CANADA

House of Commons Debates

VOLUME 140 • NUMBER 051 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, February 7, 2005

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Monday, February 7, 2005

The House met at 11 a.m.

Prayers

● (1100)

[*Translation*]

BUSINESS OF SUPPLY

The Speaker: Pursuant to Standing Order 81(14), it is my duty to inform the House of the motion to be considered tomorrow during the consideration of the business of supply.

> That the House acknowledge the inadequacy of the assistance plan for the clothing and textile industries which was announced by the federal government following the closure of six plants in Huntingdon, and that it ask the government to further elaborate with regard to the following elements: the use of safeguards provided for in trade agreements, the implementation of measures to encourage the use of Quebec—and Canadian-made textiles and the creation of a program to assist older workers.

This motion, standing in the name of the hon. member for Joliette, is votable. Copies of the motion are available at the Table.

[*English*]

It being 11:05 a.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

FOOD AND DRUGS ACT

The House resumed from November 24, 2004, consideration of the motion that Bill C-206, an act to amend the Food and Drugs Act (warning labels regarding the consumption of alcohol), be read the second time and referred to a committee.

Mr. Gary Carr (Halton, Lib.): Mr. Speaker, I want to thank the member for Mississauga South for his work on this bill. If folks take a look at today's *Globe and Mail*, they will see a fine article dealing with this particular bill. It talks about how the member began the process.

I will be supporting the bill and I encourage other members to support the bill. It is good legislation. I want to say clearly that other jurisdictions have taken a look at this issue and are dealing with it. I believe we should be taking a clear look at it.

Let us look at the statistics: 45% of motor vehicle collisions are a result of alcohol related incidents; 30% of fires are a result of alcohol related incidents; 50% of family violence is related to alcohol; and 40% of falls are caused by alcohol, as well as 50% of the hospital admittances dealing with falls.

Ontario looked at this and passed a bill called Sandy's law, which deals with this particular situation. As a result of the new law, alcoholic beverages now have labels warning about fetal alcohol syndrome.

The member has put together a report on fetal alcohol syndrome. The statistics are very clear. Fetal alcohol syndrome causes permanent damage to the fetus. I encourage members to read the bill and decide for themselves on this issue.

Cigarette packages contain warning labels on the problems related to cigarettes. We are all aware of the problems dealing with drinking and driving. This will warn of those dangers as well.

I will talk a bit about fetal alcohol syndrome because it is a particular area on which many of us are not too aware. I must admit as somebody who had been involved in the provincial government for about 13 years I was not aware of all the problems of fetal alcohol syndrome. I guess it came to light when MPP Ernie Parsons' bill, which is called Sandy's law, passed in Ontario with the unanimous consent of all Ontario members. It highlights and warns people of the dangers of fetal alcohol syndrome.

As I mentioned, I think a lot of people are not aware of the particular concerns of fetal alcohol syndrome. Most people who are coming to understand it, understand it is a truly preventable disease. If we in this Parliament can do anything to highlight that particular concern, and if we can ensure that even one, two, three or a few people become aware of it and prevent this dreaded disease it will be extremely good work that we do in this Parliament.

We know that when somebody is pregnant, the alcohol goes right into the baby at that particular time. However the problem is that a lot of people who do not know they are pregnant will continue drinking during that period of time. These warning labels that would be put on alcohol as a result of the bill, would warn people who are trying to become pregnant of the danger.

I was particularly struck by one letter, which was quoted in *Hansard*, from a woman whose son had been born with fetal alcohol syndrome. She did not even know she was pregnant at the time. Many people who are trying to get pregnant do not realize the danger. This bill would warn people of the dangers. I think we all understand that one should not be drinking when one is pregnant

● (1110)

We hope to encourage people to talk about this issue in a way similar to what has happened with drinking and driving. Many years back, drinking and driving was not as taboo as it is today. That has changed. The reason it has changed is the public education program that now makes it totally unacceptable to drink and drive.

While we still have a long way to go in that regard, I think all members in the House would support stronger measures to ensure that we take measures against drinking and driving. We still have a long way to go, but we have come a long way, the reason being the education done during that particular process to educate people about it. I believe this bill would do that.

The bill calls for labels to warn of the risks associated with the misuse of alcohol. Specifically it calls for health warnings on containers for alcohol beverages to caution expectant mothers and others of the risk. It should be noted that beverage alcohol is the only consumer product that can harm individuals and does not provide a warning label.

I think the education process can begin. As we know, and it was outlined in this particular *Globe and Mail* report, this member has worked extremely hard. In past Parliaments he has had 95% support. I forget what the exact number was, but I believe it was somewhere in the neighbourhood of 211, which works out to 95%. We have come so close on so many occasions. I am hopeful that in this minority Parliament all sides will come together, because this is a non-partisan issue. This is not a particular issue like those we sometimes have in the House; I honestly and truly believe this is something that can be supported by all sides.

The U.S. has warning labels. I noticed that in the article today the feeling was expressed by some people associated with the alcohol manufacturing groups that there would not be enough room on the labels. Clearly in the U.S. that is not the case. There are warning labels. The very fine picture that we see of the member in today's *Globe and Mail* also shows the warning labels.

There are those who say it will not work, but I believe that the education process will work, particularly when it comes to fetal alcohol syndrome, which is not very well known. I believe that putting this warning on labels will in fact cause a lot of people to take a look at this particular problem we are facing. It is a serious problem, as we can see when we look at the human tragedy on top of the social tragedy and the health tragedy which accompany it.

My friend from Mississauga South has done a great deal of work. As was stated in *Hansard*, he has the agreement of the Canadian Medical Association on this issue. He has the agreement of and support from the Canadian Nurses Association as well as the Addiction Research Foundation. All of them support the labelling proposed in this bill. I believe those groups are 100% correct in their support. We should be supporting these fine groups and the work they do. If we as a Parliament can pass this legislation, I think it will be good.

I want to say up front that alcohol is a legal product. A lot of us on occasion will drink responsibly, but that is what this labelling is about. It is about drinking responsibly. It is about ensuring that warning labels are there. I am also particularly concerned about the education of our young people. As we know, we spend a great deal of money on this. I was in the Ontario government when we spent a great deal of time on how to warn our young people about the ills of cigarette smoking. It did not always work, but we attempted to educate people.

I say to all members of the House that this is a good piece of legislation. It is something that can be supported. We can prevent human tragedy if we pass this bill. I would encourage members from all sides of the House to do that. In closing, I want to thank the hon. member for Mississauga South for his patience and dedication. This is a truly a good and worthwhile bill and I am pleased to support it. I look forward to the debate.

● (1115)

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, before I begin my remarks, I want to mention that I have been talking about the bill with the member for Niagara Falls. We are not splitting time because there is not enough time, but we have consulted on bringing forward this thought process. Not discounting the serious nature of the bill, which is the reduction of impaired driving and the health risks associated with too much alcohol consumption, I ask the House to consider whether labelling is the most effective way to address this issue.

I am pleased to comment on the proposal requiring warning labels on alcoholic beverages. In general terms I am always supportive of measures that allow Canadians to make fully informed choices regarding their health. Product labelling certainly seems to fall under that philosophy.

Best intentions are obviously behind the bill, but I think we have to resist the easy choice of simply implementing what seems to be an innocuous measure to inform consumers of potential health and safety risks. On the surface the bill proposes what seems to be a straightforward item. Individuals may be tempted to support the legislation without looking at ramifications for the future and what this bill assumes about the average Canadian consumer.

Let us be realistic. Are there really millions of Canadians who are not aware that drinking alcohol impairs their ability to drive or operate machinery? I have yet to hear of a drunk driving defence claiming that a charged driver should be cleared because he was not aware that drinking alcohol is dangerous for driving. Are there millions of pregnant women who do not know that they should avoid alcohol for the sake of the developing baby?

To put it bluntly, I find the bill unnecessary and condescending. In many ways it is typical of a Liberal nanny state where the government believes that the public is not capable of personal responsibility without the benefit of government guidance. What is next? Should we put warning labels on buildings and other tall structures like hills and mountains telling people they would be harmed if they jump off them? How about labels on candies and chocolate bars: "Overconsumption combined with a lack of exercise may cause obesity". How about bathtubs? "Breathing in contents of full tub may cause choking and/or drowning".

The fact is, Canadians know the dangers of alcohol misuse. Warning labels will do nothing to enhance the awareness. Where is the science-based evidence that warning labels work? The U.S. has studied the effectiveness of warning labels due to an explicit evaluation requirement in the 1989 alcohol labelling act. The last follow-up data for the evaluation was collected in 1995.

The U.S. warning label reads as follows:

> Government Warning: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery and may cause health problems.

The findings from U.S. studies show that the implementation of warning labels in the U.S. did not reduce the incidence of fetal alcohol syndrome. Perceptions of the risks associated with drinking mentioned on the labels, i.e. drinking while pregnant, drinking and driving et cetera, were high before the introduction of the labels. That did not change significantly after their introduction.

These findings suggest that warning labels by themselves are not particularly effective in increasing the perception of specific risks associated with drinking. Studies published four years after implementation of the warning labels did not show significant behavioural changes attributable to the warning labels, especially among heavy drinkers. Most disturbing was that the number of women in the U.S. who reported drinking while pregnant actually increased between 1989 and 1993.

These findings suggest that over the short term or medium term alcohol warning labels are not effective at changing problematic drinking behaviours.

There is also a lack of testing of existing labels in Canada. Warning labels have been in place in the Northwest Territories and the Yukon for several years now. Over that time, the incidence of alcohol abuse has not decreased and we are not aware of any studies that have been undertaken to prove the efficiency of the labels.

In the province of Ontario, as my colleague on the other side of the floor mentioned, there was Bill 43, more commonly known as Sandy's law, which was passed in 2004. The regulations were proclaimed just this month.

As of February 1, licensed restaurants and bars, LCBO stores, beer stores, beverage alcohol manufacturers' stores and licensed brew-on-premise facilities will be required to post a fetal alcohol syndrome warning sign in a prominent location where it can be seen by all patrons. In my opinion, that is the better way to do this. Is it not better to post the warning at the place where one is able to purchase alcohol? The effectiveness of these existing warning signs should be tested before proceeding with another type of warning.

● (1120)

Another problem is that warning labels are a blanket approach and do not directly target the most affected populations. According to a 2004 Canadian addiction survey released on November 23 by the Canadian Executive Council on Addictions, or CECA, Health Canada and the Canadian Centre on Substance Abuse, over 85% of the population either drinks responsibly or abstains from alcohol, so once again, we are looking at targeting a very small minority of the population.

This legislation would direct limited resources to a vast majority of the drinking public that does not require the education and/or the assistance. Among those Canadians who consumed alcohol during the past year, it is estimated that 17%, or 13.6% of the entire population, are defined as high risk drinkers. I submit to the House that this is probably where our education dollars should go: toward these high risk groups.

When the problem is examined from a gender based perspective, the data is particularly revealing. The proportion of women identified as high risk drinkers is only 8.9%, whereas the figures for men are nearly triple that at 25.1%.

A more effective response to labelling would be to target these high risk groups, such as youth and mothers-to-be, with education and awareness programs. We certainly do not have any problem with that at all.

Warning labels will cost the beverage producers time and money and this is where I have some concerns for my constituents. The member for Niagara Falls and I represent a large number of wineries run by small business people who quite frankly depend very largely on being able to sell their product. They are not opposed to having labels in prominent positions, but certainly the issue of labelling right on the bottles is a concern. It is a concern not only from a cost point of view, but also from an image branding of the product. Suddenly having to revise all existing labels, if they have to replace them on all bottles, is going to be expensive and it is going to be a problem.

If someone can show me some concrete proof, which is not the kind of proof that former prime minister Jean Chrétien talked about in the context of a proof is a proof, that this measure would actually do something to prevent health and safety dangers, I would support it without hesitation. Labelling is an attractive measure for government. It does not require any effort or thought by the government, but it gives the appearance that the government has acted. That is a cop-out.

We can all vote in support of warning labels and pat ourselves on the back for doing something, but unfortunately the labels will not result in a reduction of traffic accidents due to alcohol or fewer babies born with fetal alcohol syndrome. We know that programs like RIDE are effective in decreasing impaired driving. If we want to have a further impact on decreasing alcohol abuse, we need to put further resources into enforcing underage drinking laws and impaired driving laws and into targeting education campaigns at high risk groups. Further financial support for medical and behavioural research would also be money well spent because it would allow us to focus our efforts where they would be most effective.

I suspect that some members will support the vote on the bill because they do not want to have their opposition misinterpreted as being against health and safety, but I will be voting against the bill for two reasons. It is ineffective and it misleads the public into believing the government is taking some sort of action. I hope that those who feel the same way will not hesitate to make their position known through their vote.

● (1125)

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, as chair of the Standing Committee on Health, I am extremely pleased to speak today on this bill introduced by our colleague, the member for Mississauga South. This bill has already been introduced twice before, in 1995 and 1999.

It is often said that prevention must be promoted in health care, and I think the present initiative is based on this theory. Naturally, the Bloc Québécois supports this bill, which informs and puts the focus on prevention.

Alcohol consumption during pregnancy can have side effects such as miscarriages, intrauterine growth retardation or fetal alcohol syndrome.

Preventing fetal alcohol syndrome, FAS, is essential, because, as we know, alcohol consumption during pregnancy can cause fetal abnormalities, the most obvious of which are low birth weight and distinct facial features. However, these are not the most serious. The neurological consequences of FAS are much more serious handicaps, and include damage to the central nervous system, intellectual impairment and developmental delay, poor cognitive skills, attention deficit disorder, learning disabilities, language deficits and poor motor skills.

Fetal alcohol syndrome is considered one of the principal causes of congenital abnormalities and developmental delay in Canada. It is estimated that more than 350 infants in Canada are born with this syndrome every year. With the current decline in birthrate, we have even more of an obligation to ensure that the few children who are born have every possible opportunity to grow up physically and mentally healthy.

Let us not forget that today's babies are tomorrow's leaders. We also need to keep in mind the health and other costs this syndrome generates. It is estimated that the additional costs for health, education and social services alone over a lifetime in the case of this syndrome total $1.4 million. That is a great deal when we realize that the already astronomical costs of our health system are growing yearly as the population ages, as certain health problems increase in frequency, and as research makes it possible to find treatment or cures for these problems. Research, however, is extremely costly. So when $1.4 million is spent on problems that can be prevented, I think we need to pay attention.

Quebec has the highest number of women reporting having consumed alcohol during pregnancy. A study carried out in 1997-98 and 2000-01 as part of a report on the fetal alcohol syndrome in Quebec, indicated that one woman in four in Quebec did so, as did one in ten in Canada.

We all have a social responsibility as citizens and an even greater one as representatives of our fellow citizens, to make the choices required to protect people's health and to raise their awareness of what is bad for their health.

I feel obliged to object to my colleague's statement that it is not up to us to interfere with people's health and well-being. It is not a matter of interfering with their health but of raising their awareness of unhealthy practices. It is a matter of informing them, not deciding for them what is good or bad for them. It is a matter of providing them with the information they need to reach their own decisions. That is what this bill is all about.

A human life is priceless. Naturally, we cannot state with certainty that this means will be 100% effective, as the brewers' lobbyists have pointed out. Nevertheless, a descriptive label indicating the dangers of alcohol consumption would reinforce the advertising and educational activities already being carried out by the various intervenors concerned about this plague.

The breweries tell us that labelling will not be effective; that only action by groups and help lines, in which they say they are investing great deal of money, will make a difference. When they talk about investments, community assistance and preventive measures, I would like to know what their financial involvement is in the most seriously affected communities, especially among the Native people, where the fetal alcohol syndrome is most prevalent.

● (1130)

We must not forget the damage caused when young drivers use alcohol. Under its influence, they are four to five times more likely to have an accident, perhaps even a fatal accident, given their inexperience.

As critic for the family, I consider both prevention and the education of young people very important. This social responsibility I am speaking of is already in effect in the Northwest Territories and Yukon. Part of the liquor board's website is entirely devoted to this and explains that the warning labels have been in use in that province since 1992.

Of course it is difficult to determine whether it has a positive effect, since women whose pregnancies are at risk because of alcohol abuse have left the province. They are taken away from the Northwest Territories and sent elsewhere to give birth. Therefore, there are no data on the rate of fetal alcohol syndrome births in the Northwest Territories and the Yukon to support the fact that the new law has had an impact.

The province even printed warnings on bags with a message for each season on drunk driving and drinking during pregnancy. These are not unlike the warnings on medication and cigarette packaging. It was not easy to introduce such warnings, but this type of information has helped people change their consumption habits.

It is our responsibility to ensure that people know the impact of these habits, especially when the lasting effects are so serious. We know full well that we cannot stop people from drinking or smoking, but we can make them aware of the risks to their health and we can make them think about it. It thus becomes a matter of prevention over healing and it is a step in the right direction in reducing health costs.

It is highly important for such legislation to be passed by all parliamentarians to show how important we consider health and, especially, our duty to inform the public.

In conclusion, I want to add that all members of the Bloc Québécois are always there to defend the interests of their constituents regardless of the origin of a bill. That is why we support our colleague in this matter. I encourage all hon. members in this House to do the same because this will be an excellent informational and preventive tool.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I too am rising to support the bill. It is a sad commentary though that we are debating this issue once again. We previously approved a motion, with overwhelming support from the House. What we are seeing is a lack of action. We need to urge the government to do something with the bill, and hopefully it will pass.

I quote from a previous health committee meeting on April 26, 2001, where the former health minister said:

> In connection with this, I want to draw attention to the motion adopted by the House of Commons only the other day, which was presented by my colleague [from Winnipeg North]. Her initiative, supported as it was by [the member for Mississauga South] and members of our own party, has focused attention again through another means on this challenge of FAS/FAE. I want to assure the committee—and particularly my friend, the member for Winnipeg North—we shall follow through with a sense of urgency on this issue.

If a sense of urgency means that three years later we still have no action on labelling, I am concerned about the government's definition of what is urgent.

Since 2001, if the estimates are correct, on average 3,000 children a year have been born with FAS-FAE. What does this do to our overall society and our health care costs? We continue to not take action on this initiative, which has been well identified and well supported by a number of people in the country, including medical associations and other organizations that work with children and women. We are dealing with one of the most preventable birth defects in our society, yet we are continuing to drag our heels. That it is a shameful statement on our commitment to our children. One has to ask why we have been unable to move forward on this.

Warning labels are not a panacea in and of themselves. Warning labels are simply part of a larger and overall strategy to educate and raise the level of awareness of the impacts of FAS-FAE. People who are going to drink anyway will not leave the bottle on the shelf just because of a label. However, what we have seen with other education and awareness campaigns is it broadens the level of awareness in society as a whole, so it does put peer pressure on people. The drinkers themselves may not look at the label but perhaps their friends will, and they will encourage them not to take that drink.

It is important that we also look at this in an overall education and awareness strategy. I know money is being committed right now to FAS-FAE. In fact, in my community a active FAS society is working very hard with the public in terms of education and awareness. One pub owner in my riding of Nanaimo—Cowichan has voluntarily put labels on all alcohol sold through the Cold Beer and Wine Store. This very progressive and forward-thinking pub owner should be commended for being concerned about alcohol and unborn children.

Yes, there has been a labelling campaign, which is interesting to me, although my colleague from across the House talked about the study of the U.S. labelling campaign from 1989, indicating that there was no demonstrable impact. I would argue that sometimes those numbers can tell us whatever they want to tell us. If a country like the U.S. could go ahead and label alcohol, since 1989 I might add, without any noticeable decrease in the industry, I would argue that Canada could do the same thing.

We have a number of tools at hand to increase education awareness around alcohol consumption, and labelling is an important part of that. Consumers should be made aware of the possible impacts of their behaviour through things like labelling. It certainly has been done in the tobacco industry for a number of years. It just seems reasonable that we follow through and have the same kind of initiative in the alcohol industry as well.

This is a very important initiative that could go a long way to continuing to raise the level of awareness, and we would like to see it included in a continuing overall education and awareness strategy about the impact of alcohol on unborn children. I would urge all members of the House to support this very critical and important initiative, and then I would urge the government to actually implement it.

● (1135)

Mr. Werner Schmidt (Kelowna—Lake Country, CPC): Mr. Speaker, I would like to address the House in terms of an experience that I had shortly after I moved into the Kelowna area of British Columbia.

Within three months of moving into the area, a serious accident occurred involving a gentleman under the influence of alcohol. He drove his car through a red light on a main highway and killed a beautiful young lady who was a college student and doing exceptionally good work. She was a bright young lady and beautiful to behold. She had tremendous marks during her second year in university and it seemed like she had a major professional career before her.

She was killed by someone who had consumed alcohol in an irresponsible manner. The man who drank that excessive amount of alcohol knew the effects of alcohol. He had been told about them many times. In fact, he had been incarcerated from time to time because he had been drinking while driving and doing other things he should not have been doing. He knew what the difficulties were. I am quite sure labelling would not have made any difference to this man.

I want to refer to another case. Driving in a traffic circle and on her way home, a teacher was hit broadside by a person under the influence of alcohol. She is now in a wheelchair. She had a successful career and was an excellent counsellor. Both teachers and students went to her for advice. Even though she has a physical disability now, caused by someone who used alcohol irresponsibly, she is still an effective person.

My wife was a kindergarten teacher who has since retired. She saw the evidence of fetal alcohol syndrome many times. She was sad about the fact that young women would consume alcohol while they were bearing a child.

One could argue that there is absolutely nothing good about the fact that alcohol is being consumed in the world. That is not the issue however. The issue is the excessiveness and the irresponsible use of alcohol by certain individuals.

All of the speakers so far this morning have not referred at all to the other part of this issue which is the health benefit of drinking wine. Science has documented very clearly that responsible and moderate consumption of wine, particularly red wine, has significant health benefits, including decreasing bad cholesterol, raising good cholesterol, and contains anti-oxidant cancer fighting properties.

If we were to label wine bottles in the same way as we label other alcoholic beverages, and there is no distinction made in Bill C-206, then we should tell the world as well that there are some benefits in drinking certain kinds of alcoholic beverages. Moderate and responsible consumption of wine has been linked with helping to guard against coronary heart disease and prostate cancer.

I must presume that the premise of the bill is to educate the public. If that is the case, then I suggest that labelling would not be the best educative tool that we could find in the world. There are many ways to educate young people and adults. There are many ways to appeal to the responsibility of adults.

The other day I was in the presence of a group of young people in a pub. Some of them were consuming too much alcohol, but they had identified one of their group to be the designated driver. They knew they were going to be driven by a person who was not under the influence of alcohol. These young people would have been judged impaired, but they were going to be the passengers in the vehicle, not the ones driving.

● (1140)

We need to educate our young people. I was so proud the other day of a group of young ladies, some of whom were pregnant, and they would not touch one drop of liquor. They were very responsible. They knew exactly what the implications were. None of those people needed to have a label on a bottle and here we are making absolutely no distinction between one kind of consumption and another kind of consumption, as if it is all bad.

It is the universality of this, almost as if any rule could affect absolutely every situation. This is illogical. It does not square with the facts and there is no truth to the matter that doing this would in fact decrease the consumption of alcohol.

I want to refer back again to the American experience in this regard. In 1989, the following label was put on alcoholic beverage bottles:

> Government Warning: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risks of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery and may cause health problems.

I agree. There is no difficulty with that at all. I have a tremendous aversion to the excessive consumption of alcohol.

However, to suggest that this is going to prevent drinking is a very long stretch because here is what happened. Between the years 1989 and 1993, the number of women who reported drinking while pregnant in the United States increased. Four years of experience looked at this and did the labelling do anything to solve the problem? It did not. Therefore, why do we not focus on educating young people and ensure that they understand what the implications are? We can do anything we want with the knowledge that is around this.

The person who invented dynamite never, ever understood that it was going to be used to destroy other people. But we have that knowledge. We can do with that knowledge what we will. We can do good with it or we can do bad with it. We can misuse it and be bad or we can use it for benefit. Look at what dynamite has done. It has done tremendously good things in our society. It has helped construction everywhere.

Therefore, let us not take one rule and simplify it in such a way that suddenly it is going to solve all our health problems, that we will solve the excessive and irresponsible use of alcohol and that it will be done by labelling a bottle to say that this could cause trouble. It will not work.

● (1145)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I would like to congratulate and thank the member for Mississauga South for his dedication in trying to reduce the irresponsible use of alcohol. I would also like to compliment him. It would not be an understatement to say that he is a great parliamentarian. He works very hard on these issues in attempting to bring his case on behalf of the issue to all members of the House.

A great deal has been said about research and statistics. We are absolutely unanimous in the House that people should not drink and drive, that women should not drink during pregnancy, and that the irresponsible and prolonged use of alcohol can harm health.

However, public awareness of these facts, according to research, has already shown that 99% of Canadians are aware that drinking can impact their ability to drive a vehicle. It has been very clear and poll results show that 96% of Canadians and 98% of women of childbearing age know that consuming alcohol during pregnancy increases the likelihood of birth defects in fetuses.

Is the approach to continue to have markings on bottles or whatever to remind people of the truth that they know? Today people drive irresponsibly, not because they do not know there are risks, but because they either do not care or they are unable to help themselves on their own. Who are we targeting and what is the best method to do that?

On drinking and driving, Canada has made major progress in the past three decades, as has been pointed out, in reducing the incidence of drinking and driving. These gains have been made through the joint efforts of government, police, interest groups and the beer, wine and spirits industries, not through measures such as warning labels, but through serious and seriously funded intervention programs. We should not digress or be diverted away from the cause and effect of what has been a problem, the quantifying of that problem, and the balanced reaction to it.

The biggest remaining problems related to drinking and driving are the hard core drinking drivers. These people drive while drunk, fully aware that they should not, and often with blood alcohol levels 200% or 300% above the legal limit. That is the extent of irresponsibility. How do we couple that with a very focused program to deal with it?

With respect to the fetal alcohol syndrome disorder, it is interesting to look at the kinds of programs that have been jointly funded with public and private sector initiatives. The mother risk program at the Sick Kids Hospital provides a toll-free information line with financial support from Canadian brewers where callers can turn for information on alcohol and substance use during pregnancy. Since 1999 mother risk has provided information to more than 28,000 callers.

Health Canada partners with the industry to support the fetal alcohol syndrome information centre, which was developed by the Canadian centre on substance abuse. The centre provides information on FAS and FAE, gives people access to directories for FAS-related organizations and inventories of prevention and education programs.

Further, Health Canada has also worked with these partners in the past to develop programs like the alcohol risk assessment and intervention program. The program, which was put together by the College of Family Physicians of Canada, provides doctors with the tools they need to intervene at an early state with those likely to have a problem with alcohol abuse.

● (1150)

These are examples of interventions which quite frankly are more focused and understandable and are in keeping with the nature of this human behaviour oriented problem. These are the things which, when applied, research showed worked.

It is my belief, and I heard this in the words of many members from both sides, that we want to seriously engage the public in this issue. We must ask ourselves seriously, do we do that when we put a cloud over a whole industry in which the research has said the intervention programs are working? There is a risk that we would divert attention away from the essential issue that is before the public and which we want our public to embrace.

I am not going to say that this would be window dressing; that would trivialize a very serious issue. It might give us the happy feeling that we are doing something to show to the public that we are doing something serious about the issue, when in fact we are doing quite the opposite. We are giving the impression that this very serious issue can be answered with simple solutions. Taken in its total context, I think the public expects more from us in terms of dealing with this issue.

There have been joint ventures and joint initiatives taken with the brewing industry and the wine industry that have seriously engaged this issue. They have been very successful.

I would hope the message that comes from the House is that we are not interested in appearances, the appearance that we think we have a very serious issue and the appearance that, eureka, we have the answer to it. We must deal with the total context of its seriousness and develop a joint program with the private sector interests. We must deal with it with the seriousness and the effectiveness that we know to be true.

I say that with great respect to the member who has put forward the bill. I believe that is his objective. We have to ask ourselves whether this is the approach that we want to embark upon, or whether there are better ways that we can make serious inroads on this issue.

I believe that the kinds of programs and working with industry in the manner that I have outlined is the way we should go. Therefore, I personally will not be supporting the bill.

● (1155)

Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Lib.): Mr. Speaker, with great respect to what my colleague just said, the member for Mississauga South has written a book on the subject of fetal alcohol syndrome. He put an enormous amount of work into researching the matter for the book. It is an extremely important matter to an awful lot of people in this country. If he has put forward this bill in good faith thinking it would be part of the solution, with great respect to the hon. member from Toronto, to simply say we should not do anything until we have the perfect solution, which seems to be what he is suggesting, is not fair to the member's bill.

A lot of members this morning have said how the bill will be part of reducing the terrible toll of fetal alcohol syndrome. I would urge members to vote for this measure.

I was on a plane the other day with a professional pollster who told me that those horrible photographs on cigarette packages actually do work. There are 18 different photos. I do not know whether anyone knew that. She told me that some of the photos are much more effective than others; some work with certain groups and some work with other groups.

It is pretty clear whom we have to reach with these announcements or photos. If we could save one mother from doing something that would cause her to have a child with this terrible disability, I think it would be worth doing.

As part of the solution, I salute the member for Mississauga South for bringing forward this issue. I congratulate other colleagues in the House who have spoken favourably to it.

A colleague from the Conservative Party said that we should put warning labels on bathtubs, if I heard him correctly, because bathtubs can cause accidents. I confess that as a lawyer I have heard a lot of ridiculous arguments in the courts over the years, but I have never heard one quite that bad.

I hope colleagues will consider voting for the bill as being a step in the right direction.

Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I am pleased to speak to Bill C-206, an act to amend the Food and Drugs Act (warning labels regarding the consumption of alcohol). I too would like to congratulate the hon. member for Mississauga South for all the work he has done on this issue over years. I know how passionate he is about the issue. I congratulate him on bringing this issue before the House of Commons.

I know what he has been going through. I strove for a number of years to get my private member's bill into the House. I know he certainly has the best of intentions. However, I will not be supporting the bill.

There are two large breweries in my riding, Labatt and Molson. I have worked with the brewers for many years. I am told on some pretty good authority that these warning labels will not be effective. They have shown not to be effective in the United States. They have had no appreciable impact on the amount of drinking that goes on when women are pregnant, or when people are operating machinery or driving.

Surveys done in Canada have shown that some 96% of Canadians are aware of the relationship that exists between excessive alcohol consumption and birth defects. Among women of child bearing age the level of awareness is even higher. It moves to 98%. When it comes to drinking and driving, the researchers do not even track that any more because a full 99% of respondents in the early 1990s recognized that drinking alcohol impaired a person's ability to drive a car.

Those are important statistics. While we all agree that irresponsible drinking is something we should not be supporting, the brewing industry in Canada has been working on a lot of very important and effective programs with respect to the responsible use of alcohol, and beer in particular. In fact the industry is very proactive in discouraging people from the irresponsible consumption of alcoholic products, especially beer.

The brewers have also done a lot of work on the effects of fetal alcohol syndrome, fetal alcohol effect. As my colleague from Weston pointed out they have been supporting mother risk. There is a toll free line which helps women understand the importance of the linkage between drinking and pregnancy.

With respect to the comments by my colleague from Alberta, there is a natural tendency to say that if it works for cigarettes, it should work for beer, spirits and wine. The problem is that if one has a few cigarettes probably no one would argue that it is good for one's health; whereas if one drinks responsibly, a couple of beers a week, in fact it is good for one's health. It is the abusive drinkers who are the problem. We are not going to get rid of abusive drinkers by putting labels on bottles. What about draft beer? What about beer that comes in bulk, in taverns, et cetera?

Respectfully, I will not be supporting the bill.

● (1200)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, clearly it is important to address some of the concerns that have come to the attention of members. I am hoping this matter will go to committee where the concerns can be addressed fully by our colleagues in the Standing Committee on Health.

I want to reiterate some of my concerns. Maybe a few of the statistics might help to grab the attention the members.

Over 19,000 deaths each year: 45% of them motor vehicle collisions, 30% of fires, 30% of suicides, 60% of homicides, 50% of family violence, 65% of snowmobile collisions, one in six family breakdowns, 30% of drownings, 5% of birth defects, 65% of child abuse, 40% of falls causing injury, 50% of hospital emergencies and over $15 billion of additional cost to our health care system are all due to the misuse of beverage alcohol.

