Liberal task force.

Will the Prime Minister admit that the minister's attitude is evidence of his intention to ignore a unanimous report he finds not to his liking, and instead to make use of only those suggestions from his Liberal colleagues that suit him, and will he admit that this is purely a vote-seeking tactic at the expense of the unemployed?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, the members over there seem to be a bit confused. They say the government must take action but, when it does, they say it is only taking action in order to win votes.

The truth is that we have already put in place changes and measures that have injected \$50 million more into the EI system in the form of benefits for those experiencing problems. We have also brought in other—

• (1430)

The Speaker: The hon. member for Matapédia—Matane.

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, there is a huge gap between \$55 million and the \$45 billion that has been taken out of the EI fund, and the regions are the ones suffering.

The minister must be aware that two of his colleagues, one of them the member for Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, signed the unanimous report of the Standing Committee on Human Resources Development in 2001.

Why is the minister using a Liberal committee that still includes those same two members as a pretext, unless it is because he has decided to accept just the recommendations that suit him and ignore all the others, at the expense of the unemployed?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, no realistic and progressive recommendation is being set aside. As I have already said, if anyone has something positive to propose, I will take it under advisement, including the recommendations made two years ago by the House committee, but also, and particularly, the recommendations of the Liberal task force, because its members were obviously focussed on highly positive actions, on taking steps relating to today's labour market, as well as tomorrow's.

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[English]

HEALTH

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, if the Liberals are looking for a wedge issue with the Conservatives, perhaps they should look to something other than health, because yesterday the Minister of Health revealed what the NDP has been saying all along, that there is not one whit of difference between the Liberals and the Conservatives when it comes to the place of for profit delivery of health care in this country.

Is the Minister of Health not embarrassed to have been misleading the country for so long now with respect to the Liberal position with his mantra about the Canada Health Act, when all along he has known that the Liberal position has been to allow 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, that is simply not true, and let me repeat that this government is not advocating and not promoting private, for profit health care.

This government knows that Canadians demand and Canadians deserve a health act that is well enforced in this country and that will encompass all five principles of the Canada Health Act. We will enforce that act.

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, if the Minister of Health is so interested in the public delivery of health care, which incidentally he did not say in question period today, and neither did the Prime Minister, but apparently he said it earlier today, why was it not in his speech a week ago?

Why was it not in the throne speech? Why do we never hear from the government that it is committed to the public, non-profit delivery of health care? Why do we always get weasel words?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I said exactly 35 seconds ago that the government is not advocating and it is not promoting private, for profit health care.

The provinces are responsible for delivering health care in a manner consistent with the Canada Health Act, and let me be clear that in exploring their delivery options provinces must not allow the burden of payment to fall to the sick. They must not compromise the quality of care Canadians demand and deserve. They must not allow any form of queue jumping.

An hon. member: It is a different issue. We have Ralph Klein's position.

* * *

GOVERNMENT CONTRACTS

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, yesterday the public works minister said that we can "check with www.contractsCanada.gc.ca, type in Earncliffe" and we will have all the contract information we are looking for. If only that were true.

We know that Earncliffe received a \$1.2 million contract for a brand Canada pilot project, but we will not find it on that website the minister referred to. Why is the government withholding information? How much money has the government funnelled toward the Prime Minister's friends at Earncliffe? That is the question.

•(1435)

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, consulting contracts, like any other procurement contract with the Government of Canada, are handled in a transparent, competitive and accountable way. With the exception of smaller contracts, these are posted on the Contracts Canada website. If the hon. member has a specific question about a specific contract, I will be happy to get that information for him.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, maybe I will have to talk a little slower, then, because I have a very specific request. What we want to know is, how much money in contracts have this Prime Minister and the government funnelled toward their friends at Earncliffe?

We understand that registries are not the government's forte. We know that. My question is directly to the minister, how much money in contracts for Earncliffe? That is the question.

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the contracts awarded by the government under competitive transparent processes are a matter of public record. They are on the Contracts Canada website.

However, if there is a specific issue or a specific contract that the member has a question about, please put it to me and I will ensure that he gets the answer.

[Translation]

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, we know that this government spends billions of dollars on contracts

Oral Questions

that benefit its friends. When we put clear questions to the government, it refers us to its website. However, we have uncovered a contract of over \$1 million to the Prime Minister's friends at Earncliffe which is not mentioned on the website.

When will the Prime Minister stop this secrecy and tell Canadians the exact amount that his government has given to his cronies at Earncliffe?

[English]

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the member of the opposition says he has discovered a contract that he cannot otherwise find. I am not sure where he found it, but if he would like to give me a copy, we will provide a full explanation of the competitive process that led to the awarding of that contract.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, yesterday the minister told me to go and check his website. We went there and all the contracts for Earncliffe on that website total \$965,000. It was missing this \$1.2 million contract.

We want to know, how many other secret Earncliffe contracts are not listed on that website and exactly how many tax dollars have been shovelled to the Prime Minister's cronies at the Earncliffe lobby firm?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it hardly seems to be hidden if the hon. member has the contract. If he would like to give me a copy of it, I will provide a full explanation of the process that led to the awarding of that contract.

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[Translation]

PARENTAL LEAVE

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, the issue of parental leave has been at a stalemate for several years because the federal government stubbornly insists on imposing its own program rather than helping to fund the Quebec program, which is much more complete. This is a very important question and I am addressing it to the Prime Minister.

Will the government pledge to reach an agreement with Quebec before an election is called?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, as always, Bloc Quebecois members are not informed. I am currently having discussions with my Quebec counterpart. Officials from my department and from Quebec are carrying on discussions that should lead to an agreement. However, we cannot prejudge the outcome of these discussions.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, we have to be careful here. First, the federal government should consider withdrawing its appeal to the Supreme Court on this issue and, second, it should recognize that it is unacceptable and counterproductive that the Quebec government be constantly forced to go before the courts to prevent federal intrusions in provincial jurisdictions.

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What we want to offer to Quebecers is our own business. The federal government should stop interfering, it should stop sticking its nose into this, and it should hand over the money that belongs to Quebec families.

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, perhaps the hon. member opposite is living in another world. Canadians living in Quebec were not denied any benefit. The Quebec government has introduced a bill, but it is not in effect yet. Therefore, we did not take anything away from anyone. We are in the process of working out the differences and we have made progress, despite the protests of Bloc Quebecois members, who have nothing to offer.

* * *

• (1440)

NATIONAL UNITY FUND

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, yesterday the Minister of Intergovernmental Affairs and Minister of Health, the assistant to Jean Lapierre in Quebec, listed a number of events that received grants from the national unity fund.

If the minister wants to be taken seriously when he says he wants to be transparent about this fund, then what is he waiting for, frankly, to table this list that he refers to frequently in this House?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, it is my pleasure to answer the Bloc Quebecois House Leader who is fully aware that because we want to table a comprehensive list that includes all the information, we have to go back several years. I have been assured that the Treasury Board is doing a painstaking and diligent job. As soon as the list is complete, it will be made public.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the difference between the minister and me is that I know I am the Bloc House Leader, while he did not know he was Jean Lapierre's assistant.

We now know that the list of events for 2000 to 2006 exists. According to the minister, the list of events between 1992 and 2000 is not ready and does not exist. Is the minister prepared to rise and tell me, in all seriousness, that this list does not exist right now?

Some hon. members: Oh, oh.

The Speaker: Order, please. Everyone wants to hear the answer from the hon. President of the Treasury Board, especially the hon. member for Roberval.

[English]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, as the assistant to our very capable Minister of Health, I want to assure the member that the list is under preparation. I expect to have it for him shortly.

* * *

GOVERNMENT CONTRACTS

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, yesterday the Minister of Public Works and Government Services assured Parliament that all contracts with the government are on the

Contracts Canada website. He said that the answers to every question we asked were there.

We checked this website. During the period that Lansdowne Technologies was owned by Canada Steamship Lines, Natural Resources Canada stated that it conducted over \$1.8 million worth of business with Lansdowne Technologies. These contracts are not on this website that the minister directed us to.

Why is this contract not on the website and how many other contracts is the government hiding?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the contracts listed on the Contracts Canada website only go back several number of years. I have asked hon. members if they have specific contracts that they want details of, and this may be one of them, to present those questions to me and I will provide the details.

However, details of contracts do not go back an indefinite amount of time. They are not all on the website perhaps. But, if there is evidence of them, bring it forward. I will review them and provide members with specific details.

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, I hope that the several number of years includes a timeframe of October 25, 2002 to October 23, 2003. This is a contract for over \$1.8 million. It was a contract between Natural Resources Canada and Lansdowne Technologies. It was let by public works. It is not on the Contracts Canada website.

The minister stood in the House yesterday and lectured us to go to the website to find information. The more information the government provides, whether it is CSL for \$137,000 or \$161 million, we can simply not trust any information the government provides.

What is the government trying to hide?

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, if the hon. member were serious in seeking the answer to the question, he would have come to me and I would have given him the answer directly.

Any time there is a subcontract given out by government, it does not show up on the website of the hon. Minister of Public Works. A subcontract does not show up. There is nothing being hidden. Ask me the question and I will give the answer.

* * *

ETHICS

Mr. Chuck Strahl (Fraser Valley, CPC): Mr. Speaker, I think I know what the problem is. The Prime Minister has set a record in the devolution of his own code of ethics. In a mere 120 days it has morphed from a strict code of ethics to ideas for suggested ethical conduct to a wish list for those who care to comply.

We have 15 ministers who have failed to disclose their personal assets. They have missed the 120 day deadline. Why have they broken the code of ethics?

•(1445)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the assumption upon which the question has been based is simply not true. Certain ministers were given extensions. I can assure the hon. member that every single minister will live up to the conflict of interest guidelines.

Mr. Chuck Strahl (Fraser Valley, CPC): Mr. Speaker, I guess we will call it at the very least a flexible code of ethics and maybe Canadians should not be surprised. After all, the Prime Minister failed to disclose all of his companies on his own declaration of assets.

This is either a case of do not do as I do, but do as I say, or perhaps it is more of a monkey do, monkey see situation.

Three out of the four parliamentary secretaries that report to the Prime Minister directly have failed to disclose their personal assets. Why should we believe that this code of ethics is anything more than window dressing for the upcoming election?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the preamble and assumption upon which the question was based were simply not factual.

* * *

[Translation]

AIR CANADA

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, my question is for the Minister responsible for Official Languages.

With respect to Air Canada, it appears that the new financial agreement with Deutsche Bank is providing hope to all Air Canada employees.

Can the minister tell this House whether the level playing field requested by Deutsche Bank includes respect for the Official Languages Act?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, the position of the Government of Canada is unequivocal. Air Canada must respect its linguistic obligations and act in complete compliance with the relevant provisions of the Official Languages Act.

* * *

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, in 2001 all political parties unanimously adopted the report entitled "Beyond Bill C-2", which proposed 17 recommendations to reform employment insurance. For three years the government has been ignoring this report and has done nothing to help the unemployed. Now, on the eve of an election, the government claims it is worried about this problem and suggests that it will be making changes to employment insurance.

After three years of arrogantly ignoring the people in need, what changes does the government intend to make to the employment insurance system and when will it make them?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, the truth is quite otherwise. We

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have already implemented certain recommendations and eliminated the intensity rules.

Moreover, we have increased eligibility and decreased the number of weeks. Benefits are calculated according to the number of hours. We have already implemented several measures but there is also a possibility that we will review the act and look at the way in which we could establish a program that—

The Speaker: The hon. member for Windsor West.

* * *

[English]

BORDER CROSSINGS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the federal government is again dragging its feet on the Windsor border negotiations. Both the province and the City of Windsor have already selected their representatives and are waiting, literally, at the table by themselves for the federal representative.

My question is for the Prime Minister. Why the delay? We need action, not more obstacles. Why make other levels of government sit in frustration and the citizens sit without any type of solutions for their health at the expense of the Prime Minister being indecisive?

Hon. Jerry Pickard (Parliamentary Secretary to the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness (Border Transit), Lib.): Mr. Speaker, there has been great cooperation between the federal government, the province and the City of Windsor, as well as the County of Essex, since December. There is no question that when we sat on March 11, we tried to move forward on the agenda of ensuring that the needs of Windsor were met, along with the needs of Ontario and Canada.

In fact, we are working as rapidly as we can. We will have people at that table, with the province and the city.

* * *

PORT SECURITY

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, yesterday the government announced that it was re-establishing a national ports police force which it disbanded in 1998. Even though the Department of Transport lists 549 ports, this national system would apply to only three ports and give them first class security.

Why are the Liberals creating second class ports and second class security?

•(1450)

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, yesterday's announcement goes a long way in terms of meeting our security challenges and our security needs.

The member continues to question the security at ports. I can tell members that marine security is a very big part of the national security program that was announced yesterday. I will be announcing in the next number of days a program and an initiative that will speak directly to marine facilities and ports.

Oral Questions

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, the minister thinks that terrorists and criminals cannot read and that they would not know that we only have three ports with first class security. Criminals and terrorists are going to home in on the ports that do not have security. The other ports are going to have ad hoc security, with commissionaires, local police, the RCMP, or some combination. It is not a good system. It is not going to satisfy anybody.

When is the government going to get serious and have a uniform enforcement system for every port in the country?

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, as the hon. member knows, July 1 is the date on which we are going to be meeting the international ship and port facility security code. It is an international code. In fact, what we have done is gone a step further. We have put in place a North American code which is in fact higher and more stringent than the international code.

As I said, in the coming days and weeks, we will put forward a program which will speak specifically to ports and port facilities to ensure that our ports can compete. In no way will we have a situation where our ports are seeing trade diverted to ports in the United States. We will meet that international standard, but we will do so on July 1.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, the federal port police were axed by the government in 1998. Now it wants to bring them back but only in Vancouver, Halifax and Montreal.

On the west coast we have other deep sea ports, including Prince Rupert, Port Alberni and Nanaimo-Duke Point. There are dozens of other harbours that could be vulnerable.

When will the government commit to protecting all of our harbours and give our ports the resources they need to protect Canadian security?

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, as I just mentioned to the hon. member prior to this question, marine facility security is an important component of the national security policy that was announced yesterday. We will provide further details in the days to come on how my department will in fact move forward in the areas of port facilities.

We need to ensure, and we will ensure, that our ports are secure so that we can receive the kind of trade that we need to receive and do receive for trans-shipment into the United States.

This is a North American solution to security and it is one that will continue to improve over the years. Marine facility security is important and we will meet that requirement on July 1.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, years of neglect and yet here the government comes again at the last minute saying that it will provide the details some day.

Port security will be linked with the Coast Guard's Marine Communication and Traffic Services, but the government has been cutting Coast Guard services since 1995.

When the fisheries committee toured MCTS facilities, we found chronic underfunding, understaffing, rust out, failed transmitters, cancelled training programs and dedicated officers under great stress.

Hundreds of kilometres of Canadian coastline are not even monitored by radar.

Does the government expect to reverse 10 years of systematic abuse and neglect with last minute pre-election announcements?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank my hon. colleague for the question but he ought to perhaps know that in fact last year the Coast Guard received a permanent increase of \$47 million.

Safety and service to mariners in Canadian waters is the mandate of the Coast Guard and that mandate will not be compromised.

* * *

[Translation]

AIR CANADA

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, Deutsche Bank, which has come to the rescue of Air Canada, stated yesterday that the company should be subject to the same business conditions as its competitors. We know the airline is legally obligated to maintain its headquarters in Montreal.

Can the federal government guarantee that it will not amend legislation applicable to Air Canada and that this condition will continue to apply should a financial agreement be signed between Deutsche Bank and Air Canada?

[English]

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, certainly the Government of Canada is aware of the agreement in principle between Deutsche Bank and Air Canada. We are encouraged by this private sector development.

I think we should also be very clear, in response to the hon. member's question, that we continue to expect Air Canada to meet all of its obligations under the Air Canada Public Participation Act and any other applicable legislation.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the question I am asking the minister was whether the headquarters will remain in Montreal. That is my question and I am waiting for an answer. This legal obligation is set out in the legislation.

Can the minister confirm that Air Canada's headquarters will remain in Montreal?

● (1455)

[English]

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, obviously, from the supplementary question, it is very clear that the hon. member does not know what is in the act. It is clearly in the act that the headquarters would be in Montreal.

I have just finished saying that I would expect Air Canada to respect the Air Canada Public Participation Act. The requirements are in the act and I am saying in the House that Air Canada will respect that act.

*Oral Questions***STUDENT LOANS**

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, this week Statistics Canada released figures that show that the average Canadian student debt has nearly doubled in the past decade under the government. Figures show that today's graduates owe \$20,000.

Now we hear from Judy Dyck, president of the Canadian Association of Financial Administrators, that the student loan system has deteriorated badly under the government, that it is a bureaucratic maze and that it is ruining credit ratings.

Will the Prime Minister admit that in reality all he has done on this file is increase our students' capacity to go deeper into debt?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, try as he might, the hon. member is looking for a way to put a bad twist on a very positive issue.

The Government of Canada has already moved in the direction of making accessibility to university much more immediate for everyone. It has made it easier to get loans and made it easier to pay them off. It has reduced the rate of interest so that they are easier to pay off in the end.

In fact, we find that some 75% to 80% of all students have no difficulty paying off the loan. The reason for that is that they consider the loan an investment.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, it is too bad the government did not consider making an investment in post-secondary education.

The fact is that the minister fails to understand that too many Canadian graduates cannot afford a car for 10 years after they graduate. They cannot save for a home. They cannot afford any extras at all. If they live in a rural or isolated community, the barriers to education are that much higher and the debt is that much bigger.

The fact is that all the government has done is raise loan limits.

I would ask the minister to admit that all the government has done is make a big debt hole that much bigger.

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the hon. gentleman is just flatly wrong. The Government of Canada has created the Canada education savings grant, the Canada student bond and first year grants for tuition.

We have also improved the Canada student loans program and relieved the debt provisions at the end of the program. In this budget alone we have made an investment of \$400 million a year every year, going forward forever, and we will continue to increase that investment.

* * *

FINANCE

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, my question is for the Minister of Finance. At this time of year everybody is concerned about filing their income tax returns.

Currently, on the death of an RRSP annuitant all capital gains are recognized to the date of death. Any gains from death to distribution are gains of the beneficiaries. However there is no provision to deduct capital losses.

Why is the government only interested in taxing capital gains but does not allow capital losses?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, I want to acknowledge the hon. member's considerable interest and expertise in this field.

The current RRSP rules may indeed not always deal appropriately with situations in which losses arise within an RRSP. I have asked my department to consider possible changes to improve the rules in this regard. I take his question as a further representation on this point.

* * *

INTERNATIONAL AID

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, Canadians have noted that CIDA's aid policy has proven to be ineffective. The Liberal government has been giving out our tax dollars to over 100 countries.

An Environics Research Group report entitled, "Canadian Attitudes Toward Development Assistance", states that eight in ten Canadians agree that much of the aid given to poor countries never gets to the people who need it the most.

When will the government bring an end to political interference in CIDA to ensure effective aid delivery?

Hon. Aileen Carroll (Minister for International Cooperation, Lib.): Mr. Speaker, I am at a loss in determining what the hon. member is asking with regard to political influence in the aid development programs of Canada.

We have an excellent reputation. Just recently we were moved to the position of six out of eighteen by an international body assessing our aid development effectiveness.

I would be more than pleased to share that study with him and perhaps it will assist him to better understand.

● (1500)

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, CIDA is a bureaucratically laden and secretive agency.

The report also revealed that a majority of Canadians do not consider themselves informed about Canada's aid programs for poor countries. This is disgraceful.

Could the minister explain to Canadians why CIDA is not communicating how it spends taxpayer dollars on its aid program?

Hon. Aileen Carroll (Minister for International Cooperation, Lib.): Mr. Speaker, I am still working through his question but I think I can help in sharing the outcome of the polls that have been taken.

In every poll that has been taken, 80% of Canadians have responded that they highly approve of Canada giving aid to the world's poor and helping us reach development goals. I might add that similar polls ask that we be sure that we are achieving aid effectiveness. We developed an excellent policy just a year ago.

Points of Order

My colleague can be assured that we are reaching the goals set out within that policy.

* * *

[Translation]

NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, when the Minister of Foreign Affairs is questioned about the government's position on the missile defence shield, he keeps repeating empty phrases that confuse everyone and avoids giving a clear answer to the question.

Will the Prime Minister, who keeps saying that he wants to be clear, make it clear to President Bush, during his visit to Washington, that it is out of the question for Canada to take part in the creation of a missile defence shield?

[English]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, as the Minister of Foreign Affairs has said on many occasions, we are committed to protecting the safety and security of Canadians. We are involved in discussions with the United States right now with respect to missile defence and those discussions are going well. We are involved as well with many allies in terms of discussing missile defence. This is something that we hope to bring to a conclusion in the not too distant future, and I think Canadians will be better protected as a result.

* * *

HEALTH

Hon. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, my question today is for the hon. Minister of Health.

Just over a year ago my constituents in Thornhill, their neighbours throughout York region, the GTA and in fact all Canadians lived through the SARS outbreak that affected Canada.

Given the recent emergence of SARS in China, what new precautions are being taken by the federal government, and particularly Health Canada, to ensure the residents of Thornhill and all Canadians that we are prepared so that we will not live through another outbreak?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, since the SARS outbreak we have made significant improvements to our public health capacity in several areas.

National and global detection and surveillance systems have been strengthened. We have quarantine services at the ready. Guidelines are in place for hospital and frontline health care workers; data sharing systems; and regularly updated information vehicles for Canadians.

Yesterday, Health Canada began distributing a SARS alert notice to passengers arriving from east Asia at the Vancouver and Toronto Pearson airports.

[Translation]

FOREIGN AFFAIRS

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, on Friday, April 16, Guy-André Kieffer, a 54-year-old journalist with both French and Canadian citizenship, who was a Hill reporter for several years, went missing under mysterious circumstances in Abidjan, Ivory Coast. He has not yet been found.

While French President Chirac has intervened directly and raised this matter on two occasions with Ivory Coast President Laurent Gbagbo, what is keeping the Prime Minister from also intervening and insisting that Ivory Coast move on the investigation of this matter?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I believe that the hon. member is well aware that the Government of Canada takes Mr. Kieffer's disappearance very seriously. She is also aware that the government and even our embassy have been involved in tracing Mr. Kieffer right from the time he disappeared.

We know that the government still has other means of access to information on this matter, one which we take extremely seriously, as we did the case of our friend Fadi Fadel, who is here in Parliament today.

* * *

● (1505)

[English]

POINTS OF ORDER

ORAL QUESTION PERIOD

Hon. Jim Karygiannis (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, in an exchange a few seconds ago, the hon. member for Calgary East pointed a finger at me. I wonder if you, Mr. Speaker, could clarify which finger he pointed.

The Speaker: I did not see any finger pointing, aside from the usual. People do shake their fingers. I do not know whether the hon. member for Calgary East wishes to clarify the situation. I do not know if something happened.

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, I was just following what his former prime minister did when he wanted to show he was not happy. I just wanted to show him that I was not happy with his heckling.

* * *

[Translation]

YEAR OF ACADIA

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, discussions have been held between the parties and I believe, were you to seek it, that you would obtain unanimous consent for the following motion:

On the occasion of the 400th anniversary of the arrival of Samuel de Champlain in North America, I move that this House declare the year 2004 the Year of Acadia.

The Speaker: Does the hon. member for West Nova have unanimous consent to introduce this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

ROUTINE PROCEEDINGS

[English]

BOARD OF INTERNAL ECONOMY

The Speaker: I have the honour to inform the House that Mrs. Judi Longfield, member for the electoral district of Whitby—Ajax, has been appointed member of the Board of Internal Economy in place of Ms. Marlene Catterall, member for the electoral district of Ottawa West—Nepean, for the purposes and under the provisions of an act to amend the Parliament of Canada Act, chapter 32, Statutes of Canada 1997.

* * *

LANDS ADVISORY BOARD

Hon. Andy Mitchell (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, a copy of the 2002-03 annual report of the Lands Advisory Board.

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GRAIN HANDLING AND TRANSPORTATION SYSTEM

Hon. Jim Karygiannis (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) I have the honour to table, in both official languages, a report entitled, "Monitoring the Canadian Grain Handling and Transportation System—Annual Report: 2002-2003 Crop Year".

* * *

[Translation]

COMMITTEES OF THE HOUSE

FINANCE

Mr. Nick Discepola (Vaudreuil—Soulanges, Lib.): Mr. Speaker, I have the honour to table, in both official languages, the fifth report of the Standing Committee on Finance, concerning Bill C-30, an act to implement certain provisions of the budget tabled in Parliament on March 23, 2004, as agreed on Tuesday, April 27, 2004, and to report it with amendments.

• (1510)

[English]

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have the honour to present the 26th report of the Standing Committee on Procedure and House Affairs, regarding matters relating to security on Parliament Hill.

Routine Proceedings

FARM INCOME PROTECTION ACT

Mr. Leon Benoit (Lakeland, CPC) moved for leave to introduce Bill C-519, an act to amend the Farm Income Protection Act (crop damage by gophers).

He said: Mr. Speaker, I am proud to once again present a private member's bill to help farmers deal with the problem of damage done through Richardson's ground squirrels, or more commonly called gophers. I have a motion in the mix which would return the appropriate concentration of strychnine to farmers so they could mix it themselves on their farms.

The bill would at least provide compensation for farmers for damage done because the effective product to control gophers has been removed from them.

I am looking forward to debating the bill. Hopefully, the government will, having removed strychnine, support my bill and return it.

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

* * *

DO-NOT-CALL REGISTRY ACT

Ms. Paddy Torsney (Burlington, Lib.) moved for leave to introduce Bill C-520, an act to establish and maintain a national Do-Not-Call Registry.

She said: Mr. Speaker, I am sure all hon. members in the House will be wanting to support this bill, since many of them, and many of their constituents particularly, have been pestered by unwanted telephone solicitation. What the bill seeks to do is establish, maintain and update a national registry of Canadian residential telephone subscribers who choose not to receive telephone solicitation.

I think the members opposite are just so keen to support this, they are all heckling, but I am having trouble even speaking and hearing myself.

Mr. Leon Benoit: Another gun registry.

Ms. Paddy Torsney: I will be sure to let their constituents know that they do not support consumer protection and the protection of privacy, but others will be supportive.

The Speaker: Order, please. This is an opportunity for the hon. member for Burlington to summarize her bill briefly and while debate is always something we appreciate in the House, this is not the time for it. We will do that later. The hon. member for Burlington.

Ms. Paddy Torsney: Mr. Speaker, as long as they do not point any fingers my way.

The enactment would prohibit a merchant who engages in telephone solicitation from soliciting or causing a solicitation to a listed residential telephone subscriber and would authorize legal action against a merchant engaged in solicitation from an offence under this act.

I would like to particularly thank my staff for their hard work, my constituents who came up with this idea initially, the Minister of Industry and the Canadian Marketing Association for their support and consultation on this, and to my colleague who sits on our side.

Routine Proceedings

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

* * *

PETITIONS**MARRIAGE**

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present three petitions today. The first petition is on the subject matter of marriage. The petitioners would like to point out that marriage is the best foundation for families and the raising of children.

They call upon Parliament to pass legislation to recognize the institution of marriage in federal law as the lifelong union of one man and one woman to the exclusion of all others.

● (1515)

The second petition, Mr. Speaker, is on the matter of the notwithstanding clause.

The petitioners would like to draw to the attention of the House that, on June 10, the Ontario Court of Appeal ruled that same sex couples must have the legal right to marry on the basis of the Canadian Charter of Rights and Freedoms and our constitutions. However, they also point out that under the Constitution, section 33, the federal government may invoke the notwithstanding clause to override the charter.

The petitioners, therefore, call upon Parliament to invoke the notwithstanding clause, if necessary, so that only two persons of the opposite sex can be married.

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the last petition is with regard to a matter on which I spent two years, stem cell research.

The petitioners would like to draw to the attention of the House that Canadians support ethical stem cell research which has already shown encouraging potential, and that non-embryonic stem cells, which are also known as adult stem cells, have shown significant research progress without the immune rejection of ethical problems associated with embryonic stem cells.

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

BEADS OF HOPE CAMPAIGN

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am very honoured and pleased to present several hundred more names on a petition sponsored by the United Church of Canada as part of its Beads of Hope Campaign.

The petitioners are obviously very concerned about the global HIV-AIDS pandemic. They call upon Parliament and the government to better address the root causes of the pandemic and to act with others based upon this understanding.

Specifically, they call upon the government to cancel multilateral debts of impoverished countries, to cancel bilateral debts that developing countries owe to Canada, to increase Canada's official

development assistance to meet the goal of 0.7% of gross national income, to ensure that patents for trade-related and intellectual property rights do not block access to public goods like life-saving medicine, and finally, to double funding for the federal government's domestic program, the Canadian strategy on HIV-AIDS, to address this concern in Canada.

MARRIAGE

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, CPC): Mr. Speaker, I have the pleasure of presenting a petition signed by constituents of my riding of Kamloops, Thompson and Highland Valleys.

The petitioners call upon Parliament to recognize the institution of marriage as being a lifelong union of one man and one woman. They call upon Parliament to do whatever is necessary to preserve the traditional meaning of marriage in Canada.

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the pleasure to present various petitions from people in Haliburton and area.

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

OTTAWA CENTRE BYELECTION

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is my privilege to rise today to present a petition entitled, "Give Me Representation".

This petition is from residents of Ottawa Centre who are calling upon the federal government to immediately call an election for Ottawa Centre. Back on September 8, 2003, the former prime minister appointed that member to the Senate and they are without representation.

I might add that it is my privilege to introduce this petition because our candidate for Ottawa Centre is none other than Mr. Ed Broadbent, a very much respected member of our community.

MARRIAGE

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

GASOLINE ADDITIVES

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have another petition to present on behalf of the constituents living in Grand Bend. The petitioners call upon Parliament to protect the health of seniors and children and save our environment by banning the disputed gas additive MMT, as it creates smog and enhances global warming.

*Routine Proceedings***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 Questions Nos. 11, 56, 60 and 72 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 11—**Mr. John Cummins:**

With regard to programs and all other special expenditures for aboriginals in Delta—South Richmond, what was the total expenditure by department for fiscal years 2001-2002, 2002-2003 and thus far in 2003-2004 for each band or aboriginal organization?

Return tabled.

Question No. 56—**Mr. John Duncan:**

With regard to the Southern Chiefs Organization in Manitoba, how much and what type of funding has the government provided, for each fiscal year since the organization's inception?

Return tabled.

Question No. 60—**Mr. Gerald Keddy:**

In regard to climate change: (a) besides Environment Canada, what other federal government departments have climate action programs and at what annual cost are they funded; (b) is funding for these programs by journal-voucher from Environment Canada or is it part of departmental operating funds; (c) why did the federal government stop funding the joint project "National Museum of Natural Sciences Project on Climatic Change in Canada During the Past 20,000 Years"; (d) what happened to the plan to set up weather data archives in Downsview, including a national registry of tree ring and other proxy data; (e) which non-governmental climate scientists, and exactly when, have Environment Canada sponsored to send to the Intergovernmental Panel on Climate Change or any other climate conference; (f) what fully refereed scientific papers have Henry Hengeveld and David Philips had published in peer-reviewed scientific literature; (g) when were they published; (h) what groups and individuals were given financial assistance, by Environment Canada or any other department, agency or Crown corporation, including funds for research, staffing, travel, meals (including alcoholic beverages) and accommodation to attend or present at the cross-Canada climate change secretariat stakeholder consultations held in the fall of 2002; (i) what groups and individuals were given financial assistance by Environment Canada or any other department, agency or Crown corporation, including funds for research, staffing, travel, meals (including alcoholic beverages) and accommodation to attend or present before the House of Commons Standing Committee on the Environment and Sustainable Development during the past five years; (j) which scientists have presented climate science-related testimony before the House of Commons Standing Committee on the Environment and Sustainable Development during the past five years; (k) when have environmental lobby group members, including David Suzuki, met with the Prime Minister or any members of his cabinet since 1993; and (l) which non-governmental climate scientists have met with the Prime Minister or any members of his cabinet since 1993?

Return tabled.

Question No. 72—**Mr. John Reynolds:**

For the fiscal years 2001-2002, 2002-2003, 2003-2004, from all departments and agencies of the government, including crown corporations and quasi/non-governmental agencies funded by the government, and not including research and student-related grants and loans, what grants, loans, contributions and contracts have been awarded in the constituency of West Vancouver—Sunshine Coast, including the name and address of each recipient, whether or not each was competitively awarded, the date, the amount and the type of funding, and, if repayable, whether or not it has been repaid?

Return tabled.

[English]

STARRED QUESTIONS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Starred Question No. 83 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

*Question No. 83—**Mr. Guy St-Julien:**

With respect to the government's budget results concerning revenues from employment insurance contributions and expenditures on employment benefits: (a) what are the actual surpluses and deficits for each fiscal year since 1980; and (b) for these same years, what are the results for the Province of Quebec?

Return tabled.

[English]

Mr. John Cummins (Delta—South Richmond, CPC): Mr. Speaker, I am pleased that Question No. 11 is to be answered. I appreciate that the parliamentary secretary, as he said last time, undertook to determine the terms and processes, obviously on this one.

I have three other questions outstanding. The first one was Question No. 13 from February 2, which was asked way back last September. I know a response has been prepared. I also have Question No. 17 and Question No. 80, which is an important question to deal with the availability of nautical charts. It is of critical importance that question be answered.

When could we expect an answer to Questions Nos. 13, 17 and 80?

• (1520)

Hon. Roger Gallaway: Mr. Speaker, once again I will make inquiries, although I must again say that questions posed last September are of no consequence here. However, I will make inquiries.

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

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MOTIONS FOR PAPERS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all Notices of Motions for the Production of Papers be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

*Government Orders***GOVERNMENT ORDERS****PATENT ACT**

The House proceeded to the consideration of Bill C-9, an act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa), as reported (with amendments) from the committee.

[English]

SPEAKER'S RULING

The Speaker: There are 20 motions in amendment standing on the Notice Paper for the report stage of Bill C-9. The motions will be grouped for debate as follows.

[Translation]

Group No. 1 includes Motions Nos. 1 through 11. Group No. 2 includes Motions Nos. 12 through 20.

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 to 11 in Group No. 1 to the House.

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. Discussions have taken place between all the parties concerning the report stage debate of Bill C-9. I believe if you were to seek it that you would find unanimous consent for the following. I move:

That no later than 5:30 p.m. this day, all questions necessary to dispose of report stage of Bill C-9 be deemed put and that a recorded division be deemed requested on Motions Nos. 2, 14 and 18.

That Motions Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19 and 20 be deemed carried on division.

That Motion No. 3 be deemed defeated on division.

That the recorded division requested on Motions Nos. 2, 14 and 18 be taken at 5:30 p.m. this day.

The Speaker: Is there unanimous consent for the motion put forward by the hon. chief government whip?

Some hon. members: Agreed.

(Motion agreed to)

• (1525)

MOTIONS IN AMENDMENT

Hon. Joe Fontana (Parliamentary Secretary to the Prime Minister (Science and Small Business), Lib.) moved:

Motion No. 1

That Bill C-9, in Clause 1, be amended by replacing, in the English version, line 7 on page 1 with the following:

"is to give effect to Canada's and Jean Chrétien's"

Mr. Brian Masse (Windsor West, NDP) moved:

Motion No. 2

That Bill C-9, in Clause 1, be amended by replacing lines 36 to 38 on page 6 with the following:

"(f) the name of the person or entity to"

Motion No. 3

That Bill C-9, in Clause 1, be amended by replacing line 23 on page 7 with the following:

"at least fifteen days before filing the applica-"

Hon. Joe Fontana (Parliamentary Secretary to the Prime Minister (Science and Small Business), Lib.) moved:

Motion No. 4

That Bill C-9, in Clause 1, be amended by replacing line 23 on page 7 with the following:

"at least thirty days before filing the applica-"

Motion No. 5

That Bill C-9, in Clause 1, be amended by replacing, in the French version, lines 26 and 27 on page 7 with the following:

"IOMC mentionné dans la demande, et ce à des conditions raisonnables et sans succès."

Motion No. 6

That Bill C-9, in Clause 1, be amended by replacing lines 21 to 25 on page 11 with the following:

"its label and packaging, as required by regulations made under the Food and Drugs Act, as well as information identifying every known party that will be handling the product while it is in transit from Canada to the country or WTO Member to which it is to be exported."

Motion No. 7

That Bill C-9, in Clause 1, be amended by replacing line 29 on page 11 with the following:

"(3) The Commissioner shall,"

Motion No. 8

That Bill C-9, in Clause 1, be amended by replacing line 34 on page 11 with the following:

"(4) The Commissioner shall,"

Motion No. 9

That Bill C-9, in Clause 1, be amended by replacing lines 1 to 3 on page 12 with the following:

"quantity to be exported, as well as every known party that will be handling the product while it is in transit from Canada to the country or WTO Member to which it is to be exported:"

Motion No. 10

That Bill C-9, in Clause 1, be amended by replacing lines 42 to 45 on page 15 with the following:

"authorized to be manufactured and sold, which agreement must incorporate information that is in all material respects identical to the information referred to in paragraphs 21.04(2)(a), (b), (e) and"

Motion No. 11

That Bill C-9, in Clause 1, be amended by replacing line 9 on page 18 with the following:

"Health shall establish, within three years after the day this section comes into force, an"

Hon. Aileen Carroll (Minister for International Cooperation, Lib.): Mr. Speaker, I am delighted to speak in the House this afternoon on the subject of Bill C-9, the Jean Chrétien pledge to Africa act. As we know, the bill has been in committee and there have been a number of amendments. The bill will be coming back to the House for third reading very shortly.

The bill is the Government of Canada's response to the agreement reached at the WTO called the TRIPS agreement. It was an acknowledgement on the part of all the members of the WTO that drugs are desperately needed in Africa and other developing countries to assist them in dealing with the pandemic of HIV-AIDS, malaria, TB, and all of the diseases that are rampant there, and to make those drugs available at a price that people in developing countries could afford.

Government Orders

As one of the members of the WTO, Canada joined with our colleagues in signing the TRIPS agreement. That agreement puts an onus on all members within their own countries to bring forward domestic legislation that will have as its objective the distribution, production and availability of drugs for the diseases that I have just described.

In order to meet that onus, our legislation will meet changes requisite in the Food and Drugs Act, Intellectual Property Law Improvement Act, and the Patent Act.

I am proud of this bill and I do not have to apologize for that. I am proud of my government that we are the very first member of the WTO to bring this legislation forward. It was quite a task. We engaged the pharmaceutical industry in Canada and the generic drug companies. We joined in our consultation process with the non-governmental organizations. The work was the product of five departments of government coming forward to engage in the process and that, in and of itself, I think was quite an undertaking and accomplishment.

The legislation meets the requirements of TRIPS. I tend sometimes to be overly technical, but I want to give people the benefit of the background of this legislation. It reflects the moral imperative that Canada recognizes is ours to do all that we can to make those medical treatments available to the millions of people who are suffering from these diseases.

We have brought the legislation forward. It will return to the House once the process is complete in committee. As the Minister for International Cooperation, I have just returned from meetings at the World Bank over the weekend at the development committee and prior to that not long ago from meetings at the OECD, the DAC committee. Both of those are very prestigious and influential committees, where donor countries joined together in developing the best strategies to deliver aid effectively to the poor of this world.

I took advantage of both those venues to share the information with all of the donor countries, to tell them about this innovative piece of legislation, and to brag somewhat in spite of the reputation that Canadians must always maintain to be modest and unassuming. We have a lot to brag about and I did that, but I did it with a purpose. The purpose was to put a real onus on other member countries that have signed the TRIPS agreement to follow the precedent that Canada has set.

Until one country comes forward and does exactly that, these kinds of agreements can sometimes linger in a hiatus situation that would be beneficial to no one. Canada has come forward and has received accolades from our NGO communities worldwide, as well as the domestic community.