Beverage alcohol is the only consumer product that can harm us if misused that does not warn us about that effect.

Why does the beverage alcohol industry have this insulation from public education messaging?

This morning in the newspaper the beverage alcohol industry basically said, “There is not enough room on our bottles. There is already too much information”. What it did not say is that for every package, can and bottle of beverage alcohol that it exports to the United States it already puts a health warning label on it to conform with the U.S. law, which has been in place since 1989. The argument, therefore, that there is no room is nonsense. In fact, the beverage alcohol industry would save money by not having to have two different labels. it could have the same label for both countries and in fact save on different packaging.

Fifty per cent of the inmates in the jails of Canada suffer from fetal alcohol syndrome or other alcohol related birth defects. Thirty percent to 40% of women admit to consuming alcohol during pregnancy. Maternal consumption of alcohol is the leading known cause of birth defects and mental retardation in Canada. Fifty per cent of pregnancies are unplanned. The most vulnerable period of a fetus to alcohol is between days 15 and 22. Most women do not even know they are pregnant at that time.

The messaging that has been put out by Health Canada, by NGOs and by the beverage alcohol industry is wrong. People cannot wait until they know they are pregnant. They need to know that if pregnancy is possible and they are in their birthing years, then they should abstain from alcohol. It eliminates the risk to the unborn child.

A number of members have somehow suggested that this might not be effective, that it might not eradicate FAS. If we have to wait for solutions that are 100% guaranteed to eliminate the problem, we would never have legislation in Canada. Let us be realistic. It is important to understand that in itself warning labels are a part of a comprehensive public education program to make sure Canadians are aware of the risks to unborn children and also to others as they do their work.

The last time this bill was before the House we had the support of all of the provincial and territorial ministers of health, Mothers Against Drunk Driving, the national Crime Prevention Council, the Canadian Medical Association, the Canadian Nurses Association, the Canadian Police Association, the Canadian Fire Chiefs Association and dozens of NGOs.

Regardless of the outcome of the voice vote here, I want to have a unanimous vote to take it to a recorded division. I am asking five members to stand so that tomorrow night we will have a vote on this to gauge the full support, or opposition, to this bill so that when it goes to committee we know exactly where the bill stands.

● (1205)

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): It being 12:07 p.m., the time provided for debate has now expired. The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Marcel Proulx): The motion is adopted.

[*English*]

Some hon. members: No.

The Acting Speaker (Mr. Marcel Proulx): I asked if it was the pleasure of the House to adopt the motion and all the ones who answered said yes.

Mr. Charlie Penson: Mr. Speaker, what I heard was that you called for yeas but you did not call for nays.

The Acting Speaker (Mr. Marcel Proulx): I am sorry to tell you that the question was "Is it the pleasure of the House to adopt the motion?" Let us start over again seeing that it seems that I've been misunderstood.

[*Translation*]

The question is on the motion. Is it the pleasure of the House to adopt this motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Marcel Proulx): All those opposed to the motion will please say nay.

Some hon. members: Nay.

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

And more than five members having risen:

[*English*]

The Acting Speaker (Mr. Marcel Proulx): Pursuant to Standing Order 93, the division stands deferred until Wednesday, February 9, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL CODE

Hon. Jean Lapierre (for the Minister of Justice and Attorney General of Canada) moved that Bill C-10, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts, be read the third time and passed.

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is my pleasure to rise today to speak in support of Bill C-10 and to encourage all members of the House to support this reform.

The Standing Committee on Justice and Human Rights reviewed the mental disorder provisions of the Criminal Code in 2002. The work of the committee is reflected in Bill C-10.

● (1210)

[*English*]

The public may recall the old law that used the term "not guilty by reason of insanity". The current and modern criminal law refers to persons found not criminally responsible on account of mental disorder and those found unfit to stand trial. These terms better reflect the reality, however, the law is not well-known and is often misunderstood. There remains a perception that a person who commits an offence and is found not criminally responsible gets away with their crime. This is not the case. There are consequences and in some cases they may appear to be more severe than where an accused is convicted.

The law governing persons found unfit and not criminally responsible on account of mental disorder does provide consequences: usually treatment and supervision that can last indefinitely, and for some, detention in a secure psychiatric facility.

[*Translation*]

Part XX.1 of the Criminal Code provides a comprehensive regime to regulate effectively and equitably the supervision and treatment of a mentally disordered accused and the protection of public security.

I indicated that this area of the law is not well understood, even by some lawyers. For victims of criminal acts, criminal law and the criminal justice system are generally overpowering, complex and often daunting. Victims rarely need to know the law until they find themselves at the core of the justice system.

When an accused is found to be unfit to stand trial or not criminally responsible on account of mental disorder, victims of criminal acts are even more confused and are confronted with more obstacles in their pursuit of justice.

[*English*]

Victims of crime desire and deserve information about the justice system and about the case in which they are personally involved. Law reforms, as well as changes in policies and expansion of services, have given victims a greater role in criminal proceedings.

For example, amendments to the Criminal Code in 1988 introduced the notion of the victim impact statement as a mechanism for victims of crime to describe the harm or loss suffered because of the crime. Publication bans to protect the identity of sexual assault victims were also enacted in 1988.

Criminal Code amendments over the last 15 years have further enhanced the role of victims of crime while respecting the rights of accused persons.

In response to the 1998 report of the Standing Committee on Justice and Human Rights, "Victims' Rights: A Voice, Not A Veto", the government enacted a package of reforms in the Criminal Code in 1999 to, among other things, ensure the victims were made aware of the opportunity to submit a victim impact statement.

We also wanted to make sure that the safety of the victim was considered in the judicial interim release decisions, fix the amount and clarify the automatic imposition of a victim surcharge, and allow judges discretion to order a publication ban on the identity of any victim or witness where necessary for the proper administration of justice.

[*Translation*]

The 1999 amendments also apply to the victim of an offence committed by an accused who is suffering from mental disorder, and they provide for the preparation and presentation of a statement by the victim to the court or the review board at a hearing to make a decision, under section 672.541, in the case of an accused who is not criminally responsible on account of mental disorder.

The court or the review board shall take into consideration any statement filed "to the extent that the statement is relevant to its consideration of the criteria set out in section 672.54". However, in each case, it is the victim who will decide whether he or she will prepare and file a statement.

● (1215)

[*English*]

The victim impact statement is provided for in subsection 672.5 (14) which states:

> A victim of the offence may prepare and file with the court or Review Board, a written statement describing the harm done to, or loss suffered by, the victim arising from the commission of the offence.

Where an accused person is found not criminally responsible on account of mental disorder, the review board decides how the accused is to be supervised.

Victims of crime have been overlooked in many cases and receive little information about what will happen next, how their safety concerns will be addressed or whether they will have any role or access to any information.

The standing committee in its review of Bill C-10 considered additional amendments to enhance the role of the victim. The committee heard several witnesses, some who advocated for a greater role for victims and others who were not supportive of the victim interests. The committee clearly rejected the submissions of those who sought to restrict the victim's role. The committee also considered the existing code provisions and other measures that should be addressed in policy rather than legislation to improve the response to victims.

The amendments included in Bill C-10 would enhance the role of victims of crime where the accused was found not criminally responsible on account of mental disorder. However, the new provisions for victims fully respect the differences between the law the governs a person who is criminally responsible, convicted and sentenced and those who are not criminally responsible.

The accused found not criminally responsible on account of mental disorder is not held accountable for his or her conduct, and the appropriate disposition in section 672.54 must take into account several factors, including the need to protect the public, the mental condition of the accused and the reintegration of the accused into society. The impact of the crime on the victim may be relevant only to some of the criteria. Where the court or review board is considering a conditional discharge, the victim statement may be relevant to the crafting of particular conditions, for example, that the accused not contact the victim or that the accused not go to certain places. There also may be benefits to the victim of submitting a victim impact statement, even where the accused's condition is unchanged.

[*Translation*]

Again, I should point out that the administration of justice and the delivery of services to victims come under the jurisdiction of the provinces. The services provided to victims in the administration of justice are also provincial responsibilities.

The provision of forms for the victim's statement, the assistance provided to the victim to help him or her fill out the forms, the gathering and presentation of the statements to the Crown or to the court are generally managed through the provincial victim services programs.

● (1220)

[*English*]

The standing committee in its 2002 review recommended that courts or review boards conducting a review hearing notify the victim where the victim had indicated interest in receiving such notification. Bill C-10 includes provisions to require a court conducting an initial disposition hearing or a review board conducting the initial disposition hearing where the court has not to inquire of the crown or the victim whether the victim has been advised of the opportunity to prepare a statement. As a result of an amendment passed by the committee, notice of the hearing and of the relevant criminal code provisions, including the victim impact statement provisions, will be provided to the victim. The manner and time for the notice will be established by the rules of the court or review board. Other non-legislative initiatives are required to inform victims of crime about the provision of the code which apply to them and about relevant dates of proceedings, the terms of a disposition and other essential information.

[*Translation*]

Let us not forget that the victim should, until the accused has been declared not criminally responsible, benefit from the implementation of all the provisions of the code that are aimed at facilitating victims' participation and at protecting their safety and private life. It is only once the accused has been declared not criminally responsible that the implementation of the code's new special provisions is necessary to ensure the victim's participation in the hearings of the review board.

Bull C-10 also includes the following provisions, which seek to strengthen the role of victims of criminal acts.

[*English*]

Victims would be permitted to orally present their victim impact statements at the review board hearing. The statement would be prepared in advance and the victim could read it aloud or in some cases present it in another manner.

Following the delivery of the verdict of not criminally responsible on account of mental disorder, the court or review board chairperson must ask the Crown, victim or victim representative whether the victim has been made aware that he or she can submit a victim impact statement.

[*Translation*]

The first hearing may be adjourned to allow the victim to prepare a statement, if he or she so wishes. The review boards will have new powers allowing them to impose a publication ban on the identity of the victims and witnesses, when this serves the interests of justice.

[*English*]

As a result of a committee amendment, at the victim's request, notice of the hearing or other code provisions would be given to the victim. Rules of the court or review board would be set out how this notice should be provided.

Also, as a result of an amendment passed by the committee, review boards would be required to provide a specific notice to victims where, based on an assessment report of the accused that indicates an improvement in the conditions of the accused, they anticipate the accused would be given an absolute discharge or conditional disposition. The victim would then be advised of the opportunity to prepare and submit a victim impact statement.

[*Translation*]

To the extent possible, Bill C-10 includes provisions for victims similar to those of the Criminal Code that apply when an accused is found guilty and is sentenced.

● (1225)

[*English*]

The government places a high priority on addressing the concerns of victims of crime. This is shared by all members of the House, and was reflected in the improvements made by the standing committee to Bill C-10. The amendments to Bill C-10 are a contribution of the evolution in our justice system that recognizes the roles of victims of crime.

I would encourage hon. members to support Bill C-10. I believe that these amendments provide greater protection for mentally disordered accused persons and a greater role for victims of crime.

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, this is the first time I have had a chance to speak in support of Bill C-10, and I am pleased to have been given the opportunity to do so today.

The entire debate of the bill in the House and in committee should serve as an example of how Parliament should work. I want to thank the hon. member for Provencher and the other members of the justice committee for the role they played in making Bill C-10 an even better piece of legislation.

The bill would modernize the mental disorder provisions of the Criminal Code to make it more fair and efficient, while preserving the overall framework of the provisions.

Bill C-10 explains and modernizes the provisions of the Criminal Code dealing with mental disability. The bill also would make consequential amendments to several related statutes to ensure consistency with the Criminal Code provisions on mental disorder.

Bill C-10 attempts to respect individual rights while ensuring public safety. Its amendments cover: review board authority; "permanently unfit accused victims;" repeal of unproclaimed provisions of the 1992 reforms to the Criminal Code; interprovincial transfer of unfit accused persons; and police powers. They run the entire gamut in regard to this issue.

Bill C-10 is the second step that the federal government has taken to elaborate and clarify a defence in the Criminal Code based on the mental disorder. Bill C-30 was the first.

Following the production of several reports between 1979 and 1985, in 1985 the Department of Justice released the final report of the mental disorder project. Based on that report, a draft bill was proposed by the Minister of Justice in 1986 to deal with the criminal insanity defence. Consultations on the bill continued through to the 1988 election.

The final push for change came in 1991 with the Supreme Court's landmark decision in Regina v. Swain, dealing with the defence of insanity. The Supreme Court struck down the legislation and common law practices dealing with this defence as unconstitutional.

Following this decision in 1991, the former Progressive Conservative government introduced Bill C-30 to modernize the insanity defence, to remedy the parts that the Supreme Court had deemed against the Charter of Rights and Freedoms and to allow the courts to use certain set criteria in determining whether an accused person was unfit to stand trial.

Bill C-30 modernized the insanity test by replacing "in a state of natural imbecility" and "disease of the mind" in subsection 16(1) of the Criminal Code with the words "mental disorder". However, "mental disorder" continued to be defined in section 2 of the Criminal Code as a "disease of the mind," allowing common law rules to continue governing the application of the previously known as "insanity defence".

Bill C-30 provided a new definition and criteria for "fitness" as defined in section 2 of the Criminal Code, as well as allowing the courts to order involuntary treatment for the mentally disordered.

Bill C-30 also introduced an extension to the 10 year detention cap for a mentally disordered person if they were accused of a serious personal injury offence, carrying a penalty of 10 years or more. These provisions allowed the courts to detain such offenders for life instead of 10 years. Bill C-30 received royal assent in 1992.

In response to the report of the Standing Committee on Justice and Human Rights in 2002, the government introduced Bill C-10 to address some of the concerns raised regarding mental disorder provisions in the Criminal Code.

The report that was put forward in 2002 was approved by all parties. In fact, the result of the review is an important example of how committees, when they are focused on the issues rather than partisan politics, can work in a cooperative fashion. This report is a demonstration of that cooperation and the value of committee work. I wish more committees would take note of the fact that we can work cooperatively and achieve our common goals.

● (1230)

Bill C-10 takes into account many of the recommendations of the justice committee's report in June 2002 as well as further input from the Department of Justice consultations with stakeholders.

The amendments in Bill C-10 address six key areas: first, the expansion of the review board powers; second, permitting the court to order a stay of proceedings for permanently unfit accused; third, allowing a victim impact statement to be read; fourth, the repeal of unproclaimed provisions; fifth, the streamlining of transfer provisions between provinces; and sixth, the expansion of police powers to enforce dispositions and assessment orders.

Bill C-10 was introduced and read the first time on October 8, 2004. On October 22, 2004, the motion was adopted and the bill was referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness before second reading. The justice committee held six meetings and heard 24 witnesses and reported the bill back to the House with amendments on December 10, 2004. Bill C-10 was concurred in at report stage on February 4, 2005.

The amendments made to Bill C-10 were primarily minor technical ones that included: an amendment that made the description of what kinds of health professionals could do assessments on mentally disordered accused more flexible; amendments that clarify how copies of documents can be provided to review boards; amendments concerned with victims' rights in terms of how and when they are notified of hearings as well as in terms of their victim impact statements; amendments dealing with summons for the accused; amendments dealing with how we determine the fitness of the accused to stand trial; an amendment incorporating the language recommended by the Supreme Court case regarding clear evidence, even though our party did not agree with this language because it was not clear what was meant by "clear evidence"; an amendment clarifying a provision giving flexibility to police; and several amendments clarifying the French expressions and ensuring that they mirror the English expressions in meaning and intent.

In closing, I would like to thank the members of the House and the members of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness for the cooperative spirit with which they addressed the debate and the amending of this important piece of legislation.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, I am extremely pleased today to speak on Bill C-10, currently before the House. Like many bills considered by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, this is an extremely important bill because it concerns, on the one hand, the rights and freedoms of numerous individuals, in this case those with psychiatric disorders and, on the other, public safety.

It is, therefore, our duty as parliamentarians, particularly the ones who sit on the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, to find the necessary balance between these two fundamental positions in our society: respect for individual rights and freedoms and for public safety, which obviously includes security of the person.

The Bloc Québécois is always cognizant of the need to maintain this extremely fragile balance, in our societies, often more fragile than we know. This balance was, in our opinion, destroyed by Bill C-36 and the anti-terrorism legislation introduced by this government in the last Parliament. So, we are carefully watching these areas because they are of great concern to us, even more so since, in the past, the government has destroyed this balance with other bills and legislation it has passed in this House. This makes us twice as careful about similar issues.

I will echo my Conservative predecessor. I took part in this process based on a desire to cooperate. I have personally tested how this minority government works since it was elected on June 28. At that time, as we know, 54 Bloc members were elected. This is a shining victory for our party, due, among other things, to the quite exceptional performance of our leader, the member for Laurier—Sainte-Marie, during the election campaign. As a result, it is the duty and obligation of the government to work in cooperation with all the parties. It has no choice.

I have to admit this was not the case in the past. The Liberal Party of Canada, with its too frequent tendency to feel proprietorial about the seat of government, has tended to be far too arrogant and disagreeable, not just toward Canadians in general, but toward MPs of all parties in this House. It has had an all too frequent tendency to make decisions with little consultation and very little cooperation with the parties in opposition, saying that it would simply ensure that this or that bill got passed because of its majority position. Too often, in my opinion, this House as well as the entire legislative process suffered in the process. As a result, Quebec, and all of Canada, were deprived of the positive input that could have come from their representatives, the opposition MPs in particular.

It is important to point out that question period, which will start in another hour and a half or so, is very much a confrontational situation, despite its very important parliamentary role. The opposition calls for an accounting from the government, and it has to provide answers in the House. This is very much a confrontational exercise. In a parliament based on the British tradition, moreover, the members are placed in such a way as to encourage confrontation across the floor.

What the general public is less aware of is that the committee context offers an opportunity to work together, if the will is there of course, without partisan politics, in order to achieve objectives that are, when it comes down to it, quite similar for all parties, with the obvious exception of the Bloc Québécois objective of making Quebec a sovereign country.

● (1235)

I have tested the government's declared willingness to cooperate. I have found both the Minister of Justice and his parliamentary secretary willing to sit down with us, willing to consult us and willing to explain their point of view. In addition, for the first time in a very long time—I have been a member of Parliament since 1997—I found them demonstrating a willingness to listen to what opposition members had to say regarding the various bills, including Bill C-10.

I can tell the parliamentary secretary and the Minister of Justice that I am prepared to continue working with them in this spirit of collaboration which they exhibited concerning Bill C-10. I hope that this willingness to cooperate will continue for the good of the entire population. This willingness to cooperate has been demonstrated with respect to the amendments to Bill C-10 proposed by the Bloc Québécois, which were of course based on research and detailed legal analysis of that bill, as well as on the considerable amount of testimony heard by the committee.

The quality of the witnesses appearing before the justice committee is exceptional. We benefit from listening to them and retaining their suggestions, because the men and women who come to give us their viewpoint do so admirably and they are thoroughly familiar with the issue. Often, just among ourselves, they know the issue much better than the members of Parliament do, at least as the legislative process begins. Thus they can shed light on certain questions which in our first analysis, we might have ignored, or to which we might not have given the attention they deserved.

Two questions have been studied by the committee, particularly by the Bloc members. I would like to say something about each of them. First, there is the question of who will conduct the psychiatric assessment of these people. We know that many of us here in this House come from regions where psychiatrists are scarce. It was important to ensure that people who must be assessed could be assessed not only by psychiatrists, but also by other, perhaps differently qualified individuals, selected by the government of each province.

This would allow people with mental disorders to be assessed in their own regions without having to go to big cities and would prevent the provincial governments from having to spend a fortune on sending a psychiatrist to a region without one.

This amendment, which was suggested by many witnesses, was presented in the committee by the Bloc. Although the wording has been changed, the government and I did manage to agree on it. This amendment was presented and adopted in the committee.

We worked on another amendment, which has to do with the victims. We know that victims are far too often forgotten in the cumbersome legal process. They are the ones who have been hurt by a certain action. They might be hurt physically, psychologically or often both. It is very important for me to make this a basic issue in any discussion I have on this matter as Bloc Québécois justice critic. It is a basic and unwaivering concern of mine to ensure that these men and women who are victims of violence do not feel lost in the justice system, which is very complex, even to lawyers.

● (1240)

One of the amendments we proposed, which was also changed in cooperation with the government, would ensure that victims' rights are taken into consideration.

There are a few other amendments that I proposed in the committee. For those who have followed the work of the committee, I tabled amendment BQ-1, which I withdrew following a commitment made by the government.

As I was saying earlier to the parliamentary secretary, just before my speech, after I withdrew my amendment to redefine unfit to stand trial or not criminally responsible, the government promised that this issue would be raised during a meeting of the federal, provincial and territorial justice ministers. By the end of this session, before the summer adjournment, the government will come back before the committee to give a progress report on its work on this part of the bill. The government repeated this commitment earlier.

Besides amendment BQ-1 and all subsequent amendments, another very important amendment was withdrawn, namely amendment BQ-10. I am sorry to be so technical. The government promised to revisit the matter. This is an amendment to paragraph 672.5(8), which stood in my name. The government had asked me to withdraw my amendment because it believed that it was placing a rather heavy obligation on the provinces and on the legal aid system in particular.

The government made a commitment to come back before the committee after raising this issue once more at a federal-provincial conference. I am very anxious to hear what the government will have to say on the matter. As I said at the beginning of my speech, any legislation dealing with the balance between the rights and freedoms of individuals and those of society deserves our full attention, and there is always room for improvement.

Depending on the government's response following its discussions with the provinces, I may have to come back with a bill or go back to committee to try and amend this bill again.

Finally, amendment BQ-19 was the last one to be withdrawn following discussions with the government. I cannot go through all the amendments. It was withdrawn following a very productive meeting I had at my office with the various Justice officials before attending a committee meeting.

All that to say that, at this stage, we support Bill C-10, which was improved on through the consensual effort of the different parties in the House of Commons. I hope this atmosphere of cooperation and collaboration will continue.

On behalf of the Bloc Québécois, I pledge to continue working along those lines, because the interests of Quebeckers and Canadians are much better served when parliamentarians and the different parties work together to provide the people who send us here with the very best legislation.

● (1245)

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, my colleague from the Bloc Québécois is a tough act to follow. He speaks so eloquently in both official languages.

The federal New Democratic Party will be supporting Bill C-10 and the efforts of the committee and others in order that the bill passes quickly. On behalf of our colleague from Windsor—Tecumseh, the justice critic for the federal NDP, I wish to state briefly the reasons we are supporting the bill.

At first glance it is a response to the June 2002 report of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness which reviewed the mental disorder provisions of the Criminal Code. The bill addresses the issue of how to deal with an accused who is unfit to stand trial. In other words the accused is so incapacitated that he or she cannot be tried and convicted or acquitted.

Provincially appointed review boards are charged with the task of determining how an unfit accused should be supervised. Bill C-10 increases the authority of the review boards, including allowing them to order psychiatric assessments of the accused, requiring the accused's presence at a hearing, and lengthening the time between review hearings when appropriate. The bill also allows victims to read a victim impact statement at board hearings and allows for publication bans to protect victims or witnesses.

Changes to the Youth Criminal Justice Act and the National Defence Act are also included in the proposed legislation to ensure consistency with the Criminal Code reforms on mental disorder provisions. The proposed changes to the National Defence Act would address issues arising from court martial proceedings.

If I may go slightly off topic, we talked about the review boards and the provincial side and we also talked about the rights of the accused. There are two very glaring problems in this country which need to be addressed. I was hoping that they would be addressed in order to facilitate the passage of this bill because once the bill is passed, it will leave our House and we more or less will have washed our hands of it.

There is a very serious shortage of psychiatrists and psychologists throughout Canada. Many people who are suffering from mental challenges are not getting the help they need because there simply are not enough of those trained professionals across the country. It is also very expensive to hire and to train psychologists and psychiatrists in order to assist our mentally challenged.

Without proper and adequate funding to ensure that the provinces have the resources in order to hire these individuals, then something like Bill C-10 may fall through the cracks. If victims who are mentally challenged or who fall under the parameters of mental disorders cannot get the help they need, or if the courts do not have access to the professionals for an analysis of the situation, there could be problems down the road.

There is also the issue of people in poverty and their access to legal aid. Throughout the country there is not one jurisdiction where legal aid is not suffering under the weight of a lack of resources. There is a lack of legal professionals and a lack of attention being paid to legal aid.

This country was founded upon the principle that everyone is equal before the law and everyone should have their day in court. We know all too well that there are two justice systems in this country, one for the poor and one for the wealthy. That should not happen. People who are accused of anything in this country, especially those with mental disorders, should have access to psychiatric help and analysis, and should have access to legal aid if they cannot afford a lawyer. This is so critical.

In my riding we deal with a lot of cases where people have been charged with an offence or they are before the courts. Very few Canadians really understand the court system until they themselves appear before a judge or a jury. One thing that is very helpful is the access to legal assistance and legal aid. This country is severely lacking adequate resources for trained psychologists and psychiatric personnel as well as for legal aid professionals. If we assist in those areas across the country, upgrading those two professions, then people who eventually run across something like Bill C-10 or run across the legal system in any way will have timely and adequate assistance in dealing with their cases before the law and in other jurisdictions.

● (1250)

My colleague from Windsor—Tecumseh and I want to say that the committee has worked very well on this particular subject. As my colleague from the Conservatives indicated, this is how Parliament should work. When there are slight disagreements, we work them out together and come up with something that everyone can accept.

Bill C-10 is something the House should be able to adopt and move on fairly quickly. At the same time we cannot drop the ball on the issue of funding resources and training for psychiatric personnel and professionals and those people within the legal aid system throughout the country.

● (1255)

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Madam Speaker, I am pleased to speak to Bill C-10, an act to amend the Criminal Code and to make consequential amendments to other acts.

I would like to thank the previous speakers for their recognition of the way the bill demonstrates how committees can cooperate for the general good. This spirit is most reassuring to all Canadians, to see all parties rise in support of the bill.

Bill C-10 will reform the provisions of the criminal law that govern persons found unfit to stand trial and not criminally responsible on account of mental disorder.

[*Translation*]

These provisions are found in part XX.1 of the Criminal Code.

[*English*]

I would also point out that the National Defence Act includes similar provisions that are also amended by Bill C-10 to ensure consistency.

By way of background, in 1991 Parliament made significant reforms to modernize the law that governed persons found not guilty by reason of insanity. The 1991 reforms reflected the need to balance the rights of the mentally ill and the protection of public safety.

The reforms in Bill C-10 reflect and build upon the same goals as the 1991 reforms. Bill C-10 will further modernize the law and will effectively balance the rights of the mentally ill who come into conflict with the law with the public's right to safety.

The reforms complement and enhance the existing provisions of part XX.1 and more generally of the whole Criminal Code as it applies to persons ultimately found unfit to stand trial, or not criminally responsible on account of mental disorder.

It is important to remind ourselves that when we are dealing with a bill to amend an existing act such as the Criminal Code, we must consider how the proposed amendments fit into the act. Bill C-10 is not a stand-alone regime to govern mentally disordered accused. The code already includes a comprehensive regime which will continue to apply, but will be improved in several important respects by the amendments in Bill C-10.

[*Translation*]

The criticism of this bill, like others before, is that it is too complicated and impossible to understand for a non-lawyer. We cannot deny that it is difficult to get a comprehensive view of the impact of this legislation if we merely read the amendments included in it. The fact is that this complexity is largely unavoidable. Indeed, the bill must use the same terminology as the Criminal Code and the appropriate legal language.

[*English*]

Some witnesses who appeared before the standing committee commented that a layman's guide would be helpful. I agree that some information material geared to the general public and also to victims of mentally disordered offenders should be developed. The committee would certainly encourage the Department of Justice to work with other stakeholders to develop this.

Members may recall that amendments enacted in 1991 called for a parliamentary review of the legislation five years following proclamation. The Standing Committee on Justice and Human Rights conducted the required review of the legislation in the spring of 2002. The committee's review was thorough and comprehensive. Oral or written submissions were made by 30 stakeholders, including members of the bar, crown attorneys, psychiatric hospital administrators, review board chairpersons, service providers and mental health advocates.

In June 2002 the Standing Committee on Justice and Human Rights tabled its report and made recommendations calling for legislative reform and other initiatives. The committee found that in general the law was working very well. However, the report noted that particular reforms were needed and proposed some specific amendments.

[*Translation*]

The main recommendations of the committee were intended to increase the powers of the boards responsible for reviewing the situation of an accused.

● (1300)

[*English*]

The repeal of the parts of the 1991 regime that were never proclaimed into force, including the capping provisions that would have set a maximum time limit on the supervision or detention of the accused and streamlining the transfer of accused persons between territories and provinces, new provisions to deal with persons who are permanently unfit to stand trial, enhanced protections for victims of crime who attend review board hearings, for example, publication bans on their identity in appropriate circumstances, and the opportunity to prepare and read a victim impact statement.

The committee also made recommendations calling for more in-depth research and consultation on emerging issues. The need to review the resources available to meet the needs of mentally disordered accused, including youth, and the need for better data collection and research. Bill C-10 reflects the advice and guidance provided by the committee and all those who appeared before the committee. It also includes additional necessary forums to address issues raised in the case law and in consultations conducted by the Department of Justice with key stakeholders over the past 10 years.

Bill C-10 was referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness following first reading. As noted in the debate on the motion to refer the bill to committee, hon. members were eager to carefully examine Bill C-10 to ensure that these reforms reflected their 2002 recommendations.

The standing committee has once again conducted a thorough examination of the bill and, based on its review and the testimony of the witnesses who appeared before it, has agreed to amend the bill as drafted to clarify specific provisions both in the code and in the National Defence Act, which has a parallel scheme to cover members found not criminally responsible for an offence under the National Defence Act.

Bill C-10, as introduced by the Minister of Justice and as amended by the standing committee, is an excellent example of collaboration by all members. Bill C-10 reflects our shared goal of providing a fair and balanced criminal law to cover the mentally disordered accused and to protect public safety.

[*Translation*]

After the committee's review and amendments, the main features of Bill C-10 are now as follows.

[*English*]

New powers for the review boards that exist in each province and territory to make important decisions governing mentally disordered and unfit accused. Review boards would be able to order an assessment of the mental condition of the accused to assist them in making the appropriate disposition for the accused, whether the accused should be discharged, held in custody in a hospital or discharged with conditions.

A new provision would permit the courts to determine whether a judicial stay of proceedings should be ordered for an unfit accused who is not likely to ever become fit to stand trial and who does not pose a significant threat to the safety of the public, where a stay is in the interest of the proper administration of justice.

An amendment to be made by the committee will make it clear that the first precondition is that the accused remains unfit and is not likely to ever become fit to stand trial. The court must base its determination of unfitness on clear information. An assessment must be ordered in all cases.

Recently the Supreme Court of Canada held, in Demers, that our law must provide for an accused who may never be fit to stand trial and who does not pose a significant threat to public safety to have criminal proceedings terminated. Bill C-10 includes a carefully crafted approach to ensure that a court may grant a judicial stay of proceedings for an unfit accused who is not likely ever to become fit and who is not dangerous, but public safety and other relevant factors must always be considered.

The need for these amendments was canvassed by the committee in 2002 and has been confirmed and made necessary by the Supreme Court's decision in Demers. The committee has reviewed the specific amendments and has proposed refinements to ensure the objectives are clearly reflected.

Victims impact statements may be read aloud or presented in another agreed upon manner by victims at review board hearings. In addition, notice will be provided to the victims of the hearing and relevant code provisions in accordance with rules to be developed by the court or review board. Review boards will also be required to provide specific notice to victims on request of upcoming hearings that may result in the conditional release of an accused from hospital or an absolute discharge.

Streamlined transfer provisions will be enacted to permit the safe and efficient transfer of a person not found criminally responsible on account of mental disorder or unfit from one province or territory to another.

More options will be available for the police to enforce disposition orders and assessment orders that take into account the need for the accused's treatment to continue. In appropriate cases the police will be able to release the accused after arrest and issue a promise to appear before a justice who will determine how the accused should be dealt with pending the next review board hearing.

The repeal of the provisions of the 1991 law that were never proclaimed, capping and related dangerous mentality disordered accused provisions and the hospital orders provision, have been widely supported.

● (1305)

[*Translation*]

A series of clarifications and technical amendments seeks to ensure that the bill's objectives are indeed achieved.