• (1530)

We have heard very favourable responses from leaders in civil society. I am pleased that people such as Bono and others have given great approbation to Canada for having shown the leadership to come forward and be the first out of the gate with this legislation.

It was a very important consultative process. There was a commitment on the part of the pharmaceuticals, the generics, the NGOs and these five departments to work out legislation that did not just meet the bar of that agreement, but in effect, went above the bar.

Canada has exceeded the bar in one dimension by including in this legislation, not just the countries that are members of the WTO but countries who meet the criteria as established by the DAC committee. It would include all countries that are officially recognized recipients of ODA, official development assistance.

We have broadened, right at the beginning with our legislation, the number of countries who will benefit from this, and who will now be able to access drugs at a price that they are able to afford. This drug bill, the Jean Chrétien pledge to Africa, therefore becomes an integral piece, if I can speak strictly as the Minister for International Cooperation in Canada, this drug bill, of our strategies to assist people in the developing nations.

We are working to greatly enhance the capabilities of countries with their health services in all that is required to assist them in developing a capacity that they are slowly accomplishing. Obviously, it is uneven. The growth in capacity is stronger in some countries than others. The availability of drugs, that is an incredibly important part of their battle against diseases that are the scourges I have described, becomes a very important part of an overall holistic approach.

As the Minister for Cooperation, it became and remained, and still is a major priority for us as one of the five departments who came forward here. It was a very broadly based consultative system. It allowed Canadians to come forward wearing every hat that pertained to the development of the bill. It allowed them to come to committee to engage parliamentarians on that committee, convey changes they felt needed to be made, and to convey their approval of the strength of that bill giving excellent wisdom to us as we all moved together to enact this incredibly important and timely piece of legislation.

That speaks well for the process. It speaks well for the important role of the committee. The committee was enhanced by the enabling of the members of that committee through the recent approaches the government has undertaken under the leadership of the Prime Minister to address democratic deficit. It enabled people to work together and produce legislation of this tremendous import.

We have dealt with some of the issues that originally were not roadblocks, but I would describe as hurdles, and we have overcome them. With regard to voluntary licensing, the amendments eliminate the requirement that patent holders be given the right of first refusal and that was vital. When we initially came forward, we heard a lot of concern and really to be fair, criticism not just concern, on that right of first refusal.

We have come together with our stakeholders, made the changes and eliminated that requirement. In so doing, again, it produces a piece of legislation that says to the world, this is where Canada has come from, this is what we have come out of the gate with on the TRIP agreement, and this is exactly the model that will be there to emulate.

We have included two lists in the regulations, lists of countries that will be able to benefit from this legislation and lists of the drugs that will be available as a result. Both form a beginning and are not engraved in stone for all time, but we had to begin somewhere and we have done that.

Government Orders

I look forward to speaking in a more formalized fashion at third reading.

● (1535)

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, it is a privilege to speak to Bill C-9 and specifically to some of the amendments in the first group.

I would like to tackle specifically one clause, a motion that we have submitted which I believe is important and will make the bill better. I am concerned it will not pass. I want to outline the reasons for moving that particular amendment.

First I want to thank my staff in Ottawa and in Windsor for the hard work they have done, in particular the Ottawa staff for the research that went into the bill. I thank the volunteers as well. I would also like to thank Stephen Lewis for his leadership on this initiative abroad. It simply makes another mark for Canada, that I hope will be successful.

The NDP is committed to ensuring that this very important humanitarian bill is passed as quickly as possible. A very important issue unfortunately has not been dealt with appropriately in the bill which could compromise its effectiveness.

As we all know, the bill was first introduced last November and after prorogation was reintroduced on resumption of Parliament in February of this year.

One of the chief points of contention with the bill was the issue of non-governmental organizations being able to contract directly with Canadian generics to purchase medicines for their programs in eligible developing countries.

During the weeks of testimony that the industry committee heard, a variety of NGOs, including Doctors Without Borders and Canadian HIV/AIDS Legal Network, testified about the importance of NGOs being able to produce lower cost pharmaceutical products directly, among other issues. I would like to thank them for all the work they have been doing abroad and also on this bill. I look forward to their achievements in the future. There are fine, capable people in those organizations.

NGOs testified that although the government intended to include NGOs, the language in the first version of Bill C-9 which identified governments and "agents" of governments as being eligible importers, the NGOs did not feel that this language adequately assured them of access to lower cost pharmaceuticals. It was inappropriate language terminology that hurt them.

Upon reflection of the various issues that were raised during committee testimony, the government proposed substantial changes to Bill C-9. It proposed removing the first right of refusal removal and opening the list of eligible importing countries to include many more developing countries. Of importance to consideration of this amendment, it changed the language about how NGOs could be involved. I commend those achievements, but unfortunately, they are changing it back again.

In its proposed amendments during clause by clause, the government put forward language in section 21.04 to remove the

restriction of government or "agent of government" and replace it with "person or entity to which the product is to be sold". The Canadian HIV/AIDS Legal Network issued a statement in support of that particular change saying it would allow NGOs to procure medicines from generic producers, assuming the NGO was legally entitled to import and distribute in the country where it was operating. This was a very progressive, important step by the government.

The difficulty with the issue is the following. No one was ever requesting that an NGO be allowed to contract directly with generic producers without the legal authority to do so in the eligible importing country. NGOs regularly receive their appropriate legal authority within whatever country they are operating to allow them to distribute medicines through their particular programs.

The more open language "a person or entity legally entitled to import and distribute", however, was changed through a subamendment at the committee. I recognize that my colleague who presented the subamendment was attempting to clarify the language in the bill, but whether purposely or inadvertently, the language as it now stands would again prevent NGOs from participating. That is why I put forth the amendment at this stage to ensure that the language remained inclusive of NGOs.

The language in section 21.04(2)(f), lines 36 to 41 in particular, on page 6 of the bill reprinted as amended at committee, has been changed to "governmental person or entity or person or entity permitted by the government of the importing country". This is problematic because it does not allow NGOs to contract directly. That is how they feel about the bill at this particular time. It is one of the challenges that we are going to see in the field.

The problem is that many countries, including Canada, do not necessarily provide the legal authority to procure and distribute pharmaceutical products through the government. In fact the best reference point is our own system. Here in Canada we have a commissioner of patents. Although created by an act of parliament and is part of the larger government structure, it is the commissioner of patents, not the government, who decides who is issued a compulsory licence to allow the sale and distribution of a particular pharmaceutical product. If a person obtains a compulsory licence under Canadian law from the commissioner of patents, there is nothing else the person needs in order to have the legal right to deal with that patented product in accordance with the terms and conditions of the actual licence.

● (1540)

It is the same in many countries around the world that also have positions of commissioners of patents. In other countries, such as South Africa, compulsory licences are issued through the courts and the legal system, not through the government.

Why is this language in its current form so problematic?

Government Orders

Let us assume for example that Doctors Without Borders in South Africa wants to import an anti-retroviral drug used in HIV-AIDS treatment for their programs in that country. A generic version could mean thousands of dollars in savings per year per patient. Under the current language of Bill C-9, Doctors Without Borders would have to first apply to get a compulsory licence and then, because of our law, would have to get some kind of authorization from the South African government to buy the anti-retroviral drug to use for their patients.

There is no process for that authorization in the South African government at the moment because it has a commissioner of patents that issues compulsory licences and a person or entity is not required under South African law to get anything other than a compulsory licence. That is the obstacle.

The bill is intended to be humanitarian in nature. As the minister stated in her opening comments to the committee, it is important that we have a bill that ensures that the regime not be abused, but that it also provides for the actual intervention of the drugs on the actual streets of the nations that need those types of support and supplies.

If we maintain the language around who a generic producer is able to contract with, in order to contract, NGOs would be required not only to obtain the compulsory licence, but also to get some kind of governmental authority; some kind of governmental authority that NGOs are not required to get by the laws of the country in which they are operating. It creates a circle. This circle is what is causing the NGOs to have problems and why we have this amendment.

Whatever process the eligible importing country has identified for issuing compulsory licences, whether it be through a commissioner of patents, through the courts or some other agency mandated by the government, should be enough of a legal requirement to allow NGOs to contract with generic producers. This is similar to our system here.

Again, I am not proposing that NGOs should be able to contract directly where they are not legally entitled to according to the laws of the country in which they are operating. I am simply proposing that we ensure that the language of our bill does not create further steps and barriers in the process of getting these much needed drugs to the people who need them, through the government or other person or entity legally entitled to do so.

Countries already have legislation regulating what drug products are approved for sale and use in their country. A compulsory licence would only be issued in cases where a drug is patented in that country and approved for sale and use.

There may be occasions where a country wishes to import a drug that is patented here in Canada but is not patented there. In that case no compulsory licence would be necessary by NGOs or other persons or entities wishing to distribute that pharmaceutical product, but it would still have to be approved for use and distribution, again by the importing countries under their own rules and regulations.

It is like it is here in Canada. There is Health Canada's process of determining safety of drugs and Industry Canada's process of placing products on the patent register and determining whether compulsory licences can be used.

Again, this amendment seeks not to change any of that, but seeks instead to respect the rules that are already in place in whichever importing country tries to participate under the regime that Bill C-9 would create. The change in language would ensure that there is no confusion between patent holder, generic producer, importing country, or NGO about whether a person or entity is eligible. Confusion can lead to legal battles and I know members on all sides of the House, as well as stakeholders, want to avoid that possibility.

We as parliamentarians should be respecting the sovereign process of legally issuing compulsory licences to NGOs or other organizations or persons for using patented pharmaceutical products within their own borders. We as Canadian parliamentarians do not need to tell other parliamentarians and representatives of other countries how they should do their job. We as Canadian parliamentarians cannot undermine the potential for success of this bill by including language that simply is not necessary and creates more burdens for the NGOs attempting to provide much needed health care services and governments that are dealing with health emergencies.

My amendment is simple. It proposes to return the language from what was passed at committee on a subamendment to the language proposed by the government in its own amendments to its own bill. The NGOs welcomed the government's language, as did the NDP, but we have not welcomed the new language that was passed at committee. This amendment does not propose to do anything but keep the process within established legal grounds and ensure that no additional barriers are placed in the way of NGOs attempting to deliver their humanitarian programs.

It simply boils down to this at the end. We felt that the government did a good job of listening to the NGOs and also to the witnesses at committee to deal with this problem and deal with an appropriate change from the first to the second draft. That is very important because they did change a number of different things. I commend the government for that.

Unfortunately, the subamendment, we believe, will create problems for the bill. That is why we would like to see this amendment pass. It would open up a better process for NGOs and those countries to be able to make sure that the humanitarian efforts of this bill are realized. At the end of the day, that is what all of us in Parliament want.

• (1545)

We want a bold initiative that is going to actually create opportunities for people who are sick and suffering, where health standards and impoverishment prevent people from achieving their fullest potential and cause death. We want to provide assistance with cheaper drugs to treat those illnesses.

That will not only make Canada a stronger nation, it will also provide for peace and security in the world.

Mr. Deepak Ohrai (Calgary East, CPC): Madam Speaker, it is a pleasure to speak to Bill C-9, an act to amend the Patent Act and the Food and Drugs Act.

Government Orders

This subject is very close to my heart because I come from that part of the world where the bill will have a major impact, the continent of Africa, where I grew up and where I went to school. To see the devastation that is taking place on that continent is very shocking and of immediate concern.

Time after time there has been mention of the major impact on the economy over there. My family still lives in that part of the world. I have on many occasions visited that part of the world. I have had first-hand experience of the devastation that is taking place in Africa as well as the economic impact. It falls upon us to see what we can do.

As a compassionate country, we have been directing foreign aid to that part of the world. It is becoming very clear that no matter how much money we are spending in that part of the world, if we do not tackle this scourge head on, the money that we are pouring into Africa will be wasted because people are dying, the economy is being affected and they need our help.

I am very happy that Canada took the lead when it brought the bill forward. When the bill was first proposed by the government, although I am on the opposition side, I commended the government for bringing forward this vision. We were the first ones to come out and support this initiative. As a matter of fact the Conservative Party was willing to pass this legislation in a single day in November so that we could address this issue.

I am happy to say that changes have been made. People in the field who were working with AIDS victims were concerned with what was wrong with the bill. Amendments that were brought forward in the committee will address many of those issues.

The issue is that in that part of the world, people cannot afford the drugs. When there is such severe poverty, when putting food on the table is an issue, how could the people fight that scourge on that continent?

I was there in November last year. I attended one of the AIDS clinics in Nairobi. I grew up in that city. About 25 years ago no one was suffering from AIDS. There was not the scourge of AIDS. It hit home when I went back there after 25 years and saw the devastating impact in the place where I grew up.

I went into the slums. I went into a grandmother's home. She was taking care of her two little grandchildren because both her daughters had died of AIDS. She herself had absolutely no idea what would happen to the children when she died.

On the streets of Africa the number of orphans is increasing. There are other severe social problems that go along with the breakup of families in that society which have to be addressed.

The priority now, and rightly so, is to ensure that cheap drugs are available. The good news is that they are available. It was only the rules and regulations that we had put in place that did not make it possible to reach out to these people.

• (1550)

Indeed, Bill C-9 is one of those bills that will go down in history as one that went out to help people, as a bill that Canada initiated to

help people. Three months ago I was in Europe talking to Irish and Dutch parliamentarians on a Canada-European Union parliamentary visit. They were extremely proud of the Irish and Dutch governments and the assistance through ODA that they were giving to people around the world. Every time we have talked, they have dwelled on this. It was with great pride on my part that I showed Bill C-9 to them and told them that this was what was required, that their governments must look at Bill C-9 and must make sure that their own pharmaceutical companies would follow Bill C-9.

I told them that if they are really interested in spending money to help people in poor countries, then they must look at this legislation to see how they can help, because, as I have stated, the devastation is so severe that effective foreign aid delivery will not be there. I must say that I am pleased to be standing in this Parliament and to be in this country that has taken such a strong initiative to help where this devastation hits the hardest.

As we continue with this process, right now we are focusing on sub-Saharan, and of course this bill also talks about the other two diseases, not only AIDS but malaria and TB. Having grown up in that country, I have been a victim of malaria. Anybody who goes there is bound to be a victim of malaria. One cannot escape malaria living in that part of the world. I have had it too. To fight it, one needs strength and one needs medicine, cheap medicine. Again, this bill will address that issue to make sure that the scourge of malaria is fought in that part of the world and that drugs are affordable for the people in the villages of Africa and Latin America and wherever people cannot afford them.

As part and parcel of Canada's overall strategy of assistance through ODA to this part of the world, this bill fits extremely well into the whole picture of helping these countries, so it is with great pleasure that I say we will be supporting the bill.

The Acting Speaker (Mrs. Hinton): I would like to make one comment before we resume debate. I will ask members to please turn off all electronics.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Madam Speaker, I am very pleased to speak today on this bill. It is important to put it into the context in which we are examining it.

This bill seeks to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa). This bill is the result of very strong international determination that prescription drugs that have been the subject of significant and costly research projects should be available to all people in developing countries, the least fortunate on this Earth.

And so we came to discuss this bill originally introduced last fall. As members will recall, the first bill introduced was full of good intentions but during the committee stage it became clear that a great many changes were really needed in the bill.

The initial good will was expressed to the WTO and later shaped by intensive lobbying from non-governmental organizations and all stakeholders wanting humanity to show that, when someone on this planet is in need, an effective and meaningful way can be found to help that person, and that results can be achieved in a short time.

Government Orders

The bill we have before us will enable these countries to cope with problems relating to HIV-AIDS, TB, malaria and other such diseases.

Lastly, this bill is intended to make it possible to supply drugs to developing countries, while respecting the reality of intellectual property. As a result, when it was introduced, we had to listen carefully to everything that witnesses had to say, whether they were research companies working on new drugs, producers of generic drugs, NGOs, or other stakeholders. All of these were interested in seeing the bill get passed, be as functional as possible, and allow the various countries to have access to drugs as promptly as possible.

This was not necessarily an easy task, since the purpose of the exercise was to free the whole matter of supplying drugs to developing countries from international trade regulations. Yet, at the same time, despite the good will of all parties, the companies involved still wanted assurance that the arrangement would be adequate to prevent commercial trading or leaks.

We had to focus on this and ensure that the end product would be an acceptable bill. So there were many amendments, particularly in relation to the first draft in which research companies were given first right of refusal. Proposals were made to replace that.

I believe that the model found in the bill now, while perhaps not perfect, will improve the situation. It will allow greater competition among the companies concerned when there is a product to be supplied. As a result, in the medium term, this will contribute to lower prices for drugs supplied to developing countries under both this bill and the WTO agreement. In the long term, this would lead to the creation of more worthwhile markets for all kinds of products.

As for the work done in committee on this bill, it can be said that all the parties in this House did their best to create the best bill possible. We also heard from many witnesses. Moreover, we allowed enough time for the government to prepare amendments. Some amendments were adopted in committee; others on the table today will not make the bill perfect, but better. There is a clause in the bill stipulating that in three years time the bill should be tabled in the House again and re-examined to look at how it was applied and whether the mechanism established actually helped provide drugs to southern countries.

The fundamental challenge of this bill is to determine whether, in a reasonable period of time, human beings in the poorest countries in the world will benefit from the benefits put in place and the mechanism created for ensuring that drugs are made available.

Amendments were made to the list of drugs. The government's initial bill was missing drugs that should have been part of the list. They are now included in the current bill. Some countries were also missing from the list; this is to ensure that countries that are not WTO members, for instance, and are very poor, are on the list of countries eligible under this agreement. We also worked to ensure greater competition in order for the drugs to be available at a lower cost.

• (1555)

This led to the new version of the bill.

Among the amendments under consideration today in the first group, there are some amendments to ensure security of supply.

Various stakeholders remarked that it is quite proper to implement a process to ensure that developing countries receive a satisfactory supply. However, it is also essential to ensure that smuggling will not develop, with lower cost pharmaceutical products intended for developing countries ending up on North or South American markets or elsewhere in the world through faulty channels. Smuggling already exists in other markets, such as cigarettes.

It would have been very unfortunate, after the positive efforts of all the parties during committee consideration, to end up with a bill that does not ensure adequate supply and, above all, has serious flaws and generates smuggling.

Even today, at report stage, amendments are being proposed to ensure that this bill is as good as it can be.

I believe that we can be proud of the result. We will be among the first countries in the world to have tabled such legislation. To my knowledge, Norway has introduced similar legislation. However, Canada's capacity to produce pharmaceutical products is much greater than Norway's. Consequently, the precedent we are creating is being scrutinized by countries around the world to see if they should adopt such legislation.

It is important too for research companies and the generic drug industry that this service be provided. There has been much criticism of the fact that, in the past, profits have been more important than the need to make pharmaceutical products available. This bill is one way to counter this reality and ensure that, in fact, the efforts made in the past, both by research companies and by the generic drug companies, have a greater impact, through a truly satisfactory mechanism for distributing essential drugs to developing countries.

I think that the speech by my colleague who preceded me and who is from a region of the world that will be able to benefit from the results of our work, says it best of all.

We have before us a bill that all parliamentarians can be proud of. We have an opportunity, and this is not often the case here, to unanimously agree on the objectives of this legislation.

Government Orders

Remember last fall, when this bill was up for second reading. The House was about to prorogue. An effort was made by all the parties in the House to have the bill referred to the committee. Once again, and this has been the case for several weeks or months, we have a sword of Damocles hanging over our heads, because of the possibility of an election call. We made the necessary efforts in committee to ensure that the bill would get to report stage today and possibly to third reading tomorrow, and we hope that it can be quickly sent to the Senate and passed.

Ultimately, people will benefit from the availability of medication. We are not talking about commercial products. We are talking about products that will help save many lives. It is this spirit that should motivate us in passing this legislation. We worked to that end in committee.

I think that, in a way, we are answering a cry from the heart from people living in developing countries in ensuring that drugs can be available more quickly and at a lesser cost, at a very reasonable cost. Let us hope that our work will achieve this result as quickly as possible.

Let us proceed with the amendments this afternoon and with third reading tomorrow, so as to make this legislation effective as quickly as possible to ensure that the people on this planet who have the greatest need for medication can get it, even though they cannot afford it.

• (1600)

[*English*]

Hon. Joe Fontana (Parliamentary Secretary to the Prime Minister (Science and Small Business), Lib.): Madam Speaker, let me begin by saying that I think this is Canada's finest hour, and also Parliament's finest hour, because my colleagues who have spoken before me have all indicated how all political parties have been able to come together in the committee to bring forward at report stage this bill that has practically unanimous approval.

I thank my colleagues on the committee who have worked so hard to get it to this point. They realize, as the government realizes, that this is Canada, and that we will be the first country in the world to put forward legislation and hopefully implement it as quickly as possible so that the drugs can get to the people who are dying.

I want to say to the people who sometimes watch this place that Parliament does some fine work and committees do some fine work, and this most important piece of legislation is in fact an indication of how Parliament and all political parties, when there is a national consensus to move forward, can in fact do so.

In this House we debate many bills that have a profound impact on the day to day lives of Canadians. Rarely, though, do we have an opportunity to debate a bill with such potentially far reaching benefits for the world at large. This is the type of legislation of which Canadians rightly can be proud.

Through Bill C-9, we reaffirm our compassion and our commitment to being a leader in the international community. It seems that every day we in the developed world are beset with fresh and disturbing statistics on the scope and extent of public health problems affecting much of the developing world. These facts and

figures are very nearly beyond comprehension. Nowhere is this more true than with the AIDS and HIV pandemic.

HIV-AIDS has torn apart families and has caused untold suffering in some of the poorest parts of the world. According to the World Health Organization, an estimated 40 million people are now living with HIV-AIDS, with 95% of them living in developing countries. An additional 14,000 infections occur each and every day. Last year alone, the disease claimed roughly three million lives worldwide.

HIV infection also fuels other epidemics of global concern, most notably tuberculosis, which has become the leading cause of death not only among people living with HIV but also among their HIV negative family members and contacts. One-third of the world's population is now infected with TB bacillus, with more than eight million people developing the active disease and two million dying each and every year.

As my hon. colleagues have already indicated, the situation is not without hope. We are seeing a renewed commitment and engagement around the world to address this global catastrophe. In June 2001, for example, the international community witnessed the creation of the UN's global fund to fight HIV-AIDS, tuberculosis and malaria.

In September 2003, we saw the launch of the World Health Organization's "three by five" strategy, which aims to provide three million people in developing countries with AIDS treatment by the end of 2005. As well, organizations such as the Clinton Foundation, an international AIDS trust, are raising awareness in North America and around the world. This is encouraging, but more needs to be done. That is why we must lead with our support for Bill C-9.

Again I want to thank the committee members. I know we are debating the technical amendments that may be required to make this bill even better, but let me set out in context what this bill really does.

As we know, the World Trade Organization, which is concerned with agreements on trade related aspects of intellectual property rights, otherwise known as TRIPS, set out these international rules relating to trade in intellectual property matters. TRIPS has traditionally placed a strong emphasis on the protection of private property rights. However, these are the provisions that allow members to adopt measures necessary to safeguard public health and promote the public interest.

Of particular relevance is article 31. This is the article that expressly allows members to override the rights of patent holders by licensing the use of a patented invention to a third party if it is necessary to respond to domestic public health emergencies. That is precisely what Bill C-9 does and that is precisely what some of the amendments need to do.

Government Orders

•(1605)

Not only did the committee members work together, we heard from a number of witnesses. We heard from the brand companies, the generic companies and the NGOs. All of us in this place came together with the five departments of this government to work together and come up with a workable bill. All of us in this place know that bills and regulations sometimes can be cumbersome, but with everyone's help, we have a great bill.

I can say that the brand companies in Canada are already delivering drugs to the poorest countries in the world. The generic companies in Canada also want to do that. The NGOs, which are part of the lifeblood of delivering assistance to the people of the world, have to be complimented and acknowledged, because without their human infrastructure and their actual delivery of the medicines, the people would not get them. The NGOs are of incredible value to the system. I applaud them for giving us their inspiration and for showing us the way toward a great bill.

I want to talk specifically about the amendments that the member for Windsor West has brought forward. I want to assure the member that the government amendment in the first instance wanted to ensure that NGOs would not be precluded from helping to address the needs of those people, but we know that this is a country to country arrangement. While another amendment came forward to further clarify the NGO role as it relates the importing country, I want to reassure the member. I heard what he had to say.

We cannot be supportive of reverting back. After all, the committee listened to the information, had a debate and, at the end of the day, decided to change the wording. I want to assure the member that in no way does the subamendment take away the opportunity for NGOs to play a meaningful part. Yes, it needs to be a country to country arrangement. Yes, the NGOs obviously will need to have the approval of the importing country. We all know that. That is what is required under the WTO. But in no way do we believe that the subamendment, which was passed and is now part of the bill, will make it impossible for NGOs to play the meaningful part that the member really advocated for very well at committee. We are very supportive of what we had already changed. This particular amendment by the member for Windsor West unfortunately flies in the face of what the committee did, and that was to decide which amendment was better. Again, I want to acknowledge his great contribution although we cannot support his amendment.

We are also talking about Motions Nos. 14 and 18. Again I want to applaud the member for Windsor West. Through a number of different amendments, which we have just accepted, he has added to the list certain drugs and their prescribed dosages. I want to thank him as well as other members of committee and members of the House who saw that these medicines could be added to the list. He brought them to our attention and we decided to move very quickly and add them to the schedule.

While we cannot support Motions No. 14 and 18, because there are some technical and health issues that need to be cleared up, and while I know that the intent was to deal with tuberculosis, I think we have to be very careful. We have to look to our experts for advice because these drugs have not yet been approved in Canada. We

cannot move them into the schedule until such time as they have been approved.

I can reassure the member and the House that Motions Nos. 14 and 18 dealing those two drugs will be moved to the advisory committee as quickly as possible. I think that with some expert insight we can move them along as quickly as possible, but I think the House should be respectful of those professions that know more than some of us do with regard to medicines and their impact.

Let me reassure members that even though we cannot support Motions Nos. 14 and 18, those two drugs will be moved on to the advisory committee as quickly as possible and hopefully we will be able to put them on the schedule.

•(1610)

Mr. James Rajotte (Edmonton Southwest, CPC): Madam Speaker, it is a great pleasure to rise and take part in this debate today. I also want to start off in the same spirit that my colleague was just expressing, which is to say that this is actually an example of Parliament working and of all parliamentarians working together. I thought it was an excellent process at committee in terms of ensuring that this bill moved forward.

I want to make a few general comments about the bill and then address specifically some of the amendments put forward.

I want to reiterate that we in the Conservative Party have supported the intent of this legislation from day one. Back in the fall when this idea was first being talked about, the member for Peace River and I publicly endorsed the initiative. When the legislation came out, five of our critics publicly expressed support for the bill in and of itself.

When we saw the legislation in November, we actually came out and said that we thought it was such a good initiative. We knew that Parliament was going to dissolve fairly quickly so we offered to have it passed in one day. In hindsight, it is probably a good thing that it was not, in the sense that there were some things we had to get done right. I think we have addressed all of those concerns.

Obviously this bill deals with getting cheaper medicines into least developed and developing nations to address what has become an epidemic, really, and a situation that we here in Canada frankly can only think of and sympathize with. Therefore, we do really applaud the government for bringing this forward in the sense of being the first nation to offer real template legislation so that other nations hopefully will follow our lead. Whether or not we in Canada actually produce a lot of the generic medicines, I think it was important to take the first step in introducing legislation of this type.

I do want to talk about what happened at committee with respect to some of the amendments, those we will be supporting and those we will not be supporting.

For the most part, we are supporting the amendments put forward by the government with respect to adding medicines. We believe this actually demonstrates that the committee altered the bill so that it is easier to add medicines to the list. I know that there was a lot of concern by people about eliminating the list entirely. We in this party agreed that there was a need for a list, and we simplified the manner in which we could add medicines to the list.

Government Orders

Frankly, our view in this party is that we should not determine which medicines are added. Our view is that we should rely on the sound advice of bureaucrats at Health Canada. I think they have done an excellent job over the past number of weeks in briefing us and informing us on which medicines should and should not be on the list, really focusing on the diseases of HIV-AIDS, malaria and tuberculosis. I think that is essential for us to do.

In our view in terms of the NGOs, the bill and the work done at committee do increase the involvement of NGOs. The previous member spoke about the importance of NGOs in this initiative. We certainly recognize that groups like Médecins sans frontières are excellent groups and we very much want them to be a part of this initiative.

We did amend the right of first refusal. That was the biggest concern of not all but certainly the majority of the people who appeared before committee. We think we have simplified the process. Here I think we should acknowledge submissions by both brands and generics, but I would like to acknowledge a submission by the Canadian HIV/AIDS Legal Network because I think that in the end it had a sort of middle role that perhaps we most touched on. That was to try to get the brands and generics to agree up front to establish a voluntary licence and to get the Commissioner of Patents to decide the issue if there is not a voluntary licence granted or if there is a disagreement over the percentage of the royalty rate. We thought that was a way of simplifying, of removing and of amending the right of first refusal in a positive way.

In terms of the lists and schedules with respect to nations, we should commend the committee members from the Bloc and the NDP for putting forward nations such as East Timor and others that should be on the list. Again, I think this shows that the government is willing to listen in terms of adding countries.

● (1615)

I want to speak briefly to one aspect of the bill with which we are uncomfortable. We in this party have tried to be constructive, helpful and assisting throughout the process. However we are concerned about naming a bill after a particular person.

I will be the first to stand in the House and credit the former prime minister for introducing this initiative. However to name a bill after an individual sets a precedent that I do not think is a good precedent because, as we know, governments change from time to time and some day the Conservative Party will be on that side of the House and we may be naming bills after members. I do not think that is a good thing overall. I think it was a member from the Bloc who actually pointed that out and said that it was not a good precedent to set, and we are disappointed in that.

Second, to name it a pledge to Africa act is actually not an accurate description of what is in the bill itself. It was ironic that we were debating whether to add East Timor to the pledge to Africa act. This is not just a pledge to Africa. It is a pledge largely to the epidemic in sub-Saharan Africa, that is true, but there are many other nations in the developing world that are on these lists for good reason and we should not exclude them from the title and intent of the bill. We think the title is a mistake and that is why we voted against it at committee. Unfortunately, the government members voted it through it is now part of the bill.

I appreciate and thank all members of the committee for agreeing to pass three amendments from our party. With respect to a lot of the concerns that the NGOs and others had, a couple of our amendments addressed them, such as allowing for a review after two years instead of three years. If in fact the bill is not as successful as it could be in terms of getting medicines to the developing world, then hopefully a review after two years will show that instead of a review after three years.

I hope I will be addressing the bill tomorrow at third reading.

In conclusion I want to thank all those members of Parliament, all the witnesses and all the stakeholders who came forward for their excellent work. We should also thank, as Conservatives, especially in this case, the members of the Industry Canada and Health Canada who sat with us for hours and really went through the bill in detail, the medicines and other things. They briefed us very well.

This is an initiative that actually shows Parliament and our nation at its best and we should all be very proud of it.

● (1620)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I am pleased to speak to Bill C-9, particularly because I feel this is a historic moment. In fact, it is not every day that parliamentarians agree to act with diligence and speed. It is a historic moment because the members of the Standing Committee on Industry, Science and Technology have worked very hard, entirely without partisanship, and also because it is an important contribution to the north-south dialogue.

The bill before us at report stage is a legacy from the previous prime minister, who must be recognized. It is first and foremost an extremely significant contribution to the advancement of the north-south dialogue.

What will happen if the bill is passed? Canada had rejected the compulsory licensing program. Before the Conservative government amended the Patent Act, it was possible, indeed compulsory, to obtain a licence, not only for the approval of a drug but also for its sale and marketing. In 1989, the licence system was terminated. Once a patent holder has been recognized by the commissioner, there is a 20-year period of exclusivity. Nevertheless, this period did not permit the export of pharmaceuticals to the third world.

The bill before us suspends this process. It proposes that we re-establish—and I think it is important to say this—the licensing system, for exports to a specific list of countries. What is the situation now? It means that it will be possible for generic companies to negotiate contracts to supply designated developing or third-world countries.

Government Orders

I understand that in its original form Bill C-9 contained a much more restrictive list. The government, responding to the arguments of various NGOs, decided to expand the list. That deserves to be recognized.

This, then, is the situation. A generic company will be able to satisfy or fill an order from a government on the list of eligible countries. What is known as the right of first refusal has been set aside. This right applied to situations in which a generic company could have negotiated a supply contract with a third-world country, but would have had to give up the contract to the initial patent holder. The NGOs were worried, saying that this would be dissuasive, that it was not the kind of practice or legislation that would encourage generic companies to negotiate to supply the designated countries.

Under the amendments introduced by the government, the right of first refusal will not only no longer exist, but the innovative companies will not be required to reveal their contracts before they are signed, even when there is still a patent holder.

Second, generic drug companies must still obtain a licence, at first on a voluntary basis. If a licence is denied, the Commissioner of Patents will decide and it will become a compulsory licence.

So clearly, the fundamental mechanism underlying the bill is a schedule designating countries eligible to import pharmaceutical products. Generic drug companies will be able to ensure adequate supply, but they will first have to obtain a compulsory licence. It must be noted that, out of respect for our international obligations, companies granting the licence, initially voluntary, will receive royalties. There is a formula for calculating these royalties. They should be the equivalent of 2% of the product's commercial value.

• (1625)

But an index has been provided that takes into consideration the United Nations' human poverty index, so that the allowable royalties for the patent holder could be less than 2%, which is also an extremely positive amendment for third world countries.

Some witnesses and some NGOs, as the member for Notre-Dame-de-Grâce—Lachine knows, asked for the right to contract directly with the manufacturer and the importing country. I believe that it would be a mistake for the government to give in to this demand.

I understand that some amendments to the legislation ensure that the identified entity can be an NGO, but the government, at all times, must be involved in the negotiations. This is normal, first because the subjects of international law, the ones with international sovereignty, are naturally governments. Second, those who will dispense and organize care, ultimately, are still governments. They are the ones responsible for this plan to provide public health.

I am pleased with what we have accomplished and with the increased role being given NGOs.

It is particularly vital to adopt this bill with diligence because of the three realities that must be kept in mind. Every year, 10 million children die of diseases relating to malnutrition which could have been avoided. As well, every year one million people, most of them children under the age of five, die of malaria. Every day, 8,000 people in the world die of HIV-AIDS.

The bill we are preparing to adopt with this splendid parliamentary unanimity that is being promised, must give particular precedence to HIV-AIDS. As hon. members are aware, HIV-AIDS is a terrible reality on certain continents, Africa in particular. When it was first discovered in the 1980s, here in Quebec, in Montreal, people had no idea of the extent to which this disease was going to ravage all of humanity. Resistant strains have developed in some of the African countries, and these require urgent attention.

If it were not for this bill we are preparing to adopt, whole segments of the population would not have access to anti-retrovirals. As hon. members may know, there is a resistant strain in Africa that differs from the HIV/AIDS we are familiar with in North America. It is our duty to do something about this, as a rich country, one with great wealth, even if ours is not a perfect country and we have our own problems relating to the supply of these drugs. Yet our reality as a country, in Quebec and in Canada, bears no relation to the realities in the third world, Africa in particular.

My colleagues in caucus know I have sometimes been critical of the innovative companies. I do not think I have ever been overly critical, but I have sometimes been harsh on them and I must now thank them for their maturity and compassion in agreeing fairly readily to grant voluntary licensing rights. Once the bill is adopted, we will be ready to move.

There are, of course, provisions in the bill so that, if there is no agreement on the royalty to be paid once the voluntary licence has been applied for, it will fall to the Commissioner of Patents to set the amount.

With the member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, we met with the innovative companies, which are of course a very important industrial sector for Quebec, particularly the Montreal area.

• (1630)

I will stop there, since my time is up. It is my hope that this bill will be passed as promptly as possible, and I congratulate all the members of the parliamentary committee.

[English]

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, I rise on a point of order. There have been consultations and if you were to seek it you would find unanimous consent to modify the English version of Motion No. 7 so that it reads as follows. I move:

That Bill C-9, in Clause 1, be amended by replacing line 29 on page 11 with the following:

“(3) The commissioner shall post

The Acting Speaker (Mrs. Hinton): Members have heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Government Orders

(Motion agreed to)

[*Translation*]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Madam Speaker, I am very pleased to take part in the debate on Bill C-9 at report stage.

As my colleagues from the opposition and the government have already mentioned repeatedly, this bill stems from a historic act. In fact, it is becoming a model for the rest of the world, should they be interested in adopting similar legislation.

I am very proud of the work done by all the members of the Standing Committee on Industry, Science and Technology during the hearings that allowed us to hear evidence from all interested parties, including experts and NGOs that work in developing countries.

We heard a large range of views, but everyone agreed that, first, we need this legislation and, second, the act should be strengthened to ensure that all interested parties that have a work expertise and a desire to work in developing countries can do so and have access to affordable drugs.

[*English*]

Although I am chair of the committee, I was unable to participate actively during many of its hearings because at the same time I am vice-chair of the public accounts committee. As everyone knows, the public accounts committee has been sitting three to four times more than a committee normally sits per week. We were sitting on this whole sponsorship issue, scandal, whatever one wants to call it, when the House was adjourned.

I can assure everyone in the House, and every Canadian, that each night I received the blues, the transcripts of everything that the committee heard. I went through them so I was very aware of what the committee members who were at the sessions were hearing.

I read the briefs that were tabled before the committee by all the different groups. I received a lot of correspondence from ordinary Canadians, pharmaceutical companies, the innovative Rx companies and generic companies. Members can name it, and I heard from them and I took notice of what they had to say.

I want to speak specifically to Motion No. 2 which was presented at report stage by my colleague from Windsor West who is with the NDP. The aim of the motion is to overturn a decision of the committee on a subamendment that I had brought to committee. What was the subamendment? I would like to read out the entire proposed paragraph and then show what Motion No. 2 would do, and explain why I do not support Motion No. 2. Proposed paragraph 21.04(2)(f) currently reads:

the name of the governmental person or entity, or the person or entity permitted by the government of the importing country, to which the product is to be sold, and prescribed information, if any, concerning that person or entity; and

It then goes on to other proposed paragraphs.

With Motion No. 2 that the member from Windsor West would hope that the House adopt, and which I hope the House does not adopt, it would remove all the section that says, "permitted by the government of the importing country". To remove that would mean that the persons or entities could contract with generic companies in

Canada who would receive licences in order to buy medication and bring it into a developing country, or a least developed country, without the knowledge of that government.

I think that the Canadian government, with the active assistance of all members on that committee, and all parties, worked hard to ensure that NGOs would have a strong role to play in ensuring that this legislation is effective when it rolls out and begins to work, and that it will actually assist the work that NGOs do in the developing world, and in the least developed countries.

I think that the legislation is fantastic. It is historic and it does not require Motion No. 2 because at its core, and I am sure that if the member had thought about it, if one were to remove that link between the government of the importing country, it would basically become Eurocentric.

It would mean that the government did not know what was best. The government of the importing country is not responsible for having policies or an infrastructure in place for public health or at least a policy to ensure that public health and infrastructure are in place.

• (1635)

We must work with the NGO community, governmental agencies of other countries, and multilateral agencies that we have put in place. When I say we, I mean the world. However, to remove that link, in my view, is to say that the governments of the importing countries do not have a role to play in elaborating and implementing their own public health policies and their own public health infrastructure, and that we in the developed world and industrialized world know what is best for them. We would therefore not need to treat directly with them; we could simply bypass them. I cannot agree with that and I am sure the member for Windsor West, if he thought about it, would rethink his motion.

I wish to conclude by saying that this is a wonderful bill, notwithstanding Motion No. 2, and Motions Nos. 14 and 18, which the parliamentary secretary addressed most ably by explaining that there were technical problems with those two.

Each member of the industry committee and all of the support staff from the House of Commons who assisted this committee in doing its work deserve a real applause from all Canadians because it was Parliament, the House of Commons, at its best. We were at our best during the work of that committee. I hope that when we vote on these motions and when we vote on the bill at report stage that we will again show our best to Canadians and the world.