The standing committee drafted a number of amendments to clarify Bill C-10.

[*English*]

For example, the committee supported motions to enhance the role of victims, to clarify the test for a judicial stay and to improve and clarify the enforcement provisions.

As noted previously, Bill C-10 is the next step in ensuring that our laws are effective, efficient and fair in governing mentally disordered accused. These reforms are necessary but they do not significantly overhaul the regime that governs the mentally disordered. The law works well and will continue to work well, and now better as a result of Bill C-10.

The provisions of the code have remained unchanged since 1991 but the case law has evolved and new issues have emerged, for example, the expanded role for victims of crime.

The Supreme Court of Canada has confirmed that our law must respect two goals: protection of the rights of the mentally disordered accused and protection of public safety.

Bill C-10 has been widely supported and carefully reviewed by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. I am confident that the members of the committee share my goal of speedy passage of the bill by the House. I hope all members will support the amendments.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, I thank the member for his support of the bill.

Prior to his discussion I was speaking about the lack of funding for educational concerns when it comes to the training of psychiatrists and psychologists. All provinces are severely lacking in those professions. One of the reasons, they say, is the lack of resources paid to those in that field, as well as the lack of legal aid funding.

As we know, people who do not have the financial means to hire or retain the best possible lawyers to assist them in their cases sometimes fall under the system of legal aid and, unfortunately, legal aid does not have the resources to do all the things that the individuals in legal aid provincially or territorially would like to do. I would like the member's comments on those two aspects.

Would the member encourage his government to ensure that eventually we have adequate funding so that the provinces will have the funding to ensure we have enough trained psychiatrists and psychologists across the country and that there is enough money in legal aid so that when someone requires the assistance of legal aid they are not told that there are no funds and they cannot be helped?

● (1310)

Mr. Ken Boshcoff: Madam Speaker, both of the hon. member's questions are very valid.

In early January there was a territorial and provincial meeting of the ministers of justice who struck a working committee to address the nature of the financing. In terms of legal aid, the government has renewed and reviewed its commitment for the next three years with a view to expanding that program nationally.

I also would like to speak as the chair of the subcommittee on disabilities because this affects everyone, not just those with a physical disability but those with mental disorders. Bill C-10 would go a long way to addressing that component of the legislation that is being proposed. That is why it is very reassuring for all of us on that committee to see this kind of work coming through.

I am also very cognizant of the member's concern about the lack of psychiatric professional care nationally. I can only concur that it is something that through the ministers of health, and again with their collaboration with the ministers of justice through the recent working group, that I am sure that if any nation is going to address this question and do it right, Canada will be the one to do that.

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I am pleased to rise today to express my support to Bill C-10 and to urge all the members of this House to support its reforms.

I will take a few moments to discuss this bill, because we do not want to delay its adoption. In fact, there is some support for referring this legislation to the parliamentary committee as early as today and moving on to the next bill, and I support this approach.

As we mentioned earlier, in 2002, the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness reviewed the provisions of the Criminal Code relating to mental disorder. The work of the committee is reflected in Bill C-10, which is before us today.

The public may remember the former provisions, which referred to "not guilty by reason of insanity". This term has almost always been a part of our past. Those who studied the history of Louis Riel in our country will remember, for example, that an entire group of people wanted him to plead not guilty by reason of insanity, which Riel refused to do. We know what his fate was. Nonetheless, these measures are very old and this is a term we have always had.

However, modern criminal law refers to people who are found not criminally responsible for reasons of mental disorder and persons declared unfit to stand trial. This better describes the reality. Yet, the law in this field is not well known and often misunderstood.

Unfortunately, people continue to think that someone who commits an offence and is declared to be not criminally responsible is benefiting from some sort of "escape clause". That is not the case. There are consequences. Sometimes, those consequences are even harsher than for an accused who is found guilty. Once again, this concept is not well known. The law respecting persons declared unfit to stand trial or those found not criminally responsible because of mental disorder provides for consequences. Usually treatment and supervision can potentially go on indefinitely and, in some cases, involves detention in a secure psychiatric facility. Ultimately, it could even mean life imprisonment in a special facility for individuals so afflicted. It is not a matter of not punishing them for the crime for which, at the same time, they are not guilty for the reasons I just described. Naturally, their punishment is different, but they are in no way exonerated.

The Criminal Code includes a whole part, namely part XX.1, which sets out a comprehensive code to ensure, in a fair and effective fashion, the monitoring and treatment of a mentally disordered accused, and also public safety.

I have indicated that this area of the law is not well understood, even by some lawyers. In the case of victims, criminal law and the criminal justice system are often overwhelming, complex and daunting. Victims rarely need to know the law until they find themselves at the core of the justice system, often when they arrive in court. When an accused is found to be unfit to stand trial or not criminally responsible on account of mental disorder, victims of criminal acts are confronted with more obstacles in their pursuit of justice.

● (1315)

Victims want to get information on the legal system and on the case that involves them, and they deserve to get such information.

Law reforms, new thrusts and a broadening of the services have given victims a greater role in criminal proceedings. For example, the Criminal Code was amended in 1988 to include the victim impact statement as a means to allow victims of criminal acts to describe the damage or the losses suffered because of the offence that was committed. Incidentally, I remember the debate because I was here at the time.

Before then, the impact on victims was not taken into consideration, or at least the victim did not have a chance to make a statement on it. As a result, rightly or wrongly, in my opinion a bit of both, victims felt that their personal grievances were not reflected in the sentence brought down.

Some provisions passed in 1988 also provide for publication bans to protect the identity of victims of sexual assault. Once again, important changes were made. Other changes made to the Criminal Code over the past 15 years have helped give a more important role to victims of criminal acts, while respecting the rights of the accused. Naturally, that element of respecting the rights of the accused has to be included, because an accused person is not necessarily guilty. On the contrary, a person is innocent until proven guilty. Then he is no longer considered as accused, but as guilty, if that is the finding.

In response to the report published in 1998 by the Standing Committee on Justice and Human Rights, entitled "Victims' Rights: A Voice, Not a Veto", the government adopted a series of amendments to the Criminal Code in 1999 to ensure, among other things, that victims are informed of the possibility of submitting a victim impact statement—which I described earlier; to include the safety of the victims in the factors that have to be taken into account in making a decision on interim release; to specify the automatic imposition of a mandatory victim fine surcharge, and the amount of this surcharge; and to give judges the discretionary power to impose a publication ban to protect the identity of any victim or witness, as required in the interest of the proper administration of justice.

The 1999 amendments also looked at victims of offences committed by an accused suffering from a mental disorder and provided for a victim impact statement to be written and filed with the court or review board at a hearing to determine the sentence for an accused found not criminally responsible on account of mental disorder. This would concern a person accused under section 671.541 of the Criminal Code, which reads:

> —the court or review board shall ... take into consideration any statement filed ... in determining the appropriate disposition or conditions under section 672.54—

And yet, it is the victim, in each case who decides whether to write and file this kind of declaration. The victim impact statement is provided for in paragraph 672.5(14), which states:

> A victim of the offence may prepare and file with the court or review board a written statement describing the harm done to, or loss suffered by, the victim arising from the commission of the offence.

● (1320)

Where a verdict of not criminally responsible on account of mental disorder has been rendered in respect of the accused, the review board has to determine how the accused will be supervised. The victims of crime are often neglected, and receive little information on the follow-up, on how their safety concerns will be met or whether or not they will have a role to play or have access to any information.

We have all heard of instances of constituents who have been the victims of crime wondering whether the inmate will be on provisional or other release and within a few kilometres or metres of their home. That is what they fear anyway. These are concerns often expressed by our constituents. Tools are provided in here to address this problem.

In considering Bill C-10, the standing committee examined other proposals to expand the role of victims of crime. The committee heard several witnesses; some advocated greater victim involvement while others did not support the interests of victims. The committee —it is very important to point out—dismissed the comments of those who sought to restrict the role of victims.

We went further at committee—and eventually at the government level—where the role of victims is concerned, because that was the approach we wanted to take to ensure and enhance the protection of victims of crime.

The committee also examined the existing provisions of the Criminal Code, as well as measures that should be policy rather than statute in order to better meet the victims' concerns.

The amendments in Bill C-10 will strengthen the role played by victims of crime in cases where the accused was found not criminally responsible on account of mental disorder. The new provisions relating to the victims fully take into account the differences between the provisions governing persons who are criminally responsible—who have been found guilty and sentenced—and those governing persons found not criminally responsible.

The accused who is found not criminally responsible on account of mental disorder is not held responsible for his actions, of course. In its decision, the court must take into account several factors, including the need to protect the public, the accused's mental condition and the need to return the accused to the community eventually.

The impact of the crime on the victim may be relevant to only some of the criteria. Where the court or review board is considering a conditional release, the victim's statement may be relevant in imposing certain conditions: for example, that the accused not contact the victim or that the accused not go certain places.

However, the victim can also benefit from submitting a statement even if the situation of the accused does not change.

It is important to note, once again, that the administration of justice and the delivery of services to the victims are areas of provincial jurisdiction. The provision of victims services as part of the administration of justice is also a matter of provincial responsibility. I know that there was a question about this a few minutes ago.

The provision of victim impact statement forms, assistance in preparing the statements, and the collection and submission of the statements to the Crown or the court are generally handled by the provincial victims services programs.

In 2002, the standing committee recommended that courts or review boards conducting a review notify the victim where the victim has indicated interest in receiving such notification.

● (1325)

Bill C-10 includes provisions that require the court holding an initial hearing, or the review board holding such a hearing, when the court does not, to ask the Crown or the victim whether the latter has been informed that he or she can submit a victim impact statement.

Following an amendment adopted by the committee, as mentioned earlier, the government adopted many, the victim will receive notice of hearing dates and the applicable provisions in the Criminal Code, including relevant provisions on victim impact statements.

The manner and timeframe for issuing such a notice will be established by the rules of the court or the review board. Other non legislative measures will also be needed to inform victims of crime of provisions of the code specific to their case, hearing dates, conditions of a decision and other essential information.

We must bear in mind that, until the accused has been declared not criminally responsible, the victim should benefit from the application of all the provisions of the code that are there to facilitate the victim's involvement and to protect their safety and privacy. Only when the accused has been declared not criminally responsible is the application of the new special provisions in the code necessary in order to ensure that the victim participates in the review board hearings.

Bill C-10 also includes provisions that will strengthen the role played by victims of criminal acts.

These victims would be permitted to make an oral presentation of their statement during the review board hearing. Therefore, it would not be necessary to have a great deal of expertise to draft the statement. The victim would be allowed to present his or her statement orally. The statement would already be drafted, and the victim would be permitted to read it or, in some cases, to provide his or her statement in another form including, for example, by giving a copy of it if this is relevant. It is always up to the victim to decide to draft a statement and even to read it. In these cases, it is the victim who has these alternatives. It is perfectly normal for it to be so, and I am pleased that Bill C-10 allows for such options.

Where a verdict of not criminally responsible on account of mental disorder has been rendered in respect of the accused, the court or the chair of the review board must ask the prosecutors, the victim or his or her representative whether the victim has been informed that he or she can make a statement.

The first hearing may be adjourned to allow the victim to prepare a statement, if he or she so wishes.

The review boards will have new powers to impose a publication ban to protect the identity of the victim and of the witnesses, as required in the interest of the proper administration of justice.

Following an amendment made in committee, a notice of hearing will be given to the victim and the other relevant provisions of the Criminal Code will be applied, provided the victim makes a request to this effect in the timeframe and the manner provided by the rules of the court or review board.

As we can see, the government went rather far in its efforts to better represent the victims of such criminal acts and, of course, to protect the victim and the public at large, while also looking after the rights of the accused.

I urge all hon. members to support Bill C-10. The amendments that are included in it provide better protection to an accused suffering from mental disorder, while giving a greater role to victims of criminal acts.

● (1330)

[*English*]

The Acting Speaker (Hon. Jean Augustine): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

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

* * *

TELECOMMUNICATIONS ACT

(Bill C-37. On the Order: Government Orders:)

December 13, 2004—The Minister of Industry—Second reading and reference to the Standing Committee on Industry, Natural Resources, Science and Technology of Bill C-37, an act to amend the Telecommunications Act.

Hon. Jacques Saada (for the Minister of Industry) moved:

That Bill C-37, an act to amend the Telecommunications Act, be referred forthwith to the Standing Committee on Industry, Natural Resources, Science and Technology.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I am pleased to rise today to begin the referral stage debate on Bill C-37, an act to amend the Telecommunications Act. This bill would augment the powers of the Canadian Radio-television and Telecommunications Commission, CRTC, to establish a more effective regime to protect consumers against unsolicited telemarketing in Canada.

The essential issue before us is the creation of a national do not call list for telemarketers. I am sure a number of us have received such calls, probably over the last weekend.

I want to assure hon. members that we are proposing a proven model for regulating telemarketing through this bill. It is similar to the model already in place in the United States of America. In the event that some colleagues want to say that this infringes too much on business being able to work, it in fact exists in another jurisdiction.

It is a model that seeks to balance the wishes of Canadian consumers for privacy and protection from unwanted calls, sometimes in the middle of the night, while at the same time recognizing the need for legitimate telemarketing companies to conduct their business in a regulatory framework that enables them to compete.

Let me assure the House that consumers would support this bill and 79% of respondents in a recent Environics survey indicated that they would support the creation of a national do not call list. The industry would support a national list as well as a more efficient and cost effective way to manage the lists of those who will not be receptive to their pitches.

Let me explain to the House the current legislative and regulatory framework governing unsolicited telemarketing. Section 41 of the Telecommunications Act gives the CRTC broad authority to prohibit or regulate the use by any person or telecommunication facility for unsolicited telemarketing. The section gives the commission authority to prevent undue inconvenience or nuisance given due regard to freedom of expression.

In 1994 the CRTC implemented rules that defined a call as unsolicited when explicit consent had not been obtained from the called party prior to the call. Solicitation was defined as "selling or promoting a product or service or soliciting money or moneys whether directly or on behalf of another party". However, the CRTC restrictions do not apply to unsolicited calls that do not solicit. This includes for example, call for emergency purposes; account collections; and market and survey research.

Finally, under the 1994 rules, telemarketers are required to maintain individual do not call lists. In other words, ABC telemarketers may be notified that we do not wish for them to call, but DEF telemarketers do not know about it and they keep on calling the next weekend after the previous ones were informed not call.

These rules are now in place but in the past 10 years since they were implemented by the CRTC, they have been found to be ineffective and generally for three reasons. First, the rules have resulted in some confusion among consumers. For one thing, few consumers know that they have the right to register on a do not call list or how to go about it. Some 14% of Environics respondents reported that they had tried to make a complaint regarding an unsolicited call, but even for those consumers who wish to take advantage of these lists, the task is simply daunting.

Consumers who do not wish to receive calls need to manage their registration on the do not call lists of hundreds of companies and telemarketing agencies, the problem that I just described a while ago. These registrations are in place for three years after which the consumer must register again.

● (1335)

As if that is not confusing enough, some of these calls are made by way of a fax. We have had this experience. My son was describing the situation in his own home whereby a company attempts to market something or other, and of course he does not know what it is, by way of sending him a fax. That fax usually arrives in the middle of the night, but my son does not have a fax machine, so the phone rings.

However, as for the fax message that would come out on which it says how to deregister, if I can call it that, so he does not get called again, of course he does not get that because he does not have a fax machine on which to get it. The message keeps coming in and coming in. The family has a seven month old baby. The family is awakened often in the middle of the night. It is absolutely horrible to have to deal with this kind of thing.

My son has tried with the telephone company and with all kinds of people to get hold of these culprits who are doing this, but of course he cannot find out who they are. There are essentially only two ways of doing it. One is to buy a fax machine so that he could receive the first fax and then phone them back to tell them not to do it again. Alternatively, he could subscribe to the telephone company messaging service by which he could get hold of the telephone number. This is assuming that he could ever get back to that phone number because of course some of these phones can only dial out. He would not be able to dial back in even if he did that.

This is just an example of how sometimes consumers are prisoners of these kinds of things that are inflicted upon them.

That is why we need to improve the do not call database in the way that the government has recommended to us. That is why the Canadian Marketing Association is advocating a national do not call list. That does not mean that all telemarketing is wrong or fraudulent or anything like that, but there are some people who practice that trade whose ethics have some elasticity of a kind that I have just described.

The current regime, as I have said, is not very effective because it is difficult to enforce. When customers receive further calls from firms for which they registered on the individual do not call list it is hard for them to prove that they were registered on the specific company's list. I have had that problem. In most cases in my own house, the calls are always faxed messages. There is a phone number at the bottom of the fax. One can phone back, but like most people, after we phone to register with them that they should not do it again, if that is what we want to do, we usually throw out the piece of paper. Then when they start it again a month later, it is rather hard to prove that it was the same company.

In any case, if people have received some of this solicitation they know that the letterhead seems to change quite often anyway. I am not sure that a person would ever recognize whether it is the same people making contact or a different group of individuals altogether.

The telecom carriers such as Bell or Telus have the responsibility for enforcing the do not call registrations, but again, these companies are trying to compete for the business of telemarketers. It puts them in a rather difficult situation.

In any case, I am not sure that for the actions I described a moment ago, at least the ones I and other members of my family have personally lived, that we could ever do anything with the phone company about them, because there is no log of a call that has already been made, at least not that I know of.

The telecom carriers are reluctant to pursue action against the company. From the perspective of the consumer, it is difficult to determine with which telecom carrier to lodge a complaint. In short, then, as for enforcement, perhaps non-existent is a strong word, but it is very complicated at best.

The time has come for a more effective approach to regulating unsolicited telemarketing, an approach that will benefit both consumers and the telemarketing industry and one that will be easier to enforce. That is why I am supporting this bill.

● (1340)

Mr. James Rajotte (Edmonton—Leduc, CPC): Madam Speaker, I will try to put forth all my points within the 10 minute time period.

It is my pleasure today to rise to speak to Bill C-37, an act to amend the Telecommunications Act. At the outset let me state very clearly the Conservative Party position on a do not call registry. The Conservative Party supports the establishment of a do not call registry within the parameters that are clearly defined by Parliament and with reasonable exemptions provided for charities, political parties, polling firms and companies that wish to contact their current customers. Unfortunately, these exemptions are not laid out in this particular bill. Furthermore, the power to determine these details has been delegated through regulatory powers rather than elected representatives.

A second point to make is that the Canadian Radio-television and Telecommunications Commission released a decision in May 2004 which stated that it was not feasible for the CRTC to create and run a national do not call registry properly. The decision went on to say that even if it did have the appropriate tools to run a national registry, the CRTC would recommend a separate administrator, not the CRTC itself. Thus, it is somewhat confusing with regard to this particular piece of legislation because Bill C-37 empowers the CRTC, and I am quoting from proposed section 41.2 of the bill, to "administer databases or information" for the purposes of creating a national do not call list.

My concerns are that the parameters are not set by Parliament in this legislation—in fact, this legislation is very short on details—and that no exemptions whatsoever are provided. We in the Conservative Party will support the establishment of a registry as long as there are parameters established by Parliament. I understand that this bill will be going to committee before second reading, basically on division, so we will try to fix the bill at committee.

I do want to identify some of the exemptions that we believe should receive notice in the bill. Perhaps others will come forward at committee stage.

First of all, we have the charities. Most charities in Canada will tell us that the most effective way for them to solicit donations is to do so through telemarketing. The fact is, I think, that most Canadians would not object to this practice.

Second is the issue of political parties. As currently written, the bill would make it illegal for political parties and political candidates to communicate with the public by phone. As we all know, we contact voters, certainly on election day in getting out the vote. Under this bill, if it is left in its current form, we believe that would not be allowed in Canada.

The third issue deals with polling companies that seek to gain Canadians' input on various issues.

The fourth exemption that we would like to see is for companies communicating with their current clients. For instance, a bank, a financial institution or a phone company that actually has us as a current client should be able to contact us. That is a reasonable exemption. Most of these exemptions are in the American legislation, which the previous speaker referenced. It is interesting to hear the government saying that the American legislation was its model, because in fact it is much more detailed than the legislation before us in the House today.

I want to use some examples to make this practical for people. For example, the group Mothers Against Drunk Driving is certainly an excellent organization. I think all members would agree. Not only would this group have to cancel any calls to current members, because it would not be able to contact their current members, but under this legislation it would be illegal for Mothers Against Drunk Driving to call anyone to ask for a simple donation. We as legislators should be able to empower Mothers Against Drunk Driving to communicate with its own clients and to solicit donations by phone.

In addition to this, the bill as it is currently written would make it illegal not only for political parties or candidates to launch get out the vote campaigns, but also for not for profit organizations such as Egale, the Canadian Auto Workers, Campaign Life or any organization regardless of where one stands on the political spectrum. They would not be able to contact members or non-members by phone, which seems rather undemocratic to me.

Members who were in the House in the last session of Parliament also had an opportunity to debate a private member's bill from a government member, the member for Burlington, who actually did provide exemptions on some of these issues. I do not understand why the government did not use her bill as a model to provide these exemptions. I suppose we will find out at committee stage.

An hon. member: Because it made sense.

Mr. James Rajotte: As the member from Kelowna says, it made sense. It was a good model. The government should have used it.

The other issue is really the administration and maintenance of a registry in Canada in general, because as so many MPs and Canadians across this country know, the government has been rather lacking in the whole establishment and maintenance of registries, the firearms registry being of course the most obvious example of what not to do in setting up a registry.

● (1345)

There are certain questions that I believe we as legislators should ask at this point. How will this list be maintained? How will the list be accessed? Who will maintain the list? If it is not the CRTC, which organization will do it? What will be required of telemarketers? How often must they check the list? Will there be a maintenance fee for telemarketers? Who will pay for the list? Who will pay for updating, monitoring and enforcing the list?

These are all questions that are not answered in the legislation and they must be before Parliament passes it.

Why is there no requirement for an annual report to Parliament on the cost of the administration of the list? The fact is that we in Parliament must have more details on how the CRTC plans to set up, administer and regulate this do not call registry.

In addition to the private member's bill I mentioned, there are two excellent examples of do not call registries, one in the United Kingdom and one in the United States. I want to touch briefly on the American list because I believe it offers Canada some guidance.

The American act is called the telephone consumer protection act. It is extremely detailed. It restricts the use of phones and fax machines to deliver unsolicited advertisements and it limits the hours during which telemarketers can call, something that was referenced by the previous speaker; we get the same complaints when telemarketers call on Sunday mornings or late at night. These are reasonable restrictions that we can put on telemarketers.

However, my point is that this is all laid out in the American legislation. The Americans did the proper thing. They laid it out in detail instead of just introducing a bill with no details and hoping that the committee could fix it.

On June 26, 2003, the Federal Communications Commission revised its rules implementing the telephone consumer protection act. The FCC established, in coordination with the Federal Trade Commission, a national do not call registry. The registry is nationwide in scope and includes virtually all telemarketers, with the exception of political organizations, charities and telephone surveys, three of the exemptions that I mentioned.

A telemarketer or a seller may call a consumer with whom it has an established business relationship for up to 18 months after the consumer's last purchase, delivery or payment even if the consumer's number is on the national do not call registry. Consumers registered on the national registry will be able to provide prior express permission in writing to companies from which they wish to continue to receive telemarketing calls.

The initial legislation tabled in Congress looked a lot like Bill C-37. The major difference was the oversight embedded in the bill by Congress. The FCC and FTC had to report to the House of Representatives within 45 days of the bill becoming law with an analysis of the telemarketing rules, any inconsistencies between the rules and the effect of such inconsistencies on consumers and persons paying for access to the registry, and proposals to remedy any such inconsistencies.

In addition, the American legislation required an annual report and includes some details required of the report, such as the number of people using the list, the fees collected for access to the registry and an analysis of the progress and the operation and enforcement of the registry.

This is a piece of legislation that the Conservative Party believes we can model our legislation on. We can certainly model our legislation on the private member's bill of the member for Burlington from the last session. It would be interesting to find out why the government in fact did not model Bill C-37 on either of those previous pieces of legislation.

In conclusion, I want to state very clearly that the Conservative Party will support the establishment of a national registry as long as it is detailed in the legislation, as long as the parameters are set by Parliament, as long as we know exactly who is going to administer the list and the details are set out, and as long as there are some reasonable exemptions provided for charities, for political organizations and for companies that wish to contact their current customers.

I think those are all reasonable requests that our party is making. We certainly hope that we can fix this bill at committee and that this type of legislation or this concept of a registry will become law in Canada in a very short time.

● (1350)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, I am pleased, on behalf of the Bloc Québécois, to speak to Bill C-37. Let me read the summary to this bill that amends the Telecommunications Act:

> This enactment amends the Telecommunications Act to permit the Canadian Radio-television and Telecommunications Commission to administer databases for the purpose of its power under section 41, namely the power to prohibit or regulate the use by any person of the telecommunications facilities of a Canadian carrier for the provision of unsolicited telecommunications to the extent that the Commission considers it necessary to prevent undue inconvenience or nuisance, giving due regard to freedom of expression.

The enactment also establishes an administrative monetary penalty for the contravention of prohibitions or requirements of the Commission under that section.

This bill follows polls conducted across Canada and Quebec. Indeed, an Environics poll mentioned that 79% of Canadians said that they supported a national do not call list.

For those who perhaps did not understand, the purpose of this bill is to allow Quebeckers and Canadians who so wish to exclude themselves from any telemarketing promotion. Whether through faxes, e-mail or telephone, we are inundated by telemarketing companies that want to sell us the best product in the world. This often has its disadvantages, causes a lot of communications, clogs our e-mail accounts or overwhelms us with paper.

The public wants to have a way of avoiding such solicitation and Bill C-37 would give it to them. The Bloc Québécois will of course be in favour of the principle, and we agree that Quebeckers ought not to have to put up with such calls and ought to have the possibility of adding their names to a do not call list to be administered by the CRTC, if they so desire.

Automatically, if we were on such a list, all companies would no longer be entitled to solicit us, on pain of some relatively severe penalties and fines. The penalty would be $1,500 in the case of an individual and $15,000 for a corporation. Obviously, the employer is responsible for the mandate he has entrusted to a designated person, or in other words the company is responsible for the actions of its employees, hence the heavy fines for failure to fulfill this obligation.

We do, however, question one specific reality. The CRTC has already admitted that it was not in a position to administer this program, and would need a sizeable budget to do so. We feel it should be required of the companies to provide part of their telemarketing profits to maintain this do not call list.

Moreover, the Canadian Marketing Association has already admitted that it would be easier for them if they knew in advance if people did not want to be called. This would reduce costs of staff, faxes and e-mail. Because of these savings, the industry would be prepared to meet the costs of such a system.

On the other hand, there is still one major question that remains if a registry is administered by the government. We just need to think back to the huge amounts of money swallowed up by the firearms registry. I realize that the industry will want to know the costs up front, so as not to get into the incredible overspending that occurred there, with a predicted $2 million cost that has now escalated to over $2 billion.

It is important for us as members of parliament to be able to determine the framework for this registry. Companies would have to make a reasonable contribution. More important than that, members of the public would have prompt responses to their decision to be put on this do not call list.

We also want various amendments to be made to the bill. It must set out exclusions, in other words, establish clear parameters in the legislation, not currently included with regard to the groups that would be excluded.

It must be understand that, if such a list is created, people could be on the do not call list for everything. Charity begins at home. The political parties have asked that individuals not be able to exclude themselves from getting communications we may send them.

Often, people get information from their MP. Since the members of the Bloc Québécois have a close relationship with the public, we regularly send out information explaining the work being done by the charming men and women in the Bloc Québécois who are dedicated to Quebec.

● (1355)

Obviously, we would hope that political parties will always be able to communicate with the public.

There are non-profit charitable organizations too. All too often, the only way for these organizations to obtain funding is by having a direct link with the public. They often send us requests for donations by mail or in some other way. Permission must be given so that charitable organizations can continue to correspond with Quebeckers, who are extremely generous, as we have demonstrated in the past and as we will continue to demonstrate whenever the need arises.

There are also companies that already have an established business connection with their clients. We would not want banks and phone companies—be it only the yellow pages—to be unable to communicate with businesspeople in order to sell advertising space. This concerns, above all, cases where there is a relationship with an existing client. We want a framework to allow businesses to be able to communicate with people with whom they have done business in the past without being penalized for their actions and for the way they do business with their clients.

If these principles were clearly set out in the legislation, if the protection were ensured at a reasonable cost—that is what I want and what the Bloc Québécois will do in its proposed amendments. We will make sure that there is a registry. We will also ensure that this registry allows all Quebeckers and Canadians—those who want to, of course—to opt out of marketing advertising, and that the businesses that have to pay are charged reasonable prices, that the registry has the government's support and that its management is not entrusted to private enterprise. This was requested by the Canadian Marketing Association, among others; otherwise, it would like asking the wolf to watch the sheep.

Hon. members will have gathered that what we want is an entity operating at arm's length from industry, supported by industry at reasonable costs known ahead of time, so that we do not end up with another gun registry and that groups already doing business with the public can continue doing business. We are thinking of charities, political parties, banks, telephone companies and other businesses already using means of telecommunication to contact their clients. They have to be able to continue. If this is provided in the bill, the Bloc Québécois will gladly support this bill, which will be very useful and will prevent Quebeckers from being harassed to get things they do not want.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

HEALTH

Mr. Lloyd St. Amand (Brant, Lib.): Madam Speaker, I rise in the House today to pay tribute to Mr. Jon Lynne-Davis, a constituent of Brant. Mr. Lynne-Davis is the author of *From Couch Potato to Baked Potato* and has dedicated his life to educating Canadians on the seriousness of obesity. Obesity is associated with increased risks for hypertension, type 2 diabetes, coronary heart disease and many more life-threatening ailments.

In December 2004 Mr. Lynne-Davis and associates launched a website, WhyIamFat.com. The website and service was developed with the help of educators, physicians, dieticians and exercise physiologists. This site offers information about common problems with obesity and suggests steps for people committed to losing weight.

I would like to ask my hon. colleagues to join me in congratulating Mr. Lynne-Davis for his hard work and dedication to combating this silent disease.

* * *

DAIRY INDUSTRY

Mr. Dave MacKenzie (Oxford, CPC): Madam Speaker, we have heard a lot about the effects of BSE on the beef industry in the past several months, but what we have not heard is that this crisis has had a negative impact on the dairy industry as well.

The city of Woodstock in my riding of Oxford is the dairy capital of Canada. Nearly 7% of the dairy farms in the province of Ontario are located in Oxford. Our dedicated farmers and their families deserve recognition and appreciation for the hard work they have invested in Canada's dairy industry despite the many challenges they have faced.

Recent price changes adopted by the Canadian Dairy Commission will hopefully see some reduction in the gap between operating costs and compensation for dairy farmers.

I urge the House to fully support this fundamental Canadian industry by ensuring that it is financially viable, and I want to thank Canadian dairy farmers and their families for all their hard work and dedication.

Finally, I would like to welcome the Dairy Farmers of Canada to Ottawa as it opens its annual dairy policy conference. I hope they enjoy their visit to the nation's capital.

* * *

NORTH VANCOUVER

Mr. Don Bell (North Vancouver, Lib.): Madam Speaker, on the morning of January 19, residents in my riding of North Vancouver were awakened by the news that a mudslide had caused considerable damage to homes in the Blue Ridge and Riverside areas and claimed the life of North Vancouver resident Mrs. Eliza Kuttner and seriously injured her husband, Michael. Our condolences go to Mrs. Kuttner's family and friends as they deal with this terrible tragedy.

This past weekend I attended a wonderful community fundraising event for the Dykes family, Harvey, Colette and their daughter Jacintha, whose home was also struck by the mud and debris flow and who miraculously survived this disaster.

At one point, as many as 100 families had to be evacuated as a precautionary measure. Ten families are still awaiting the go ahead to return to their homes.

I was extremely proud of the manner in which my former municipal colleagues responded to the tragic events: Mayor Harris, CAO James Ridge, Fire Chief Gary Calder. The entire emergency response team sprung into action minutes after the events transpired and did not leave their posts until all were out of danger and those evacuated from their homes were given proper care and shelter.

Both myself and Mayor Harris were heartened to receive a call from the Prime Minister, who was in Tokyo, expressing his concern and support. Hopefully this is a tragedy that will not be repeated.