• (1640)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, the famous English poet, John Donne, wrote the poem *For Whom the Bell Tolls*. In that poem he described that if a clod of earth was broken away from England, it was not just that little area it lost. It was the entire nation. What he was talking about was that if any one of us were in trouble, it would diminish all of us. If people in Africa have a tragic and torturous situation, that damages their economy, their social structure and is a human tragedy. Not only do those people suffer, the whole world that suffers.

Government Orders

The statement is often made that a country is not judged by how it treats its average citizen or the wealthy, but how it treats the most disadvantaged. I think this can be extended here in evaluating a country and how it deals with the most disadvantaged people in the world.

Following up on what a number of colleagues have said from all sides of the House, this is Parliament at its best. It is Canada at its best.

We are debating making drugs more eligible at a more reasonable cost for people in Africa and in nations that do not produce. The World Trade Organization has trading rules that we have to follow, including some protecting intellectual property. If we try to do that instantaneously, we will break the rules of an organization to which we are part of the treaty. Many of the countries that make drugs are also part of that treaty.

On August 30, 2003, a waiver was passed to allow countries, which wanted to take this issue up, to pass their own laws. Canada and every member of Parliament should be very proud that Canada is taking the lead in doing this. Not only are we doing it, but the first draft of the bill drew some substantial concerns of certain elements of the public. The bill was drafted through consultation with the generic and brand drug companies and the NGOs. There was a lengthy debate in committee, and it was very well thought out.

One reason I wanted to speak today is that my constituents brought forward a number of concerns. Other members of Parliament also heard these concerns on the number of countries eligible, the number of drugs eligible and the right of first refusal. I know my constituents will be very happy that improvements have been made to all those sections. More drugs have been added and a mechanism has been put in place to add countries. Probably the most controversial concern was the right of first refusal, and this has been removed.

I think that is why so many members of Parliament have said that this is Parliament at its best. I would say in the spirit of compromise, Canada is at its best.

The motions in Group No. 1 are basically technical motions. The serious motions were dealt with in committee, with great cooperation. The first motion would simply change an apostrophe.

Motion No. 4 is a technical motion on a time limit. It was supposed to give people at least 30 days. The way it was written it would have allowed them to work only within those 30 days. Therefore, the motion would change it back to the intent of what everyone wanted.

Motion No. 5 would add the words in French “et sans succès” which was a condition to which everyone had agreed. Once again, it was left out in the drafting.

Motion No. 6 would change the words “logistical chain” to a different description, a wording that is used elsewhere in the bill. It is more understandable and more consistent with the rest of the bill. Once again, it is a technical change.

● (1645)

Motion No. 7 is another technical wording amendment where it had the “Commissioner of Patents”. Primarily, the commissioner is already defined as the Commissioner of Patents, so the amendment would specify “Commissioner” only. That applies to Motion No. 8 as well.

Motion No. 9 would replace some language so that it would be consistent with the way a certain concept has been explained in another part of the bill. It would not change the intent of the bill.

Motion No. 10 again is what we would describe as a typographical omission. The original number, 21.04, was left out in the sequence of defining a number, 21.04, (2)(a), (b), (c). This would amend that.

On Motion No. 11, the committee had specified that it would occur within three years, but it did not say from what date. Motion No. 11 specifies when the three years would begin.

I think everyone will agree with this batch of motions. I think hon. members, like myself, who did not get an opportunity to speak before, have taken the opportunity to speak to some of the feelings they have about the bill and Canada's role in the world. They have reflected some of the views of their constituents. They have talked about how this is needed and how they are happy to go ahead with it.

I just close on a couple of points. For me personally, this is not the end of the work in this area. We can continue on with work relating to pharmaceuticals, researching and improving our systems. They are becoming a larger part of the cost of the health care system, which is very hard for all governments to fund. Therefore, we have to be very careful that we have systems that work well, that are reviewed and that will ensure that people in Canada and around the world get the lowest prices.

I will endeavour whenever I can to ensure that we have very competitive regimes and that the free market works as it should, as a free market. We need to maintain intellectual property rights to make it worthwhile for companies to come to Canada to research drugs and to have the protection to make the money back for the substantial amount of research. However, that should not be carried on any longer than is needed. People, especially those on fixed incomes, on social assistance and the elderly, should not have to pay higher prices any longer than needed. We need to maintain a fine balance in promoting Canada as a research destination.

Finally, we always ensure there is no motivation. There is a good competition with generics products and the people who buy them from the various companies. We get the lowest price possible for generic brands in Canada.

I will be supportive of anyone, as the years go on, who takes initiatives to ensure that pharmaceutical prices are fair for Canadians and for those people around the world, yet still allow Canada to be a leading innovator in this field, as it is in many other fields in this knowledge based economy.

● (1650)

The Acting Speaker (Mrs. Hinton): Pursuant to orders made earlier today, Motion No. 1 and Motions Nos. 4 to 11 are deemed carried on division.

Government Orders

(Motion No. 1 and Motions Nos. 4 to 11 inclusive agreed to)

The Acting Speaker (Mrs. Hinton): Motion No. 3 is deemed negated on division.

(Motion No. 3 negated)

The Acting Speaker (Mrs. Hinton): A recorded division on Motion No. 2 is deemed requested and deferred until 5:30 p.m. today.

I shall now propose the motions in Group No. 2.

● (1655)

Mr. Brian Masse (Windsor West, NDP) moved:

Motion No. 12

That Bill C-9, in Schedule 1, be amended by replacing “amprenavir” and the dosage forms, the strengths and the routes of administration specified in that Schedule in relation to the product with the following:

“amprenavir tablet, 150 mg; capsule, 50 mg or 150 mg; oral solution, 15 mg/mL”

Motion No. 13

That Bill C-9, in Schedule 1, be amended by replacing “ceftriaxone” and the dosage forms, the strengths and the routes of administration specified in that Schedule in relation to the product with the following:

“ceftriaxone injection, 500 mg (as sodium); powder for injection, 250 mg (as sodium salt) in vial”

Motion No. 14

That Bill C-9, in Schedule 1, be amended by adding the following in alphabetical order:

“clarithromycin tablet, 500 mg; tablet extended release, 500 mg; powder for oral solution, 125 mg or 250 mg”

Motion No. 15

That Bill C-9, in Schedule 1, be amended by replacing “delavirdine” and the dosage forms, the strengths and the routes of administration specified in that Schedule in relation to the product with the following:

“delavirdine capsule or tablet, 100 mg (as mesylate)”

Motion No. 16

That Bill C-9, in Schedule 1, be amended by adding the following in alphabetical order:

“isoniazid + pyrazinamide + rifampin tablet, 50 mg + 300 mg + 120 mg”

Motion No. 17

That Bill C-9, in Schedule 1, be amended by replacing “lamivudine (3TC)” and the dosage forms, the strengths and the routes of administration specified in that Schedule in relation to the product with the following:

“lamivudine (3TC) capsule or tablet, 150 mg; oral solution 50 mg/5 mL”

Motion No. 18

That Bill C-9, in Schedule 1, be amended by adding the following in alphabetical order:

“moxifloxacin hydrochloride tablet, 400 mg; intravenous solution, 400 mg/250 mL”

Motion No. 19

That Bill C-9, in Schedule 1, be amended by replacing “zalcitabine” and the dosage forms, the strengths and the routes of administration specified in that Schedule in relation to the product with the following:

“zalcitabine capsule or tablet, 0.375 mg or 0.750 mg”

Motion No. 20

That Bill C-9, in Schedule 2, be amended by adding the following, in alphabetical order:

“Timor-Leste
Timor-Leste”

The Acting Speaker (Mrs. Hinton): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Renfrew—Nipissing—Pembroke, Agriculture.

Mr. Brian Masse: Madam Speaker, I sometimes stumble through some of the medicine names which can be tongue twisters and very difficult to pronounce.

I am pleased to have a second opportunity to speak to the bill, in particular to the motions in Group No. 2 that we are referencing here, a specific series of drugs that have been introduced.

I want to first and foremost commend the committee work, as we have heard from several members. The fact that it is coming forward this way is because the committee agreed at that time to review things and make sure that Health Canada could review some of my amendments which could then be introduced at report stage. That is to the credit of the committee, the flexibility that evolved out of that, to ensure that we were doing the right thing.

Hopefully this group of amendments will provide additional resources to assist people around the world who are suffering with different types of conditions. The premise of the bill is to ensure that a distribution of generic drugs at a lower cost can get out to people who really need them. This is why we are doing this at this particular time.

These amendments are representative of a series of amendments that I proposed at the clause by clause stage. These are drugs to which Health Canada raised no objection. I thank those officials for their advice and assistance in my preparation of the list of motions on drug products. They were very professional and courteous, and made sure they were open for questions, especially given the tight timeframes under which we were working. They were very good in terms of getting back to me and my staff. It is important to recognize the work of the Health Canada officials.

Those officials have also circulated a copy of their recommendations to me, which I hope has been of use. Because of the way schedule 1 is worded, members will note that for some of the amendments, like that of amprenavir, it is simply the addition of a capsule formula but the amendment had to read to replace the whole line. It was a procedural issue but I hope the clarification is useful and once again provides for no other obstructions in getting those types of medicines to people who really need them.

This series of drugs presented here are indicated for a variety of different illnesses that affect the developing world, quite tragically. There are solutions and that is what some of these drugs can do, providing the right infrastructures for not only the countries themselves but also the humanitarian groups that are assisting them.

The amendment for amprenavir, Motion No. 12; delavirdine, Motion No. 15; lamivudine, Motion No. 17; and zalcitabine, Motion No. 19, are simple technical additions to include either the capsule or tablet formulation that is not currently in Bill C-9. All of these drugs are indicated for use in the treatment of HIV. We know from a number of speakers how many individuals across the developing worlds are suffering from HIV, and these drugs will provide some additional opportunities for them.

Government Orders

The amendment on ceftriaxone, Motion No. 13, simply adds the 500 milligram dosage to what already exists in schedule 1. It provides another opportunity for a specific case, if it is deemed necessary, for those wishing to assist.

The first of the new drug products which I propose to include is clarithromycin, Motion No. 14. It is used to treat an AIDS-related infection called mycobacterium avium complex and also has other more general anti-infection uses.

As members of the House may be aware, the World Health Organization, in its attempts to facilitate quality, effective and safe HIV-AIDS, tuberculosis and malaria drugs, regularly updates what are referred to as "pre-qualified" drugs. Essentially it means that international experts appointed by the World Health Organization examine products submitted by companies around the world and assess whether they meet World Health Organization standards of quality, safety and efficacy.

Clarithromycin is on the WHO's pre-qualified list of HIV-AIDS drugs. Therefore it is one that has been vetted through the international process and we feel that that is a good reason to support it. It also apparently is a very expensive drug and, therefore, including it in the bill, which has the ultimate aim of providing access to medicines through cheaper generic versions, especially for the treatment of HIV-AIDS, tuberculosis and malaria, would make the bill even more able to achieve its aims. That is a benefit and a credit to the bill.

The second new drug that I have proposed is the fixed dose combination drug of isoniazid, pyrazinamide and rifampin, Motion No. 16. This combination of the three drugs is an anti-tuberculosis agent that is used for short course treatments of pulmonary tuberculosis in the initial phase.

●(1700)

According to Stop TB, tuberculosis infects one in three people worldwide. Between two million and three million die each year of this curable disease. This combination drug, also known as rifater, is also an expensive drug and could be very advantageous and important in the treatment of tuberculosis, which would, like clarithromycin, meet the aims of the bill.

The third of the new drug products I propose to introduce is moxifloxacin hydrochloride, Motion No. 18. Moxifloxacin is officially indicated for the treatment of what is called community acquired pneumonia, which simply means pneumonia acquired through regular contact as opposed to the complications from HIV-AIDS or a disease like that.

According to the Centre for Disease Control in Atlanta, approximately 5% to 10% of all children under five years old in developing countries develop pneumonia each year and acute respiratory infections like pneumonia cause approximately two million deaths among children under five each year and are the leading cause of death in that age group. In addition to children, approximately 100 of every 100,000 adults are affected yearly and the elderly are at particular risk according to WHO information. I feel the moxifloxacin should be included because of its potential to help treat people affected with pneumonia.

I believe that all these drugs are useful to have available as options to countries wishing to participate. My intent here, of course, is not to indicate that they should be used by anybody but I believe they should be available as options. However those people will decide.

As I mentioned and as the committee heard, there is consensus that the presence of a schedule at all provides further inflexibility in ensuring that countries have access to the drugs that they need. A list by its nature is exclusionary because it does not include all possibilities. If a country wants a drug that is already approved for use and sale here in Canada on the patent register, et cetera, it will still have to start a process for the drug to be included before a generic producer could apply for a voluntary or compulsory licence to supply the country with that drug. It is a bit of a barrier and it is one of the concerns we have with the bill.

I will quote from the testimony of our committee hearings by the representative of Médecins sans frontières about schedule 1:

So our proposal for that is simply to remove the schedule. Neither TRIPS nor the Doha declaration saw any list of medicines, and in fact developing countries fought very hard that there was no such list. It was a big point of discussion during those negotiations.

That is why we believe the list is something that the bill would be better without.

The government representatives have repeatedly testified that the presence of the schedule is intended as a guide and that it is meant to be flexible. I hope the members will consider supporting these amendments, particularly those that would introduce new eligible drugs important for the treatment of HIV-AIDS, tuberculosis and pneumonia to show that schedule 1 of this bill will be flexible as the government has claimed it will be. I am sure that they will be because there has been a lot of goodwill about the bill.

I commend all the parties that were a part of it. In fact, people across Canada are probably wondering why for the first time in a long time members are not shouting back and forth at different points but the fact is that we actually are talking about something that is very beneficial. We may still have differences of opinion about the bill but there is a great consensus for moving it forward rather quickly and also improving it where there are items of consensus. I think that is important to recognize.

These groups of amendments are intended to improve the bill and I hope they will receive the support they merit because they are important for many people throughout the world.

●(1705)

Hon. Joe Fontana (Parliamentary Secretary to the Prime Minister (Science and Small Business), Lib.): Mr. Speaker, with regard to Group No. 2, the amendments put forward by the member for Windsor West, I want to repeat that the committee members worked really well together and the spirit of the House of Commons and the members working together has not diminished anything at all.

Government Orders

I want to talk a little about the importance of the schedule in this bill. The schedule deals with the list of medicines that we are recommending. This is a list of pre-approved products that can treat HIV-AIDS, tuberculosis, malaria and other epidemics. This list will be inspired by the World Health Organization's list of essential medicines. The WHO list provides a sound guide to the most efficacious, safe and cost effective medicines for priority conditions in a basic health care system.

The decision to include such a list represents a compromise solution between those who wanted a narrow list of eligible medicines and those who wanted no list at all.

Some have suggested that this list is meant to exclude certain products. This is not the case. It is a tool to expedite the process of acquiring a compulsory licence for those products that have been found to be safe, effective and of high quality. The list is not set in stone.

The government recognizes the need for some flexibility in order to meet future demands of importing countries. For this reason, there are provisions in the bill to allow for the adding of products as necessary.

I think the member for Windsor West alluded to the fact that during the committee's clause by clause study of the bill a number of amendments put forward by himself and the government were to add to that list of medicines. We thank the hon. member for doing that and bringing those medicines to our attention.

However I want to also stress that medicines obviously will be approved in Canada over the next number of months and years. I want to tell the House of Commons that the bill contains a provision that an advisory committee will be created that will be composed primarily of experts and medical health practitioners who will make the recommendations to the government in this regard. I should note that the government is all ready, as I proposed amendments to schedule 1.

This is only the start of the process and it is a great start in terms of telling the world that Canada is prepared to embark on providing cheap medicines to those most in need and ensuring that those medicines get to the people. We have added products and the member has suggested one.

I might mention to the member and to the House that we as a government are prepared to support Motions Nos. 12, 13, 15, 16, 17, 19 and 20. I would like to say to the member that, unfortunately, at this point in time we cannot support Motion No. 14.

I only want to bring this to his attention, even though I gave him the assurance earlier this afternoon, that the fact that we are talking about this, the reference will be made immediately to Health Canada to look at these amendments a lot closer to ensure that these will be safe and will essentially do what the hon. member wants them to do.

For those who might be interested, let me explain why we cannot support Motions Nos. 14 and 18. Motion No. 14 deals with one therapy within a broad spectrum of antibiotic use to treat secondary bacterial infections. It is not necessary for the treatment of HIV, tuberculosis or malaria. This drug also does not figure on the WHO

list of essential medicines and, therefore, it is not clear why this would be a preferred drug in this particular class.

As I said, the government cannot support that motion at this point in time but commits to referring the drug to the advisory committee at the earliest possible opportunity for its recommendation. I think I have already indicated the importance of that particular advisory committee.

With regard to Motion No. 18, it is also a broad spectrum antibiotic used to treat secondary bacterial infections. It is not necessary for the treatment of HIV, TB or malaria. This again does not figure into the list of essential medicines of the WHO.

● (1710)

We want to be clear. I think I indicated before that it is important for us to be very, very careful when we suggest that certain medicines be available, and be available for the purposes for which they are intended. As I indicated, while we can support all those other amendments, we cannot support Nos. 14 and 18. We will refer them to the advisory committee as quickly as possible so they can be added to the list once some due diligence has been done.

I again want to applaud and thank the member for Windsor West for providing us with the additional list of medicines, which we are happy to support and add to the schedule this evening.

[*Translation*]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, once again I have the opportunity to congratulate all the members of the Standing Committee on Industry, Science and Technology. It was a great experience to see all the members of this committee working together in the interest of poor and developing countries. It was a sight to see and I would like to congratulate everyone.

Regarding the motions in Group No. 2, I was there when the member for Windsor West tabled a series of amendments to the bill in order to include other drugs on the list or in the government's program with respect to this bill, or to add other forms of drugs. For instance, a drug may have already been on the list, but only in tablet form and not as a soluble or other type. I supported almost all the motions.

The motions tabled mainly by the member for Windsor West regarding the drugs that should be included in the program and that I did not support, were Motions Nos. 14 and 15. Motion No. 14 is to add clarithromycin and Motion No. 18 is to add moxifloxacin hydrochloride.

To me, the principle is quite simple: not to authorize the use or the export of drugs in developing countries for treatment that we would not use here, if it is not authorized in Canada.

[*English*]

The two drugs listed in Motions Nos. 14 and 18, which the member for Windsor West wants on the list so they can be used for this kind of illness or that kind of illness, are not authorized here in Canada. Is the idea that we are going to experiment? Are we going to use people of the developing world and the least developed countries as guinea pigs for treatments that we have not as yet authorized here?

Government Orders

No. I think the government's position is clear. The drugs have to be authorized by our experts here in Canada for a specific use. Then the licences, if licences are to be given out, would be based on Health Canada, not on nothing, because that is basically what it would be.

I seriously think we are finding a certain attitude here. Let me go back to Motion No. 2, which would actually overturn a subamendment adopted after full and fulsome debate in committee. An overwhelming majority of the members voted in favour of the subamendment, yet the member for Windsor West wishes to overturn that democratic decision taken in committee in order to allow persons or entities to contract for these cheaper drugs here in Canada and go into countries without having any link whatsoever with the government in place.

The subamendment that the committee in its wisdom adopted was based on the fact that we cannot do that and we should not do that. We are not living in a colonialist world. We are no longer living in a Eurocentric world. We are living in a world where we recognize sovereign state to sovereign state, government to government. That is what WTO is all about.

When we come to the list of medications that should be on the schedule, I say let the expert advisory committee determine whether or not they are drugs that could be used for treatments here in Canada. If the advisory committee, in its wisdom and with its expertise, says yes, then the drug would be added to the schedule. We do not add medication to the schedule which has not been approved for that kind of use or has not been approved in Canada for the specific use that the member or organizations intend to use it for in other countries. We do not use people as guinea pigs.

• (1715)

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, on behalf of the Conservative Party, I want to add a few words to this discussion on the second group of motions to Bill C-9, which deal mainly with adding medicines.

In particular, I want to address the issue of why we will not be supporting the motions put forward by my hon. friend from the NDP. I will reiterate what the government member said. The member for Windsor West did an excellent job at committee, a real tribute to his constituents.

However, there is something we should keep in mind. Many people before us at committee expressed concern about adding medicines. Let us look at the bill. Proposed section 21.03 of the bill reads:

The Governor in Council may, by order,

(a) on the recommendation of the Minister [of Industry] and the Minister of Health, amend Schedule 1

(i) by adding the name of any patented product that may be used to address public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics and, if the Governor in Council considers it appropriate to do so, by adding one or more of the following in respect of the patented product, namely, a dosage form, a strength and a route of administration—

This section really addresses the concern about whether we can add medicines. Perhaps in the future these two medicines may be added, but we do not know at this time. Our party feels that the people who make these decisions should make them within the

parameters of this act itself, looking at the massive public health problems afflicting certain nations specifically with regard to HIV/AIDS, TB and malaria. We have to look at it within that umbrella and I really do think that we need to rely on our Department of Health here in Canada to guide us in these matters; that is certainly why we are making the decision we are. Obviously we are open to amending the schedule and adding other medications if that is the desire in the future.

In terms of the advisory council, our party made the motion to ensure that there is parliamentary input into the formation of this council, so that is a welcome addition as well.

I just wanted to add those few explanatory words for my hon. friend. This is why we in the Conservative Party will not be supporting Motions Nos. 14 and 18. We will support the addition to the list of all the other medicines that the government and the Department of Health have okayed and recommended.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, carrying on from where I left off, let me say that my constituents are very happy with the second block of amendments in the sense that this expands the list of eligible drugs. This is what was wanted by a coalition group in my community. Those constituents will be very pleased.

The bill contains schedule 1, the schedule of drugs, which for us is an important part of the legislation. The list reflects a number of drugs that the World Health Organization considers to be essential and which Health Canada is comfortable with in terms of safety, efficacy and high quality.

Although this original list is focused on HIV/AIDS, tuberculosis and malaria, which are very significant pandemics, Health Canada expects that in the future other valuable drugs will be added. There will be a process for that. We will be constituting an advisory committee with members from industry, academia, government, NGOs and the public health field. These are the experts who will help make schedule 1 the best schedule we can maintain to help other countries.

Again, the original schedule is what we are starting out with. It lists the known therapies that we are comfortable with, because we want to send Canadian drugs that we are confident will provide the desired treatments and outcome.

We must remember that the drugs being provided under this humanitarian measure will carry with them the reputation of Canada for safe, effective, high quality medicines. This is why Health Canada will undertake a review of each generic drug that is sent out under licence. Industry Canada and Health Canada will be working together, as they have throughout this bill, to put together the best advisory committee they can. So if any stakeholders are worried that they will be prevented from having a particular drug listed, they do not need to be worried. We will have very capable experts ensuring the desired drugs.

Government Orders

As well, I note that to ensure we really have the very best scientists and other people involved, a measure has been included in the bill to assess all candidates for appointment to the advisory committee and to make recommendations on their eligibility and qualifications.

Not only are there individual drugs to be considered for this humanitarian effort, but we recognize the very important contribution that fixed-dose combination drugs will make in stemming these epidemics.

Fixed-dose combination drugs are becoming central in meeting the WHO's 3 by 5 initiative to see three million people receive effective therapy for HIV-AIDS by the year 2005. These are drugs where there is more than one medicine put together into a single drug so that it simplifies the ability to ensure effective delivery to patients. We are pleased that a number of these sorts of drugs are on schedule 1. Many additional combinations will be identified in the future. The mechanisms we have in place in the bill will allow for their timely consideration.

There are two drugs that we would not like added to the list. The first one, related to Motion No. 18, is moxifloxacin hydrochloride tablet, 400 mg, and intravenous solution, 400 mg/250 ml. This is one therapy among many within a broad spectrum of antibiotics. It is not used to treat HIV, TB or malaria, which we were talking about earlier. The drug does not figure on the WHO list of essential medicines. It is not clear why this would be the preferred drug in its class. Therefore, the government does not support this motion, but commits to referring the drug to the advisory committee at the earliest possible opportunity for its recommendation. With the expertise on that committee, which I have talked about, I am sure it will give us wise counsel.

The other drug we have an issue with is clarithromycin in tablet, 500 mg, tablet extended release, 500 mg, and powder for oral solution, 125 mg or 250 mg. This is one broad spectrum antibiotic among many. It is not used to treat HIV, TB or malaria. The drug also does not figure on the WHO list of essential medicines and therefore it is not clear why this would be a preferred drug in its class. Therefore, the government does not support the motion, but commits to referring the drug to the advisory committee at the earliest possible opportunity for its recommendation.

• (1720)

The WHO pre-qualified medicine list does not indicate that these medicines in Motion No. 14 are essential, only that the WHO has looked at the source of the medicine and found it to meet minimum standards. It is up to other regulators to determine its appropriate use.

Once we establish our advisory council under the terms that I have mentioned, it will have a very effective way of adding drugs to this list as new diseases become apparent and new drugs and drug combinations are put together that would be helpful.

This adds to making this an excellent bill for Canada to lead the way and become the first nation in the world to pass legislation that will help those nations most in need while they are in situations where they cannot afford the drugs. Of course, as their societies and economies progress then they too will be contributors. They will be producing these drugs and they too will be contributors to those less

fortunate, and producing the drugs so that everyone in the world will have as much access as possible at as reasonable a price as possible.

• (1725)

[*Translation*]

The Acting Speaker (Mr. Bélair): Pursuant to an order made earlier today, Motions Nos. 12, 13, 15 to 17, 19 and 20 are deemed to have been put and agreed to on division.

(Motions Nos. 12, 13, 15, 16, 17, 19 and 20 deemed adopted)

The Acting Speaker (Mr. Bélair): Motions Nos. 14 and 18 are deemed to have been put and the recorded division deemed requested and deferred until 5:30 p.m. today.

* * *

[*English*]

CRIMINAL CODE

The House resumed from April 27 consideration of the motion that Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be read the third time and passed, and of the amendment.

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, I am pleased to take part in today's debate on Bill C-12, an act to amend the Criminal Code, the protection of children and other vulnerable persons, and to make changes to the Canada Evidence Act.

I will speak to a part of the bill that has not received a great deal of attention thus far but contains important provisions for children and other vulnerable witnesses.

Bill C-12 contains a range of reforms to the Criminal Code that would make it easier for a child or other vulnerable persons who are witnesses to provide their testimony at criminal trials. These provisions build on the current Criminal Code provisions that recognize that participating in the justice system as a victim or witness is not a pleasant experience. It is usually a very traumatic experience, particularly for children.

The proposed changes in Bill C-12 recognize that despite the progress that we have made in developing a justice system that is responsive and sensitive to the needs of children and all victims and witnesses, more still needs to be done.

Our law currently permits the judge to exclude members of the public from the courtroom in some circumstances. For example, this could be ordered where a child victim of sexual abuse is giving his or her evidence.

In addition, a publication ban may be imposed to protect the identity of young victims. A support person may accompany a young victim and some young victims may give their evidence from behind a screen or on closed-circuit TV. The law also protects a young victim or witnesses of a sexual or violent offence from having to face questioning from an accused who represents him or herself.

Videotaped interviews are also permitted to be used as evidence where the child adopts the videotape at the court proceeding.

The current provisions when they are used work well. However, due in part to the fact that some of these provisions have been amended over time rather than as one comprehensive package, we now have a different series of tests for the use of various testimonial aids, different offences to which they apply and different age categories of young persons who can benefit.

Obviously the bill goes a long way toward resolving some of these concerns and hopefully I will have a chance to explain it at another sitting of the House.

• (1730)

The Acting Speaker (Mr. Bélair): The member will have 17 minutes left in his speech, followed by a 10 minute question or comment period, when the bill comes back to the House.

* * *

[Translation]

PATENT ACT

The House resumed consideration of Bill C-9, An Act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa), as reported with amendment from the committee, and of Motions Nos. 2, 14 and 18.

The Acting Speaker (Mr. Bélair): It being 5:30 p.m., the House will now proceed to the taking of the deferred recorded division at the report stage of Bill C-9.

Call in the members.

• (1750)

And the bells having run:

The Acting Speaker (Mr. Bélair): The question is on Motion No. 2.

• (1755)

[English]

(The House divided on Motion No. 2, which was negatived on the following division:)

(Division No. 58)

YEAS

Members

Blaikie
Godin
Martin (Winnipeg Centre)
Proctor

Davies
Lill
Masse
Wasylycia-Leis — 8

NAYS

Members

Abbott
Adams
Anders
Augustine
Bagnell
Bakopanos
Barnes (Gander—Grand Falls)
Beaumier
Bellemare
Benoit
Bertrand
Bigras
Blondin-Andrew
Bonwick
Boudria

Ablonczy
Alcock
Assadourian
Bachand (Saint-Jean)
Bailey
Barnes (London West)
Barrette
Bélangier
Bennett
Bergeron
Bevilacqua
Binet
Bonin
Borotsik
Bourgeois

Government Orders

Bradshaw
Brown
Bulte
Caccia
Cannis
Carroll
Casson
Catterall
Charbonneau
Collenette
Crête
Cuzner
Desrochers
Discepola
Dromisky
Duceppe
Duplain
Efford
Epp
Farrah
Fontana
Frulla
Gagnon (Québec)
Gallant
Gauthier
Goodale
Guay
Harris
Harvey
Hill (Prince George—Peace River)
Hubbard
Jackson
Jobin
Jordan
Karygiannis
Kenney (Calgary Southeast)
Kraft Sloan
Laliberte
Lastewka
Leung
Longfield
Lunney (Nanaimo—Alberni)
Macklin
Maloney
Marleau
McCallum
McGuire
McLellan
Ménard
Mills (Toronto—Danforth)
Murphy
Neville
O'Reilly
Owen
Pagtakhan
Paquette
Patry
Perron
Pettigrew
Pillitteri
Price
Rajotte
Reed (Halton)
Reid (Lanark—Carleton)
Rocheleau
Saada
Savoy
Schmidt
Sgro
Simard
Sorenson
St. Denis
Stewart
Szabo
Thibault (West Nova)
Thompson (Wild Rose)
Toews
Torsney
Ur
Volpe
Wayne
White (North Vancouver)
Yelich — 195

Breitkreuz
Bryden
Burton
Calder
Cardin
Casey
Castonguay
Chamberlain
Chatters
Comuzzi
Cummins
Day
DeVillers
Doyle
Drouin
Duncan
Easter
Eggleton
Eyking
Finlay
Forseth
Fry
Gagnon (Champlain)
Galloway
Girard-Bujold
Guarnieri
Guimond
Harvard
Heam
Hill (MacLeod)
Ianno
Jennings
Johnston
Karetak-Lindell
Keddy (South Shore)
Knutson
Laframboise
Lalonde
Lee
Lincoln
Loubier
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Marceau
Martin (LaSalle—Émard)
McCormick
McKay (Scarborough East)
McTeague
Merrifield
Mitchell
Myers
O'Brien (London—Fanshawe)
Obhrai
Pacetti
Pallister
Paradis
Penson
Peterson
Pickard (Chatham—Kent Essex)
Plamondon
Proulx
Redman
Regan
Robillard
Roy
Sauvageau
Scherrer
Scott
Shepherd
Solberg
St-Jacques
Steckle
Stinson
Telegdi
Thibeault (Saint-Lambert)
Tirabassi
Tonks
Tremblay
Vanclief
Wappel
Whelan
Williams

Government Orders

PAIRED

Members

Asselin	Brison
Dalphond-Guiral	Dion
Fournier	Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet	Lancôt
Minna	Picard (Drummond)
Pratt	Speller— 12

The Acting Speaker (Mr. Bélair): I declare Motion No. 2 lost.
[Translation]

The next question is on Motion No. 14.

• (1800)

Hon. Mauril Bélanger: Mr. Speaker, if you were to seek it, I think you would find unanimous consent for members who voted on the previous motion to be recorded as having voted on Motions Nos. 14 and 18 now before the House, with Liberal members being recorded as voting nay, with the exception of those Liberals wishing to be recorded as voting otherwise.

[English]

The Acting Speaker (Mr. Bélair): Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

Mr. Dale Johnston: Mr. Speaker, the Conservative members here tonight will vote no on the motions now before the House.

[Translation]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Québécois vote in favour of Motions Nos. 14 and 18.

Mr. Yvon Godin: The members of the NDP are in favour of these two motions.

[English]

(The House divided on Motion No. 14, which was negated on the following division:)

(Division No. 59)

YEAS

Members

Bachand (Saint-Jean)	Bergeron
Bigras	Blaikie
Bourgeois	Cardin
Crête	Davies
Desrochers	Duceppe
Gagnon (Québec)	Gagnon (Champlain)
Gauthier	Girard-Bujold
Godin	Guay
Guimond	Laframboise
Lalonde	Lill
Loubier	Marceau
Martin (Winnipeg Centre)	Masse
Ménard	Paquette
Perron	Plamondon
Proctor	Rocheleau
Roy	Sauvageau
Tremblay	Wasylcia-Leis— 34

NAYS

Members

Abbott	Ablonczy
Adams	Alcock
Anders	Assadourian
Augustine	Bagnell

Bailey	Bakopanos
Barnes (London West)	Barnes (Gander—Grand Falls)
Barrette	Beaumier
Bélanger	Bellemare
Bennett	Benoit
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bradshaw	Breitreuz
Brown	Bryden
Bulte	Burton
Caccia	Calder
Cannis	Carroll
Casey	Casson
Castonguay	Catterall
Chamberlain	Charbonneau
Chatters	Collenette
Comuzzi	Cummins
Cuzner	Day
DeVillers	Discepolo
Doyle	Dromisky
Drouin	Duncan
Duplain	Easter
Efford	Eggleton
Epp	Eyking
Farrah	Finlay
Fontana	Forseth
Frulla	Fry
Gallant	Galloway
Goodale	Guarnieri
Harris	Harvard
Harvey	Hearn
Hill (Macleod)	Hill (Prince George—Peace River)
Hubbard	Ianno
Jackson	Jennings
Jobin	Johnston
Jordan	Karetak-Lindell
Karygiannis	Keddy (South Shore)
Kenney (Calgary Southeast)	Knutson
Kraft Sloan	Laliberte
Lastewka	Lee
Leung	Lincoln
Longfield	Lunney (Nanaimo—Alberni)
MacKay (Pietou—Antigonish—Guysborough)	Macklin
Malhi	Maloney
Marleau	Martin (LaSalle—Émard)
McCallum	McCormick
McGuire	McKay (Scarborough East)
McLellan	McTeague
Merrifield	Mills (Toronto—Danforth)
Mitchell	Murphy
Myers	Neville
O'Brien (London—Fanshawe)	O'Reilly
Obhrai	Owen
Pacetti	Pagtakhan
Pallister	Paradis
Patry	Penson
Peterson	Pettigrew
Pickard (Chatham—Kent Essex)	Pillitteri
Price	Proulx
Rajotte	Redman
Reed (Halton)	Regan
Reid (Lanark—Carleton)	Robillard
Saada	Savoy
Scherrer	Schmidt
Scott	Sgro
Shepherd	Simard
Solberg	Sorenson
St-Jacques	St. Denis
Steckle	Stewart
Stinson	Szabo
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Thompson (Wild Rose)
Tirabassi	Toews
Tonks	Torsney
Ur	Vanclief
Volpe	Wappel
Wayne	Whelan
White (North Vancouver)	Williams
Yelich— 169	

PAIRED

Members

Asselin	Brison
Dalphond-Guiral	Dion
Fournier	Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet	Lanctôt
Minna	Picard (Drummond)
Pratt	Speller— 12

The Acting Speaker (Mr. Bélair): I declare Motion No. 14 lost.
The next question is on motion No. 18.

(The House divided on Motion No. 18, which was negated on the following division:)

(Division No. 60)

YEAS

Members

Bachand (Saint-Jean)	Bergeron
Bigras	Blaikie
Bourgeois	Cardin
Crête	Davies
Desrochers	Duceppe
Gagnon (Québec)	Gagnon (Champlain)
Gauthier	Girard-Bujold
Godin	Guay
Guimond	Laframboise
Lalonde	Lill
Loubier	Marceau
Martin (Winnipeg Centre)	Masse
Ménard	Paquette
Perron	Plamondon
Proctor	Rocheleau
Roy	Sauvageau
Tremblay	Wasylcia-Leis— 34

NAYS

Members

Abbott	Ablonczy
Adams	Alcock
Anders	Assadourian
Augustine	Bagnell
Bailey	Bakopanos
Barnes (Gander—Grand Falls)	Barnes (London West)
Barrette	Beaumier
Bélanger	Bellemare
Bennett	Benoit
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bradshaw	Breitreuz
Brown	Bryden
Bulte	Burton
Caccia	Calder
Cannis	Carroll
Casey	Casson
Castonguay	Catterall
Chamberlain	Charbonneau
Chatters	Collenette
Comuzzi	Cummins
Cuzner	Day
DeVillers	Discepola
Doyle	Dromisky
Drouin	Duncan
Duplain	Easter
Efford	Eggleton
Epp	Eyking
Farrah	Finlay
Fontana	Forseth
Frulla	Fry
Gallant	Galloway
Goodale	Guarnieri
Harris	Harvard
Harvey	Hearn
Hill (Macleod)	Hill (Prince George—Peace River)

Government Orders

Hubbard	Ianno
Jackson	Jennings
Jobin	Johnston
Jordan	Karetak-Lindell
Karygiannis	Keddy (South Shore)
Kenney (Calgary Southeast)	Knutson
Kraft Sloan	Laliberte
Lastewka	Lee
Leung	Lincoln
Longfield	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Macklin
Malhi	Maloney
Marleau	Martin (LaSalle—Émard)
McCallum	McCormick
McGuire	McKay (Scarborough East)
McLellan	McTeague
Merrifield	Mills (Toronto—Danforth)
Mitchell	Murphy
Myers	Neville
O'Brien (London—Fanshawe)	O'Reilly
Obhrai	Owen
Pacetti	Pagtakhan
Pallister	Paradis
Patry	Penson
Peterson	Pettigrew
Pickard (Chatham—Kent Essex)	Pillitteri
Price	Proulx
Rajotte	Redman
Reed (Halton)	Regan
Reid (Lanark—Carleton)	Robillard
Saada	Savoy
Scherrer	Schmidt
Scott	Sgro
Shepherd	Simard
Solberg	Sorenson
St-Jacques	St. Denis
Steckle	Stewart
Stinson	Szabo
Telegdi	Thibault (West Nova)
Thibault (Saint-Lambert)	Thompson (Wild Rose)
Tirabassi	Toews
Tonks	Torsney
Ur	Vanclief
Volpe	Wappel
Wayne	Whelan
White (North Vancouver)	Williams
Yelich— 169	

PAIRED

Members

Asselin	Brison
Dalphond-Guiral	Dion
Fournier	Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet	Lanctôt
Minna	Picard (Drummond)
Pratt	Speller— 12

The Acting Speaker (Mr. Bélair): I declare Motion No. 18 lost.

[*Translation*]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.) moved that the bill be concurred in at report stage with further amendments.

Hon. Mauril Bélanger: Mr. Speaker, if you were to seek it, I think you would find unanimous consent for members who voted on the previous motions to be recorded as having voted on the motion now before the House, with Liberal members being recorded as voting yea, with the exception of those Liberals wishing to be recorded as voting otherwise.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to proceed in such a fashion?

Government Orders

Some hon. members: Agreed.

[English]

Mr. Dale Johnston: Mr. Speaker, the Conservative members here tonight will vote no to this motion.

[Translation]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Québécois will be voting in favour of this motion.

[English]

Mr. Yvon Godin: Mr. Speaker, members of the NDP will vote yes to this motion.

Mr. Dale Johnston: Mr. Speaker, are we voting on the main motion here?

The Acting Speaker (Mr. Bélair): Concurrence.

Mr. Dale Johnston: Mr. Speaker, Conservative members will then change their vote to a yes.