* * *

[*Translation*]

JEAN-JACQUES MARTEL

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, the Abitibi-Témiscamingue region is deeply saddened as it mourns the loss of one of its pioneers, Mr. Jean-Jacques Martel.

Born in 1927, Mr. Martel became a prospector who did a great deal for mining development in the Abitibi area. A generous man, a dedicated builder of our beautiful region, he was the member of Parliament for the former riding of Chapleau from March 31, 1958, to June 18, 1962. With his unequivocal love of the region, he defended his constituents' interests with great energy.

My colleagues in the Bloc Québécois join with me in offering our condolences to the Martel family and the entire community of Abitibi—Témiscamingue.

● (1405)

[*English*]

CRESCENTWOOD COMMUNITY CENTRE

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I rise today to pay tribute to the Crescentwood Community Club celebrating its 60th anniversary.

Located in the heart of south Winnipeg, Crescentwood Community Club started life in 1945 in a converted railway boxcar. In 1949 a permanent facility was constructed totally by volunteer help. The club was further expanded in 1997, and today looks to even further development. Programs continue to evolve to respond to the changing community needs.

This week's 60th anniversary celebration began with a community tea to acknowledge community builders of the past. The week will continue with a host of celebrations for all members of the family.

An important footnote is that this club was integral to Winnipeg's and Canada's musical life. Crescentwood canteen musicians provided the early stage for future superstars such as Burton Cummings, Randy Bachman, Fred Turner and Neil Young, playing in groups such as the Deverons, the Squires, Pink Plum and the Orfans.

Congratulations to this historic community of—

The Speaker: The hon. member for Laval.

* * *

[*Translation*]

FAMILY LITERACY DAY

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, the seventh annual Family Literacy Day was marked on January 27.

This day encourages family reading, which contributes to reinforcing adult literacy skills and encouraging literacy building in both children and adult learners.

On this day, literacy organizations, schools and libraries organize activities that promote family literacy and enable these organizations to build strong links with their communities.

It is important to encourage literacy in all its forms, when we know that 22% of Canadian adults over 16 fall in the lowest level of reading skills.

I would like to point out the work of Groupe Alpha Laval, which has been active for nearly nine years. This organization prevents illiteracy by raising community awareness and organizing literacy activities.

* * *

[*English*]

NATURAL HEALTH PRODUCTS

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, Bill C-420 is back on the parliamentary agenda. With the help of my colleague from Oshawa, Bill C-420 was reintroduced on October 21, 2004. The second hour of debate will soon be occurring before a second reading vote.

The bill is about natural health product regulation. It is about freedom of choice in personal health care.

Canadians want the government to understand that vitamins, minerals, herbs and amino acids are not drugs. They are what we are made of. They want their natural health products regulated under a food style directorate, not as drugs. That is what Bill C-420 is all about.

Bill C-420 would amend the Food and Drugs Act. It would open the definition of food to include natural health products. It would open the definition of drug and exclude food. It would also scrap antiquated sections 3(1), 3(2) and schedule A that prevent health claims for natural health products, even when they are based on sound science.

Under Bill C-420 we would develop good manufacturing practices, inspections and quality assessments for health claims.

It is time to let natural health products take their place as a foundation for a wellness and disease prevention strategy that can help put Canada on the forefront of real health care reform.

* * *

TSUNAMI RELIEF

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I would like to begin my comments by recognizing the generosity of the Canadian people in response to the horrific tsunami that swept through southeast Asia on December 26, 2004.

I would also like to recognize the fast response by the Prime Minister and the Government of Canada to work in conjunction with the international community to help the survivors of the tsunami rebuild their shattered lives.

On a personal note, the disaster really hit close to home when I was asked by constituents to help contact their loved ones immediately following the tsunami.

In one instance a group of six young Canadian volunteers for the World University Service of Canada were taken to high ground by local people in the town where their aid project was located.

Although this is but one story of survival in which hundreds of thousands of people have been impacted, I can assure members that this one small act meant the world to the family and friends of the volunteers in my constituency of Don Valley East.

* * *

● (1410)

YOUTH VOLUNTEER AWARD

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, Matthew Mitterling was recently chosen the *Hamilton Spectator* Youth Volunteer of the Year for 2004.

Matthew is a typical teenager, involved in various extracurricular school activities at Hillfield-Strathallan School. However this student is anything but typical. He proves that it is possible to change the world, one person at a time. For example, one of his volunteer and fundraising initiatives resulted in a well that provides clean water to a village in Zambia.

There were five other outstanding nominees for the *Hamilton Spectator* Youth Award, including Brian Hua, Amanda Lammers, Jessica McPhee, Carla Tancredi and Madeline Wilson.

I ask all members to join me in congratulating the recipient of the award, Matthew Mitterling, as well as the other nominees for their achievements and contributions to their community.

* * *

BIG BROTHERS BIG SISTERS OF CANADA

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, I rise today to bring to the attention of the House the wonderful work of the 170 Big Brothers Big Sisters organizations across the country.

For over 80 years this national organization has responded to the needs of young people by providing a friend where one is needed. Studies have consistently shown that littles benefit greatly from having an adult role model to look up to and they have a higher than average education success rate.

As a big brother, I can tell the House first-hand of the immense satisfaction of being involved in this amazing organization. My friendship with Matt has been one of the most enriching experiences of my life.

Recently one of the little sisters involved in our local program wrote the following:

> My mom died with cancer when I was 9. My Big Sister is one of the most important people in my life. She teaches me things, takes me places and we hang out all the time...I want to grow up and be someone my dad and my Big Sister can be proud of.

I commend Margie Grant, the director of Big Brothers Big Sisters in Pictou, Antigonish, and all the volunteers, participants and spirited supporters who contribute so much to the community and the quality of life of bigs and littles alike.

On February 16 Big Brothers Big Sisters of Canada will be holding a reception here on Parliament Hill. I urge all members of Parliament to drop by 200 West Block and lend support to their fantastic organization.

* * *

SOMALIA

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, the people of war-torn Somalia and the Somalia diaspora greeted with much optimism the recent election of transitional President Abdullahi Yusuf Ahmed and the appointment of Prime Minister Ali Mohamed Gedi

Somalia is a state that has failed its people. This new government provides war-weary Somalis a chance; a chance to move toward peace and stability.

This past week the Somali parliament based in Kenya sent delegations to study security conditions and to examine the possibility of returning to a country that has had no effective central government for more than a decade.

Canadians are directly involved in this process of bringing democracy and civil society to Somalia. For example, 11 members of the Somali parliament are Somali Canadians and Canadian Somalis are in key positions in the Prime Minster's and other ministers' offices.

Canada must provide international leadership by formally recognizing the new transitional government of Somalia, a government which, while facing immense internal challenges, requires our international support.

* * *

WINDSOR-DETROIT BORDER

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, in mid-January the first independent report on what needs to be done to address the Windsor-Detroit border was released.

Traffic expert Sam Schwartz spent one year reviewing how to improve traffic flow at Canada's busiest border and get truck traffic off of Windsor's streets. Indeed, it is home to 42% of Canada's trade and is a monument to Liberal neglect for infrastructure, scandal and process.

The Prime Minister has said that he supports a made-in-Windsor solution. He committed to the people of my city that he absolutely guarantees that a solution will not be imposed. Most recently, however, the Prime Minister has been saying that funding is still "subject to negotiations" and there have been no announcements of timelines for decisions.

Existing delays are costing our economy at least $6 billion annually. Exactly how long will the Liberals wait to make a real commitment to the country's most important trade corridor and respect the citizens who live there?

* * *

ALBERT REDEKOPP

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, on December 30, Kildonan—St. Paul suffered a tragic loss in the sudden passing of Albert Redekopp. At only 59 years of age, our entire community was shocked by the news.

A graduate of the University of Manitoba's faculty of law, Albert set up his law firm in North Kildonan, specializing in business and commercial law, but Albert also spent many hours helping those less fortunate, never turning away a client who could not afford to pay him.

He would also take time to lead seminars on wills and legal matters at seniors' homes. He was a pillar in our community, a man who was greatly respected. I am proud to have been able to call him a constituent, a landlord and a friend.

If a man's legacy is in the number of lives he has touched, Albert's impact will be felt forever. We will all miss him but his impact on Kildonan—St. Paul will last forever.

● (1415)

[*Translation*]

PEACE OF THE BRAVES

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Mr. Speaker, it is my pleasure to acknowledge in this House today the third anniversary of the peace of the braves agreement, signed on February 7, 2002, between the Cree Nation and the Government of Quebec.

The agreement established a new relationship between the Quebec and Cree nations that is based on cooperation, partnership and mutual respect. It implemented structures that allow the Cree to work with Quebeckers in a spirit of cooperation.

The peace of the braves is still the most progressive agreement to date between a government and an aboriginal nation. I hope that by this time next year another peace of the braves agreement will have been reached, this time between the federal government and the Cree Nation.

* * *

[*English*]

SASKATCHEWAN

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, the Liberal Party designates ministers responsible for various regions of the country but conveniently denies it when that minister is a failure. A case in point is the finance minister masquerading as minister for Saskatchewan. The minister proclaimed Saskatchewan, with an average per capita income $5,000 below the national average, as a have province. Talk about rose coloured glasses. Waiting times for MRIs, let alone surgeries like hip replacement, are the worst in the country. Our unemployment level is low because our young people leave. Our tax burden and NDP voodoo economics scare away outside investors.

What does the outdated and complex Liberal equalization formula do? It targets our non-renewable resource base with double jeopardy. First, the feds and the NDP tax it into submission and then the formula includes penalties against what Saskatchewan should receive as a payment. The result is depressed economic activity.

With this so-called help from this finance minister, Saskatchewan will always be a have not province.

* * *

CAREGIVERS

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, the 2004 Speech from the Throne proposed that the federal government consult with Canadians on a variety of measures to support caregivers.

On January 21, I had the pleasure of introducing the Minister of State for Families and Caregivers when he hosted the second in a series of consultation round tables on caregiving in my riding of Dartmouth—Cole Harbour.

This important round table brought together key stakeholders to talk about the challenges and opportunities of caregiving for seniors and persons with disabilities. Family caregivers are the unsung heroes of our health care system, not only providing savings of over $5 billion a year but providing increased opportunity and dignity to their loved ones of all ages.

The Liberal government is continuing to consult with the provinces to address the role of caregivers. We have committed $1 billion over five years and I am proud that we will double the caregiver tax credit to $10,000.

I know first-hand what it is to provide care for a loved one; in my case, my parents at home.

I congratulate the minister of state for his work on behalf of family caregivers. I am pleased he is engaging all stakeholders in real consultations to build on the success of providing support for families who deserve it.

ORAL QUESTION PERIOD

[*English*]

NATIONAL DEFENCE

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, today's story that millions were spent just to borrow planes to get the DART to Asia should remind Canadians of the Prime Minister's 12 years of military underfunding. We can add to this the stories of helicopters crashing, submarines burning, Jeeps rusting, and the latest, sending poorly equipped soldiers on even more dangerous missions.

Given that the government was obviously misleading Canadians about the size of the surplus in the last election, will the Prime Minister today commit to a substantial increase in military funding in the upcoming budget?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, it was a great honour for me to be with the Minister of National Defence at the installation of the new chief of the defence staff, General Hillier. At the same time I would like to take this occasion to congratulate General Henault on being named head of the NATO military committee.

The Minister of National Defence has made extensive recommendations as to what has to be done in terms of increasing military spending. We are very open and will continue to protect the—

● (1420)

The Speaker: The hon. Leader of the Opposition.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, since the Prime Minister was so excited about being at the installation of the new chief of the defence staff, I wonder if he actually listened to what the chief of the defence staff had to say about the tendency of running the military on the cheap. He said:

> We could probably not give enough resources to the men and women to do all the things we ask them to do. But we can give them too little, and that is what we are now doing.

Will the Prime Minister finally admit that for the past 12 years his government has nearly starved the military to death?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, every chief of the defence staff, and it is the chief of the defence staff's job, has always pointed out to governments that the military could use more resources. I am confident that General Hillier will point that out in the interests of obtaining the best resources for the forces.

This government and the Prime Minister have promised to increase the size of the Canadian Forces. We have promised to obtain better equipment for them. We are on track to do that. We will deliver on that promise.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, this is not a routine statement. This is a cry for help from the top military man after over a decade of neglect and abuse.

The Liberal chair of the Senate defence committee has described our military as desperate and unable to meet basic international commitments. Let me quote what the senator said:

> Are Canadians really content to have a worldwide reputation as freeloaders and people who aren't carrying their share of the burden?

That was Liberal Senator Kenny who said that. Does the Prime Minister agree with his friend Senator Kenny?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, again the chairman of the Senate committee has been actively pursuing more resources for the armed forces, and this government has been listening. That is why we promised in the platform to increase the size of our reserves and the size of our standing forces. That is why over the last few years we have promised an additional $7 billion in capital funding for the armed forces.

We are on track. We are turning the corner. We are increasing the size of our army and our armed forces. We are increasing the ability for them to perform the outstanding role they provide around the world as peacekeepers.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, in numerous reports Liberal Senator Colin Kenny and the Senate committee on national defence expressed concern about the lack of commitment to our military. They have called for significant increases in the DND budget.

In the 2003 report the senator expressed the sentiment that the current Prime Minister would be a real long shot to rescue the military now. Yesterday in the Charlottetown *Guardian* he said that the government has done absolutely nothing beyond talk about bolstering the country's faltering military and that the Prime Minister has spent a lot of time globe-trotting rather than getting on with the plan to make Canada a global player again.

Will the government commit to increasing spending for the military in the budget?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, clearly the Minister of Finance is considering what is exactly needed in the budget to deal with military and other requirements for the Government of Canada.

I personally am working with the finance minister. We are all working with the finance minister to make sure that the budget will have the right balance in it. The budget will have a balance in it for the Canadian Forces as we move forward to fulfill the Prime Minister's objective of making sure that we are capable of helping in a world which needs Canada's help.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, those words ring hollow.

Senator Kenny also criticized the government's plan to increase the size of the Canadian Forces by 5,000 troops. He said that this will do little to alleviate the challenges that they face and the government must either start seriously investing in defence or not bother going to NATO, G-8 or UN meetings because we have nothing to offer.

The new chief of the defence staff, General Hillier, made an honest plea for the government to increase military spending if it is to keep its commitments. Again, will the government shake off this growing reputation for trying to maintain a defence strategy on the cheap, stop the dithering and commit to increased spending today?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I applaud and appreciate some of the help I am getting from the opposition benches about the need for defence spending. I can assure members opposite that the Prime Minister and the finance minister are working together for the right balance in the budget for this country as we go forward with our proper forces.

I will be going to NATO tomorrow and I will be there on Wednesday. I want to assure the hon. member, if he is concerned, NATO is extremely grateful for our help in Afghanistan. It is looking for more help from Canada, but members opposite should not worry. We are not unappreciated by our NATO and other allies. We are greatly appreciated for the role that Canada plays in the world.

* * *

● (1425)

[*Translation*]

THE ENVIRONMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the government has relied too heavily on the good faith of major polluters with regard to reaching our Kyoto objectives. This was a serious mistake. As proof, the president of the Canadian Vehicle Manufacturers' Association, Mark Nantais, is talking about some kind of agreement with Ottawa—if possible. He adds that his industry does not feel bound in any way by the implementation of Kyoto in ten days' time.

Since the voluntary approach has failed, why does the Prime Minister not immediately start cracking down on car manufacturers that refuse to do their part in cutting greenhouse emissions?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, I do not know where the leader of the Bloc came up with the information that they are refusing to do their part. We are currently negotiating with the auto industry. Naturally, we prefer to have an agreement with the industry so that it will do its part in terms of Kyoto. These negotiations have not concluded. I do not see why the hon. member is already concluding that they are a failure.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, when the president of the association talks about some kind of agreement—if possible—and says that he does not feel bound by the Kyoto protocol, I do not know what else the minister needs to understand.

I want to ask the Prime Minister this. The Kyoto protocol is being implemented next week; the major polluters are refusing, in actual fact, to cooperate, while the government is not assuming its responsibilities. The Prime Minister did everything to prevent the previous government from adopting the Kyoto protocol. When will he finally show leadership and adopt the necessary measures to force the industry to reduce its greenhouse gas emissions, as 92% of Quebeckers are demanding?

[*English*]

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, I do not know where the hon. member is getting his information. It is not the same information that the Minister of the Environment and I have received from the auto industry. In fact, we have had a very good discussion. I am very confident that we will meet our obligations working with the auto industry.

Before the hon. member asks another question stating the wrong facts, he should check out his information and get the right information to present to the House.

[*Translation*]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, on November 19, the Minister of the Environment told his Quebec counterpart that it would be necessary to speed up negotiations to reach an agreement with the province on the implementation of the Kyoto protocol.

Since the protocol comes into effect on February 16, can the Minister of the Environment tell us about the outcome of these accelerated negotiations, to which he referred in November? Has the federal government signed a bilateral agreement with Quebec, at the moment?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, it goes without saying that improving our plan for Kyoto also includes improving our ability to act with provincial governments. We have agreements with some provinces. Negotiations with Quebec are progressing very well, particularly since the Bloc Québécois is not involved in the process.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I do not understand the minister's attitude. Protecting the environment goes beyond parties and individuals. It is a societal objective. Things would be a lot better if the minister stopped politicizing this issue and did his job.

Will the minister recognize and accept the efforts made by Quebec, including the money invested in hydroelectricity? Will he recognize, in his bilateral agreement, that Quebec is where pollution and greenhouse gas emissions are the lowest per capita in Canada? Will he take that into consideration?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, as you know, the Bloc Québécois will stop politicizing all the issues, but that is difficult for it to do, considering that its objective is to ensure that Quebec leaves Canada.

[*English*]

IRAQ

Mr. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, Canadians could be excused for being a little bit confused this morning in looking at the reaction to the proposal from George Bush and others that Canadians should send troops to Iraq. The leader of the Conservative Party apparently is taking issue with this, after having called for troops to be sent into Iraq. The Canadian government is prevaricating on the question after having campaigned on it.

Will the Prime Minister honour his commitment to Parliament that there would be a vote in the House before troops were sent to Iraq?

● (1430)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, we refused to send Canadian troops to Iraq two years ago. That decision stands. Canadian troops will not be going to Iraq.

[*Translation*]

I want to be very clear, so I will repeat what I just said. We refused to send Canadian troops to Iraq two years ago. That decision stands. Canadian troops will not be going to Iraq.

[*English*]

Mr. Jack Layton: Mr. Speaker, I thank the Prime Minister for the answer. We are waiting for a similar commitment that we will not get involved in missile defence with George Bush's administration and we are waiting for a vote in Parliament on that. We have been waiting for months.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, on another matter, we are waiting for action on pollution. We have smog here in February, which is absolutely incredible. Canada still has no vehicle emission standards, no plans for major polluters and now there is smog in February.

Will the Prime Minister tell us whether it is acceptable to have money—

The Speaker: The hon. Minister of the Environment.

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, the preamble was too long and I did not hear the question. However, what I can say about the smog in the Montreal area is that the current problem is due in large part to the growing use of wood for heating. We are working with the Government of Quebec to look at ways of changing habits that have developed over the years.

As for pollution in general, I want to say that the figures the Leader of the NDP gave are completely false. There has been a dramatic decrease in air pollution in Canada.

[*English*]

NATIONAL DEFENCE

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the government took two weeks to dispatch the DART to Sri Lanka on rented commercial aircraft. This delay was caused by a combination of political dithering and lack of airlift capability. The Canadian Forces do not have the capability to move the DART rapidly and will have to continue to depend upon unreliable commercial airlift availability for years to come.

Why have successive Liberal governments been so negligent in addressing this fundamental requirement of the Canadian Forces?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, the question is answered by two false premises in the preamble.

In the first place, the DART did not fail to go for lack of airlift capacity. The airlift capacity was there. We sent the DART when it was appropriate to send it.

Second, we have never had an occasion, and I think the hon. member knows this, when we have not been able to obtain appropriate rental facilities to take our forces abroad. Rather than put a lot of capital into something which is not used regularly, we have chosen the most prudent, best and most effective way to operate. We will continue to do so in the interests of the Canadian Forces.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, that is typical bafflegab. Successive Liberal governments have failed to protect our sovereignty in the north—

Some hon. members: Oh, oh!

The Speaker: There is too much bafflegab going on in the House. There is constant noise and it is very difficult for the hon. member for Carleton—Mississippi Mills to hear himself let alone anyone else. I am having trouble hearing. The hon. member for Carleton—Mississippi Mills has the floor. We will have a little less noise, please.

Mr. Gordon O'Connor: Mr. Speaker, successive Liberal governments have failed to protect our sovereignty in the north. We cannot survey our territory on a continuous basis. We cannot transport troops rapidly in the north. Now we discover that our Sea King helicopters cannot fly in the north. Because of political interference, the replacement for the Sea King helicopter will not be delivered until 2008 or 2009.

Will the minister admit that Liberal politics have adversely affected Canada's ability to protect our sovereignty?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I am sure that the hon. member will rejoice with me the fact that we have made the decision to acquire the Cyclone. We look forward to it. In the meantime, the Sea Kings continue to perform their service. We maintain them. We operate them and we will do that under all conditions. They serve our country well, but we look forward to the replacement by the Cyclone which will be a tremendous asset for our military when we obtain it.

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, only days after his appointment as Chief of Defence Staff, General Rick Hillier terminated the current defence policy review which was described as boring, dry and dreadful. The minister has delayed the release of the review several times in the House. Now we learn that we are going to start over again from scratch.

The Minister of National Defence now fully supports the overhaul of defence blueprint and wants it to be filled with fresh ideas. Can the minister explain his 180 degree turnaround?

● (1435)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I can certainly agree with the part of the premise that says that a lot of the stuff that I write is boring, dry and not very interesting, but that is a personal problem. The defence review has been the product of many people in my department. We have worked hard on it.

I am thrilled that Gen Hillier who has come on board is contributing to making it one of the best documents. I look forward to when we get our IPS out—

Some hon. members: Oh, oh!

The Speaker: Order, please. I thought we had said that there was too much bafflegab. The hon. minister has the floor and he is giving an answer to the question that was asked.

Hon. Bill Graham: Mr. Speaker, surely hon. members have to recognize the difference between boring and superior bafflegab.

* * *

FOREIGN AFFAIRS

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, after campaigning for the job of Prime Minister for the better part of a decade, and holding countless policy discussions and round tables, and after a year of in-house bureaucratic work on a foreign policy review, the Prime Minister has sent the long awaited document back and brought in a Liberal academic to give it more pizzazz. We are still waiting for the Prime Minister's own vision on what Canada's foreign policy should look like.

Can the Prime Minister tell the House when the pizzazz will be ready for delivery and what it will cost?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, the hon. member will know, as well as everyone in the House, just how much the world has changed in the past 35 to 40 days. There was the situation that occurred in Ukraine and of course the tsunami.

It is important that we consult with all individuals in the world, with all experts, and that we get this right. Certainly the hon. member would not want to rush a very important document if he believes and treats it very seriously, as he does I am sure.

* * *

[*Translation*]

PARENTAL LEAVE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, intensive negotiations with a view to signing an agreement with Quebec on parental leave were scheduled for this weekend.

How can the Minister of Human Resources and Skills Development justify the fact that the principle of fully funding the first year of the program, as agreed to in 1997, is today being challenged by her government?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, discussions with the Government of Quebec, that is with my colleague, Minister Claude Béchard, are continuing. We hope to reach a conclusion in the near future.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, contrary to what the minister says, if the agreement is not signed shortly, thousands of families will not have access in January 2006 to the more generous Quebec parental leave program.

How can the minister again challenge the principle that was accepted in 1997, thereby putting 8,000 families at risk of being seriously harmed by her flip flop?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, we support the rather innovative approach to parental leave taken by the Government of Quebec, which is why discussions with my colleague are continuing at this time.

Once again, we hope to reach a conclusion in the near future.

* * *

TAXATION

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, economist Armine Yalnizyan has examined the federal budgets for the past 10 years. The study shows, with figures to prove it, that women were unduly penalized during the years Ottawa posted deficits and that they have been generally ignored since the federal government started showing a surplus.

What explanation can be offered to women for the fact that the Liberal government's budgetary decisions have always been made at the expense of women and social programs? Is the Prime Minister not ashamed of this situation?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, with the greatest of respect, the government has worked very hard on issues related to gender equity. For example, when we have analyzed policy proposals coming forward for the budget that I am now in the process of putting together, I have asked my officials to give me an analysis with that material in each case to demonstrate that gender factors have been taken into account. It is very important that we establish that kind of principle in government decision making.

● (1440)

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, I am pleased to learn that there will be an analysis that promotes gender equity. Still, can the Minister of Finance assure the House that the commitments made by the Ottawa government at the Beijing Conference in 1995 will be respected in the coming budget?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, I will do my very best to respect the principles of gender equity in the preparation of this budget and indeed every budget going forward. I am very pleased that the government has taken the lead on issues like the child tax benefit for example, the commitment toward child care, and a range of other initiatives that demonstrate that we take gender issues very seriously.

* * *

[*Translation*]

SPONSORSHIP PROGRAM

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, Jean Carle, Jean Chrétien's protegé, admitted Friday that one sponsorship transaction for $125,000 amounted to money laundering. This is a criminal offence.

The Prime Minister has promised us justice. Will he really hunt down the guilty parties if they include the two Jeans, Carle and Chrétien?

[*English*]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again it is not appropriate to comment on individual testimony. Further to that, recently 130 of Canada's top legal minds wrote a letter to the Leader of the Conservative Party telling him he did not understand the laws of the country

I would suggest that if he does not understand the laws of the country, his party should not be trying to operate a parallel judicial inquiry on the floor of the House of Commons.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, Alfonso Gagliano who sat at the cabinet table with this Prime Minister said on Friday about this Prime Minister's role in the sponsorship scandal: “He was there. He participated and agreed. All the ministers agreed with that strategy”. Jean Carle has confessed that this program amounted to money laundering.

When the Prime Minister is on the stand giving his testimony, will he commit to the House to be more truthful to Justice Gomery than he has been to the House and with the Canadian people?

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member knows that all hon. members always tell the truth in the House. To suggest that some member has been untruthful, the belief is beyond the pale in terms of parliamentary practice. We will move on to the next question.

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, it seems very evident that the sponsorship program was nothing more than a cash cow for Liberal supporters. Mr. Jacques Corriveau complained that he did not receive payment for his work on the 1997 election. In response he received millions of hard earned Canadian tax dollars in contracts from the sponsorship program.

When will the Prime Minister instruct the Liberal Party to pay back taxpayers' money?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, we have a judicial inquiry headed by Justice Gomery that is doing its work on a daily basis and achieving the end that Canadians desire, and that is getting to the truth on this issue.

The reason we have that judicial inquiry and why that hon. member can comment on individual daily testimony is because our Prime Minister has had the courage to do the right thing which was to set up Justice Gomery's commission and to move forward to get that information.

I am absolutely appalled that the opposition, the Conservative Party, does not understand the charter of rights, does not understand the Constitution, and does not even understand the independence of a judicial inquiry.

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, the Gomery inquiry is not a badge of honour for the Liberal Party to wear. The government only set it up because it got caught. Despite whatever the Prime Minister or his cronies say, the Auditor General has told us that there are millions of tax dollars missing and Canadians deserve this money back.

When will the Prime Minister order the money his operatives funnelled to run his campaigns be paid back to Canadians?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, Canadians watching this question period must be mystified that the opposition, the Conservative Party, is not actually asking questions of interest to them.

Why is it not asking questions about health care, why is it not asking questions about agriculture, why is it not asking questions on issues that actually matter to Canadians, instead of scandalmongering and letting Justice Gomery do his work?

* * *

HEALTH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, maternal consumption of alcohol during pregnancy is the leading known cause of mental retardation in Canada. Researchers also believe that 50% of the inmates in the jails of Canada suffer from fetal alcohol syndrome or other alcohol-related birth defects.

My question is for the Minister of Health. Could the minister advise the House if fetal alcohol syndrome is a priority of Health Canada, and if so, what initiatives are being contemplated to address the growing but preventable tragedy of fetal alcohol syndrome?

● (1445)

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, I want to commend the hon. member for doing the kind of work that he has been doing over the last number of years. He has a bill, Bill C-206, before the House, and I want to ensure that we give him the support that his bill needs.

I also want to tell the House that Health Canada is developing a comprehensive strategy to deal with FAS and other alcohol abuse issues right across the country that have social and economic consequences.

HOUSING

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, I have a question for the Minister of Finance.

In the 1990s the Liberals completely destroyed the national housing program. As a consequence, many of the children living in poverty today do so because of the terrible condition of housing. Particularly in this city, some 13,000 families are waiting for affordable housing.

Will the minister restore the budget for housing to the pre-1993 level in the coming budget? Will he guarantee 25,000 new units of affordable housing?

Hon. Joe Fontana (Minister of Labour and Housing, Lib.): Mr. Speaker, on the contrary, it is the federal government that believes that housing is about the foundation of healthy communities, families and people. In fact, it is this government that invests $2 billion each and every year to help 636,000 Canadians. It is this government that has committed $1 billion toward homelessness. It is this government that has committed $1 billion toward affordable housing.

* * *

CHILD POVERTY

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, it was this government in the 1990s that became the only government in the industrial world, among industrial leaders, that did not have a national housing program.

Another reason for children being in poverty is that so many of their families, even with two parents working, do not earn enough income to buy the clothes and the food they need. I want to ask the Minister of Finance, will he address this issue in the coming budget and at least increase the child tax benefit to $4,900?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the government takes great pride in the fact of having created the child tax benefit. It is a program that is becoming one of the top social programs in this country. It is on its way to a value in excess of $10 billion per year. We will continue at every opportunity to seek its enrichment.

* * *

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, the minister responsible for lapel pins keeps changing his position. At first he said that the confines of our trade agreement made him buy the pins in China. Then he went to the sweatshops at public works and found out that it was not really the policy and pins could now be made in Canada. He does not seem to have a clue what is going on in his own department.

I wonder what the back of the napkin says today. Will the pins be made in Canada or will they be made in China?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I guess I will have to explain the decision very slowly to the member because he is obviously not paying attention.

I said that we have to, as a government, abide by our trade rules which means that we have to respect the principle of national treatment, and as such buy items that we purchase on behalf of Canadians and on behalf of parliamentarians within those trade rules. There is an exemption for parliamentary purchases, and as such we will purchase those pins used for parliamentary purchases from manufacturers in Canada.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, all of the minister's claims about what he can and cannot do have come into question. He has claimed for some time that his views on the sponsorship scandal are of such importance that if he commented he would prejudice the entire inquiry. A little humility, please.

Is it not true that this is just one more shoddily manufactured position from the minister responsible for lapel pins?

● (1450)

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again we will operate as a government within the confines of our trade agreements. At the same time, we will seek within those trade agreements any exemptions whereby we can purchase from Canadian manufacturers. It is important to know that the company involved was a Canadian company that sourced the pins from a Chinese manufacturer.

Further, I am shocked that it seems now that party, the Conservative Party, is now opposed to abiding by our trade agreements. As I said the other day, I knew it was not progressive any more. Now I know it is not even conservative.

* * *

THE SENATE

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am sick and tired of the Prime Minister saying that he supports Senate reform, but keeps hiding behind not on a piecemeal basis.

Albertans are asking for no change at all: continue to name senators from a list of candidates. All they ask is that the list he uses is the one they have given him by a democratic vote. They do not accept this arrogant, top down attitude of the Prime Minister knowing better than Albertans who they want to represent them in the Senate.

Why does the Prime Minister not stop being so chicken and simply fill the Alberta vacancies from the people's list?

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence, Lib.): Mr. Speaker, I have a bit of a problem with the premise that Alberta is asking for no change at all. It is asking for change.

However, Alberta is part of the Council of the Federation, a group created by the provinces. Two premiers have received the mandate from the Council of the Federation to look at the matter of the Senate. They are currently looking at it. They have not yet reported. Let us wait to see if there is a consensus that can emerge from the Council of the Federation about the Senate, at which point we will advise.

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, the Minister of Public Works and Government Services likes to make sweeping claims about his international business experience, but it really looks like his base experience began and ended with selling beer fridges to university students. I guess the fridge magnet term really applies.