[Translation]

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

(Division No. 61)

YEAS

Members

Abbott	Ablonczy
Adams	Alcock
Anders	Assadourian
Augustine	Bachand (Saint-Jean)
Bagnell	Bailey
Bakopanos	Barnes (London West)
Barnes (Gander—Grand Falls)	Barrette
Beaumier	Bélanger
Bellemare	Bennett
Benoit	Bergeron
Bertrand	Bevilacqua
Bigras	Binet
Blaikie	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bourgeois	Bradshaw
Breitkreuz	Brown
Bryden	Bulte
Burton	Caccia
Calder	Cannis
Cardin	Carroll
Casey	Casson
Castonguay	Catterall
Chamberlain	Charbonneau
Chatters	Collette
Comuzzi	Crête
Cummins	Cuzner
Davies	Day
Desrochers	DeVillers
Discepola	Doyle
Dromisky	Drouin
Duceppe	Duncan
Duplain	Easter
Efford	Eggleton
Epp	Eyking
Farrah	Finlay
Fontana	Forseth
Frulla	Fry
Gagnon (Québec)	Gagnon (Champlain)
Gallant	Galloway
Gauthier	Girard-Bujold
Godin	Goodale
Guarnieri	Guay
Guimond	Harris
Harvard	Harvey
Hearn	Hill (Macleod)

Hill (Prince George—Peace River)	Hubbard
Ianno	Jackson
Jennings	Jobin
Johnston	Jordan
Karetak-Lindell	Karygiannis
Keddy (South Shore)	Kenney (Calgary Southeast)
Knutson	Kraft Sloan
Laframboise	Laliberte
Lalonde	Lastewka
Lee	Leung
Lill	Lincoln
Longfield	Loubier
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Macklin	Malhi
Maloney	Marceau
Marleau	Martin (LaSalle—Émard)
Martin (Winnipeg Centre)	Masse
McCallum	McCormick
McGuire	McKay (Scarborough East)
McLellan	McTeague
Ménard	Merrifield
Mills (Toronto—Danforth)	Mitchell
Murphy	Myers
Neville	O'Brien (London—Fanshawe)
O'Reilly	Obhrai
Owen	Pacetti
Pagtakhan	Pallister
Paquette	Paradis
Patry	Penson
Perron	Peterson
Pettigrew	Pickard (Chatham—Kent Essex)
Pillitteri	Plamondon
Price	Proctor
Proulx	Rajotte
Redman	Reed (Halton)
Regan	Reid (Lanark—Carleton)
Robillard	Rocheleau
Roy	Saada
Sauvageau	Savoy
Scherrer	Schmidt
Scott	Sgro
Shepherd	Simard
Solberg	Sorenson
St-Jacques	St. Denis
Steckle	Stewart
Stinson	Szabo
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Thompson (Wild Rose)
Tirabassi	Toews
Tonks	Torsney
Tremblay	Ur
Vanclief	Volpe
Wappel	Wasylycia-Leis
Wayne	Whelan
White (North Vancouver)	Williams
Yelich— 203	

Nil

NAYS

PAIRED

Members

Asselin	Brison
Dalphond-Guiral	Dion
Fournier	Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet	Lanctôt
Minna	Picard (Drummond)
Pratt	Speller— 12

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

PRIVATE MEMBERS' BUSINESS

[Translation]

CRIMINAL CODE

The House resumed from April 23 consideration of the motion that Bill C-471, an act to amend the Criminal Code and the Corrections and Conditional Release Act (sexual assault on child — dangerous offenders), be now read the second time and referred to committee.

The Acting Speaker (Mr. Bélair): The House will now proceed to the taking of the deferred division on the amendment to the motion for second reading of Bill C-471, under Private Members' Business.

● (1810)

[English]

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

(Division No. 62)

YEAS

Members

Abbott	Ablonczy
Anders	Assadourian
Bachand (Saint-Jean)	Bailey
Barnes (Gander—Grand Falls)	Benoit
Bergeron	Bigras
Blaikie	Bonwick
Borotsik	Bourgeois
Breitkreuz	Bryden
Burton	Cardin
Casey	Casson
Chatters	Crête
Cummins	Cuzner
Davies	Day
Desrochers	Doyle
Duceppe	Duncan
Duplain	Epp
Forsyth	Gagnon (Champlain)
Gagnon (Québec)	Gallant
Gauthier	Girard-Bujold
Godin	Guay
Guimond	Harris
Hearn	Hill (Prince George—Peace River)
Hill (Macleod)	Jackson
Johnston	Jordan
Keddy (South Shore)	Kenney (Calgary Southeast)
Laframboise	Laliberte
Lalonde	Lill
Longfield	Loubier
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Marceau	Martin (Winnipeg Centre)
Masse	McCormick
Ménard	Merrifield
Myers	O'Brien (London—Fanshawe)
O'Reilly	Obhrai
Pacetti	Pallister
Paquette	Penson
Perron	Plamondon
Proctor	Rajotte
Reid (Lanark—Carleton)	Rocheleau
Roy	Sauvageau
Savoy	Schmidt
Solberg	Sorenson
Steckle	Stinson
Szabo	Thompson (Wild Rose)
Toews	Tonks
Tremblay	Ur
Wappel	Wasylcia-Leis
Wayne	White (North Vancouver)
Williams	Yelich— 98

Adams
Augustine
Bakopanos
Barrette
Bélangier
Bennett
Bevilacqua
Blondin-Andrew
Bradshaw
Bulte
Calder
Carroll
Catterall
Collenette
DeVillers
Dromisky
Easter
Eggleton
Farrah
Fontana
Fry
Goodale
Harvard
Hubbard
Jennings
Karetak-Lindell
Knutson
Lastewka
Leung
Malhi
Marleau
McCallum
McKay (Scarborough East)
Mills (Toronto—Danforth)
Murphy
Owen
Paradis
Pettigrew
Pillitteri
Proulx
Reed (Halton)
Robillard
Scherrer
Sgro
Simard
St. Denis
Telegdi
Thibeault (Saint-Lambert)
Torsney
Volpe

Asselin
Dalphond-Guiral
Fournier
Gaudet
Minna
Pratt

Private Members' Business

NAYS

Members

Alcock
Bagnell
Barnes (London West)
Beaumier
Bellemare
Bertrand
Binet
Boudria
Brown
Caccia
Cannis
Castonguay
Charbonneau
Comuzzi
Discepola
Drouin
Efford
Eyking
Finlay
Frulla
Galloway
Guarnieri
Harvey
Ianno
Jobin
Karygiannis
Kraft Sloan
Lee
Macklin
Maloney
Martin (LaSalle—Émard)
McGuire
McLellan
Mitchell
Neville
Pagtakhan
Petry
Pickard (Chatham—Kent Essex)
Price
Redman
Regan
Saada
Scott
Shepherd
St-Jacques
Stewart
Thibault (West Nova)
Tirabassi
Vanchief
Whelan— 100

PAIRED

Members

Brison
Dion
Gagnon (Lac-Saint-Jean—Saguenay)
Lancôt
Picard (Drummond)
Speller— 12

The Acting Speaker (Mr. Bélair): I declare the amendment lost.

* * *

● (1815)

OPEN GOVERNMENT ACT

The House resumed from April 26 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.

The Acting Speaker (Mr. Bélair): The House will now proceed to the taking of the deferred recorded division on the motion at second reading of Bill C-462.

Private Members' Business

● (1820)

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

*(Division No. 63)***YEAS**

Members

Abbott	Ablonczy
Adams	Alcock
Anders	Assadourian
Augustine	Bachand (Saint-Jean)
Bagnell	Bailey
Bakopanos	Barnes (London West)
Barnes (Gander—Grand Falls)	Barrette
Beaumier	Bélangier
Bellemare	Bennett
Benoit	Bergeron
Bertrand	Bevilacqua
Bigras	Binet
Blaikie	Blondin-Andrew
Bonwick	Borotsik
Bourgeois	Bradshaw
Breitkreuz	Brown
Bryden	Bulte
Burton	Caccia
Calder	Cannis
Cardin	Carroll
Casey	Casson
Castonguay	Catterall
Chamberlain	Charbonneau
Chatters	Collenette
Comuzzi	Crête
Cummins	Cuzner
Davies	Day
Desrochers	DeVillers
Discepola	Doyle
Dromisky	Drouin
Duceppe	Duncan
Duplain	East
Efford	Eggleton
Epp	Eyking
Farrah	Finlay
Forseth	Frulla
Fry	Gagnon (Québec)
Gagnon (Champlain)	Gallant
Galloway	Gauthier
Girard-Bujold	Godin
Goodale	Guarnieri
Guay	Guimond
Harris	Harvard
Harvey	Hearn
Hill (Prince George—Peace River)	Hill (MacLeod)
Hubbard	Ianno
Jackson	Jennings
Jobin	Johnston
Jordan	Karetak-Lindell
Karygiannis	Keddy (South Shore)
Kenney (Calgary Southeast)	Knutson
Kraft Sloan	Laframboise
Laliberte	Lalonde
Lastewka	Lee
Leung	Lill
Lincoln	Longfield
Loubier	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Macklin
Malhi	Maloney
Marceau	Marleau
Martin (LaSalle—Émard)	Martin (Winnipeg Centre)
Masse	McCallum
McCormick	McGuire
McKay (Scarborough East)	McLellan
McTeague	Ménard
Merrifield	Mills (Toronto—Danforth)
Mitchell	Murphy
Neville	O'Brien (London—Fanshawe)
O'Reilly	Obhrai
Owen	Pacetti
Pagtakhan	Pallister
Paquette	Paradis

Patry	Penson
Perron	Pettigrew
Pickard (Chatham—Kent Essex)	Pillitteri
Plamondon	Price
Proctor	Proulx
Rajotte	Redman
Reed (Halton)	Regan
Reid (Lanark—Carleton)	Robillard
Rocheleau	Roy
Saada	Sauvageau
Savoy	Scherrer
Schmidt	Scott
Sgro	Shepherd
Simard	Solberg
Sorenson	St-Jacques
St. Denis	Steckle
Stewart	Stinson
Szabo	Telegdi
Thibault (West Nova)	Thibeault (Saint-Lambert)
Thompson (Wild Rose)	Tirabassi
Toews	Tonks
Torsney	Tremblay
Ur	Vanclief
Volpe	Wappel
Wasylycia-Leis	Wayne
Whelan	White (North Vancouver)
Williams	Yelich — 198

NAYS

Nil

PAIRED

Members

Asselin	Brison
Dalphon-D-Guiral	Dion
Fournier	Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet	Lanctôt
Minna	Picard (Drummond)
Pratt	Speller — 12

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

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

* * *

IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed from April 27 consideration of the motion that Bill C-436, an act to amend the Immigration and Refugee Protection Act (sponsorship of relative), be read the second time and referred to a committee.

The Acting Speaker (Mr. Bélair): The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-436 under private members' business.

After the taking of the vote:

● (1830)

The Acting Speaker (Mr. Bélair): I would like the hon. member for Trinity—Spadina to confirm if indeed he voted nay on this motion.

Mr. Tony Ianno: I voted yea on the motion. I supported the motion.

● (1835)

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

*Private Members' Business**(Division No. 64)*

YEAS

Members

Assadourian	Bachand (Saint-Jean)
Beaumier	Bergeron
Bigras	Blaikie
Bourgeois	Cardin
Crête	Davies
Duceppe	Gagnon (Québec)
Gagnon (Champlain)	Gauthier
Girard-Bujold	Godin
Guay	Guimond
Ianno	Laframboise
Lalonde	Lill
Loubier	Malhi
Marceau	Martin (Winnipeg Centre)
Masse	Ménard
Mills (Toronto—Danforth)	O'Brien (London—Fanshawe)
Ohrai	Paquette
Perron	Plamondon
Proctor	Rocheleau
Roy	Sauvageau
Tremblay	Wasylcia-Leis — 40

NAYS

Members

Ablonczy	Adams
Alcock	Anders
Augustine	Bagnell
Bailey	Bakopanos
Barnes (London West)	Barnes (Gander—Grand Falls)
Barrette	Bélanger
Bellemare	Bennett
Benoit	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonwick
Borotsik	Boudria
Bradshaw	Breitkreuz
Brown	Bryden
Bulte	Burton
Caccia	Calder
Cannis	Carroll
Casey	Casson
Castonguay	Catterall
Chamberlain	Chatters
Collenette	Comuzzi
Cummins	Cuzner
Day	DeVillers
Doyle	Dromisky
Drouin	Duncan
Duplain	Easter
Efford	Eggleton
Epp	Eyking
Farah	Finlay
Forseth	Frulla
Fry	Gallant
Galloway	Goodale
Guarnieri	Harris
Harvard	Harvey
Heam	Hill (Macleod)
Hill (Prince George—Peace River)	Hubbard
Jackson	Jennings
Jobin	Johnston
Jordan	Karetak-Lindell
Keddy (South Shore)	Kenney (Calgary Southeast)
Knutson	Kraft Sloan
Laliberte	Lastewka
Leung	Lincoln
Longfield	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Macklin
Maloney	Martin (LaSalle—Émard)
McCallum	McCormick
McGuire	McKay (Scarborough East)
McLellan	McTeague
Merrifield	Mitchell
Murphy	Myers
Neville	O'Reilly
Owen	Pacetti
Pagtakhan	Pallister

Paradis	Patry
Penson	Pettigrew
Pickard (Chatham—Kent Essex)	Price
Proulx	Rajotte
Redman	Reed (Halton)
Regan	Reid (Lanark—Carleton)
Robillard	Saada
Savoy	Scherrer
Schmidt	Scott
Sgro	Shepherd
Simard	Solberg
Sorenson	St-Jacques
St. Denis	Steckle
Stewart	Stinson
Szabo	Thibault (West Nova)
Thompson (Wild Rose)	Tirabassi
Toews	Tonks
Ur	Vanclicief
Volpe	Wappel
Wayne	Whelan
White (North Vancouver)	Williams
Yelich — 149	

PAIRED

Members

Asselin	Brison
Dalphond-Guiral	Dion
Fournier	Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet	Lancôt
Minna	Picard (Drummond)
Pratt	Speller — 12

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

[Translation]

It being 6:39 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

* * *

WORKPLACE PSYCHOLOGICAL HARASSMENT PREVENTION ACT

The House resumed from February 26 consideration of the motion that Bill C-451, an act to prevent psychological harassment in the workplace and to amend the Canada Labour Code, be now read the second time and referred to committee.

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, first, I would like to congratulate my colleague from Terrebonne—Blainville for proposing this bill. As we know, it takes courage to approach subjects that may seem, to some people in this House, unimportant or less important than some others.

We in the Bloc Québécois have always worked closely with the working people. The House knows that as well as I do, and I am my party's critic for labour. We have always presented bills to improve the happiness of workers in their workplaces, to see that they have more respect, and to give them the opportunity to balance work, children and family life.

All the bills the Bloc has presented here have aimed to improve the lot of workers. By improving their lives, we can ensure that they are more productive. Of course, that is more valuable to business.

Once again, I congratulate my colleague. I am very pleased to speak on this bill.

Private Members' Business

I want to mention too that my colleague also helped write a book on psychological harassment in the workplace. She did quite extensive research. Doing research in this field is not easy. Many people keep quiet or are afraid of talking for fear of losing their job. They do not have this protection. A great deal of work has to be done to try to get some statistics. So, I want to congratulate her on that as well.

That said, I will try to summarize what work has been done and give some information to the public and explain why we are introducing legislation on this.

Are members aware that 21% of federal public servants are victims of psychological harassment? In actual fact, more than 30% are. That is a lot of people. Furthermore, 52% of victims experience psychosomatic problems. After several months of psychological harassment, stress causes the victim to experience serious psychosomatic problems.

Are members aware that Canada has the fifth highest rate in the world of individuals experiencing workplace harassment, according to the International Labour Organization? We are not the ones saying this, international surveys were conducted.

Again according to the International Labour Organization, in comparison with the United States, the rate of physical and psychological abuse of women at work is 19% higher in Canada. It is high time that we think about adopting legislation to protect workers and ensure that victims of psychological harassment in the workplace have access to resources and legislation to fully protect them.

In the past and present, harassment has been extremely subtle, and even insidious. It starts with a word, with something slightly out of place, when no one is looking so that the victim feels truly awful. Later, other people in the same environment are targeted. The victim is subject to this harassment for months, perhaps even years.

Quite often, these people do not even dare speak out about what is being done. When they reach the end of their rope and finally decide to try to take action, they feel guilty. They think that since they took it for years, people will ask them why they did not do something sooner. It is a vicious circle. That is what it is called.

With a bill like the one my colleague has introduced in this House, people experiencing this problem would have something to refer to. They would be protected and not necessarily lose their jobs. They could ask to be transferred elsewhere. They would be protected by federal legislation.

It is high time we had such legislation. Here in Ottawa it does not exist. We have tried to amend the Canada Labour Code or introduce legislation on precautionary cessation of work for pregnant and nursing women. I am referring to one of my own initiatives. We have such legislation in Quebec and have been asking the federal government for it for 10 years. We have been trying to get anti-scab legislation, while in Quebec this has existed for 25 years.

●(1840)

The other side of the House always refuses, always says no. This is becoming unacceptable.

As for this bill, other colleagues in this House, other political parties will say that they do not agree with one thing or another in the bill. A bill is sent to committee where amendments can be introduced and things changed. We are open to that, we are ready to see what our colleagues have to propose.

What we are not prepared for is not to have the debate, not to have this discussion, not to be able to take this bill and send it to committee. Sending it to committee will allow us to hear from witnesses, people or unions, entrepreneurs and people who have been victims of harassment. These victims could share their experiences with us and tell us what we could do to help them.

This problem exists and we have to open our eyes. I get the feeling in this House that until now, we have had our eyes closed. It is high time that a solution be found.

I hope that when we vote in the House—probably next week—we will allow this bill to be referred to a committee, before saying that it is not good and rejecting it. If we succeed in agreeing on some amendments, so much the better. We will have taken a step forward. More importantly, we will have had the opportunity to hear the testimonies of victims, union leaders, the Public Service Alliance of Canada, all the unions, the FTQ, the CSN, and legal experts. Perhaps the latter will tell us that something must be changed to make the legislation truly effective.

We must be given the opportunity to discuss it in committee. If we refuse to allow this bill to be referred to a committee, it will mean that this issue is a taboo subject in the House, that we do not want to discuss it and that we do not want people to work in a better environment.

The absenteeism rate due to psychological harassment is unbelievably high. It is no fun to get up in the morning and go to work knowing that we will be subjected to harassment. The culprit may be the boss or a colleague; it is not necessarily the immediate supervisor. Imagine getting up in the morning and thinking, "Today, I will once again be subjected to harassment all day long and there is nothing I can do about it". This is experienced on a daily basis.

Women experience it very frequently. They often hold less senior jobs than men and there are a lot of power games being played. In order not to promote a woman, people in positions of authority will very often try to subject the woman to psychological harassment. They will tell her that she is not good, that she cannot do the job and that she will fail. This undermines the person's morale and people get sick. So, the rate of absenteeism due to psychological harassment in the workplace is extremely high.

If we could have a law to protect those who are experiencing this problem, I am convinced that people would think twice before engaging in harassment. They would know that there are recourses for those who are subjected to such harassment. Currently, there is no recourse, which means that these individuals are free to do what they want.

Private Members' Business

I would have liked to elaborate further, but we will have the opportunity to do so if all parliamentarians in this House see that the bill is referred to a committee. At last, we will be able to truly hear those who are affected by this problem. Allow us to take a step forward for the cause of workers who are victims of psychological harassment.

• (1845)

[*English*]

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, it is my pleasure to speak to this bill.

Workplace violence, including the specific issue of psychological harassment raised by Bill C-451, is a very important matter. It is a matter that this government takes very seriously and we share the concern of the member opposite on this issue. While we share her concern, I do not agree with the proposals for change in this bill, for a number of reasons.

To begin with, bringing forward new legislation on psychological harassment at this time would conflict with other major policy work that is already going on in the area of workplace violence.

I am referring to the work of the tripartite working group that is now preparing recommendations for new regulations on identifying, controlling and responding to workplace violence in the federal jurisdiction. This tripartite working group includes representatives of both employers and employees in the federal jurisdiction, including representatives of the Government of Canada unions and the Treasury Board Secretariat, as well as officials from the federal labour program.

This group was set up some time ago to follow up on changes made to part II of the Canada Labour Code and passed into law in 2000. Part II of the code deals with health and safety issues. A few years ago, this part of the code was extensively reviewed by representatives of both employers and employees in the federal jurisdiction as well as federal officials. The issue of workplace violence was considered very carefully at that time.

Pursuant to that review, it was agreed to amend the code to provide authority under part II to require employers to “take the prescribed steps to prevent and protect against violence in the workplace”. These “prescribed steps” meant regulations. The members of that tripartite group have been hard at work to prepare a set of draft regulations that will address the issue of workplace violence and will add substance to the legislative provision that was made to part II in 2000.

I understand that developing these regulations is a complex task. There are many issues to study and many points of view to consider, including the kinds of issues raised by Bill C-451. The working group is making steady progress. The group met as recently as last November and is believed to be close to a final report. Once the few remaining issues are resolved, a final report will then be submitted to the Minister of Labour.

Since the tripartite group is actively addressing the issue of workplace violence, I do not think it is appropriate at this time to bring forward new legislation that might interfere with the ongoing collaborative process. That is the first reason I do not support the bill.

The second reason is that I disagree in principle with the proposal to deal with psychological harassment in the workplace under part III of the Canada Labour Code, as Bill C-451 proposes. Workplace violence is a health and safety issue and therefore a matter for part II of the code, the part that deals with health and safety issues, and not part III, the part that deals with workplace standards.

I feel it is also important to make it clear that the target group of Bill C-451, the Public Service of Canada, is not in actuality covered under part III of the Canada Labour Code. Instead, they are regulated by Treasury Board policies. However, the federal public service is covered under part II of the code and the most recent amendments to part II do apply to them.

When part II of the code was last amended, three fundamental employee rights were strengthened with respect to health and safety. They are: the right to know about hazards in the workplace; the right to participate in correcting those hazards; and the right to refuse dangerous work. In addition, every employer was required to develop, establish and monitor a prevention program. These programs should include provisions related to hazard identification, assessment and control, and the education of employees. This is another positive step to improving employee health and safety in the workplace.

Part II also sets out the role of the health and safety committees in workplaces under federal jurisdiction as well as the roles and responsibilities of health and safety officers and procedures to determine whether a danger exists when work refusal arises.

These joint employer-employee committees offer an effective model for the identification and resolution of health and safety issues in individual workplaces, including taking into account the psychological dimensions of dangerous or potentially violent situations in the workplace as well as the physical aspects.

• (1850)

All these rights and committees are supported by the legislative authority of part II of the code.

I have two basic concerns with Bill C-451. First, these issues are already being addressed by a working group of experts, a group that was set up some time ago to provide advice to the Minister of Labour on workplace violence regulations, including issues that are raised by Bill C-451. Second, the issues raised by the bill are more appropriately addressed under part II of the Canada Labour Code, not part III.

Instead of overriding the outcome of the tripartite process with this bill, we prefer to let the existing collaborative process work so that we can continue to move forward with the development and implementation of systematic ways to control workplace violence.

Adopting Bill C-451 would confuse this ongoing process. Bill C-451, for example, proposes measures to define and control workplace psychological harassment, but we expect the tripartite working group will be coming forward with recommended regulations on these issues too.

Private Members' Business

Similarly, Bill C-451 proposes new response procedures. Response procedures are obviously important, but we expect the tripartite working group will make recommendations in this area as well.

Finally, to be effective, any new measures to deal with violence in the workplace must be developed and implemented in a consultative manner. This means that both employers and employees must be involved in the process, such as they are now through the tripartite process, and such as they were in the review of part II of the code that led to the formation of the tripartite group.

We have already had extensive consultation leading to the amendments to part II of the code. In addition, before we could make amendments to part III, we would have to go through a similar extensive consultation.

As the Minister of Labour has said so often, the Canada Labour Code belongs to those it governs, that is, the employers and the employees in the federal jurisdiction. It is not the property of the minister. The Government of Canada administers the code and facilitates its operations, but fundamental changes like those proposed in Bill C-451 should take place only with the consultation agreement of the stakeholders.

There already exists a consensus in the federal jurisdiction to deal with workplace violence under part II. The joint employer-employee health and safety committees authorized under part II offer an interesting model to deal practically with these issues in the workplace. By the way, no such committees are provided for under part III of the code.

As a result, new legislation to define and control psychological harassment in the workplace would not be a good idea. The timing conflicts with other work being carried in this area by the tripartite working group, and part III of the code is not the way to proceed with an issue like this. The issue of workplace violence, whether physical or psychological, is a matter for part II of the code, the part that governs workplace health and safety. Based on the tripartite discussions that are now under way with representatives of both employers and employees, it appears that is also the view of other stakeholders in the federal jurisdiction.

I share the concerns of the member opposite about finding new ways to identify the potential for psychological harassment in the workplace and to control it, and I know the minister is committed to doing everything she can to that end, but I do not see Bill C-451 as advancing that cause and I will not be voting in favour of it.

• (1855)

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, CPC): Mr. Speaker, Bill C-451 is an act to prevent psychological harassment in the workplace and to amend the Canada Labour Code. Bill C-451 addresses something very real. Harassment in the workplace is an aspect of wrongdoing in the workplace and/or an aspect of violence in the workplace or its precursor.

The sentiments of the bill are correct. That is why there has been a public service policy for over 20 years that guides the conduct of public employees about harassment between workers, or within a hierarchy, or in a supervisory relationship. The problem comes from assessing whether in the public service the current policies are

working or if a formal regime of reporting, examination and remediation is necessary as a distinct system beyond and separate from the range of normal activity of a supervisor and employee relationship.

It is the normal duty of management to create and maintain a safe, reasonable work environment, not only physically but also in the psychological sense. The workplace should not be toxic or dangerous in real terms of physical harm or in a psychological sense. This is the business of personnel administration and the wise management of human resources, but the employer and the employee must both have obligations.

Currently, the situation is that the department deputy head or deputy minister has the main responsibility to deal with the matter of harassment in the workplace. The deputy head may call upon the Public Service Commission to investigate or suggest solutions, or the deputy head may go outside to psychological specialists as contractors who are completely independent. These reports then come back to the deputy head and it is management's responsibility for remediation.

The present private member's bill is within the spirit of the present government policy, but it also sets out a formal regime and makes the Public Service Commission the recipient of reports, the investigator and the one to direct remediation. That particular part may be a mistake and I did try to speak to the Public Service Commission today about that.

However, I like other aspects of the bill that spell out what harassment is and the penalties involved if it is not dealt with. The private member's bill raises the issue of the importance of the subject. The problem around harassment in the workplace, which is most often between co-workers, is likely much more common than the matter that we are dealing with in Bill C-25, which is a regime for reporting an administrative wrongdoing. We are developing a proper regime for reporting wrongdoing. The government's Bill C-25 is currently before the House.

That is where there may be a synergy here. This private member's bill is not going pass, we know that, but the topic is correct. Perhaps what could be done is to expand the definition of wrongdoing within Bill C-25.

Clause 8 of Bill C-25 defines wrongdoing. Of course it talks about the misuse of public funds or a public asset, but it also talks about an act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment, or a serious breach of a code of conduct established under clauses 5 and 6 of the bill and the taking of a reprisal. That really involves what we are talking about, which is harassment in the workplace.

Clause 8(d) is of special interest, where the health is mentioned and where harassment affects both mental and physical health. It may now already be covered by Bill C-25. Perhaps the definition in this clause could include an expanded definition taken from Bill C-451 so that there is a broader aspect of wrongdoing to be dealt with appropriately within the formal regime of reporting, investigating, remediating and providing a fair process and appropriate confidentiality that is envisioned in Bill C-25.

Private Members' Business

Bill C-451 on page 2 defines for its purposes psychological harassment. I want to briefly put that into the record. It states:

—any vexatious behaviour in the form of hostile, inappropriate and unwanted conduct, verbal comments, actions or gestures that affects an employee's dignity or psychological or physical integrity and that results in a harmful workplace for the employee; and

(b) any abuse of authority, including intimidation, threats—

It defines that even a single incident of such behaviour that has a lasting and harmful effect on an employee also constitutes psychological harassment.

● (1900)

There is an extensive definition and I am sure there has been some research on that. It may also parallel some legislation in Quebec.

I could envision that elements of this definition perhaps could be included in Bill C-25 where it talks in the definition in clause 8(d) about an act or omission that creates a substantial or specific danger to the life, health or safety of persons or to the environment; or, in clause 8(e) where it talks about the code of conduct which in the public service we already have this code of conduct; or clause 8(f), taking reprisal against a public servant.

There is a parallel here. There is an opportunity for the bill's sponsor to do the necessary background research and prepare a convincing brief. She could bring it to the government operations and estimates committee to see if the members now seized with that topic can be convinced to expand Bill C-25 to give effect to the spirit of Bill C-451.

The government had a policy about reporting wrongdoing which I called a memo policy out of the Treasury Board. It really did not work very well because few public employees had confidence in it. The government brought forward stand-alone legislation to create a defined regime of reporting wrongdoing called Bill C-25. Similarly, we have a 20 year old policy now on harassment in the workplace which is in effect as a memo policy. The member, through her private member's bill, is saying that this harassment policy is not good enough and it also needs a formal regime.

I do not think we should have two separate formal regimes, one for administrative wrongdoing and another for harassment of psychological wrongdoing. It could even be argued that Bill C-25 fully accommodates already the intents of private member's Bill C-451. I say to bring the two together. Maybe that is the way to go, and have the government examine the additions within Bill C-451 and incorporate them into Bill C-25.

There is a precedent for this. I had this done with my own private member's bill relating to the Bankruptcy Act. My private member's bill went through all of the barriers and it was made a votable bill. It amended the discharged list section of the Bankruptcy Act. Later on the government brought in a comprehensive system-wide bill to revamp the whole thick piece of legislation which was a much broader, comprehensive piece of legislation.

I immediately checked the government bill in the specific part that related to my private member's bill. My private member's bill, because it had been thoroughly researched and discussed in that narrow area, was much better than the government version of that particular section. I began to negotiate with the minister. The

minister of the day agreed and incorporated my private member's bill as the government provision. I withdrew my bill and went to committee and moved the motion as if it were a government motion. Therefore, the law of the land today in the Bankruptcy Act is my private member's bill as part of the government bill. Synergy can happen where we bring things together.

Perhaps there is something here as well. The committee has been charged with looking at Bill C-25 before second reading. Therefore, it is certainly within the latitude and purview of the government operations and estimates committee to make those kinds of adjustments if it sees fit.

Certainly psychological harassment in the workplace is wrong. Unfortunately, it is all too common, perhaps most often between workers rather than from management in a supervised relationship. Harassment is wrongdoing. There may be an opportunity here to bring matters together.

Everyone seems to agree on the legitimacy of the subject. It is indeed part of the public service policy now. If Bill C-25 can be expanded in a way to actually have the spirit of Bill C-451 put into the law, then I am certainly willing to explore it and give it a most sympathetic ear if it comes to committee.

It is up to the member to do the homework and try to have Bill C-25 meet as much of what is in the spirit of Bill C-451. The member should make the brief, do the homework and come to committee. As the vice-chair of the government operations and estimates committee, I will encourage the member to do so. I promise that the member will have a sympathetic ear from our side.

● (1905)

[*Translation*]

The Acting Speaker (Mr. Bélair): The hon. member for Terrebonne—Blainville has the last five minutes to conclude this debate.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, the bill I am introducing is extremely important and in many federal public servants it raises a hope that the psychological harassment they have suffered or are now suffering will be recognized and that they will obtain satisfaction.

I have in my possession a number of files from federal public servants. These files concern psychological harassment grievances, well-founded grievances, that have not yet been settled.

I was speaking this week with the hon. member for Glengarry—Prescott—Russell, who said that our ridings are similar because we have establishments where public servants—federal public servants—work. In his office he has met a number of employees of the federal public service struggling with the phenomenon of psychological harassment and, unfortunately, he does not know what to say to them.

Indeed, it is very difficult to decide whether something is management of the establishment or harassment. Sometimes the individuals who are harassed all have the same profile: they all have physical problems or psychological problems due to a failure on the part of management or poor protection of their physical and psychological integrity.

Adjournment Debate

We know that as a public service employer, the Treasury Board of Canada is committed to providing an environment free from harassment for all persons who work in the federal public service. This commitment has translated into the adoption of a policy on prevention. Nonetheless, such a policy leaves the door wide open to all sorts of abuse and circumvention.

Unfortunately, the employer, the federal government itself, is currently not implementing its own internal policies. Worse yet, these policies, in practice, protect harassers and do not provide any redress for the employees being harassed.

The bill which I am introducing in this House and which we are debating this evening is often confused with the whistleblower legislation, but it is not at all the same thing. The Public Service Integrity Office was set up last year and the Public Service Integrity Officer has opened—just imagine—over 105 files in a year's time on whistleblowers alone. In these 105 files there are complaints about the violation of a law or a regulation, complaints about the abuse of funds or public property, in other words, blatant cases of bad management. There are also—and this is adding up—29 cases of harassment and abuse of power.

I have always maintained that over 30% of the public service is harassed. It is not whistleblowers being harassed, but regular employees. Here we have the proof. It is a report hot off the press that came to us barely a month and a half ago.

I will conclude by saying that this bill goes beyond any political consideration and must hold the attention of this House. It must be sent to committee. If the committee decides that it is inappropriate, then it will drop it. Nonetheless, for now, I am calling on this House to give a chance to the 30% of public service employees who are being harassed.

• (1910)

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 nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, May 5,

2004, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

AGRICULTURE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):

Mr. Speaker, I rise to speak as a consequence of the comments the Prime Minister made in reacting to my well-documented observations regarding the numerous border disputes we are having with our largest trading partner, disputes that are costing Canadians jobs.

Canadians find the comments of the Prime Minister particularly offensive when he denies the corrupt practice of the Liberal Party to appoint party hacks to sensitive, diplomatic postings. The culture of corruption has become so pervasive in Ottawa that the Prime Minister has lost all sense of right from wrong.

The decision to appoint the disgraced former minister of public works as ambassador to Denmark was an insult to all Canadians of Nordic origin. What ambassadorship is being offered to the member for Charleswood St. James—Assiniboia so that he will give up his seat? What a way to prove that a democratic deficit is alive and well, with a Prime Minister who insists on appointing candidates. Is it Washington?

Actions do speak louder than words. Now that the member for Ottawa South has turned down the Washington posting, is the Prime Minister saving this posting for a family relative or a favoured nephew the way his former leader did?

The Prime Minister knows full well that my question regarding the foreign service as a dumping ground for Liberal Party hacks who are no longer of use to the party is not a criticism but rather a defence of the professional foreign services. What a message that sends to our largest trading partner and to all countries who are treated so disrespectfully.

Tens of thousands of jobs are at risk in our trade with the United States. Nothing could be more humiliating for Canadians than to see a Canadian Prime Minister meeting the president and grovelling before him, and grovel he will for any scrap of news to take back to the unemployed softwood lumber workers and to our cattle producers. However this will not repair the years of damage done by the government in which the former finance minister, now Prime Minister, was the architect.

The fact is that internationally Canada does not pull its weight. As has been pointed out recently, when it comes to international peacekeeping, Canada is 38th out of 94 nations, behind nations like Ghana and Ethiopia, when it comes to UN-led missions.

Adjournment Debate

It is a myth that Canada is this nation of peacekeepers when we look at the facts. Canada has lost credibility on the international stage and the ability to criticize when we do not back up our own words with action, which is all Canadians will hear from the Prime Minister: cheap talk when he goes to Washington, lots of talk, lots of pious platitudes but no action.

Jean Chrétien did not commit to sending troops to Iraq because Canada has little useful military assets to contribute after years of underfunding. Canada did have an obligation to provide moral support. Now Canadian loggers and farmers have to deal with the problems created by only being critical of our historic ally and largest trading partner.

• (1915)

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, Canada and the United States share a unique and vital relationship. The importance of this relationship cannot be overstated. It requires careful management, and our success is not only born of the many treaties and agreements that we have in place, but also because of the frequent interaction with our U.S. counterparts across all levels of government.

The Canada-U.S. trade relationship is particularly vital to Canada given how highly integrated our economies have become, spurred in part by the success of the Canada-U.S. Free Trade Agreement and NAFTA.

Canada and the United States remain each other's largest trading partners, moving approximately \$1.8 billion worth of goods and services across the border each day. Between 1993 and 2003, two-way trade in goods increased approximately 7.2% compounded annually. In 2003 Canada exported \$328 billion in goods to the U.S. and imported \$203 billion in return. Fully 86% of Canadian merchandise exports are destined for the U.S.

Since the implementation of the free trade agreement in 1989, two-way trade has more than doubled and this trade largely flows dispute free. Where disputes do arise, we have mechanisms to address them, such as those provided by the rules based framework of NAFTA and the WTO.

The Prime Minister, accompanied by the Minister for International Trade, the Minister of Foreign Affairs and the Minister of Agriculture and Agri-Food, will be visiting Washington tomorrow and Friday for meetings with U.S. President George Bush and congressional and non-government leaders to review key bilateral and regional issues.

However, the relationship between Canada and the U.S. involves more than the periodic meetings between the Prime Minister and the President. Central to our management of the Canada-U.S. relationship is a daily presence in the U.S. to advocate for Canadian interests and objectives. Canada achieves this through the appointment of an ambassador who serves as the Government of Canada's representative to the U.S., responsible for advising his government on policy toward the U.S. and communicating Canadian policy to U.S. government leaders.

Canada has been represented for the last three and a half years by a very competent career diplomat with over 35 years of experience, including two previous tours of duty in Washington representing

Canadian interests abroad as a member of Canada's foreign service. While in Washington, our current ambassador, Michael Kergin, supported by a talented and dedicated group of officials, continues to work diligently to promote and defend Canada's political and economic trade interests in the U.S.

Furthermore, the February 2003 budget identified funding for an enhanced representation initiative aimed at improving our ability to operate more effectively in the U.S. in the context of an increasingly integrated North American market. In September 2003 the Government of Canada announced that it would open seven new consulates in the U.S., upgrade two consulates to consulates general and appoint 20 honorary consuls as part of the enhanced representation initiative.

This initiative, which will be completed by the fall of this year, will strengthen Canada's capacity to advocate its interests in vital economic, political and security matters and to develop innovative, strategic partnerships in emerging U.S. economic power centres.

• (1920)

Mrs. Cheryl Gallant: Mr. Speaker, I was interested in reading a recent poll in which 84% of Americans supported sending troops to defend Canada should we ever be attacked. That 84% is a tremendous pool of goodwill that is being needlessly squandered by the Prime Minister and the Liberal Party. It is time the Prime Minister and his party stop the constant criticism of the American people to score cheap political points from Liberal leaning haters of Americans.

The patience of Americans has its limits. Americans are finding themselves in a difficult situation in Iraq. Now is the time for substantial and positive actions on the part of Canadians. That is what friends are for. This will not come from the current Prime Minister.

Only a fresh, new Conservative prime minister who has the credibility to offer constructive assistance will even be taken seriously by the Americans. Only a Conservative prime minister has the integrity to repair the damage to Canada-U.S. trade relations after years of neglect. Only then, after years of petty attacks, will our trade disputes be resolved to the respective benefit of both our nations.

Hon. John Harvard: Mr. Speaker, all I would say to that intemperate outburst is that those kinds of over the top remarks carry absolutely no credibility.

We have a solid relationship with the United States of America. Americans are our friends. The government feels that it has a very strong and friendly relationship with the government of the United States in Washington.

Adjournment Debate

We naturally take our trade partnership very seriously. That partnership is important to the Canadian economy. It is even important to the United States economy, which is the largest in the world.

I would say that we have a very important relationship with the Americans and we will do everything possible to nurture that relationship each and every day.

[*Translation*]

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:22 p.m.)

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