Is it not true that the minister responsible for lapel pins really has no idea about what the policy is regarding parliamentary purchases?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it would be more fair to say that the hon. member has no idea what is involved in our trade agreements or in parliamentary purchases.

As stated from the beginning, we will endeavour as a government to abide by our trade agreements. We will respect the principle of national treatment because our trade agreements are there to protect Canadian manufacturers as they compete anywhere in the world and to protect Canadian jobs.

Even Ken Georgetti now supports free trade. I am shocked that the hon. member does not. Free trade created 1.8 million new Canadian jobs in the six years after NAFTA. This reversal is shocking from the Conservative Party that is no longer opposed to progressive—

The Speaker: The hon. member for Louis-Saint-Laurent.

* * *

[*Translation*]

ABORIGINAL AFFAIRS

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Mr. Speaker, February 7 is the third anniversary of the signing of the peace of the braves between Quebec and the Cree nation. This agreement precludes any legal proceedings, and the Cree, who were looking to enter into a similar agreement with Ottawa, are noticing that the federal negotiator is still without a mandate, which might derail the whole process.

What is the federal government waiting for to show its good will and give its negotiator a clear mandate?

[*English*]

Hon. Ethel Blondin-Andrew (Minister of State (Northern Development), Lib.): Mr. Speaker, a lot of work has been undertaken over the years to deal with the agreements signed between the Crees and the federal government. We will continue with that work. We will take any submissions that the member has under advisement and continue to work on it.

[*Translation*]

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Mr. Speaker, I have a supplementary. Any delay could delay the implementation of certain parts of the agreement between Quebec and the Cree nation. Unless significant progress is made between now and March 31, the Cree could go back before the courts with their claims.

What is the federal government waiting for to take Quebec's lead and sign a nation-to-nation agreement with the Cree?

● (1455)

[*English*]

Hon. Ethel Blondin-Andrew (Minister of State (Northern Development), Lib.): Mr. Speaker, the federal government has undertaken work with the Cree on an ongoing basis. We have signed agreements with the Cree before. We have an implementation process. A Cree table was set up years ago, and much work and many resources have been expended to that end. We will continue that work. Litigation is not the answer. We will continue to work toward finding a resolution to the issues brought forward by the Cree.

* * *

CANADIAN FORCES

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, with the increased cost of rations, rent and the illegal Ontario health premium tax, soldiers need the pay increase they were promised last year. Now they are being told to wait longer because there is no money. Soldiers have actually seen a decrease in their take home pay.

Why does the minister refuse to stand up for the soldiers and demand a refund of the Ontario Liberal's illegal health premium tax?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the minister has been standing up for the troops and arguing very hard for a pay raise. Information will be forthcoming shortly.

* * *

EQUALIZATION PROGRAM

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, the Liberal equalization formula is grossly unfair toward Saskatchewan. For example, Manitoba has a population roughly equal to Saskatchewan and has a $1,500 higher per capita income.

What is Manitoba currently receiving under the equalization formula? It is receiving in excess of $1.4 billion. What is Saskatchewan's share? It is a paltry $77 million. That is insulting.

Why does the Minister of Finance refuse to give Saskatchewan the same equalization deal he recently gave to Newfoundland and Labrador?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the Conservative Party's newly found interest in equalization is really chokingly unbelievable. That was the party not many years ago that proposed the abolition of the entire equalization program. It did not care then. Now it has a sudden new-found interest in the subject.

Saskatchewan's biggest problem is not equalization. For the last 15 years, Saskatchewan has been carrying the burden of debt imposed upon it by Grant Devine's Conservative government. That is what drove Saskatchewan into the ground. That is the burden of which we are trying to get rid. That party has more gall than a brass monkey.

[*Translation*]

OFFICIAL LANGUAGES

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, my question is directed to the Minister of Public Works and Government Services.

On January 20 last, the Commissioner of Official Languages—

Some hon. members: Oh, oh!

Hon. Don Boudria: I do not think that official languages interest the members opposite.

The Speaker: Order, please. The hon. member for Glengarry—Prescott—Russell.

Hon. Don Boudria: On Friday, January 20 last, the Commissioner of Official Languages condemned the government's slow rate of progress in putting in place policies to ensure that there is government advertising in the language of the minority.

Why did the government implement only five of the Commissioner of Official Languages' eighteen recommendations, and when will the remaining thirteen be adopted?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, my department has pledged to accept the commissioner's recommendations that apply to Public Works Canada. Three of these recommendations have already been acted on, and the others should be in March.

Public Works Canada remains totally committed to promoting official languages in minority communities.

* * *

[*English*]

PHARMACEUTICAL INDUSTRY

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, the Minister of Health must know he needs to rethink his plan to kill the online pharmacy industry when a senior member of his own party has asked him to stop acting irrationally. The Treasury Board president expressed his hope that the health minister would not destroy an industry that provides thousands of jobs to Canadians.

Why is the President of the Treasury Board speaking on health matters when there is supposedly a Minister of Health in charge? Who is calling the shots over there?

● (1500)

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, the fact is I have been speaking up on this issue for some time. The President of the Treasury Board and I are of one mind. What we have said—

Some hon. members: Oh, oh!

The Speaker: Order, please. We have to be able to hear what the mind is. The minister is trying to explain the answer and we cannot hear because there seems to be a lot of noise. The hon. Minister of Health.

Hon. Ujjal Dosanjh: Mr. Speaker, obviously it has been difficult for the members opposite to register some of my views on their minds.

The situation is the President of the Treasury Board and I have said very clearly that we want good medicine based on good ethics across the country, including in Manitoba. We will ensure that the medicine practice is conducted on the basis—

The Speaker: The hon. member for Charleswood—St. James—Assiniboia.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, it seems that some people have had a lobotomy. If the minister is calling the shots, cabinet meetings must be like a gun-fight in a dark room.

The *Toronto Star* knows that the minister is giving in to American pressure and seems hell-bent on making a decision before the health committee can report on this issue in a thoughtful, thorough and timely manner.

Could the minister please answer yes or no. Will he respect the parliamentary process and allow the committee to complete its important work, yes or no?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, I have always said that we want to protect the pricing regime in the country. It is the member opposite who has had difficulty making up his mind.

On December 1, within the space of one minute, he said, first, that we must protect the value of pharmaceuticals to Canadians. Second, he said that we must heed the economic benefit of a new industry and the more than 4,000 job. Third, he said that export permits would be a good start. Fourth, he said that they were also bad because they could shut down the industry. Fifth, he said that we must be unequivocal.

It is time he make up his mind.

* * *

[*Translation*]

IMMIGRATION

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, Mohamed Cherfi has been detained in the United States since Canada deported him after removing him from a Quebec church. A group of Quebeckers has been trying to sponsor him ever since. Immigration Canada promised them a response by January 7, but they are still waiting a month later.

Can the Minister of Citizenship and Immigration explain to us why his department is dragging its feet on this, thereby delaying Quebec's decision on Mohamed Cherfi's status?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, this case is still under review. We want to make all the best possible decisions. I am committed to providing him with a response that complies with all departmental regulations.

[*English*]

PHARMACEUTICAL INDUSTRY

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Mr. Speaker, the issue of Internet pharmacies is front and centre in the news. It has been suggested that the health minister may introduce legislation to control their activities.

Could the Minister of Health assure Canadians that our drug supply, both retail and wholesale, will be protected if legislation is introduced?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, it is for that very reason, to protect good medicine based on good ethics and to protect the pricing regime that provides affordable drugs at affordable prices to all Canadians, that we shall be acting.

* * *

[*Translation*]

WORLD POLICE AND FIRE GAMES

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, for a long time now the federal government has needed to meet its financial commitment for the World Police and Fire Games to be held in Quebec City this summer.

During his recent visit to Quebec City, the Minister of Transport and minister responsible for the region promised to contact several federal departments for the $700,000 needed to ensure the success of this major international event.

Can the minister tell us what responses he got from his colleagues?

● (1505)

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, we need specific information before deciding which projects are eligible and which are not.

ROUTINE PROCEEDINGS

[*English*]

HEALTH CARE

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, I am pleased to table, in both official languages, three documents from the September 13 to 15, 2004 first ministers meeting on the future of health care entitled "A 10-Year Plan to Strengthen Health Care"; "Asymmetrical Federalism that Respects Quebec's Jurisdiction"; and "Improving Aboriginal Health: First Ministers' and Aboriginal Leaders' Meeting.

ORDER IN COUNCIL APPOINTMENTS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to table, in both official languages, a number of order in council appointments made recently by the government.

* * *

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

Hon. Ralph Goodale (Minister of Finance, Lib.) moved for leave to introduce Bill C-39, an act to amend the Federal-Provincial Fiscal Arrangements Act and to enact an act respecting the provision of funding for diagnostic and medical equipment.

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

* * *

INTERPARLIAMENTARY DELEGATIONS

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the meeting of the Standing Committee of Parliamentarians of the Arctic Region held in Brussels, Belgium, November 28-30, 2004.

I would like to thank the staff of the Canada-Europe Parliamentary Association. These meetings were a part of the work of the Arctic Council, which involves the eight polar nations and three major northern indigenous groups.

The main focus of the meetings was the Arctic climate impact assessment which demonstrates the impact of global warming in the north. The meetings also dealt with the University of the Arctic, with which Canada is greatly involved.

I would like to thank our former colleague, Clifford Lincoln, for his fine work over many years with this particular group.

* * *

● (1510)

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Canadian Heritage concerning CBC Radio-Canada programming goals and objectives.

* * *

ELECTORAL BOUNDARIES READJUSTMENT ACT

Mr. John Maloney (Welland, Lib.) moved for leave to introduce Bill C-323, an act to change the name of the electoral district of Welland.

He said: Mr. Speaker, I made the motion for leave to introduce this private member's bill that would change the name of my electoral district from Welland to Niagara South—Centre.

The name "Welland" is a little bit misleading because the city of Welland is but one of four regional municipalities plus part of a fifth. I believe it is inequitable that the name of a riding reflects only one community, not to mention that it is confusing for constituents who do not live in the city of Welland.

I submit the name "Niagara South—Centre" is a good compromise and, at the same time, does not infringe on any current provincial riding names in the area.

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

* * *

PETITIONS

CHILD PORNOGRAPHY

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I would like to present three petitions pursuant to Standing Order 36 from my riding of Cambridge.

The first petition calls upon Parliament to protect our children, taking all necessary steps to ensure all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

MARRIAGE

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, the second and third petitions call upon Parliament to respect and uphold the current law which defines marriage as the union of one man and one woman to the exclusion of all others.

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36 I wish to present a petition on behalf of constituents who reside in the villages of Melbourne and Mount Brydges in the riding of Lambton—Kent—Middlesex.

The petitioners pray that Parliament define marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

DEBT REPAYMENT

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I have the honour to present a petition today from my constituents in Fleetwood—Port Kells who are asking that the federal government take immediate action to lower the interest payments on the debt and make a serious effort to repay the debt in a reasonable timeframe.

They are also asking for an investigation into the deliberate misspending and to investigate those who have profited from it.

AUTISM

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, I too have the honour to present a petition from a number of people in and around Edmonton calling on Parliament to address the issue of children suffering from autism. They have made two specific points, which are quite lengthy so I will not read them into the record, but they are asking for Parliament to deal with the issue of autism spectrum disorder.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is it agreed?

An hon. member: Agreed.

GOVERNMENT ORDERS

[*English*]

TELECOMMUNICATIONS ACT

The House resumed consideration of the motion.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure speak today to Bill C-37, the creation of a suggested do not call list, something that we as New Democrats actually had in the election platform, as well as other initiatives for consumers, including the reduction and control over credit card interest rates and lowering the GST, as part of a package relating to consumer initiatives that we were putting forth.

Some hon. members: Great NDP ideas.

Mr. Brian Masse: Absolutely, a great idea. It is something that provincially as well we have been advocating.

The bill is going to be very important to get at some finer details that are still missing from the legislation. Although we are going to support moving it to committee and we are supporting the concept, there are a few things we need to take a look at.

I want to start by giving some background to this. We know there already is a process from the Canadian Marketing Association where if we do not want to be on a call list we can put our name on. However many of my constituents have complained about wanting to have actual legislation with repercussions for those who violate the process. They want accountability in terms of legislation. If people really want to get off the list and they know the companies will be mandated to follow those initiatives laid out in the legislation they will be able to check every 90 days to see if they are on or off the list.

One of the things we value so much in this country is our privacy. In fact it is not talked about enough. Our personal privacy and the personal privacy of our families is really the essence of democracy, the ability to feel free at home and out in society, but that is being invaded to a certain degree by telemarketing.

There are some great telemarketers out there and the legislation would provide access for those who do want this service to their homes. At the same time, there are also telemarketers who are very determined to call multiple times. They use different strategies by forward calling to see if someone is home. They call at different hours depending upon the region and the times. It is just inconvenient for some people.

For example, I have a one year old son and a four year old daughter and when a telemarketer calls at dinner time it is not very convenient. I would argue that most of them are getting better about respecting people's privacy at home but others will call back and insist on it or push it forward to the next person.

There are issues related to the actual type of calling as well. The people receiving these calls often feel assaulted or pressured about that type of initiative. I know seniors have sometimes felt compelled to purchase or say things to get telemarketers off the phone. Working in the past with persons with disabilities I know they have the same type of experience where they just wanted to get the caller off the phone, or where there was a misunderstanding about the commitment that was taking place that would lead to another stage of the process of either acquiring a ticket for something, or a contribution for something, or a product that would then be billed to the person in their home. It is imperative that we have an examination of the bill.

One of my concerns about the bill is that it would have the CRTC monitoring this and it would be the actual provider of the service but it would be able to outsource this work. We have seen from this government the breaches in personal privacy because of the patriot act. We know the government is currently auditing many of the different departments and it is one thing that gives me great concern. It is costing Canadians millions of dollars to go back and redo work. I am glad that is happening finally now but I will give an example.

When the government decided to outsource the census, it realized that the data collection by Lockheed Martin, one of the world's largest arms manufacturing outfits that won the contract, which was highly controversial in itself, but second to that, it was going to outsource the data collection to the United States. That outsourcing caused a breach in Canadian security and a breach of privacy that has cost us dearly. The government has refused to answer in terms of how much specifically it has cost right now but it had to go through a number of steps, which is why I will be very interested to see how the outsourcing issue works.

● (1515)

One of the steps that it had to admit to, and this is from the chief statistician, was that for the 2006 census operation site we will have a security audit completed by at least three independent information technology security firms prior to beginning the processing operation. In addition, even though the census test operations are in Statistics Canada's head office building, the chief statistician has requested an independent security audit at the site as well.

They also took three other types of initiatives. Because this government was absolutely driven by the ideology that the public service is bad and the civil service cannot complete tasks, even though the fact of the matter is that the census had always been done in-house, for many years, it was driven by this ideology and so it outsourced the contract and caused the privacy breach.

That is my concern with the CRTC in this situation: we could see outsourcing with another breach of Canadian privacy. People who call in to be on the do not call list are going to be providing information to make sure that they are registered and to make sure that they are not going to be harassed or solicited the way they were in the past by these companies. That is very important. If we are going to give that up to the CRTC and it is going to be able to independently do this, then we need to find out the terms and conditions to ensure that we do not have a breach of Canadian privacy.

A number of different things are also very important in the bill. They will be special features as opposed to the voluntary issue that we have right now. One is the start of administrative monetary penalties. Penalties can be imposed on an individual, who could be charged $5,000 for an illegal call, and corporations will be charged up to $15,000.

There will be a process whereby companies and individuals that violate this law can then be prosecuted. We are actually adding teeth to what currently exists. That is very important, because if this type of activity is just seen as a drawing a slap on the hand or a warning and there is no real complaint process that leads to a penalty, there is not much of an incentive to stop this practice and respect people's privacy.

I would also like to point out that we as New Democrats are really proud to have finally pushed the government to do the right thing in stopping fines from being tax deductible. Business fines, environmental fines and a number of different levies after court cases, or penalties after tribunals, issued to companies for practices and behaviour that led to the breaking of laws used to be tax deductible. That tax deductibility element is finally being ended right now.

It was promised in the budget speech and never happened. We forced it at the industry committee so that it would be tabled back in the House of Commons and in Bill C-33 the government finally agreed to reintroduce that legislation. We now are going to see that very important aspect. It is just unbelievable that in this day and age a company can be fined and at the same time claim it back at tax season as a business related expense.

I am sure that a lot of Canadians who have paid a traffic ticket or a parking ticket would like to be able to claim it at the end of the year and get some of it back. Why companies could do it forever, I have no idea. Since 2002 it has taken three years to get this corrected. We are very pleased that we have been able to push that victory, because there is no sense in increasing fines if people are going to get more taxes back. Why the government would shovel money their way, we have no idea, but that has finally ended.

We are going to be looking at the impact of the bill on charities. Charitable organizations often derive many of their proceeds from calling. It is important to note that there are going to be provisions whereby they would be able to work with this legislation. We want to make sure that it does not eliminate or block the ability to do telephone solicitation for specific purposes.

We will hear at committee about some of those purposes. Right now, for example, political parties are not on the call list, which creates a big complication for reaching out to voters and also reaching out to individuals for volunteerism, which often happens through the party systems we have right now. These are things that will have to be discussed to ensure that there will be the ability for people to make contact.

It will be good to hear from the charitable organizations about the do not call list. I know that a number have already called in to express their concerns about a few issues but also with some support if it is done appropriately.

● (1520)

There has also been an impact on businesses, which are very much concerned, and we like to hear their issues. One person wrote in from Beautyrock Inc.. The person was concerned about the do not call list and also the violation of the Charter of Rights and Freedoms. In fact, the submission actually stated, “I think Mr. Trudeau would jump out of his grave if he thought individuals and businesses would be shut out from tooting their own horn.” That is in terms of an expression related to that opinion on the Charter of Rights and Freedoms.

I think it is important for us to hear from those businesses that are going to make claims about and will have some expertise in understanding what this legislation will do to them and their employees. At the same time, I think we have to go back to what is really important here at the end of the day and that is for persons to be able to control the environments they are paying for, that is, their homes. People do have and should have the control element in order to have privacy.

That is why we are in support of moving this to committee. We believe we can work out this file's smaller details to ensure that people can enjoy their privacy and that charitable organizations and groups can still enjoy the fruits of their success through campaigning.

● (1525)

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I am pleased to rise today to speak on the referral stage debate of Bill C-37, an act to amend the Telecommunications Act. The goal of the bill is to create the right regulatory environment for sensible, smart telemarketing. We want to safeguard the privacy of Canadians and their right to choose with whom they wish to communicate.

Bill C-37 deals with unsolicited telemarketing and proposes to create a national do not call list. Such a list, administered by the CRTC, is preferable to other more regulatory approaches. Through the bill, the government is taking steps to give Canadians an effective and easy way to curtail intrusive telemarketing and protect their privacy.

Canada is not alone in facing the challenge of balancing the wishes of consumers with the needs of the telemarketing industry. I would remind the House that telemarketing activities span a very broad spectrum, from legitimate commercial enterprises with existing customers to fraudulent calls that prey on seniors and the unsuspecting.

Legitimate telemarketers and the marketing industry require an environment where they can conduct their business in a way that is acceptable to most Canadians. They have asked for a regulatory environment where their integrity is not undermined by the activities of the less scrupulous telemarketers.

The bill before us creates a model that would promote a positive atmosphere for legitimate businesses to undertake commercial communications within a well regulated structure. The amendments would strengthen the role of the CRTC under the Telecommunications Act with respect to the regulation of telecommunications facilities for unsolicited telecommunications to prevent undue inconvenience or nuisance.

Public opinion polls tell us that unsolicited telecommunications have become an inconvenience and a nuisance for many Canadians. In fact, during a survey conducted in 2003, 97% of respondents reported a negative reaction to unsolicited calls, with 38% saying they tolerate the calls, 35% reporting being annoyed by them, and 24% saying they hated receiving them. The majority of respondents, nearly four out of five, supported the creation of a national do not call list. Some two-thirds indicated they would likely sign up for a do not call list service.

I would like to remind the House that the CRTC imposed limitations on telemarketing in 1994. These limitations included a requirement that telemarketers maintain individual do not call lists. This provision, however, required consumers to enlist with each telemarketer separately, and there may be hundreds of telemarketers. The consumer has no way of knowing when his or her number may find its way onto another telemarketing list. It is not surprising, therefore, that many consumers consider this practice unsatisfactory.

Earlier this year, however, the regulator rendered Telecom Decision CRTC 2004-35, "Review of telemarketing rules". In this decision, the CRTC concluded that a national do not call list had considerable merit and recommended a do not call list as approach that is preferable to other regulatory approaches. In its decision, the regulator also noted that changes to legislation would be necessary to enable it to operate a do not call list effectively.

What is required?

The bill before us would enable the CRTC to do three things: first, impose fines for non-compliance; second, establish a third party administrator to operate a database; and third, give the ability to set fees to recover costs associated with maintaining the list.

When the bill has been passed, we expect that the CRTC will undertake consultations to find an administrator of the do not call list. It will also determine how the list will operate and how much it will cost.

The CRTC will also consider whether any types of calls should be exempt from the do not call list.

In particular, I would like to make a recommendation that was raised by one of my constituents of Don Valley East. At all hours of the day and night he is harassed by unwanted fax transmissions. Similar to unwanted telephone solicitations, unwanted faxes can be equally intrusive and a waste of paper in home offices.

● (1530)

When the CRTC announced interim rules on telemarketing as a result of telecom decision CRTC 2004-35, the industry stakeholders maintained that these rules imposed too high a regulatory burden. The industry itself prefers a national do not call list. The CRTC has stayed its interim rules and awaits the passage of this bill before implementing a new regulatory regime.

In fact the industry may become more efficient and productive as a result of the creation of a do not call list. This would eliminate calls to individuals who do not want to be contacted and thereby reduce the number of unsuccessful calls. By passing the bill we would enable the CRTC to move forward on this issue.

Telemarketing has become more and more pervasive. There is no sign that it is going away. The inability to control a telemarketer's access to phones in our homes and businesses has become a source of frustration for a large percentage of Canadians. With this bill we provide the CRTC with the necessary tools it requires to enforce a national do not call list. In that way we give Canadians an easy and effective way to curtail intrusive calls. We will take steps to protect their privacy.

I urge hon. members in the House to support the bill.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I am pleased to rise today to speak in support of Bill C-37, an act to amend the Telecommunications Act.

This is a bill that responds to the needs of Canadian consumers. They are fed up with unwanted and unsolicited telemarketing calls. I am sure that every member in the House could give anecdotal evidence of the frustrations felt by our families, friends and neighbours. Many of us could speak from personal experience. Everyone can tell a story about being interrupted by telemarketers in the middle of dinner or in the midst of putting the kids to bed or some other quiet time.

[*Translation*]

There are times when we are willing to listen to people who want to sell us something, or want us to donate to a worthy cause. There are other times when these pitches are intrusive and a nuisance.

But we no longer need to rely upon anecdotal evidence to tell us what Canadians think about telemarketing. In 2003, Environics conducted a survey on consumer attitudes toward telemarketing, and 81% of respondents reported receiving unsolicited calls. On average, respondents received 3.43 unsolicited calls per week.

[*English*]

Of those consumers who receive at least one call per week, 44% are more likely to report receiving calls from charities; 24% report receiving calls from firms they have done business with in the past; and 27% report receiving calls from firms with which they have not done business.

Hon. members will not be surprised to learn that many Canadians do not like receiving unsolicited telemarketing calls. The poll tells us that 38% tolerate them; 35% are annoyed by them; and fully 24% say that they hate them. In fact, some 14% of the people Environics polled reported that they had tried to make a complaint regarding an unsolicited call.

Among this subgroup 39% indicated that the complaint was resolved. A significant majority, 59%, said that their complaints were not resolved. This is an indication of a system that simply does not work. When nearly three out of five complainants state that their complaints were not resolved, we know that there is something wrong with the framework laws that govern telemarketing.

It is time to present some accountability and consumer response to the telemarketing rules. That is precisely what the bill does. It provides Canadians with an effective, easy way to curtail intrusive telemarketing and establishes the authority to set fines against those telemarketers who ignore the rules.

At the heart of the bill is the government's decision to create a national do not call list. The Environics research indicates that 79% of those surveyed would support a national do not call list, and 66% likely would sign up for the service.

● (1535)

[*Translation*]

The bill gives the CRTC the authority to set up an arm's length administrator for that list, and the authority to fine those telemarketing companies that persist in calling people who have registered on the list. The bill also provides the CRTC with the authority to establish fees to recover the costs of maintaining this system.

Once this bill has been passed, the CRTC will undertake public consultations to work out the implementation details. It will seek public comment on what types of organizations should be required to use the do not call list, and on who should pay for the operation of the list.

[*English*]

To get an idea how this system would operate, we need only look south of the border to see how a comparable system in the United States works. Media coverage has made the Canadian public well aware of the success of a national do not call registry to regulate telemarketing there.

In the U.S., telemarketing businesses are required to register with a regulator. A minimum of once every three months they must download an updated list of registered telephone numbers. These registered telephone numbers will come from consumers who have requested to not be called. The telemarketing businesses are required to delete any registered do not call telephone numbers from their call databases.

In Canada there would be penalties for telemarketers who violated the do not call list. The penalties would be $1,500 per offence for a person and $15,000 per offence for a corporation. The CRTC's decisions to impose penalties would be subject to review by the CRTC itself and may be referred to the Federal Court of Appeal.

Consumer groups, including the Public Interest Advocacy Centre, already favour the creation of a national do not call list. We know that 79% of those surveyed by Environics also said they would be in favour of a national do not call list. I am sure that if hon. members canvassed their constituents they would find them solidly in favour of a national do not call list.

I know that many of my colleagues on the other side of the House have also favoured this approach to regulating telemarketing. I especially want to acknowledge the work done on this issue by the hon. member for Vancouver Island North.

Occasionally the House has the opportunity to do something good, something great, for many Canadians. Sometimes these issues have enormous magnitude, such as improving the quality of our health care system, or ensuring that Canadians from low income families have an opportunity for higher education. However, I venture to say that there are few bills that would receive such widespread support as the one we are debating today.

It would create the right regulatory environment for sensible, smart telemarketing. It would safeguard the privacy of Canadians and their right to choose with whom they wish to communicate. For thousands of Canadians who may opt to register on a national do not call list, it would mean quiet evenings with their families free from commercial interruption.

I urge my colleagues to join me in supporting this bill.

● (1540)

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, it is my pleasure to rise today to address an issue that is of interest to many Canadians.

It would be safe to say that few people enjoy receiving a call from a telemarketer during supper hour. In fact public frustration with the persistence of ill-timed incoming phone calls has entered the realm of popular culture. I am not sure if members remember the *Seinfeld* episode where Jerry Seinfeld turned the tables on the telemarketer by saying he was too busy and asked the caller for his phone number so that Jerry might call him back during the caller's supper hour. This amusing sitcom moment illustrates the intrusion felt by many of my constituents when the phone rings as they are about to sit down for dinner or do something with their children. Someone is either trying to sell them something, probe them for information, or leave them listening to a recording.

Clearly the Conservative Party and I as the representative for the riding of Saskatoon—Humboldt do not support such invasions of privacy.

Let me say that the principle of this bill, the underlying goal, is very good. However the do not call legislation under discussion has some serious problems. Legislation that is flawed but good in principle must be amended. It is typical of the government to produce such legislation.

As has been pointed out too often in the past, Liberal governments try to deal with important issues by designing half-baked solutions. Ask any farmer in my riding about the prospect of losing their land without guaranteed compensation under the Species at Risk Act and members will get an idea of what I am referring to by poorly crafted laws.

Let me pause for a moment in order to say one thing about the Species at Risk Act to illustrate the problem of poorly thought out legislation. If only the federal government had had the presence of mind to work with farmers and ranchers, the protection of wildlife habitat could have taken a quantum leap forward across this country. We in the Conservative Party recognize that our farmers and ranchers are stewards of the land. They are quite willing to preserve the habitat, to cooperate with groups such as Ducks Unlimited Canada, yet the Liberals in their anti-rural and often unthinking way with their legislation showed evidence of not following through on the details. In bills like the Species at Risk Act the devil was in the details, as it is with this legislation.

Bill C-37 is poorly drafted legislation because the bill is very scant on important details. Bill C-37 would allow the Canadian Radio-television and Telecommunications Commission, the CRTC, to create a national do not call list. The CRTC would be empowered through Bill C-37 to hit telemarketers with substantial penalties. Bill C-37 does not spell out how this national do not call list would be maintained. There are no details in this bill concerning what information would be required from consumers to build the list into an effective database. There are no details in Bill C-37 setting up how telemarketers would check the do not call list in order to comply with the law. There are no details in Bill C-37 setting out how often telemarketers would have to check the list to be operating within the law. These are all important details, and details can change legislation.

In summary, under Bill C-37 telemarketers could be fined $1,500 per offending call, for individuals. The penalty for corporations that do not respect the do not call list is $15,000 per offending call. However there are no details in Bill C-37 setting out how telemarketers would check the national do not call list in order to comply with the laws.

In addition Bill C-37 does not explain who would have access to the do not call list. Imagine that, a national database of telephone numbers, callers' names, and who knows what other information provided by callers, and there are no legal parameters spelling out who has access to this information. We must be sure in this legislation that we do not, in seeking to protect privacy, end up invading privacy even more severely.

● (1545)

To top this all off, Bill C-37 does not have any reporting requirements on how the list is being run. Let us consider the implications of this. It would be a massive database with no reporting requirements. It is rather odd that there is nothing in Bill C-37 about these reporting requirements.

I thought the Prime Minister was going to have more government transparency and accountability as hallmarks of his government. Apparently, the timely reviews of government programs are not a priority of the Liberals. We need to know the details. We need to have proof up front about how the bill would work.

Too often we have seen that there are promises made and they never seem to be delivered. As another example of other government activities, I point to what my colleague from Edmonton—Leduc is still waiting for, a full review of Technology Partnerships Canada. It is a review that has been promised to be undertaken by three industry ministers.

Canadians watching this debate will be pleased to know that the Liberals have strived to recover a stunning 5% of the $2 billion in Liberal taxpayers' money spent on TPC since 1996. The government is following up this excess with the national do not call list, with no reporting requirements. Promises must be spelled out so that promises are kept.

We think of another registry, the national gun registry, a $2 million program that ballooned to $2 billion. Now the Liberals want to create another mega database of information, allowing the CRTC to create and regulate a do not call list as it sees fit.

Will the do not call list turn into another gun registry in terms of costs and management? I certainly hope not, but with this government, it is more than possible. Is the creation of a do not call list, its administration and enforcement including the penalty phase, within the CRTC mandate?

Finally, I want to talk about the bill's effect on charities. There are no exceptions in the bill for charities or companies that wish to have a relationship going on between themselves and their current existing clients, whether it is a charity or other groups that use the telephone to contact their members or clients.

In addition to a wide range of charities, this group could include telephone survey, polling companies and political organizations such as parties. Many charities and not for profit organizations rely on telemarketing campaigns. Without proper thought, exemptions for charities, Bill C-37 is going to severely restrict the good that a lot of groups do for our fellow Canadians, and people abroad like tsunami victims.

Personally, I do not know what the Liberals have against charities and volunteer groups. They drew up Bill C-21, the Canada not for profit corporations act, a bill which places a heavy burden, a continual bureaucratic burden, on not for profit corporations to keep up with all the reporting requirements stipulated by Industry Canada.

The legislation has been described as very detailed and technical, even by officials at Industry Canada. Bill C-21 is thick with regulations. Volunteer groups and service clubs will have to change their bylaws and their constitutions in order to comply with this new act. The legislation with its long list of requirements would make it harder to attract good volunteers and good directors for not for profit organizations.

Now the Liberals have brought forward Bill C-37 without any exemptions or exceptions for charities. What we have here is another Liberal example of symbol over substance. The PMO is quite happy to have a photo op showing the Prime Minister drinking purified water by the DART members, quipping meanwhile that he needs a little scotch while the troops are in, of all things, a dry camp.

While the Prime Minister is touring tsunami ravaged areas, the Liberals back here in Ottawa are pushing forward legislation that would hurt charities and not for profit groups to raise funds for others. I hope this is pure thoughtlessness.

A do not call list of some fashion would provide relief to people across our country who do not want their family time, their meals or TV programs interrupted by someone on the other end of the telephone selling some unsolicited service. I support the principle involved, but I believe the details need to be adjusted.

● (1550)

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I am very pleased to speak today on this bill to amend the Telecommunications Act. Let us first recall the purpose of this bill. We all know what telemarketing is. What it means, in concrete terms, is that our phones ring on Friday night, or Saturday morning, or during the week, with offers to sell us the best product in the world. Often we are not very interested because we already have all the services we need.

For example, if we have just renewed our insurance policies, someone calls us to propose insurance services on a Friday night, while we are entertaining or busy with the family. If there were a way to avoid being interrupted by such calls, many people would jump at the chance. A poll by Environics, in fact, reports that 79% of Canadians say they would support a Canadian do not call list, and 66% indicated that they would subscribe to such a service. In other words, two out of three people would like to be removed from the list so they were no longer bothered by such calls.

In the United States, both legislation and practice have been developing and show interesting results on what they also refer to as a do not call list. For example, it is reported that the first year this law was in effect, 62 million Americans put themselves on the list, and there were 428,000 charges laid against offending companies. Thus, there is a way to create a means to take care of this problem.

We have already seen such things in other sectors where it was easier, such as the distribution of advertising flyers every week in the Ad-Bag. If we do not want them, they are not left at our door, and the address is corrected.

In telecommunications, we are not yet at that level. Now we even have automated telemarketing. A machine calls you up, talks to you, bothers you for several minutes. You have to answer that machine's calls. Personally, I am not very interested in getting calls from machines. Moreover, when the calls are about subjects we have no interest in, we absolutely need a way to correct the situation.

However, in the bill that was introduced and in favour of which the Bloc Québécois will vote, there are still elements that are quite imprecise. For example, the bill does not specify any exclusion provision about the list of calls that would not be allowed and those that would.

We would like not-for-profit charitable organizations to be excluded from this list. We have seen this during the most recent international events. I think that it may be appropriate not to take away this tool from organizations that are really charitable, that seek to collect funds for international aid or aid in our communities to fight poverty. However, this must be well regulated to ensure that people will not do indirectly what they could no longer do directly.

We should thus ensure that organizations that are exempted have all the necessary authorizations and permits and that they are indeed charitable organizations. There are also political parties. For the quality of democratic life, it would be important that they be exempted from this list. The same goes for business contacts, that is, we call someone, we have already established a contact and they call us back. This must be specified as much as possible so that we have an operational law that will have the desired effects.

The bill would allow the Canadian Radio-Television and Telecommunications Commission to administer databases for the purpose of its power under section 41, namely the power to:

> —prohibit or regulate the use by any person of the telecommunications facilities of a Canadian carrier for the provision of unsolicited telecommunications to the extent that the Commission considers it necessary to prevent undue inconvenience or nuisance, giving due regard to freedom of expression.

I think we will also have to ensure something else. There are many call centres located outside Canada, and even outside North America. We sometimes receive calls from all parts of the world and we must get in touch with them. We will have to ensure that the provisions dealing with this issue in our legislation are sound and strict.

Indeed, if we were to prohibit Quebec or Canadian companies from doing this, but they could still do it indirectly, through branches in the United States or elsewhere in the world, we would not gain anything. We would only, once again, help the moving of our jobs out of the country.

We must ensure that there is adequate protection to deal with these issues, and that the procedures to prosecute these companies are very clear, so that we do not become entangled in legal battles.

● (1555)

The CRTC is known for the studies it does and the permits and licenses it issues. These sometimes take a lot of time. We should make sure that, when it implements this bill, the CRTC shifts into high gear, and that it has the resources to execute its mandate. It should also follow up the implementation of this bill, and make sure this follow-up is different from the one on complaints about licenses and permits so as to avoid getting mired in a multitude of complaints.

During the first year, in the United States, 428,000 complaints were filed against non complying companies. In Canada, if we had only 42,000 or 40,000, we should be able to handle them if we are to provide adequate service. If somebody is on the do not call list and still gets calls, and if he files a complaint and the situation is not corrected, this service will be counterproductive.

We must make sure this system is foolproof, operational and efficient and that penalties are tough enough to completely dissuade companies from engaging in this kind of activity when they know it is prohibited. If a company sells high value products worth $100, $200, $500 and the fine for an illegal call is $3 or $5, it will soon figure out that, with the high price of its products, it is worth taking a chance and act illegally.

So, there must be a sufficiently detailed consideration in committee. The principle of the bill is acceptable to us and we agree to support it. However, the Bloc Québécois hopes that the work in committee will allow a sufficient number of amendments to be made so as to have a real impact and ensure legislation that will truly meet the industry's current and future needs.

We see how fast the telecommunications sector is changing. Often, the regulations are outdated with regard to existing telecommunications. The legislation we pass in third reading must be as current as possible with regard to known future telecommunications. We must ensure that there will not be any problems in this regard.

The bill before us is a welcome one. It corresponds to the kind of action the public mandated us to take when it elected a minority government, in other words to correct things that were inadequate in the past. Often, in such cases, lobbying by companies was much stronger than by the public. In contrast, the fact that there is a minority government means that lobbying of the government by individuals carries more weight. This must be brought to the fore.

We have here a concrete example of a positive result. We hope we will see similar results in the government's next budget. Here again, it must contain elements presented by the opposition parties and which the government will have adopted as its own. A number correspond to commitments it made during the election campaign. Often, the day after an election, a majority government forgets the commitments it made. A minority government, however, is obligated to keep its promises, otherwise it goes back before the electorate and could pay the price.

The government still has to prove itself through its actions. In the field of telecommunications, specifically telemarketing, this is a step in the right direction. We hope that consideration in committee will ensure that the real objectives of the government and this House are reached and that the relevant amendments will be made. The Bloc Québécois will collaborate to ensure that this goal is reached.

Hon. Paddy Torsney (Parliamentary Secretary to the Minister of International Cooperation, Lib.): Mr. Speaker, I am very pleased to speak to Bill C-37. It was very important that the minister introduce this bill. I was quite surprised, during this debate, to hear the member for Saskatoon—Humboldt.

● (1600)

[*English*]

Saskatchewan is one of the provinces that has been leading the way in assisting consumers to put themselves on a list. SaskTel has a specific service to aid consumers who want to stop these unwanted calls.

Let us be clear. The telemarketing industry is an important industry in Canada. It has a very legitimate place in the marketing grid. Marketing is important. Marketers have to get their product to the right people at the right time and in the right place, but they want to ensure that they do not annoy customers. All of us as members of Parliament have heard from constituents who are spending precious time with their families, trying to instill good values and have some quiet time, yet are being inundated by callers. They need a do not call registry.

The other day I was helping out somebody who had been away for a couple of days. I opened the individual's voice mail and found that seven out of ten calls were from unwanted telephoners. They are the kind that I want the minister to include in the legislation, the kind that are dumped in, as somebody mentioned earlier, to the voice mail system.

Telemarketing is important to our country. It provides important jobs. It is important to the business community. That is why the business community particularly supports the bill. The Canadian Marketing Association and I have been working on this. My private member's bill, Bill C-520, was introduced in the last Parliament and enjoyed support from consumer groups and businesses. They want to clean up the industry.

Right now they are maintaining, as individual companies, a whole series of registries to avoid calling people who do not want to be called by these individuals. It will be cheaper, more effective and more efficient, particularly for Canadians, to have one do not call registry, one that would list their names, addresses and phone numbers in case there are two people living in the same location sharing a phone number. It has to be specific to the individual and to the address in case phone numbers are reissued to other individuals.

The member for Saint-Léonard—Saint-Michel also has a private member's bill in Parliament on this issue. I would encourage the members of the House to vote for Bill C-37 and for the private member's bill to ensure that both bills are considered and that the details of how we deal with the registry, how we instruct the CRTC to consult on this, and I hope they will do it forthwith, will ensure we get a call registry up and running as quickly, as efficiently and as cheaply as possible. One registry for all Canadians will make sense.

The member for Saskatoon—Humboldt talked about exemptions. My bill exempted charities, and I believe they should be given that exemption. It should also make an exemption for businesses that are calling current customers. Let us face it, that makes sense.

I was telemarketed by the *Globe and Mail*, which I am a subscriber to on Fridays and Saturdays in my constituency. It called me with a great offer for the Sunday *New York Times*, a legitimate, perfectly positioned telemarketing call. It was on the money. I was happy to hear from it and to get that service. To have continued to call me when I did not want its services, would have been a bad business practice. The businesses in the first case should be exempt, but in the second case they had better be sure to take off customers who do not want to hear from them.

There has been a lot of discussion about the need for this bill. I encourage all members to participate in it. Again, we need to recognize that there is some concern in the industry from those who are operating call centres in all our constituencies. If we can single out the calls that are on the money and that are directed at the right people, it is more efficient and more effective, rather than all the noise coming at people right now.

It is the same thing with direct marketing and the flyers that come in our mail. We will see the ones we want to see if we clean up the industry. I had a private member's bill that good pieces of consumer protection legislation, which were adopted by the minister of industry of the day, in this case a do not call registry in the last run through of the Competition Act, to ensure that we cleaned up and had the highest standards for Canadians and that we ensured the industries that were marketing, marketed effectively. They are important.

We have an example, as the Bloc Québécois member mentioned. He talked about how important it was to look to our neighbours to the south. They have had this registry for a number of years. They still have a vibrant telemarketing industry. They still provide an opportunity for people to market through the use of the telephone. More important, there is an opportunity for consumers to take their names off these lists and to be protected so they can have quiet time and not be harassed by nuisance calls.

● (1605)

When the CRTC does this consultation, I want to be sure that it includes, contrary to what its most recent ruling was, the kind of calls that dump a message into our voice mails when we are not there. This type of call is causing great concern, particularly among a number of constituents who do not understand how they necessarily work, especially when a person receives a call from a moving company. It is a bit disconcerting when a person has not heard the phone ring and all of a sudden the company is trying to move that individual out of his or her place of residence. We have had concerns from constituents who are not quite sure what this is.

For anyone who is exposed to the possibility of dealing with the experiences of loved ones in some early stages of dementia, it can be extremely disconcerting. We need to protect consumers.

Some of the calls that are more harassing in nature are also a real concern to me. Again, guidelines by the industry are important. However, not everyone in the industry follows the guidelines.

Under this system, everyone will have to follow the guidelines or there will be punishments. In the minister's bill there is an infraction per call per day. In my bill there were very strict penalties: $25,000 on a summary conviction, a maximum or an imprisonment of six months or on an indictment, a fine of not more than $1 million or imprisonment to a term not exceeding five years.

It is important to ensure that we clean up the industry. We must have everyone follow the same rules. We have to ensure that people are not harassed into giving money or buying products for which they are not interested. However, we know they become quite intimidated by the callers. As I said, yesterday seven out of ten calls were an annoying waste of my time and that of the individuals.

There is also the ability for people to fax when we are least expect it. That costs money. It costs money for the cartridges and paper for the fax machine. Those companies too must follow these guidelines. I send back the faxes, just as all the members of this House have, and ask to have my name removed from the list. However, I still manage to get them.

Before the legislation goes through this House and the Senate, I want CRTC to begin consultations. Canadians are ready for the bill. We have a need for the legislation. We need protection of consumers. We need to ensure that telemarketing and other forms of marketing are as effective as they can be.

Why not set the highest standard possible? Why not have one system for the whole country? Why not make it easy for people to follow through on this?

I have received a fair bit of correspondence on this. SaskTel has a system where a person can get a tracing of the numbers that have called. That will be an important piece of this, to ensure that when we take our names off a list, we will have those convictions. If we are to have those high standards, we need the ability to track from where the phone calls come.

Ironically, I called a telemarketer who had called the number I checked yesterday. Unfortunately, I had to call another set of numbers to remove those calls. That is more time and money. They were long distance calls for me.

Finally, ironically, like most people in this House, I am never home. I rarely receive telemarketing calls. Lately, however, I have been inundated. I would ask those telemarketers to take my name and phone number off their list. I am happy to buy their products, but only if I they do not call me.

This has been interesting. As a consumer, I am interested to hear what my constituents are subjected to on a regular basis. I get a lot of hang ups because I am not there.

Also, as a member opposite mentioned, we are put into a locked in system that ties up the phone line. This has implications for people who have emergency situations. It has implications for those of us who have people trying to reach us. We need to clean up this industry with one easy registration system for constituents across the country.

I commend the Minister of Industry for getting this legislation to the House. It is important consumer protection. I hope the bill will proceed to committee as quickly as possible and that it will look to other examples of private members' bills that address the issue as well.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I am pleased to rise today on behalf of the constituents of Fleetwood—Port Kells to participate in the second reading debate on Bill C-37, an act to amend the Telecommunications Act.

The bill would enable the CRTC, the Canadian Radio-television and Telecommunications Commission, to establish and enforce a national do not call registry similar to ones already existing in the United States and Great Britain. Bill C-37 would also give the CRTC the power to levy substantial penalties against telemarketers and to contract with a private sector third party to operate the service.

I want to support the concept, but the bill does not get it right. The bill, consisting of a measly five pages, is extremely light on details. It tells us nothing about possible exceptions to the list, how the list would be maintained, how telemarketers would check the list, how often they must check the list, who would have access to the list or any reporting on how the list would be run. All these crucial details are left out of the regulations.

The telemarketing industry employs more than 270,000 Canadians and $16 billion worth of goods and services are sold over the telephone in Canada annually.

The industry is important to the livelihood of many of my constituents. Last year, U.S. financial giant JPMorgan Chase & Co. became the latest company to set up a call centre in Surrey when it opened a customer service centre employing over 800 in Surrey City Centre. Call centres have added substantially to Lower Mainland employment levels in the last few years.

In addition to JPMorgan, RMH Teleservices Inc. now employs 1,800 workers in North Surrey, with plans to add staff this year. In August 2003 eBay announced plans for an expansion of its Burnaby call centre from 200 to 1,000 jobs within two years.

There are currently an estimated 14,000 call centre jobs in total in greater Vancouver. The centres hire numerous entry level workers. In addition to the mostly front-line clerical staff who earn from $9 to $13 per hour, they also hire supervisory, management, sales and information systems staff.

It is unclear what impact a national do not call registry would have on the Canadian telemarketing industry. The impact will depend in part on any exemptions that may be given.

In the U.S., industry officials expect more than one-third of workers will lose their jobs within the next two years under that country's do not call rules.

Already Canadian regulations require individual telemarketers to keep a do not call list and respect requests for three years. However, most people have not been aware of this fact and they just hang up when they hear a telemarketer on the line. If they remain on the line, the telemarketer will ask whether the consumer wants to be excluded from all lists maintained by the telemarketing agency, not just from a list used for a particular client. This was started last fall.

The Canadian Marketing Association, which 800 corporate members include Canada's major financial institutions, insurance companies, and charitable organizations and which has been a vocal supporter of a national do not call list, has operated its own mandatory do not call service for its membership since 1988. The list also restricts the number of marketing offers received by mail and fax and now includes more than 450,000 phone numbers. The list has little legal bite, even less publicity, and is currently only adhered to by 80% of telemarketers who are association members.

The American do not call list came into force on October 1, 2003. Millions of Americans have signed up since then and the registry now includes more than 62 million registered telephone numbers. Any telemarketing company that calls one of these numbers can be fined as much as $11,000 per call.

However, the American legislation exempts some of the biggest users of telemarketing, for example, long distance phone companies, airlines, banks and credit unions, insurance companies, charities, pollsters, political organizations. Also, the do not call list can be ignored if the company already has an existing business relationship with its client. With all those exemptions, I am not quite sure whom Americans will be avoiding by signing up for the registry.

● (1610)

The CMA, along with the Canadian Bankers Association, argues that the current regulatory regime put in place by the CRTC is costly, ineffective and too broad. They want the regime scrapped and replaced with a U.S.-style do not call service. Besides requiring do not call lists, the CRTC also now requires callers to first identify themselves and the entity they represent and to offer a toll-free information line to be staffed during business hours, all before the sales pitch begins.

The CMA and the Canadian Bankers Association feel these regulations should not apply to a company's existing customers. CMA president John Gustavson suggests that these regulations would be bad for industry and would help make customer frustration fester.

Bill C-37 would do little more than allow the CRTC to establish databases, make orders regarding databases, delegate those powers and enforce those powers with financial penalties. The legal text on the penalties is far more extensive than the text on the databases that may be created.

The details on the operation of the do not call list are left entirely to the discretion of the CRTC. I consider this an affront to Parliament. As members of this chamber, we should be debating more than the mere idea of a bill. We should be considering the details of the proposed legislation as well.

We may agree with the idea of a do not call registry, but before we can support this bill we also need to know, for example, how or if the law would apply to charities and pollsters, how or if the law would apply to candidates who attempt to contact voters during an election campaign, whether the law would apply only to live sales pitches or to recorded messages and faxes, and what charges are to be paid by telemarketers to access the database.

The whole question of money is of particular concern. The government claims the registry would be self-financing, but it provides no further details. We must be mindful that the do not call registry does not become another gun registry in terms of both cost and management. My constituents are fed up with telemarketers calling them but do not want another $2 billion fiasco either.

As a consumer, I do not like receiving these calls from telemarketers. A do not call registry offers consumers a tool with which they can protect their homes against intrusions which are particularly invasive. Simply put, it gives consumers an option.

As parliamentarians, we must safeguard personal privacy and reduce the danger of telemarketing abuse. However, this must be done with clear legislation that spells out exactly how a do not call service would work, including any exemptions and how much it would cost taxpayers.

Bill C-37 is short on details. Almost everything is being left to the regulations. It would be irresponsible for me as a member of Parliament to allow this bill to pass in its current form. I will therefore be opposing this bill unless it is significantly amended to provide the full details of the proposed list.

● (1615)

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I am pleased to rise today in support of Bill C-37, an act to amend the Telecommunications Act.

Consumers will no doubt welcome a bill designed to give them an easy, effective way to curtail intrusive telemarketing. Many may turn to the do not call list as a means to preserve their privacy.

But what about the impact of this bill on the telemarketing industry? What about its impact on the call centres that provide jobs for Canadians? If this bill is such good news for consumers, does it spell bad news for the industry?

Canada has become one of the key locations for call centres. Canada's established reputation in the call centre industry is due to its highly skilled, multilingual personnel. Other advantages include excellent telecommunications infrastructure, competitive labour costs and overall lower business costs.

Many companies have located their call centres in Canada to take advantage of these opportunities. According to a 2004 customer contact centre study, there are more than 6,000 call centres in Canada employing 360,000 call centre workers. Between 2002 and 2003, an estimated 128 customer contact centre deals or expansions were made in Canada, creating 40,000 new jobs.

Are these jobs at risk if the CRTC implements a national do not call list? To find an answer to that question, I think it is important that the House understand the changing nature of the call centre industry. I would like to review the difference between outbound and inbound telemarketing.

Some call centres make so-called cold calls to potential customers, customers with whom no previous relationship exists. As I am sure my colleagues who have ever received a call from such a telemarketer will appreciate, these salespeople go through many no responses before they get a yes. That is the nature of cold call marketing. They must make many calls where the answer is negative before they find someone on the other end of the line to answer that they are interested in the product or service being offered.

The chances of getting a yes improve significantly if these outbound sales people are working on a list that does not include the people who explicitly state that they do not want to be called. This is an effective way to reduce the number of unsuccessful calls and thereby increase the efficiency and productivity of the people in the outbound sector of the telemarketing industry.

In fact, the Canadian Marketing Association itself sees the creation of a national do not call list as a preferable form of regulation to the alternatives.

For example, under the current regulation, individual telemarketing companies must maintain their own do not call lists. This current system makes no one happy. Telemarketers are not happy because maintaining such a list is an administrative expense. Consumers are not happy because even if they register on one company's list, they are still going to be pestered by scores of other telemarketing companies.

The creation of a national do not call list will present a more cost effective and efficient way of regulating the industry. Consumers will opt into it. Telemarketers will pay to subscribe to it, thus supporting its maintenance.

There are also significant changes taking place in the call centre industry, which make the do not call list approach well timed. A transition to inbound calling is underway. Call centres for this new kind of telemarketing are called customer relationship management contract centres. These call centres make up the vast majority of the industry today. This fast growing sector consists of customer order and catalogue sales, assistance for online sales and service centres for handling inbound calls.

The bill before us would have no impact on inbound calls.

Perhaps it is useful to consider what has happened to the industry in the United States, where a national do not call registry has been in effect for more than a year.

In the United States, the percentage of outbound calls from call centres as a total of their business has been decreasing for several years, since 1998, in fact, five years before the passage of do not call legislation. The percentage of inbound calls has been increasing.

A similar trend has occurred in Canada, with 90% of Canadian contact centres having an inbound focus while only 10% are focused on outbound calls. The nature of the call centres in Canada has already changed.

● (1620)

I believe we will see this trend continue once the CRTC puts in place a national do not call list. The call centres will be more focused on giving the people at the other end of the telephone line better service for something they already have rather than making cold calls to try to persuade them to buy something new. I believe this is a much more stable business case on which to create jobs.

We want a regulatory environment where consumers have more control over who contacts them. We want a regulatory environment where a telemarketer that implements a well developed business plan will be able to succeed. That is the balance that is struck in the bill.

I encourage the House to support this legislation.

● (1625)

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I am very pleased to rise today on behalf of the constituents of Newton—North Delta to participate in the debate on Bill C-37, an act to amend the Telecommunications Act.

This bill would enable the CRTC to establish and enforce a do not call registry. Specifically Bill C-37 would amend the section of the Telecommunications Act that deals with telemarketers by adding the power to establish databases and to make any order with respect to these databases. This power may be delegated to any person, including a body created by the CRTC. The person or body exercising the delegated powers may charge fees which are deemed by the bill to not be public money. The bill also sets out financial penalties of up to $1,500 per offending call by an individual and up to $15,000 for a corporation.

This bill was first introduced in the last Parliament, but it died on the order paper.

All of us have received unwanted calls from people attempting to sell a good or a service. The telemarketer could be pitching the local newspaper, a credit card company, a cleaning service, a charity, or even a politician wanting one's vote. Sometimes we may welcome the call. It could provide useful information on a product or service we are interested in, but other times it is nothing but an annoyance.

Many members may have experienced receiving calls at very odd hours. Sometimes we receive calls when we do not want them. I have received calls at four o'clock in the morning, and when I have answered the phone I have heard a fax tone. The next time I have turned on the fax machine I have found that it was a telemarketer trying to promote some sort of service.

In my constituency office I often receive faxes promoting products or services, but members' offices are not even remotely connected with those products or services. Sometimes it is annoying and a waste of time. On the other hand sometimes it is useful information that people want.

My first job when I came to Canada was with a telemarketing company. I worked for a couple of weeks for that telemarketing company. I found out that the company was calling seniors in the U. S. to sell lottery tickets. It was a scam. The company was skimming them of money. Seniors can become addicted to buying things like lottery tickets. They probably lose more money than they would gain. I thought it was a very unethical practice and I immediately left that job because I could not do that.

A survey conducted by Decima Research, undoubtedly by telephone, found a large majority of Canadians, 75%, wants the federal government to institute a do not call list to protect them against unsolicited telephone calls from marketers. I agree with the survey. People do not want unwanted calls. I agree with the principle of the bill, but as members can imagine, like many other bills this is a poorly drafted bill with no substance, just an intent. It is very poorly managed, contains lots of hot air and things are not practical.

That survey also found that Canadians do not want to pay anything to be included on such a list. Sixty per cent of respondents said they would not want to pay for this service.

● (1630)

To much fanfare in 2003 the United States responded to the annoyance of unwanted telemarketing calls by establishing a national do not call list. Our government is now attempting to follow the American example, of course.

There already are do not call lists in Canada. The Canadian Marketing Association has been registering consumers on its do not call list since 1988. In addition the CRTC already requires that each telemarketing company maintain its own do not call list. Consumers can ask to be placed on that list. The only hitch is they first have to be called by the company. These lists must be maintained for three years.

The first thing we notice when reading Bill C-37 is that there is very little to the bill. Most of the details have been left to the regulations. As a result, we do not know if there will be any exclusions to the list, how much it will cost, who will operate the list and so on. These are very important details that deserve our consideration.

How can we do our job as parliamentarians if proposed legislation comes to us with so little detail? The government is asking us to give it a tabula rasa. Unfortunately, this is not without precedent.

Legislation inevitably comes to this House without the accompanying regulations. Much of the law that affects Canadians is not found in the *Statutes of Canada*, but in the thousands of regulations made pursuant to powers granted by the acts of Parliament.

Each year the federal government introduces about 1,200 new regulations. Since 1975 the government has made over 28,000 regulations. That is more than 122,000 pages of regulations.

The government introduces bills that lack substance, which are vague in intent, often incomplete and written just in general terms. The regulations follow the acts that we pass and those regulations sometimes contradict the intent of the legislation. Sometimes the regulations are completely off track. We in Parliament have no control once the legislation passes, but the accompanying regulations come from any angle contradicting anything or whatever it may be.

This leaves the door wide open to put through regulations that define our laws without the proper checks and balances in place. By doing so the Liberal government has effectively gutted the parliamentary process of accountability and transparency in the formulation of laws. Parliament is no longer at the centre of the law making process.

Twenty per cent of the laws that we see in the country are passed in this House. The remaining 80% come through the back door by way of regulations, which are neither debated nor subject to public scrutiny. For practical purposes the Liberal government rules, not governs, Canada.

As members of Parliament we passionately debate proposed legislation in the House of Commons. After debate we vote either yea or nay depending on the merit of the proposed law. Regulations receive virtually no debate in the House. We do not see them attached to the legislation that comes to the House or in the other place. There is no public study or input. There is even no media scrutiny. This is an affront to democracy.

The Standing Joint Committee on the Scrutiny of Regulations does only a limited scrutiny as per the limited criteria. Members of Parliament and senators on the committee, legal counsel and staff work very hard scouring through thousands of pages of dry, technical, legal subject matter. In this thankless job they are unable to review the legislation in many general terms because their mandate is restricted and limited.

As parliamentarians most of us want to put an end to the nuisance of telemarketing calls, but the bill is poorly drafted and does not deal with the substantial issues spilling over from it.

● (1635)

There are many problems in this country which probably should get higher priority. People can have alternatives. The government's priorities are wrong. Its modus operandi is wrong. Therefore, I cannot support this proposed legislation. I need more information in all honesty. For one thing I need to know how much this scheme is going to cost and there are many other pressing issues.

In conclusion, I agree with the principle, but to make it work, we need more information. I will not be in a position to support this legislation until it is amended.

The Acting Speaker (Mr. Marcel Proulx): 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: the hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup—Noranda Inc.

[*Translation*]

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, I am pleased to rise today in support of Bill C-37, an act to amend the Telecommunications Act.

First, I would like to take a few seconds to thank the member for Burlington for her excellent work in the past and for taking up this issue on limiting telemarketing calls.

In 1994, the CRTC introduced regulations restricting unsolicited telemarketing. However, under these regulations, people who do not want to be disturbed by calls from companies that want to sell them something may have to register on hundreds of lists maintained by individual businesses.

[*English*]

This is surely not a workable system. The bill before us creates a better regulatory environment by providing the CRTC with the tools to create one national do not call list. In its telecom decision CRTC 2004-35, the CRTC recommended that it be provided with additional powers to establish a national do not call regime. In the interim it established new rules to govern telemarketing, rules that reinforce the existing regime.

The telemarketing industry itself took exception to the new rules to reinforce the existing regulatory system. The Canadian Marketing Association, the Canadian Bankers Association and three telemarketers asked the government to suspend those interim rules.

I point out that the Canadian Marketing Association has operated a do not call service since 1989. Since 1993 participation has been compulsory for the CMA's 800 corporate members. Even though this voluntary registry tries to address the problem, Canadians continue to be dissatisfied with their ability to control unwanted telemarketing.

The Canadian Marketing Association itself requested that the government introduce legislation to provide a national do not call list. Some players in the telemarketing industry are asking for smarter regulation. The government has made smart regulation a priority, and this bill introduces smart regulation to the call centres of Canada.

Other countries have introduced new regulations to protect consumers from unwanted telemarketing calls. In 2003 the U.S. Federal Trade Commission launched a national do not call registry. Some 62 million Americans subscribed to the registry in the first year alone.

Last January an online survey found that the U.S. do not call registry had been remarkably successful. More than half of all adults said they had signed up and most of those people said they had either received no telemarketing calls since then or far less than before. This survey, conducted by Harris Interactive, estimates that on average those who subscribe to the registry have seen unsolicited calls drop from 30 calls per month to 6.

The operation of the U.S. registry is straightforward. Subscribers register their home telephone numbers, not their names, online or via a toll free telephone number. U.S. sellers and telemarketers are charged fees to access the registry. They have to check it every 90 days and to scrub names on it from their call lists.

● (1640)

[*Translation*]

For some types of calls, telemarketing firms are not required to respect the registry: calls to current clients, calls for the purpose of administering a survey or poll, and those made on behalf of charitable organizations. Telemarketing companies working on behalf of charitable organizations must, however, keep their own do not call lists.

The costs of the American registry are relatively low. A T & T administered the list in the first year of operation, and the cost was $3.5 million. Costs are recovered from telemarketers and other vendors from registry access charges. In the United States, consumers do not have to pay to be added to the list.

What is the situation elsewhere? In 1999, the United Kingdom passed legislative provisions creating a telephone preference service to protect people for unwanted telephone calls or faxes from telemarketers. They were amended in 2003 to include all telecommunications.

The restrictions the UK has imposed on the telemarketing industry apply to a broad range of activities, including the marketing of goods and services, but also the promotion of the organizational goals and ideals, including those of charitable organizations and political parties seeking donations or support.

The costs of the service are recovered from the direct marketing industry. Again, the consumer pays nothing.

In the end, the implementation of systems in other countries to protect consumers from telemarketing calls has proven a cost-effective means of protecting them from unsolicited telemarketing. The experience elsewhere provides us with examples for a Canadian system. The bill before us provides the CRTC with the tools it needs to establish a do not call list tailored to Canadian requirements. The CRTC will designate an independent administrator for the list.

It will also set up a system of fines. It will consult the industry and consumers in designating organizations to be exempted from the regulations.

[*English*]

The evidence is clear. Almost all parties and the CRTC itself recognize that current rules do not serve the interests of Canadians concerned with nuisance telemarketing. The industry finds that the CRTC's interim rules are unduly onerous and from coast to coast Canadians will applaud our efforts to provide them with relief from nuisance telephone calls.

I urge hon. members to support the bill and to refer it to committee. It is good news for our privacy and good news for Canadians.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, I rise in the debate of Bill C-37, an act to amend the Telecommunications Act.

I noticed from reading the bill that it does not have a short title. If it did have one the bill would be known as the control telemarketers act.

If we were to ask the average Canadian to make a list of life's greatest irritations, telemarketers would surely be near the top of that list. In fact, so hated are telemarketers that when America's Federal Trade Commission set up a national do not call registry in the United States, on its opening day the registration button on the website received 1,000 per second. Clearly there is broad public support for a do not call registry.

At the same time, one of the least popular government agencies in this country is the CRTC, seen by a growing number of Canadians as blind to the increasingly rapid changes in the telecommunications industry, archaic in its approach to regulation and unresponsive to the needs of Canadian citizens. This is the agency that the government would like to put in charge of our do not call list.

To many Canadians this would be like putting the folks who ran Enron in charge of our health care system. All Canadians want health care but they do not have a lot of confidence in Enron style management.

To make matters worse, the CRTC's own officials have said that the agency is not equipped to administer such a list and does not have the power to enforce it properly. Moreover, even if the CRTC were the appropriate agency to create a do not call list and had the muscle to ensure that its rules were respected, it is having trouble dealing with its current responsibilities.

The CRTC is currently under considerable fire for its revocation of CHOI-FM's licence in Quebec, its handling of Al Jazeera and Fox News and its total bungling of satellite television policy. Ask most Canadians what they think of the CRTC's ability to conduct meaningful consultations and the results are less than encouraging. Some will tell us that the CRTC's decisions are virtually meaningless and have no real effect. Only the CRTC would give an ethnic channel at category 2 TV licence and require it to provide Canadian content while imposing the obligation to convince a cable or satellite company to carry it.

We have seen ethnic TV being bounced back and forth between the CRTC and various committees of this House with no meaningful resolution to the debate. Few would say that the CRTC has not conducted consultations but the link between those consultations and concrete policies that benefit Canadians is often tenuous at best.

Therefore I draw no comfort from the Minister of Industry's December 13 press release in which he announced his intent to table this legislation.

In the release he stated:

> If the bill becomes law, the CRTC will then consult Canadians on the implementation of a national Do Not Call List. The Commission plans to start such a consultative process shortly after the bill is adopted by Parliament. Such consultations could include the question of whether any organizations should be exempt from a Do Not Call List.

However anyone who carefully reads Bill C-37 will be surprised to find that it actually contains no requirements whatsoever for the CRTC to consult with anyone. The operative clause would add a new section 41.2 of the Telecommunications Act, and essentially it reads:

> The Commission may, for the purposes of [setting up a do not call list],
>
> (a) administer databases or information, administrative or operational systems; and
>
> (b) determine any matter, and make any order, with respect to the databases or the information, administrative or operational systems.

The more one reads Bill C-37, the more one becomes aware of its purpose: to allow the Liberal government to take credit for dealing with telemarketers without actually having done anything.

In fact, Bill C-37 is a smokescreen. It suggests that an agency with a poor track record of public consultation may consult with the public. It could require an overworked agency to take on new responsibilities without any additional resources. It ignores the CRTC's own claims that the agency is not equipped to administer such a list and does not have the power to enforce it properly.

The English version of Bill C-37 is just two and a half pages long and uses the word "may" 20 times. The CRTC may set up a list, it may delegate powers, it may impose penalties. It does not have to do anything, and moreover, it has told the government that it does not have the resources to administer this do not call registry.

If the government is really serious about setting up a do not call registry, Parliament must clearly define the parameters and provide reasonable exemptions provided for charities, political parties, polling firms and companies that wish to contact their current customers. We must also ensure that we provide the proper resources to the agency tasked with implementing and enforcing this idea.

In this regard it is helpful to look south to the United States at its legislative experience in this area. In 1994 the U.S. Congress passed the telemarketing consumer fraud and abuse act, 15 U.S.C., s.s. 1601-1608.

Section 3 of the act reads:

> The [Federal Trade] Commission shall prescribe rules prohibiting deceptive telemarketing acts or practices and other abusive telemarketing acts or practices.

● (1645)

Section 10 reads:

> Upon the expiration of 5 years following the date of the first promulgation of rules under section 3, the Commission shall review the implementation of this Act and its effect on deceptive telemarketing acts or practices and report the results of the review to Congress.

The U.S. legislation imposes obligations on the Federal Trade Commission and, more important, requires it to report back to congress, to the legislature.

The FTC reported back, and on January 28, 2003, representative Billy Tauzin of Louisana's third congressional district, introduced house resolution 395, an act to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a do not call registry.

Section 4 of the act requires the FTC to transmit detailed annual reports to various congressional committees. The report must include: an analysis of the effectiveness of the do not call registry as a national registry; the number of consumers who have placed their telephone numbers into the registry; the number of persons paying fees for access to the registry and the amount of such fees; an analysis of the progress of coordinating the operation and enforcement of the do not call registry; and, a review of the enforcement proceedings.

The very next day, January 29, 2003, the house of representatives committee on energy and commerce asked a very basic question: How much will all of this cost? It was a very basic question and one that the Liberal government has failed to ask with regard to the legislation.

On February 4, 2003, the congressional budget office estimated that fines would amount to roughly $18 million annually and that the net cost to the U.S. government would be approximately $13 million a year. President Bush signed HR 395 on March 11, 2003.

It is important to understand that the U.S. do not call registry does not affect charities, political organizations, telephone surveys and a number of very important industries. I do not think the government has given nearly enough thought to this legislation or has clearly understood or clearly consulted, and, most important for taxpayers, I think it is quite clear that the government does not understand the importance of having a proper cost benefit analysis of the legislation.

The U.S. do not call registry will offer genuine relief to Americans. The Federal Trade Commission has teeth to enforce it. The commission has punished companies such as California Pacific Mortgage and AT&T, and top offenders such as Faxes.com are facing up to $5.4 million in fines.

Large telemarketing companies, such as Mainstream Marketing Services, are challenging the constitutionality of the U.S. do not call registry stating that it violates the first amendment guarantees of free speech. Nonetheless, the U.S. Direct Marketing Association estimates that about 90% of the telemarketing activity has been stopped to the more than 50 million numbers on its registry.

I am very much in favour of a do not call registry. However what the Liberals are proposing would potentially prevent us from surveying our very own constituents. We only need to look at the same sex marriage debate to realize how important it is for members of Parliament to be in touch with their constituents and to reflect their values in the House.

I want the government to give us a truly effective do not call registry that can be fully enforced. I want a broad consultation process so that we can be sure that we get it right, and that we get it right the first time. The Federal Trade Commission created its do not call registry after a comprehensive three year review, numerous workshops, meetings and over 64,000 public submissions.

I am tired of being told by the CRTC that it is beyond our reach. If the government wants to create a do not call registry, I want significant parliamentary oversight over the process and the ability to ensure that the appropriate resources exist to effectively implement the registry.

Just like so many things with the Liberal government, it comes up with an idea, it offers a solution but it does not offer the real means in order to get it done. The Liberals boast about our armed forces. They stand in line with our armed forces and take photo ops with them but for them to do the business and the job that they need to do in order for the Liberals to be able to have those photo ops, they persistently fail to provide those resources.

From the health care system to bragging about its importance to Canadians and not giving it the funding, to bragging about our armed forces and taking the photo ops but not providing the funding, in area after area the Liberal government talks one way, walks another and fails to provide the resources in order to get the job done right.

Bill C-37 is a shadow of what is needed. I am voting to send it back to the drafters so that the government can bring it back in a way that respects the will of Parliament. The need for consultation, the requirement for enforcement resources and the teeth to ensure that a do not call registry would provide us with the same comfort that our American neighbours are getting are crucial for the legislation to have meaning and to stop telemarketers from invading our homes and causing us the kind of annoyances and headaches that all of us wish would just go away.

● (1650)

[*Translation*]

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

Some hon. members: Question

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

Some hon. members: Agreed.

Some hon. members: On division.

The Acting Speaker (Mr. Marcel Proulx): Accordingly, the bill is referred to the Standing Committee on Industry, Natural Resources, Science and Technology.

(Motion agreed to and bill referred to a committee)

* * *

● (1655)

[*English*]

DEPARTMENT OF INTERNATIONAL TRADE ACT

Hon. Jim Peterson (Minister of International Trade, Lib.) moved that Bill C-31, an act to establish the Department of International Trade and to make related amendments to certain acts, be read the second time and referred to a committee.

He said: Mr. Speaker, today I have the great pleasure of rising to speak on the legislation that would formalize the establishment of the Department of International Trade. In this work, I am very pleased to have the assistance of the parliamentary secretary for new and emerging markets.

On December 12, 2003 the governor in council passed an order separating the Department of Foreign Affairs and International Trade into two separate departments.

The legislation before us today would codify the changes made by that order. It would mark a milestone in the creation of the departments which have been functioning independently since the Prime Minister's announcement more than a year ago.

[*Translation*]

The purpose of the new department is simple: international trade and wealth creation for Canadians.

International policy is an extremely complex and multi-faceted area, bringing together aspects as varied as human rights, development, diplomacy, defence, international security and trade.

In this new century, Canada's active involvement in the global arena must rest on integrated strategies that take into account the relationship between these various aspects. In our department, however, our priority is obviously international trade.

[*English*]

Bill C-31 would establish a Department of International Trade headed by a minister responsible for the overall direction of the department, both in Canada and abroad. The powers, duties and functions of the minister are set forth in clauses 6 and 7 of the bill stating in particular that:

> 6.(2)—The minister shall—
>
> b) conduct and manage international negotiations;
>
> (c) conduct and coordinate Canada's relations regarding international trade and commerce and international investment;—
>
> (e) foster the development of international law and its application as it relates to Canada's international trade and commerce and international investment—
>
> 7. The Minister may, with the approval of the Governor in Council, enter into agreements with the government of any province or any of its agencies respecting the carrying out of programs—

Behind these words lie the realities of our new global economy. It is a world in flux, with business internationalizing at a dizzying pace and carrying us along with it. Trade investment and all other elements of modern commerce fix us firmly in that economy, from science and technology partnerships to licensing arrangements, from geographically dispersed design and innovation and thousands of small and medium-sized firms through to global distribution of world renowned goods and services. We prosper as a nation because we do well in the global economy. It is that prosperity that gives us the choices that make us who we are in social programming, in culture, in sustainable economic development, and all the myriad contributors to that very high quality of life that makes Canada the envy of people around the world.

Continuing to succeed in international commerce is not a matter of chance. It is a matter of vital interest to all Canadians, and that is why the bill is before the House, to create a Department of International Trade to champion our international competitiveness through negotiations, through commercial relations and the expansion of trade, commerce and investment, through the security of a fair and transparent legal regime, and through programs delivered with our partners in the federal government, the provinces and territories, the Canadian business community and other stakeholders.

I remind hon. members that exports lie behind one in four Canadian jobs, that exports of goods and services are 38% of our GDP, or nearly a trillion dollars per year, and that two-way trade with the U.S. is running at over $1.2 million a minute. The stock of foreign investment in Canada now tops $357.5 billion and, more important perhaps, direct investment by Canadians abroad is now nearly $400 billion.

● (1700)

[*Translation*]

There is not one business in Canada which does not depend directly or indirectly on export sales or imported input, foreign technology, the skills of our immigrants or, in a nutshell, one aspect or the other of international trade. There is not one Canadian who does not contribute in some way to the global economy. Even in our trade with the United States, we supply them and, in turn, they supply the world.

That is how Canadian avionics ends up onboard the European Airbus. The same is true of the operation of our supply lines here, in Canada. While a growing number of businesses are turning to the foreign market, others are selling their services on the domestic market without realizing that they are contributing to the international competitiveness of their clients.

[*English*]

Canadian prosperity is anchored in our global economy, and that is why the government has made a priority of sustaining our international competitiveness. The last Speech from the Throne challenged Canada to elevate its economic performance to the next level through a commitment to excellence, a vision directed outward to the challenges and opportunities the world presents.

International trade and investment is one of those five key elements that were outlined. Even if International Trade Canada will not exist in law until the bill is passed, I can assure the House that we exist in fact and we are hard at work helping Canadians meet the challenges of our modern economy. We have tools for all critical business needs, beginning with the front line cultivation of leads and contacts and business intelligence for our clientele delivered to 1,200 registered Canadian business clients through the department's virtual trade commission.

The tools are only as useful as the purpose they serve. Ours serve in particular to secure and improve access to the North American market and to ensure that Canadian businesses have access to opportunities increasingly found in new economic powers such as China, India and Brazil.

We want to position Canada advantageously in global value chains through innovative approaches and through closer economic cooperation with established economic powers like the EU and Japan.

[*Translation*]

This work is not just carried out abroad. It is hard to determine the true boundaries of our economy. That is why, in keeping with the approach set out in the Speech from the Throne, we are working to ensure that no internal factor contributing to innovation and competitiveness is neglected. If we do not succeed nationally, we cannot succeed internationally.

[*English*]

I would like to remind the House of some of the challenges we face and some of the things we have done.

First, thanks to our continuing close partnership with Foreign Affairs Canada, and I appreciate the cooperation and goodwill of my colleague, the Minister of Foreign Affairs, we have managed an important and complex transition while improving our level of service to business. The department now services our clientele from 12 regional offices across Canada and through our trade offices in over 140 cities worldwide.

We are deepening our partnerships with business, provinces, territories, municipalities, and other stakeholders. I shall personally be meeting with my provincial and territorial colleagues in Winnipeg in 10 days to exchange advice and perspectives on international commercial challenges and opportunities. This is part of our ongoing dialogue with all Canadian stakeholders.

● (1705)

[*Translation*]

I would add that the hon. members have been and—I hope—will continue to be independent sources of advice in the pursuit Canada's strategic objectives in international trade.

[*English*]

I am grateful that the subcommittee, chaired by the hon. member for Scarborough Centre, will be undertaking nationwide hearings on these issues.

Our key economic partnership is with the United States and our relationship with Mexico is rapidly gaining in size and maturity.

The Prime Minister and President Bush agreed last December that we had to break the vicious cycle of protectionism that has clouded the effectiveness of the NAFTA dispute settlement mechanisms in areas such as softwood lumber, but the political weight of protectionist interests will not just go away: we need to cultivate allies, to show how two closely knit economies jointly facing an increasingly competitive global environment cannot allow these aberrations to happen.

Accordingly, we have continued to increase our representation in the U.S. regions under the ERI, under which we have opened seven new consulates and upgraded two more to consulates general. This strategy allows us to extend our ability to advocate for Canadian interests, not just in the disputes I have mentioned but also on varied and important subjects such as energy or access for our agricultural commodities such as wheat, beef and swine.

This initiative will help us forge closer ties with opinion- and decision-makers across the U.S. and I plan to build on this solid base by personally leading advocacy days in key U.S. centres. I look forward in this endeavour to the active participation of parliamentarians from all parties.

Looking to the future, the Prime Minister and President announced a new partnership, a partnership for prosperity and security. The commercial component aims to expand our opportunities by making our businesses more competitive in the global marketplace. This builds on decisions by my NAFTA counterparts and me, dealing with the NAFTA work program itself.

Another accomplishment of the past year was the launch of the Canada-Mexico partnership. This provides opportunities for small and medium sized enterprises, enhances trade and investment flows, promotes links among cultural, research and academic groups, and increases our respective economies' global competitiveness, all within the North American context.

[*Translation*]

In planning for the future, we cannot lose sight of what is important today. We have defended Canada's interests in softwood lumber by taking action through NAFTA and the WTO and by working in close cooperation with the provinces and the industry. We have achieved some success. We will maintain our resolve while being flexible in our determination to find a lasting and fair solution to this problem.

We will use the tools at our disposal to defend the interests of our wheat farmers, among others, who are faced with American protectionism.

[*English*]

Canadians have important interests in many areas of the world, from Austria to Chile, from Russia to the Arabian gulf. I would like to speak, however, about the European Union and Japan, which are truly important economic partners for Canada on trade and investment and on science and technology grounds, to say nothing of how they, like the United States, are movers and shakers in the value networks that increasingly characterize world production.

We agreed on a framework for a Canada-EU trade and investment enhancement agreement last March to consolidate and extend the economic partnership in ways that complement the WTO's market access focus. We both now are negotiating mandates.

The U.K., Germany and France and other European states are among our most important partners and investment goals. This is a relationship clearly worth investing in. Equally important are the bilateral discussions launched with Japan to structure a new framework for enhanced economic relations.

I am also developing an aggressive new approach to positioning Canadian business in emerging markets such as China, India and Brazil, as well as other partners strategically positioned in relation to them, such as Korea. To shape this strategy and assess priorities we have conducted consultations, including recent round tables with business, academics and civil societies. This dialogue is ongoing.

● (1710)

[*Translation*]

We are already taking measures to expand our options. The Prime Minister announced the opening of exploratory talks on a possible free trade agreement with Korea. I have already sent a team to get the discussions underway.

Last year we resumed talks with China and India on negotiations for protecting investments. In November, I headed a trade mission to Brazil. I have just gone back to China, where I accompanied the Prime Minister and I foresee sending a trade mission to India in early spring. The hon. Gar Knutson, the Minister of State for International Trade for New and Emerging Markets, led a trade mission to Central America.

[*English*]

As well, the hon. parliamentary secretary for new and emerging markets undertook a recent trade mission to Syria, the U.A.E., Qatar, Yemen and Egypt.

There is much more I could mention, from the World Trade Organization's Doha development agenda, to other elements of our activist trade and investment policy agenda, to the very way my department is being organized to seek out and deliver new solutions in support of various client groups such as SMEs, various drivers of competitiveness like science and technology and investment, and various challenges to be overcome on the way to success in established and in emerging economic partners.

There will be other opportunities to discuss broad strategy or specific issues such as the annual trade update. Right now I look forward to working with all members of Parliament to promote Canada's prosperity through enhanced trade and investment, and I humbly seek members' support for this bill, Bill C-31, so that the important work we are doing together might continue.

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Madam Speaker, I have listened to the minister's speech. As a former critic for international trade, I look back at the problems we faced four years ago and what I see is that we are facing the same problems today.

I had a look at Bill C-31. What this bill really seems to be about is splitting the department and spending a whole lot of money with a whole lot of process. After the government has been in power for 11 years, it is facing the same problems and the same battles today that it did 11 years ago. The productivity gap is widening. On this side of the House, obviously, we agree with more free trade and the global economy, and it is coming at us, yet the government seems to be failing us on so many fronts and not dealing with this issue.

That was a wonderful speech that the minister gave, but he did not really address the costs that are associated with splitting this department. How is this going to help address these problems? After 11 years the government has failed to address them, so how is splitting this department going to be any different? How is it going to help the Canadian taxpayer? How is it going to help businesses abroad succeed? Why are we still facing the same problems 11 years later under the same government? The same ministers who have been trying to address these problems for so long are still sitting on the front bench.

Hon. Jim Peterson: Madam Speaker, the member's questions are very legitimate.

Let me deal first with the cost issue. The cost of separating the one department into two is going to be cost neutral. That does not mean I will not be asking for more funds to promote international trade and investment. After all, we have a brand new mandate of new and emerging markets and a whole bunch of new responsibilities.

Let me add for the hon. member that I believe splitting the department and giving us a separate department for international trade shows the great importance that the Prime Minister attaches to trade and investment being critical to the prosperity of Canadians. It means that there will be a separate voice at the cabinet table arguing for these issues. There will be greater flexibility in being able to respond quickly to global changes. There will be new government investment in the international centres for Industry Canada. We have taken over those functions from Industry Canada. This gives us the ability to give one stop shopping through our department to the clientele in Canada.

I might add in closing that other countries have seen the importance of having separate departments for international trade and investment, such as the U.K. and Japan and the European Union. They have separate ministers. In the U.S., the U.S. trade representative reports directly to the White House.

● (1715)

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, the minister has painted a somewhat bleak picture of what would happen if the two departments, namely International Trade and Foreign Affairs, were not split.

Roughly a year ago, I was fortunate enough to travel to Mexico, mainly to Ciudad Juarez, where *maquiladoras* are located. Some 2 million people live in extreme poverty there. Of these *maquiladoras*, 50% are Canadian companies, which I will not be naming for now. People are paid $1 or $2 dollars a day for their work. They live in extreme poverty.

Some companies negotiate contracts for their workforce which are below the international standards. That is what we learned. Canada is well aware of that. It is an accomplice in that.

Moreover, Canada has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Some Mexicans come up here to work. They have problems with Canadian companies. Canada has not ratified the American Convention on Human Rights.

And now, the minister shows up and talks about trading with the United States, Mexico and China, the latter, a country which does not respect human rights.

My question to the minister is the following: Trading is fine, but in your bill, is mention made of protecting human rights'?

Hon. Jim Peterson: Madam Speaker, as concerns human rights, I have come to the conclusion that is important for Canada to have diplomatic or trade relations with other countries, and even with those that do not respect human rights. Through constructive engagement, we can bring about changes in the rest of the world. This is our position with China. That is what we did when we visited it on a trade mission. The Prime Minister raised the issue of human rights with the president of the People's Republic of China. This is the way to make inroads in this important area.

I hope that, when all members of the government, all members of Parliament, and even all business people make commitments in other countries, they raise the issue of human rights. That is the way we can bring about changes in the world. We can be a leader in this regard, because our companies are located throughout the world. Canada is a great trading nation, and this is why Canadians can and should help the world change.

● (1720)

[*English*]

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, I agree wholeheartedly with the minister that Canada is indeed a trading nation and the lifeblood of our economy is our ability to trade.

I agree, as well, with the Prime Minister's decision to separate the departments and create an independent department to address trade so that we can further engage in the global markets.

However, beyond my agreeing with the decision, would the minister tell us the position of the Canadian companies on which this would have the most impact, the types of consultations and the responses that we have received from those Canadian companies.

Hon. Jim Peterson: Madam Speaker, I will just read the list. We have support from Association Québécoise de l'aérospatiale, the B.C. Lumber Trade Council, Canadian Agri-Food Trade Alliance, Canada-India Business Council, I.E. Canada, Canadian Council for the Americas, Canadian Chamber of Commerce, Canadian Council of Chief Executives, Canadian Federation of Agriculture, Canadian Forest Products, president of Indo-Canada Chamber of Commerce, Chambre de commerce de Montréal métropolitain, Conference Board of Canada, Forest Products Association of Canada, president of IT&T Trading, Quebec Manufacturers and Exporters MDS Service Support, Montreal—

An hon. member: The list goes on.

Hon. Jim Peterson: More?

The Acting Speaker (Hon. Jean Augustine): Resuming debate. The member for Newmarket—Aurora.

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Madam Speaker, I will be splitting my time with the hon. member for Peace River.

I am speaking today to legislation that appears to have multiple personalities. On the one hand, Bill C-31 is government housekeeping that would simply give legal form to a bureaucratic process to split apart the Department of International Trade from the Department of Foreign Affairs. This is clearly how the government would like us to see the bill.

At the same time, it is a rather deceiving bill because it cuts to the way we support our national trade objectives. In this sense it is not as dry as it seems and has real implications.

The most important aspect of the bill is whether in fact it will help Canadian business to better compete in this global trading system. Ultimately, the bill will be judged against that test.

It is critical to the ability of our country to maintain its quality of life that the government gives national priority to trade. Trade is our national lifeblood so how we do trade is important.

Judgment of the bill will come later because there are many unanswered questions. If the government believes that its decision to carve up the country's foreign and trade policy apparatus could simply be presented as a fait accompli before a sleepy Parliament with no interest in the implications, then it is wrong and underestimates this House.

Bill C-31 is a curious legislation. The bill would simply give effect to a management decision taken over a year ago and to the bureaucratic process of splitting the departments that was started without the approval of Parliament and is still ongoing. It is the original decision that is important, not this specific administrative bill.

Whether the government agrees or not, we are being asked to support or oppose the original decision by the Prime Minister to form a separate Department of International Trade, not just provide a pro forma stamp of approval. If the House were to oppose Bill C-31 it would be overruling the original decision of the Prime Minister.

To further complicate matters, the bureaucratic split has already taken place. The couple has separated and divided the assets under forced circumstances but now someone else is asking the court to approval the formal divorce without having heard from the parties.

We know from noises inside the Lester B. Pearson Building that the separation is not going so smoothly. It is much more complicated than the architect of this decision anticipated.

To oppose the legislation would mean in effect to reverse the process and re-amalgamate the two departments. The government might be hoping that since the train has already left the station, the perceived costs of such a move would be seen as prohibitive. Therefore the House has been presented with both a fait accompli and a game of chicken.

This is neither an appropriate approach to this House nor an effective conduct of public policy.

On behalf of the Conservative Party I am recommending that we allow Bill C-31 to proceed to the Standing Committee on Foreign Affairs and International Trade so that we might be able to have a much closer look at its origins, implications and costs.

Through the good offices of the Minister of International Trade, the Prime Minister will have to make a much better case to this House about how exactly Canadian business will be better served by decoupling trade from foreign affairs. Maybe it is a good idea; maybe not. There are certainly enough voices on either side of the issue. However it is not good enough to simply say that it is so and that we should sign the divorce papers.

The Prime Minister's predecessor, Pierre Trudeau, as iconic a figure for Liberals as can be found, burned up a lot of political capital through the 1970s to accomplish consolidation and integration of the foreign affairs and international trade functions in 1982. The Prime Minister drift in the polar opposite direction now pales in comparison to the compelling case made two decades ago for consolidation on foreign policy tools.

● (1725)

The circumstances surrounding the origin of that decision to split the departments are rather mysterious and like a desert mirage.

Who asked for this change to an integrated international policy structure that has served Canada for the past two decades? We know it was not the Canadian Manufacturers & Exporters, one of the leading voices for Canadian business.

The CME told the new Minister of International Trade in July 2004 that the business community did not request the split and that CME members were quite pleased with DFAIT as it existed and with the integration of trade, economic and political relations. The CME went on to express concerns that the scarce resources not be diverted to managing the divorce to the detriment of business.

We know it was not the national association of retired Canadian ambassadors, who are squarely opposed to the split.

In my consultations with experts interested in international trade outside the Department of International Trade, I have found precious few supporters of the original idea and decision.

We will need to open the usually closed windows of the Langevin Building and get a better idea of why and how this decision was made. With whom did the Prime Minister consult to ensure that his decision was in the best national interest? Where was the unending public consultation the government usually employs when it wants to slow issues?

The decisions and therefore sister Bills C-31 and Bill C-32 are also profoundly out of sync with the government's own long awaited review of international policy, now downgraded to a statement on international policy. They are out of step both in terms of substance and timing.

One can only imagine what the implication of a demotion from “review” to “statement” might be in terms of what to expect from the exercise.

The objective should remain the same: to present a unified strategic assessment of Canada's national interests around the world and a plan on how to advance those interests.

The separation of international trade from foreign affairs would certainly act in the opposite direction from a comprehensive Canadian foreign policy that deploys all the assets at our disposal in a coordinated way. There is a public policy disconnect.

It is quite possible that the separation of the departments has already contributed to the inability of the government to produce its international policy review. Why would we be debating a bill to break up the structure of Canadian international policy before the international policy review was completed?

Will the quality of advice to Canadian business people be better than before? Will it be more valuable in a practical way? Will that advice cost more? Will the split mean that in the future we will not find ourselves as a country consulting on a China strategy or an emerging market strategy 10 years too late? If the answer to any of these questions can be shown to be yes, then the Conservative Party is all ears.

Many questions surround the decision of the Prime Minister and his advisors in the Langevin Building to break up the old Department of Foreign Affairs and International Trade. We have doubts about the effectiveness of the decision and the process by which it was reached but we will proceed to committee on Bill C-31 with an open mind.

● (1730)

Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Madam Speaker, my question is one that comes up often in international trade circles. What kind of strategies should Canada be pursuing?

One argument is that we have a huge market in the United States which is relatively easy to access and is close at hand. It is a culture that we understand. It is also a huge and very rich market. By the same token, we have something like 86% or thereabouts of our trade going into that market. Someone in business would say that they want to diversify.

The counter argument is that we should be diversifying our trade away from the United States into Asia and places beyond to achieve that kind of diversification result.

I wonder what the member's views might be with respect to that particular point.

Ms. Belinda Stronach: Madam Speaker, in terms of priorities we have to look at how Canada derives its wealth. Over 42% of Canada's wealth is derived from trade, so trade is a priority. Of that, over 80% is with our neighbour to the south, the United States. Therefore, we must ensure that we have the appropriate resources allocated so Canada can prosper and benefit from that relationship.

However, the issue at hand is Bill C-31. We have to examine how Bill C-31 can be in the best national interest of Canada and how it can serve our business community better so we can export more.

However, there are many unanswered questions with respect to Bill C-31. Why break up the department? How is business better served? What is the purpose? What is it to achieve? When will the effects be realized? If the government really intends to give a priority to trade, why does it not also give the appropriate trade remedies to the department? Why does the administration of trade remedies still rest with finance?

These are some of the questions that need to be asked to ensure that the new proposed structure is in the best interest of Canada and in the best interest of Canadian business.

● (1735)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, I wish the hon. member good luck in getting the answers to the questions for which she has so eloquently asked. As the member knows, one of the concerns we have with the government is when takes departments apart and tries to put them back together. One example is our Coast Guard.

In 1995 our Coast Guard was part of Transport Canada. Under a program review, it was then shifted over to the Department of Fisheries and Oceans which was a disaster. If she speaks to her colleague sitting next to her she will know that. He knows what an unmitigated disaster the Coast Guard was under fisheries and oceans.

The Coast Guard is a stand-alone agency now, but there is talk that it may go into the Deputy Prime Minister's portfolio.

All this discussion costs taxpayers a great deal of money, plus it worries the employees of these departments. It also sends out a signal to our allies that we really do not know what we are doing in that regard.

My question for the member is on the so-called amalgamation of foreign affairs and international trade. If she ever gets the answers to her questions, I would love to hear them.

Once of the confusions we have is this. We signed a treaty banning landmines. We supported the ratification to get rid of landmines in the world. Yet at the same time we allowed our CPP investments to be invested on the open stock markets. Those stock markets invest in companies that make landmines.

Does the hon. member see any discussions with regard to this problem? When we have an international affairs policy that contradicts the foreign affairs policy or the trade policy, what would she do to correct those deficiencies?

Ms. Belinda Stronach: Madam Speaker, I do not know that I will be able to give any stock tips as they relate to landmines today.

What we have to be concerned about is to ensure that we have not lost coherence when it comes to Canada's important role in the world, that there is coherence among the departments of foreign affairs, trade and with respect to Canada-U.S. relations.

As the structure is now, a special committee looks after Canada-U.S. relations and reports directly to cabinet. Considering this is one of our most important relationships, how Canada derives its wealth, I have a concern that the structure has lost some coherence. This is something that we will be asking about at committee.

Mr. Charlie Penson (Peace River, CPC): Madam Speaker, I would like to thank my colleague, the critic for international trade, the member for Newmarket—Aurora, for her excellent speech and the opportunity to share my thoughts today in this important area.

The member for Newmarket—Aurora brings some international experience to this portfolio. It is very important to look from where other countries see Canada's position. She is able to share that aspect with us from the vantage point of her position as manager of an international company.

I am happy to take part in this debate. I did serve as the international trade critic for about eight years for our party.

Hon. Jim Peterson: And a very good one.

Mr. Charlie Penson: I agree with the minister. I certainly had a chance to work with a number of trade ministers on the other side, Roy MacLaren, Sergio Marchi, Art Eggleton and now the new minister. I have enjoyed my time. On balance, the Department of International Trade has been a very good department. However, I am afraid we are missing the big picture today.

The minister has brought forward a bill to the House to split the department, and maybe that will be important. Only time will bear out whether that is. I am reserving my judgment in that area. However, unless we address some of the basic problems and look at the bigger picture, splitting the department will not be as big a panacea as some might have us believe. It seems to me that we are suffering from two huge problems in this area, one being here at home and the other being internationally. I will just take a moment to talk about the international component first.

A considerable amount of work still needs to be done in international trade to advance the cause of free markets in order to give Canadian producers opportunities to access markets in other trade walks such as the European Union. There is a real need to reduce subsidies that are being used still, particularly in agriculture but in other industries as well. There is a real need to address the issues of export subsidies being used and the huge tariffs themselves. I am concerned that Canada is not taking the kind of leadership on this that we need. It bothers me that because of some domestic politics at home, maybe we are not putting our shoulders behind the wheel to the extent we need to pry markets open.

It seems to me that the case has been well demonstrated over the last 50 years, the need and the benefits that come from opening up markets and trade liberalization. I think it is pretty clear to most people. We thought we were making progress at the Doha round with the European Union and others to stop the terrible use of subsidies and export subsidies to hurt our Canadian producers. Now we see some slippage again, and it concerns me. There is work to be done there.

Work has to be done at NAFTA. The dispute settlement mechanism we have does not serve us. We know that. It is not serving us in softwood lumber. I would submit that we have been harassed in that industry for a very long time, and that is not changing. We have to advance this thing further. We have to grow our relationship with the United States and Mexico to try to open up NAFTA to benefit Canadians.

As my colleague from Newmarket—Aurora, the critic for our party said, what is this all about? It has to serve people. If it does not benefit the average Canadian, there is no point in this whole exercise. It is not an academic process. The lives of real Canadians are on the line in terms of needing to benefit and increase the standard of living. More needs to be done at the NAFTA level.

Surely we can get past the idea of countervailing and dumping being used against us so badly. It is ironic in the extreme that Canada introduced these trade laws back over 100 years ago. Now they are being used against us so badly by a number of our trade competitors. That is another area on which work needs to be done.

● (1740)

I reserve probably my worst judgment for what is happening here at home. I blame the Liberal government for the public policy it has engaged in for the last several years, which has not allowed our industries to take advantage and become more competitive and productive. Although the minister wants to change the department, which may be a worthy goal, unless we get things right at home in terms of taxation policy and regulation, it is all for naught because we will not grow the industry. We need to get our tax levels down. We had numerous studies at the Department of International Trade when I was there. The industry says exactly the same thing, that Canada has lost its way. We are one of the most heavily taxed countries in the world.

We are not competitive on the effective corporate tax rate with our major trading partner, the United States. There can be a debate on that. The minister has talked about whether we should look at expanding our trade with the United States or expanding it with other countries around the world. Surely we have to look at the United States as the best potential. We share a common culture, a common language and practices, but we need to give our Canadian companies an opportunity to benefit and take advantage of things that put them in a more competitive position.

I would start with taxation policy. I hope to see it in the upcoming budget. I hope the Minister of International Trade is prodding the Minister of Finance to get our corporate tax rates down.

The capital gains tax is another one. With the capital cost allowance, we cannot write our taxes off quick enough to adapt to the new realities. A certain amount of product and equipment we use goes out of date faster, especially on the information technology side. If government does not listen, we are not competitive.

Another area the minister talked about briefly was the whole area of investment now in his department. We are lagging badly behind in terms of investment. Canada's global share of direct foreign investment has been slipping for years. We are not being seen as a friendly place to invest. We have to overcome that or else we will not get the kind of investment which brings in the new technology that we need.

Canadians are finding it more attractive to invest outside the country than at home. Surely that says something. It says a whole lot about our public policy. Why can the Liberal government not get it right? For years it has been told that we are slipping in terms of our competitive edge. Our productivity is something like 84% of that of the United States. It is not because our average workers are working any less. In fact, they are working harder. It has more to do with government policy that stands in the way of workers and companies being able to take advantage of an opportunity to invest and compete where they need.

Those are limiting factors. Unless we get it right and start to address them, they will continue to hurt us. The minister has aspirations for the new department. I wish him well. I hope that he is listening today and can convince his counterparts on the other side that they have to do something to enable the new investment in the new department to find the groundwork and bear the fruit. Unless we do that, I am afraid this is all for naught and splitting the department will really be nothing more than just another side to a bureaucracy in the next few years.

With that, let us look forward to the next opportunities to make some changes in NAFTA. Every five years we have a chance to sit down and review the NAFTA agreement. I know the minister was not there the last time, but we did not take advantage of that. We did not look at some of the things that were wrong with the agreement or those things that we could have done better. I was really disappointed.

I know the government wants to protect certain industries, but it does not fit with the concept of free trade. It seems to me that we have to do a better job. If something is not working, we have to work with our counterparts in the United States and Mexico to do it better so we will all benefit. We have to get a better relationship with our major trading partner and move this portfolio forward in the interest of the living standards of all Canadians.

● (1745)

Mr. John Cannis (Scarborough Centre, Lib.): Madam Speaker, I would like to take the opportunity to add a comment and ask a question of my colleague from Peace River, whose comments were very constructively critical. I know of the interest he has shown in this area over the years.

He kept referring to the considerable amount of work that needs to be done, and we agree. He said that "Canada is not taking the leadership that it needs to on the international trade side". He referred to the work that needs to be done under NAFTA, on the taxation side and on investment.

He is absolutely right. Maybe that is why this initiative is so important, and also given what happened globally after 9/11. We have had the Department of Foreign Affairs and International Trade. We can look at other nations and see how they have in essence had separate departments, with the trade and investment side and of course foreign affairs setting a foreign affairs policy per se.

This is a very important move. I also listened very carefully when the member for Newmarket—Aurora spoke and referred to 20 years ago, the Trudeau era, and then today's era with the current Prime Minister. Surely, I would say to my colleagues, we know that the way things were done 20 years is not the way they are being done today. Things must change in order for us to be competitive. That is why Bill C-31 is so important.

My colleague from Peace River is probably aware that there is a subcommittee on international trade and investment that is working very hard. We are addressing our NAFTA and emerging market concerns and the BSE and softwood lumber issues that are very important to us. The subcommittee is focusing on this issue while the Standing Committee on Foreign Affairs and International Trade is focused not on this issue but on other foreign affairs issues. Does he think this subcommittee should become a full standing committee in the House of Commons today?

● (1750)

Mr. Charlie Penson: Madam Speaker, I do not know if I can answer my colleague's question directly. For a couple of years I have not been involved in that department. I would need to know a bit more about it, but I think it probably has the potential for doing a lot of good.

I know that some very good work has come out of the department and out of the standing committee, but what bothers me is that the member made the statement that we cannot do things today the way we did 20 years ago. I agree, but I have a problem with that because I see the same things being done by the government that it was doing 20 years ago.

Why is it that the government cannot afford to give a tax break to our Canadian companies? Part of the reason is that it has grown the size of government. All levels of government are involved. It is not just the federal government but all levels of government that are involved in this. Thirty years ago, the size of government in Canada was about 30% of GDP of the country. Our major trading partner and competitor, the United States, was at about 30% at the same time.

Today the size of the government versus the GDP in the United States is 29%, but Canada has grown our government to 42%. If that were all constructive, it would not be a problem, but I see a lot of waste in government. I do not buy into the fact that government can do things better than the private sector in the areas that the private sector has specialized in. I do not know why we are still in some of those areas. To some extent we have not recognized that we have a productivity problem in this country. It has been in the making for the last 30 years. I blame part of that on the size of the government itself, on the fact that we are collecting so many taxes from Canadians to pay for government.

In regard to what we can do at the World Trade Organization, the member said that Canada has been showing leadership. I would just point out that in the area of trade liberalization, as I said earlier, I think it is pretty well accepted that trade liberalization has enabled a lot of countries to really pick up their standard of living. I think it is pretty well an accepted fact that the fewer tariffs and subsidies there are around the world the better the economy works, with more flow of goods and services at a price that people can afford.

How can Canada go to the World Trade Organization talks, whether it was at the old Doha or Uruguay rounds, and say that it wants market access to be opened to Canadian products but in turn access to our markets would be denied on certain products? It is not consistent. What I have maintained is that it puts us in a position where we are marginalized, because people say we are not free traders at all, that all we want is a sweetheart deal for our own products.

Those are a couple of areas that I would point out to the member.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Madam Speaker, I am pleased to address Bill C-31 today. It is somewhat difficult to do so without also referring to Bill C-32. However, I agree that if we decide to split the department in two and if we want to consolidate the terms of the order made on December 12, 2003, it is necessary of course to table two bills.

Today, we are debating the bill introduced by the member for Willowdale. Later this week, or next week, we will likely discuss the bill that, possibly, will be introduced by the member for Papineau.

It is important to look at the history of the Department of Foreign Affairs and International Trade. This was not the department's original name. When I read the documents that were provided to me, I noticed that, over the years, the department's overall approach has changed. This should not be a concern or a surprise.

However, until recently, the main thrust of that change had been the budget. As the succeeding governments quickly got into debt, the department's role and the responsibilities of the various other departments were redefined. The basic premise was always the same: how can we restructure the departments to reduce costs and ensure that the deficit does not get too high? Even though the various governments did not have much success in reducing the deficit, with the exception of this one—and I will explain why later on—the fact is that the budget was always the fundamental reason for change.

The department was created in 1909 and, of course, at the time, it had very little influence. If we look at the budgets over the years, we notice that the main periods of deficit and national debt began during the 1980s. The department underwent constant change. For example, in 1971, under the Trudeau government, it integrated all the support staff for people who worked outside the country, to create a sort of coordinating committee to ensure some logic in the management of human resources.

We go on until we reach the 1980s. We are just starting to experience deficit problems. Through a number of different policies, it is announced that the whole of the department must reviewed, assessed, and redesigned. This goes on until 1992, the penultimate year of the Conservative government. Once again, for budgetary reasons, it is claimed that the department absolutely must be changed. It is "back to the basics". Indeed, this is the type of language used. Senior officials met before the budget to attempt to return to the department's fundamental activities while lowering costs at the same time.

Then along comes the new Liberal government of 1993, together with the first wave of the Bloc Québecois, of which I am very proud, as are all my colleagues. In 1993, the only move made by the government, through the then Prime Minister, Jean Chrétien, is to state that all is well with the structure of the department. However, it changes its name to the Department of Foreign Affairs and International Trade. The government then claims that this change of name underscores the importance of the fundamental approach, and the department is thus encouraged to concentrate on what it does best, promoting Canadian interests abroad.

With one thing leading to another, over ten years the Liberal government has been taking this approach. Now that it is having fewer problems with the budget, the reform is no longer determined by its effect on the budget, but by the new international and foreign policy the government should be adopting. So it goes until a changing of the guard in Ottawa and a new Prime Minister takes office. We think his first move is more than bizarre.

● (1755)

The day of his swearing-in, he tables an order in cabinet, for the Governor in Council. And it reads as follows: "Order Transferring Certain Portions of the Department of Foreign Affairs to the Department of International Trade: —on the recommendation of the Prime Minister, pursuant to paragraph 2(a) of the—

Here is what is being transferred:

> a) transfers to the Department of International Trade ... the control and supervision of the following portions of the public service in the Department of Foreign Affairs and International Trade:
>
> (i) the International Business Development Branch,
>
> (ii) the Trade, Economic, and Environmental Policy Branch ...
>
> (iii) those portions of the Communications Bureau and the Executive Service Bureau ...
>
> (iv) those portions of the International Academic Relations Division relating to international business development,
>
> (v) those portions of the Arts and Cultural Industries Promotion Division relating to international business development...

And so on and so forth.

When I was saying that it seemed odd to us, it is more than odd. It is nothing short of a full about-face in the federal government's foreign policy. One wonders why.

This comes from the very same prime minister who would say: "You know, in Canada, we are facing a serious democratic deficit and I am saying to all Canadians that I will change that". He was the one saying that. The first thing he does upon becoming prime minister, without any consultation whatsoever, is to have this order approved by Cabinet.

We must use legislation to amend the Prime Minister's decision. However, we can question his intention. We can also wonder about the various policies that we have been awaiting in this House for years.

Will there be a new foreign affairs policy. Will there now be an international trade policy that is completely divorced and separate from what foreign affairs was doing? We could wonder about this.

We are also awaiting the new national defence policy and probably the new international trade policy. That should be coming too. Two separate entities will have a role in international forums—since they are both international—but without consulting one other or coordinating their efforts.

One may wonder what the point will be. I will give the House a purely hypothetical example. I hope that no one will recognize themselves in this example. For example, the Prime Minister goes to China and he wants to talk about shipyards; he has an interest in it. So he says he has come to talk about shipyards. At the same time, the Prime Minister of China is a bit uncomfortable, because he knows that the working conditions in Chinese shipyards are not very good and that the quality of life of Chinese workers is not very good. Perhaps there are even children working there, which is not very good.

However, the meeting is not about human rights but international trade. Is this what the Prime Minister wants, collusion with the Canadian billionaires' club?

I was listening to the Minister for International Trade in response to my colleague's question, earlier, on human rights. The minister replied that when the billionaire went to China or wherever, he would ask questions about human rights. Is there room for doubt? Will he be interested in finding out that he employs children and perhaps pays workers $2 per day? No.

What will interest the billionaire going to China is international trade, the benefits to his company and if he can pay a few millions of dollars less for his ship—to use the example I just mentioned—than if he had it built in Canada. That is what will interest him.

Furthermore, if I were him, after having my ship built, I would arrange to have it fly the Libyan flag so as to avoid paying the exorbitant taxes. This shipbuilder can no longer be competitive if he has his ship built elsewhere and does not fly another country's flag, because otherwise his taxes will be much too high.

I am not sure if my example is far from the Prime Minister's sad reality.

● (1800)

It is really a shame to notice that this was the first thing the Prime Minister—this Prime Minister who said it was important to correct the democratic deficit—did, probably without consulting anyone, except a few people close to him who share his interests, on the very day that he was sworn in.

Speaking before the Standing Committee on Foreign Affairs and International Trade in 2004, the minister currently responsible said that consultations were continuing. Really, what consultations? Which workers or individuals in the riding of Saint-Jean are aware today that consultations are underway concerning the importance of dividing foreign affairs and international trade into two departments? I do not think that very many people are aware.

We therefore have huge concerns. We can certainly not support this bill, because international trade is a very important foreign policy tool. When we make representations abroad, people are interested in trading with us. If they are interested in trading with us, perhaps they will be willing to improve or change aspects of their behaviour which are unacceptable to a free and democratic society such as ours. That is absolutely terrible.

It must come as no surprise that, from now on, when various ministers or the Prime Minister travel abroad to make international representations, the issue of human rights will no longer be brought up, because that would cause an impediment to international trade. And that is what is being promoted here, international trade. The economic and trade vision just took over Canada's foreign affairs policy. It is that simple. It was not very strong to begin with, and it is still not very strong. In fact, in closed doors meetings, the Prime Minister keeps telling us that he has done his part. One can seriously doubt that such is the primary concern.

In other words, what goes on in China regarding working conditions and quality of life is of no importance to the Prime Minister. What he is interested in—and the proof is that he presented this order in council the day he was sworn in—is international trade and watching the billionaires' club get richer. At the same time, to the great dismay of Quebeckers and Canadians, factories in Canada are shutting down. However, that will make our friends richer. Instead of textiles being produced in Huntingdon, Saint-Jean or Drummondville, they will be produced in China, and we will be able to pay them less, so we hear. Still, the social cost will be very high very soon, because people in Quebec are now out of work.

We consider it really scandalous for them to divide this department. As I have said, we are depriving ourselves of the most persuasive tool our people in the international field have had. They must respect the quality of life of their people and trade practices must not be unacceptable. That is not what the bill before us proposes; it is quite the opposite. It dissociates trade from the question of human rights. I think that in his heart and mind, that is what the Prime Minister wanted.

Consequently, the Bloc Québécois will vote against this bill. Why? Because employees posted abroad enjoyed some consistency in the management of human resources. In fact, the department looked after them, and everyone found themselves under the Foreign Affairs umbrella. As of today, that will no longer be the case. What will happen in the embassies? To whom will people report? Will walls have to be built separating the two parts? Because that is what the government is doing by dividing these two. Things will happen in human rights and in international labour tribunals. On the other side, there will be international trade. International trade will be the star, no matter what the consequences for people in Canada, Quebec, China, Korea, India or Pakistan. The important thing will be the billionaires' club can go wherever it wants without worrying about peoples' living conditions, as long as the billionaires' bank accounts keep growing.

The Department of Foreign Affairs and International Trade had two important missions. People worked closely together and could say that if they met the prime minister or any minister of that country tomorrow, they would try to tell him there was a balance of trade in their favour with Canada.

● (1805)

They will be told "Well now, we know you have more money in the trade balance than we do, and we are okay with that. But we would like you to make some changes as far as human relations, and working and living conditions are concerned. Can you do that? If not, we will be required to take the step of doing less trade with you." I am not saying everything must be stopped, but with these two possibilities within one department, trade and international relations, this can be done.

From the time it becomes two entities, with a kind of partition within a consulate or embassy, and people doing distinct jobs without any coordination—I do not need to give any lectures on interdepartmental coordination within this House—there is none now, nor will there be any in the future.

So we have just deprived ourselves of a fundamental tool for improving the human condition. This is a pity, because I feel that Canada has earned a degree of recognition for the importance we place on human rights. We have, however, continued to see things deteriorate in recent years. International trade, the economic and commercial way of looking at things, are gaining ground over human rights.

What we have before us today is the final chapter of all this. We will see it when the Minister of Foreign Affairs tables Bill C-32. From now on, his responsibilities will be just consulates, embassies, passports, paperwork, a bit of immigration and of human rights matters, but rather low key.

On the other side, there is the whole trade and industrial machinery, the financial machinery, which will be concerned solely with making more profit. I am sure the major Canadian exporters will be thanking the government for dividing the one department into two.

The Bloc Québécois, on the other hand, has different interests to defend. We defend the ordinary workers who have just lost their jobs. We defend human rights as well. We show no hesitation about raising that subject when we are abroad. For us, international trade is far from the priority. I am not saying that we have no interest in it, but what is of primary importance for the Bloc Québécois is the fundamental concept of human rights.

That is the reason we will not be in agreement with the bill the hon. minister will be introducing today. Nor will we be any more in agreement when his colleague from Papineau introduces his later on this week.

● (1810)

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Madam Speaker, I listened attentively to the remarks of my colleagues, the hon. member for Newmarket—Aurora, the hon. member for Peace River and the hon. member for Saint-Jean. This made me want to take a brief look back, to remind the hon. members of the restructuring the current Prime Minister engaged in when he was the finance minister.

At the time, he downsized or shut down regional offices around the country, in an effort to reduce the workforce. The workforce was never reduced in Ottawa. In fact, it even continued to increase when services were no longer provided in remote areas.

Nowadays, department upon department is being established but not being given any additional powers. Today, we are dealing with the Department of Foreign Affairs and International Trade. A little while back, we dealt with the Economic Development Agency of Canada for the regions of Quebec. This is another example of dividing departments into two; ministerial positions are created, along with additional expenditures for limousine services and the like. During that time, the regions and the provinces are being financially strangled.

My hon. colleague has raised points on which we totally agree. Let me add one: the Canadian workforce, which is usually penalized to meet the needs of the government party, that is the Liberal Party. In this regard, I would like to ask my hon. colleague if it is really necessary to divide departments. Could divisions not simply be created within a given department, with a single minister in charge of their administration? The minister is never in the regions anyway. So, from his office, he could appoint people in the regions to provide adequate services.

Mr. Claude Bachand: Madam Speaker, I want to thank my colleague for his question and tell him that he is absolutely right. He gave a very clear illustration. All the years the current Prime Minister was finance minister has made everyday life difficult for the unemployed and the provinces. The hon. member is right.

Almost no effort was made to maintain tight control over what was happening here in Ottawa. It is the unemployed, Quebec and the provinces who have had to carry the burden. We are well aware of the problems they are facing today.

Indeed, another department has just been created. But there was someone at the head of the Department of Foreign Affairs and International Trade. We cannot say the current minister was a junior minister. It was, after all, the Minister of Foreign Affairs who was responsible for international trade. Now this will no longer be the case. He will no longer have this tool. He can no longer use international trade to say that if people are not respecting human rights, if they are not observing acceptable international standards, then we will reduce our trade with them.

He is right on both points. We could have very easily left the department the way it was, as Prime Minister Jean Chrétien said in 1993. This achieves all the objectives. Under this umbrella are all the necessary tools for promoting greater respect for people throughout the world.

I think that creating this separate department will make that objective more costly. I have nothing against the Minister of International Trade, who has just acquired more responsibilities, but the fact remains that this is probably a more expensive approach. An even bigger concern is that there will no longer be any coordination between the two departments. International trade will no longer be used as an important instrument in foreign policy. Now the two departments will be separate. They will be two different entities.

● (1815)

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, I congratulate the hon. member for making such a clear presentation. He clearly demonstrated the futility of this exercise, since everything is already firmly in place. As far as I am concerned, I think the whole thing is turning into a circus.

The Prime Minister announced a review of our foreign policy. As we know, he was not pleased with what his public servants had given him. Therefore, he asked a professor from Oxford University to conduct this review of Canada's foreign policy. Based on what we know, on what the media are telling us, it seems that our foreign policy will be refocused on the community, on citizens.

Here is my first question: does the hon. member not think that it would have been better to wait for the findings of that study on foreign policy and for the work of that expert, before splitting the department in two?

Second, Canada has endorsed the millennium development objectives proposed by the UN. One of these objectives is to pursue the implementation of a trade system that is based on a commitment to good governance, to development and to fighting poverty, both at the national and international levels. This is one of the objectives that Canada supported.

I want to ask the hon. member how Canada will meet this objective, now that it has two committees, two departments that are totally different and that may possibly no longer talk to each other?

Mr. Claude Bachand: Madam Speaker, on the first question, the problem that I see in foreign affairs, national defence or international trade policies is that everything is done in a vacuum. I have been saying for years now that the taxpayers are the ones who are paying for the MPs' and the ministers' salaries and for the new policies adopted by the different governments. When will we finally hold extensive public consultations to ask people what kind of foreign affairs policy they want to see adopted?

If a commission mandated to do such a study were to come to Quebec, people would say that International Trade should be kept under the auspices of the Department of Foreign Affairs for the reasons I have stated. I am not just talking through my hat. The Bloc Québécois has always made a point of listening to the people of Quebec. We say this because we believe it is what all Quebeckers think. However, it is important to consult with them and to make sure that the whole process is not taking place in a vacuum amongst senior public servants and academics, with the public then presented with new policies on which it will not have a say.

With respect to the importance of international treaties, the one on international poverty for example, my colleague is absolutely right. We had a senior Minister of Foreign Affairs who had public servants working under him. Now he will simple announce in an international forum that he cannot say anything about complying with international standards in trade and that from now on his colleague from Willowdale will be responsible for that. This indeed creates a problem. This is one of the main reasons why the Bloc Québécois is opposed to the bill as presently worded.

● (1820)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Madam Speaker, I listened to the member of Saint-Jean's speech with great interest. I thought that the parallel that he drew was interesting. Indeed, the creation of a second department would mean further investments in limousines, instead of real treatment of the needs of the real people across this country, with respect to employment insurance, among other things.

For the last 15 years, we have been living under a free trade system. I would like to have the opinion of my colleague from Saint-Jean on the quality of jobs that were created during that period. Does he think that it is better than 15 years ago?

Mr. Claude Bachand: Madam Speaker, concerning the issue of international trade liberalization, whether it is free trade or the whole issue of WTO, my colleagues have said it many times and I will repeat it: we will have to give it a human face. It no longer makes sense for the great billionaires of the world to have such a powerful influence on governments and to continue to get rich, to the detriment of the working class and the poor. We must reflect seriously on this. Unfortunately, it seems that here, in this House, in this kind of forum, international trade and the billionaires' club come first.

I know about the New Democratic Party's positions, which are very similar to those of the Bloc Québécois. We are here to defend public interest and we will continue to do so. Given the overall international context of negotiations, this bill before us today does not serve public interest or the people in our ridings.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Madam Speaker, since the time provided for consideration of this bill is almost up, I will make only part of my remarks today. I should also mention that I will share my time with the hon. member for Sackville—Eastern Shore. When we again consider this bill at some other time, I will finish my remarks, and my colleague for Sackville—Eastern Shore will make his speech.

[*English*]

The Acting Speaker (Hon. Jean Augustine): Does the member have consent to split his time?

Some hon. members: Agreed.

Mr. Peter Julian: Madam Speaker, in speaking to Bill C-31, an act to establish the Department of International Trade, I would like to start by expressing my concern about the need for this division into two sectors.

In 1982 we integrated Canada's trade commissioner service into the then department of external affairs. At that time we had the integration of trade policy with our external affairs policy, foreign affairs, including our commitment to human rights. It took about 15 years under both the Conservative and Liberal regimes to actually get that integration working well. It did take some time but everyone does believe now, and comments from very qualified observers have indicated, that integrated relationship has now worked. Subsequent to finally getting it right, we are now looking at splitting them into two separate ministries. It does not make a whole lot of sense.

In the Speech from the Throne there was a comment from the Prime Minister, "Just as Canada's domestic and international policies must work in concert, so too must our defence, diplomacy, development and trade efforts work in concert".

Subsequent to that there is Bill C-31 which will actually divide the two ministries. Therefore we are looking at less concert between those two divisions and those two important thrusts of Canadian foreign policy rather than more. Concerns have been raised from a variety of sources around this approach.

Bill Clark, a former ambassador in several senior postings, has said that many observers are wondering why this change is happening. He added that it is questionable whether a good open discussion was held before this bill was presented to the House. That was in the January/February 2005 issue of *Diplomat & International Canada*.

The Canadian Retired Heads of Mission Association, RHOMA, a group that could have provided very important information, a needed neutral perspective on this bill, has not been consulted. In fact the bill has come under criticism from that association as well.

This bill has been brought forward and those who should have been consulted are criticizing it. Many observers are wondering why this is happening at all because it does not make a lot of sense.

● (1825)

[*Translation*]

This is what is to be found in the bill and in the decision that is being proposed in the House of Commons. But this move is unjustified, because it contradicts what has been said in the throne speech.

It is hard to imagine why we should separate these two aspects of our foreign policy, international trade and foreign affairs.

[*English*]

Jeffrey Simpson wrote a column. I would like to read part of it into the record:

> New governments like things that are, well, new. Newness and a political desire to be different often blind them to reality. Foreign affairs and international trade, joined together in one department in 1982, had their problems, but none had much to do with the fact of being together. Rather, their problems largely arose from a systematic dilution...of the assets needed to protect Canada's interests and project its values through diplomacy, defence and aid. Money, not structure, was the fundamental problem. New governments, however, are sometimes tempted to seek the wrong solution for the wrong problem, because it creates the impression of action, newness, fresh approaches. Empty action can sometimes camouflage a discouraging reality.

Mr. Simpson added that it is not possible, in the real world, to separate trade from foreign policy. When the trade minister complains about the lack of legal protection for investment, a trade matter, he is also raising a political question about how China views its obligations as a member of the international community. He concluded by saying:

> Stripped of responsibility for trade, deprived of control over foreign aid, tussling with defence, bowing to other agencies for national security, helpless with immigration, and now subservient to central agencies for Canada-U.S. relations, Foreign Affairs is trying to determine what's left and how to do their job. So Foreign Affairs will soon announce another internal reorganization to do foreign policy better—which, of course, it cannot do now that international trade has gone away.

That was in the *Globe and Mail* just a couple of weeks ago.

This is the difficulty that we are encountering. We have a bill that is being put forward, that is being criticized by those who know best in the community. At the same time we do not see adequate justification for this bill.

Madam Speaker, I will conclude my remarks at our next sitting.

ADJOURNMENT PROCEEDINGS

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

● (1830)

[*Translation*]

NORANDA INC.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Madam Speaker, I spoke in this House on October 21, 2004, when the purchase of Noranda Inc. by a Chinese company was a threat, without the federal government being truly prepared to intervene and without it having adopted an approach to reviewing or analyzing such cases, which reflect the new reality.

Back then, we talked, among other things, about human rights, but we had also talked about the security of supply. In fact, China is now a world power. It is seeking massive investments, particularly in the area of natural resources. With regard to steel, oil and gas or any other natural resource, China wants to ensure that it will be able to supply its massive economy, which is growing by leaps and bounds. We are talking about 8%, 9% or 10% economic growth per year over the past few years, a trend that will continue in the future.

Back then, I called on the Minister of Industry to see if he would take human rights into consideration with regard to his position and his analysis.

Since that time, things have calmed down somewhat. Now, Noranda is negotiating with Minmetals as well as with other groups. Still, the question remains the same. The minister made statements saying he was preparing to propose amendments to the investment act to modernize it, to make it more practical, efficient and effective, which would enable him to take positions that would be clear and would make it clear to countries that wanted to buy from us in this sector in what way their investments would be managed and in what conditions they could expect sales to be finalized.

I have just come out of a meeting with Canadian manufacturers and exporters. They have a very dynamic association that aims to ensure that our export market and our trade in the new international market will develop in the most favourable conditions.

They also want the government to make the rules of the game public as soon as possible. This is really a supplementary question I am asking the department's representative, the parliamentary secretary. Is the federal government going to make up its mind to propose legislation on the topic of foreign investment? The legislation must be dusted off and reviewed. In the end, we might have an appropriate tool to manage our natural resources.

We can see it in practical terms in the petroleum, mining and steel sectors. We can even see it with respect to water. We must be better equipped than we are now in order to face such demands. These demands may come to us from China or other developing countries. It is as if we were still using an old recipe, while the entire working environment has changed.

Is the federal government going to suggest a new recipe, a new way of doing things? Is it going to consult the public and the economic stakeholders in order to create foreign investment legislation that corresponds to 21st century reality?

[*English*]

Hon. Jerry Pickard (Parliamentary Secretary to the Minister of Industry, Lib.): Madam Speaker, we can all agree that foreign direct investment is an important part of the Canadian economy.

Foreign direct investment helps Canadians participate in the global economy. We benefit as foreign firms bring their knowledge, abilities, and increased productivity, efficiency and technical development. Of course, foreign direct investment increases the economy of Canada. All of this means the creation of higher quality jobs, higher quality wages, and that Canadians will maintain the highest standards of living in the world.

Canada faces intense international competition to attract foreign direct investment because of the advantages that it brings. It is our job to ensure we create and maintain a positive environment that gives the message to the rest of the world that Canada is a great place to do business.

Investment flows both in and out of Canada, and this too benefits Canada. Canadian companies have in fact been quite active in acquiring foreign firms. In 2003 the flow of foreign direct investment into Canada reached $358 billion, while the flow of Canadian direct investment abroad reached $399 billion. Also, according to Statistics Canada, for the period 1997 to 2002, although foreign companies acquired 345 Canadian firms, Canadian companies acquired 447 foreign companies valued at $124 billion.

This being said, let me assure the hon. members of the House that, in the Investment Canada Act, Canada has a mechanism in place to review significant acquisitions of Canadian enterprises by foreign companies.

Although the confidentiality provisions of the act do not permit me to comment on a specific transaction, generally the acquisition of a Canadian business by a World Trade Organization member enterprise involving assets in excess of $237 million is subject to review under the act. In order to obtain approval from the Minister of Industry, the minister responsible for the act, an acquisition by a foreign enterprise must demonstrate a net benefit to Canada.

The act lists the factors considered in the determination of net benefit. These include: the effect of the investment on the economy, productivity, industrial efficiency, product innovation and competition, participation by Canadians, compatibility with economic and cultural policies, and contribution to Canada's ability to compete in world markets.

Under the act it is not just a simple yes or no decision. Under the Investment Canada Act, we have the power to demand enforceable undertakings from the investor to shape the final deal so that it provides net benefit to Canada. I can assure every member of the House that every application that comes to Canada will be closely observed and monitored by the Government of Canada.

As part of the review process, the minister consults with other federal government departments, the provinces, Canadian businesses and all those who are affected. Canada wants and needs foreign investment. I can assure the House that acquisitions by foreign investors are only approved where, on balance, they demonstrate a net benefit to Canada.

● (1835)

[*Translation*]

Mr. Paul Crête: Madam Speaker, I appreciated the information given us by the Parliamentary Secretary to the Minister of Industry on how the present legislation works. At last the Minister of Industry has announced that the legislation would be revised and that he wanted certain criteria, some important additional information, added.

The parliamentary secretary has clearly explained how applications are handled at the present time. There are some aspects that work very well, but there are others that relate to the new economic reality. For example, we are part of a global market, and each time we authorize a foreign country to invest here—one like China, which has a highly developed governmental approach—would it not be appropriate to be able to go and evaluate how the workers in these companies in China or wherever are treated, what kind of work they do, what their working conditions are, what the environmental conditions are like? Aspects like that are not hindrances to foreign investment, but they do specify the rules within which we are prepared to operate.

I must admit that I am somewhat surprised about something, and I will ask the Parliamentary Secretary to the Minister of Industry about it. Has he just said that the minister has given up on his wish to review the legislation and has decided to operate under the current law, because the Minmetals business has quietened down? But are there not other situations where proactive action would be required, and do we not need to act now to come up with a new legislative framework for new investments?

● (1840)

[*English*]

Hon. Jerry Pickard: Madam Speaker, Canada is very concerned about foreign investment. We ensure that under the act we are protected. Acquisitions by foreign investors are only approved when they demonstrate a net benefit to Canada, and only after a thorough review has been performed.

The situation where a foreign investor fails to live up to the commitments under the Investment Canada Act, the minister has the power to demand compliance and commitment. There is absolutely no question that this Canadian government makes certain that investment coming into Canada is allowed. The government also ensures that it will protect Canadians and Canadian companies where it needs to.

[*Translation*]

The Acting Speaker (Hon. Jean Augustine): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:41 p.m.)

CONTENTS

Monday, February 7, 2005

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

ADJOURNMENT PROCEEDINGS

MAIL POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid | Port payé

Lettermail | **Poste–lettre**

1782711
Ottawa

If undelivered, return COVER ONLY to:
Publishing and Depository Services
PWGSC, Ottawa, ON K1A 0S5
Internet: http://publications.gc.ca
1-800-635-7943 or Local 613-941-5995

En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :
Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5
Internet: http://publications.gc.ca
1-800-635-7943 ou appel local (613) 941-5995

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
http://www.parl.gc.ca
